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A STATUS STUDY OF THE INDIVIDUALIZED EDUCATION PROGRAM (IEP) AS VIEWED BY PARENTS

The Ohio State University

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A STATUS STUDY OF THE
INDIVIDUALIZED EDUCATION PROGRAM (IEP)
AS VIEWED BY PARENTS

DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the
Graduate School of The Ohio State University

By

Phyllis Gentry Magliocca, A.B., M.A.

****

The Ohio State University
1984

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[Signature]
Advisor
Department of
Human Services
I dedicate this work to my loving mother who said she would be dead and buried before I finished. I joyfully have proven her wrong.
ACKNOWLEDGEMENTS

First and foremost, my husband, Larry, has been the strongest moving force for the completion of this paper. He has invested at least an equal amount of emotional energy as I.

Also, I thank Nick Gallo, Pete Gross, and Dr. Stephens for coincidentally lecturing me in the same week. With that kind of motivation I had to finish.

My heart and my purse go out to Janet Marie Scott. Her patience and extreme competence brought this paper to print.
VITA

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PUBLICATIONS


FIELDS OF STUDY

Major Field: Special Education Administration

Studies in Low Incidence and Severely Handicapped
Studies in Organizational and Group Structures
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INTRODUCTION

The Need for the Study

Public Law 94-142, the Education for All Handicapped Children Act of 1975, has been referred to as the "end of the quiet revolution" (Abeson & Zettel, 1977) indicating that a long-term struggle to impose this powerful legislation had ended. This hailed, yet equally berated (Amicus, 1977) law has been mostly an uphill battle for parents and professionals involved in improving the lives of handicapped children and youth. P.L. 94-142 has also been referred to as having its roots in the Civil Rights movement (Corrigan, 1978) and to many it is certainly a "Bill of Rights for the Handicapped" (Abeson & Zettel, 1977; Amicus, 1977).

Abeson and Zettel point out, P.L. 94-142 is not unique in its requirements or the role of the federal government. It represents both standards that have evolved over eight years in the courts, legislatures and other policy making bodies and a continued evolution of federal involvement with handicapped children. Even though this law is not new it is still considered by Bartlett (1978) to have created a movement in the field of education comparable in some ways to the American Revolution.
The law itself contains many unique components but revolves around the child centered Individualized Education Program (IEP). The provision for an IEP is the focal point of the law. The U.S. Department of Education, Special Education Programs (SEP) has clarified the position on the critical issues of need and required services. A letter issued November 17, 1978, by Edwin Martin indicates: The exact nature and extent of services to be provided to individual handicapped children must be determined through the IEP process and where necessary, through due process procedures set out in the regulations (Amicus, 1978). This statement leaves no doubt that the IEP is the means to accomplish a free appropriate education for all handicapped children.

An IEP is defined in the regulations and the law as a written statement for each child which must include:

(a) A statement of the child's present levels of educational performance;
(b) A statement of annual goals, including short-term instructional objectives;
(c) A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs;
(d) The projected dates for initiation of services and the anticipated duration of the services; and
(e) Appropriate objective criteria and evaluation procedures and schedules for whether the short-term instructional objectives are being achieved. (Federal Register, pp. 42490-91, 1977; P.L. 94-142 Section 4, 1975)

Provisions for P.L. 94-142 are extensive and explicit. Intent is clearly to provide a framework that guarantees a free and appropriate public education for all handicapped children. In writing this law, the authors are much more specific than is usually the case with legislative mandates.

Legislative intent for the IEP was straightforward. Representative Brademas spoke to the House of Representatives favoring the law and the IEP:

"Individual plans are of great importance in the education of all handicapped children in order to help them develop their full potential" (House Resolution 614, 1975, p. 23704)

Representative Quie was somewhat more explicit and possibly stronger indicating that:

"because handicapped children are unique, setting up plans for each one makes good sense and by involving parents in the development of such plans, the benefits in school hopefully would be continued at home. It is important to point out that it is an educational plan developed jointly, but it is not intended as a binding contract by the schools, children or parents" (House Resolution 614, 1975, p. 23707).

By investigating the amount of information reported through 1979 on P.L. 94-142, it is evident that there are several problems in implementation. It becomes evident when considering the individualized education program (IEP). This central building block of the law was interpreted earlier as having four major purposes: 1) to
guarantee the availability of special education programming; 2) to assure fairness and appropriateness in decision making about providing programming; 3) to establish clear management and auditing requirements and procedures at all levels of government; and 4) to financially assist the efforts of state and local government through the use of federal funds (Weintraub, 1977).

The IEP is not a newly initiated concept with the advent of P.L. 94-142. Section 504 of the Vocational Rehabilitation Act of 1973 requires an IEP to assure appropriate educational opportunity (Hayes & Higgins, 1978). According to the Council for Exceptional Children (CEC) Research Center (1977), twenty-seven states have had for several years some type of written documentation requirements for each handicapped child.

The IEP provision is remarkable not only for including the necessity for a written educational plan for every handicapped child, but also for not including specifics regarding the development of the IEP, leaving a way for districts to adapt and suggest formats (Hawisher & Calhoun, 1978). This emphasizes the need for schools adjusting to their students rather than the students adjusting to the schools (National Advisory Committee on the Handicapped, 1977).

The IEP approach assumes that differences among children are normal, that school is not a contest, and that the effectiveness of the teaching-learning process is to be measured in terms of the individual student's progress toward prestated goals. The basic concern is not with how well students fare in comparison with their
classmates, but with the effectiveness of particular instructional methods, strategies, environments, locations and materials (National Advisory Committee on the Handicapped, 1977).

Hawisher and Calhoun (1978) point out that due to the difficulty special education children have had with conventional education, it has been said that carefully thought out individualized program adaptations would make the difference between success or failure for such children. Since the quality of programs and supervision varies tremendously, this is difficult to measure. A key phrase is in the definition of special education: "specially designed instruction to meet the unique needs of handicapped children" (P.L. 94-142, Education for All Handicapped Act, 1975, Section 602, 20 U.S.C. 1402). For many students this will not be their total education but it is clear that special education proceeds from the basic goals and expected outcomes of general education (Weintraub, 1977). As educators we intervene with an IEP not because a child is mentally retarded but because he needs specially designed instruction (Weintraub, 1977).

Legislation with the potential impact of P.L. 94-142 must be studied in depth. The provision for an IEP, which is the heart of this law, must be closely and carefully investigated in order to enforce "effective" implementation.

The IEP has become a controversial issue with varied interpretations. Compliance differs not only across states, but within states and across districts. Communication within school buildings is frequently so broken that each professional views the IEP differently.
It is not easily understood with the many and various specific mandates within this law. Few areas should be open for gross interpretations. With the earlier described intent of the law in mind, there is a need for investigating actual compliance with the letter of the law.

**Purpose of the Study**

The purpose of this study is to examine the responses of parents during the 1978-79 school year regarding descriptive information on the IEP and to identify if there are variables operating in school districts which influence the significant positive and negative responses of parents sampled. The study was undertaken because parent involvement in the IEP has been mandated in the law. The most critical feedback could come from parents. Feedback will then be examined in contrast with the earlier educator feedback and policy decisions made up to 1984 regarding the IEP. It is important to note why parents are viewed as the best respondents for this study and how their input has been used prior to this study.

Parents of handicapped children were the moving force for creating P.L. 94-142. Throughout the legislative and legal history major roles have been played by dissatisfied and concerned parents. Since the IEP has been described as the focus or central building block of the law, their same parental movement should be felt in the IEP process. Parents are involved from the initial phases of the mandates, throughout the process and they may easily be considered the strongest determinant of P.L. 94-142's success or failure.
Helsel (1978) reports a survey conducted in Ohio to determine the degree of parental involvement in the development of the IEP and the level of parental understanding concerning their rights under P.L. 94-142. Questions also probed parent opinions about major problems of implementation. Eighty percent of the respondents had been notified that an IEP was being developed. Only 75 percent were consulted about the items to be included. And only 59 percent were invited to be present while the IEP was being developed.

Most of the parents indicated they were aware of the IEP but waived the right to participate. According to the author only half of the respondents seemed to understand their rights concerning the IEP. Nearly 60 percent knew when the review was scheduled and about half knew what steps to take if they were dissatisfied. In contrast, 96 percent were aware that all handicapped children in Ohio have the right to a free and appropriate public education and 85 percent believed that all related services were being effectively delivered to their children.

Helsel notes that the personal opinion segment of the study cited the most critical problems for implementation. Parents perceived a lack of appropriate classrooms, lack of money, and a lack of public awareness, leadership and qualified teachers (Helsel, 1978).

These results cannot be generalized throughout the country but they certainly indicate a need for further investigation. All of the later studies reported have similar implications. In general there seems to be only limited parental involvement in all stages of programming. These are by no means conclusive.
In June of 1979, Phillip Stromowsky reported the results of an attitudinal survey he conducted in Montgomery County, Maryland. His sample consisted of three hundred and thirty parents, from thirteen different schools and centers. His study was also conducted through the use of a survey.

Several of Stromowsky's findings are specific and significant to this study. Parents who participated in an IEP conference generally rated the experience as positive. There was a slightly more positive response at the elementary age level as compared to the secondary level in reference to their IEP involvement.

In general, Stromowsky's results indicated that parents were involved in the IEP process. There was no significant variance found in parental attitudes based on numbers of conference participants, parent-invited participants, or past parent experience with parent conferences.

Stromowsky indicated a high positive correlation between parents' positive responses regarding the multifactored evaluation and the IEP. The lowest response correlations in this area were from parents who indicated that they had not attended the IEP meeting due to poor communication with the school district.

The overall evaluative results of this study reported by Stromowsky indicated the following:

1) The school district involved in the sample would do well to increase their efforts of involving parents with the IEP process;
2) Most parents respond positively regarding their involvement in the IEP process; and

3) Most parents thought their opinions would be useful to the district staff.

By investigating parent experiences and perceptions of the mechanics involved in IEP development, a new source of information is added to current knowledge of the IEP. The above studies have begun to sample parents. The information gained from this study will hold significance for future investigation especially if the major findings are supportive of the above studies earlier derived from the actual implementers of the process.

Statement of the Problem

This status study of the IEP describes survey results involving a unique population of IEP participants. Parents, who are actually secondary consumers of the IEP provision, are sampled nationally for the first time, to probe their experiences throughout the IEP process. The majority of previous studies have viewed the IEP through the perceptions and experiences of the educational administrator or educational direct care staff. There is clearly a gap in the current knowledge of the IEP Process utilizing the consumers view. Such a view would indicate either that the process truly is as educators say or that the educators' perspective is inaccurate in relationship to parents.
Parents are used for this study to also perfect the sampling instrument. By field testing the initial survey form and using comments from parents, a final survey was developed for the actual study.

The results of this final study provide valuable and needed information on the IEP that the current body of knowledge has lacked. The consumer's evaluation of the IEP process will now be tapped. The information provided through this study should stimulate further investigation of the IEP from similar populations.

The status study also provides pinpointed deficit areas in the IEP process. These results, based on the consumer viewpoint, should provide an insight to the reality of the present process as it exists. This will be further enhanced through the use of a chronology to date of yearly major happenings regarding the IEP.

The study is primarily descriptive in nature. It does, however, utilize existing knowledge about the IEP process to provide a basis for investigating the system in a more in-depth manner. The extensive follow-up needed to validate this study is beyond the scope of the design. However, these results, paired with a policy analysis following the study, will provide an excellent basis for future follow-up investigations.

Based on the information currently available in the literature several questions form the basis for the research questions addressed in this study. The information available and the existent research
has been reviewed globally in order to define the current status of the Individual Education Program (IEP).

1. Do parents, as consumers and participants in the IEP Process (as required by law) generally report positive experiences regarding their overall experience in the process?

2. Do parents view the experience in the IEP process in a positive way attitudinally, including their experience with the professionals involved?

3. Do parents report positively that the required content is covered in the IEPs they are involved in developing?
   A) Present levels of performance
   B) Annual goals
   C) Short-term objectives
   D) Specification of related services
   E) Dates for initiation of services
   F) Dates for duration of services
   G) Date of projected annual review
   H) Objective criteria and schedules for evaluation
   I) Extent of participation in regular education

4. Do parents report that the professionals are following the required procedures in implementing the IEP process?
   A) Including the required participants
   B) Inviting the parent
   C) Conducting an IEP meeting within 30 days of a multifactored evaluation
D) Completing the IEP in a conference with the parent prior to placement
E) Utilizing parent information in the development of the IEP
F) Providing information to parents regarding their due process rights
G) Providing the program stated in the IEP at no cost to the parents

5. In regards to parent attitudes of the IEP process, is there a mostly negative or mostly positive feeling reported? If negative, what seems to be the major contributing factor? If positive, what seems to be the major contributing factor of the factors included in the demographic data?

6. Based on parent responses, does the information indicated reflect more positive results in regard to:
   A) Size of school district?
   B) Sex of child?
   C) Handicapping condition?
   D) Financial support base of the school system?

7. How are the results of the above reflected in policy decisions from 1980 through 1983 and what directions are implicated for the IEPs developed in the future?

**Methodology**

**Instruments** Initially a field test survey was developed and distributed to a smaller subset of the overall sample during the
1978-79 school year. This subset was used again when the final survey is developed, as part of the total sample.

Based on problems encountered, questions unanswered, and comments received on the field test survey, the final survey was developed. Using modifications for clarifying and simplifying the final survey, more accurate parent responses should be accessible.

The field test instrument itself incorporates questions regarding IEP content, procedures and parental attitudes regarding the process. Each area includes several questions to provide more of an information base. However, these are interspersed within the overall survey rather than defining specific question areas.

Four types of response modes are used on the field test survey: 1) yes or no; 2) an indication on one question for specifying an amount of time; 3) a scale of 1 to 4 signifying to a major extent, moderate extent, minor extent, or no extent; and 4) a scale for strongly agree, agree, disagree, or strongly disagree.

All decisions for final development of the study survey were made based upon the findings from the field test survey. Questions were deleted or clarified for ease of response. Additionally, questions were clustered by IEP components and adjusted for yes or no responses in the final survey.

Subjects The subjects for the field test consist of two parent groups in Maryland and three groups in Ohio, in total numbering approximately 3400. These are accessed through mailing lists provided by the organizations. The sponsors of the study, National
Committee for Citizens in Education (NCCE), have chosen a portion of this sample. The three groups sampled in Ohio are the State Parent Information Network (SPIN), Association for Children with Learning Disabilities (ACLD), and Ohio Coalition for the Education of Handicapped Children (OCEHE) chosen by this investigator.

The field test survey (See Appendix A) consists of the survey questions and a request for comments regarding both the content and make-up of the survey. Based on the comments and completed survey items the final survey was developed and disseminated.

The final survey sample is purposefully biased. The sample is taken from the accessible mailing lists of NCCE. Parent organizations for each state are sampled. There was a high probability that such parents have been involved or at least aware of the IEP developed for their child. It was hoped that such a sample was able to provide the best assessment of the IEP process as it exists.

In sampling parent organizations, groups of parents are accessed from both major cities as well as smaller, more rural districts. The type of schools that are derived from this sample include public, private and state supported schools (see Chapter 4 for breakdown). This allows results to be calculated that may indicate variables influencing parent attitudes and experiences during the IEP process based on type of school.

**Data Collection** All of the field test surveys were returned to the sponsoring agency, NCCE. They were then duplicated and sent to this principle investigator for analysis. All comments are dealt with individually to interpret the main concerns in the comments on
the survey. Questions unanswered were studied to detect possible ambiguities in question design. And finally, the information recording section for parent and program identification was studied for resultant clarity and possible modification for final survey development.

The final survey was returned to the sponsoring agency and duplicated as well. The duplicated copies were then forwarded again to this principle investigator for data analysis.

Actual analysis of individual survey items was primarily determined following modifications made as a result of the field test. However, several priorities for analysis were determined. First the identifying information collected on the survey is tallied to calculate percentages of the population sample in various categories.

Demographic data collected was used in crosstabulations to suggest situations such as severity of a handicapping student condition resulting in more frequent inclusion of all required participants than if the child was mildly handicapped. The various categories that were crosstabulated in order to formulate additional information that would be indicators for positive or negative results are:

2. Crosstabulations of response by age.
3. Crosstabulations of response by sex.
4. Crosstabulations of response by type of school.
5. Crosstabulations of response by size of district.
Each individual question was also tallied by state as well as totaled across the sample.

**Data Analysis**  Specific information was crosstabulated to provide calculations in table displays answering the original research questions. Responses indicate overall trends across the country for: IEP content, school district participation and compliance to federal regulations, and parent attitudes regarding their experiences. This information is also readily available by state for individual analysis and in crosstabulations mentioned above.

Various sets of crosstabulations are used for each research question when results warrant. In reference to parent attitudes, all variables are assessed for significance as well as categorical areas of survey questions. If, for example, there is a significant attitudinal result regarding content of the IEP in relation to type of school, then other variables are also noted. These include severity of handicap or size of school district.

Statistical procedures with a non parametric test using Chi Square and a weight function will be programmed to account for states with smaller responses in order to determine probability equally. Through the use of Chi Square \( \chi^2 \) a contingency analysis or cross-break of frequencies will indicate statistical significance. The probabilities of yes and no response being other than 50-50 chance are the basis for the significance level. In addition to accounting for data differences, efforts are made to also explain any resultant
sampling errors or data collection procedures. Due to using a sponsoring agency for such a project, the research is at times under certain constraints regarding details of sample selection.

In order to place the results of this study in perspective with today's state of the art in IEP development, an analysis of relevant IEP information will be presented. The primary source of information for this update will be the Education for the Handicapped Law Report. This publication provides all Office of Civil Rights findings, federal program reviews, judicial and legislative decisions or policy variations, and state policy and impartial hearing results of significance.

Through a presentation of national survey results and the significant decisions nationwide to date, it is hoped that useful implications will be derived which would promote further research in the future.

Assumptions and Limitations

This study is designed to gain more insight into the specific requirements of the IEP as mandated in P.L. 94-142. Due to difficulty in sampling and sampling bias this overall status study will be an effort to further substantiate the findings of previous studies.

It is possible, also, that by sampling a national spectrum of parents, some of the biases that may be encountered in professional responses, will be offset. Requiring parent responses to be specific, the vagueness and generalities of previous descriptive studies regarding the IEP, may be lessened by these status study results.
One of the major limitations of this status study was the sampling bias. Parents associated with or members of parent or advocacy groups were the respondents. This was a readily accessible population and was the population of interest to the sponsoring investigators, the National Committee for Citizens in Education. The bias involved is in relation to the awareness and knowledge level of such parents and advocates. They may possibly be more informed of what to look for in the IEP process due to their affiliations.

There are, however, two useful assumptions also associated with this population to be sampled. These parents are sampled for the status study, who may presumably be more informed, because their information base should be above and beyond the majority of parents not actively involved in any advocacy group or organization. If the results indicate that such parents view the IEP process less than favorable then a reasonable counter assumption may be that the average parent or those uninvolved, would be less informed, and therefore less favorable.

An additional assumption may also be that parent reaction to the IEP process is the more accurate. Since they are the actual secondary consumers (their children being primary), they are in the best position to report how effective and efficient the process is for their children. Once again, if they view the effectiveness less than favorably it may then be viewed as an ineffective process for uninformed parents. It would require a more controlled study however to fully validate such a conclusion.
This status study looks at very specific variables in place in the IEP process. One additional limitation to the study may possibly be the use of language and terminology traditionally utilized by professional educators implementing the process. It will be a factor that will be impossible to control or measure in terms of the results.

The language and terminology utilized in the survey is designed to lesson interpretive barriers for the parents. This will also be true for the way questions are worded and the way the information is recorded. It is felt that by presenting the survey to the sample parent population as simply as possible, the results will be more reflective of legitimate responses.

Summary

The Individual Education Program (IEP) requirement of Public Law 94-142 may be considered the most important mandate for handicapped children in history. The requirement for such a written statement to determine every child's educational program will prove to be a monumental task of compliance.

Such a requirement needs to be studied in depth. It is important for educators to study the IEP process as it functions as a system. But it is more important for educators to have the consumer's perspective of the process to strike a balance.

The purpose of this study is actually to provide the current body of knowledge regarding the mechanics of the IEP process, with a more objective set of conclusions. If all future educational decisions regarding this process are based solely on the educator's
view of it, our end product may not serve the purpose for which it was designed. There is no better way of perfecting a product than allowing its consumer to constructively criticize it.
The following chapter will describe the federal law which mandates the IEP, the primary subject of this study. The specific provisions are outlined and defined; historical discussion of legislative and policy forerunners are presented; implications of the federal mandates as they relate to educational theory are discussed; early studies into the time of this study are reviewed; and parent involvement and influence in the overall process is studied.

The Education for All Handicapped Children Act of 1975 was signed November 29, 1975 by President Gerald Ford. Beginning in October, 1977, the law was to have been fully implemented and whether it was considered an example of educational perfection or a futile effort it was law, and it must be respected as a reflection of our country's current values (Amicus, 1977). Today, all states except New Mexico have enabling legislation that complements P.L. 94-142 (Corrigan, 1978a).

The implication for providing "inalienable" rights to the handicapped is reinforced by Senator Edward Kennedy's statement: "P.L. 94-142 is designed and intended to protect the rights of all--the child, the parent and the school." (Kennedy, 1978, p. 7). It implies that all children have a right to an education that enables them to become all they are capable of being (Corrigan, 1978a).
This law represents an effort to establish for the handicapped the same right to an education that already exists for nonhandicapped children. The law has evolved in state and local school board rooms, state legislative chambers, and most importantly, in the nation's courts (Weintraub & Abeson, 1976). Congressional testimony on P.L. 94-142 indicates that the basic rationale for providing access to educational opportunity for handicapped persons is that they are human beings living in America and therefore, they have a right of access to educational opportunity, even if it costs more (Corrigan, 1978b).

The Act requires many changes, not only educational, but also social, political, and economical. If change does not occur, the intention of this law will hardly be met. Methods we will use to "correct a traditionally neglected segment of our society will undoubtedly strengthen our entire educational system" (Amicus, 1977, p. 20).

This Chapter will attempt to review the literature as it relates to the IEP up to the time of this status study. In order to do this many facets will be discussed. First it is necessary to look at the major provisions of P.L. 94-142 and its requirements. How does the IEP fit in with the total law? Legislation similar to P.L. 94-142 is also being reviewed and analyzed for possible predictions of the federal law's impact. These will be covered in conjunction with the powerful judicial impact which created this important final legislation.
The IEP is discussed in this study on a smaller scale as well. The similarities of such a concept with earlier educational theory and practice, including individualization, "mainstreaming," and training is useful. Overall, perceptions about the capabilities of the educational system to effectively implement this component are studied.

Finally, this Chapter will tie the parent or consumer into the process making it complete. Parent involvement in education generally is addressed and then, the more refined issue of parents' involvement in the IEP is analyzed.

**Major Provisions of P.L. 94-142**

As Irvin (1977) points out, in spite of the attention P.L. 94-142 has received, most of its provisions are not new. Parts are taken verbatim from P.L. 93-380 and others are greatly expanded. In nearly every section, the law is more definitive with the development of the final regulations issued August 23, 1977.

After this law was passed, members of the U.S. Department of Education, Special Education Programs (SEP) held meetings with 2,200 people and received comments and recommendations regarding the content (Irvin, 1977). With this information, a 170 member writing team comprised of parents, advocates, representatives of educational agencies and special interest groups wrote concept papers on major topics in the law (Irvin, 1977) including suggestions that the individualized program requirements be deleted unless more funds were made available for implementation; concerns about the amount of
detail in the prior notice and other due process procedures; the lack of authority and funds for state agencies to generally supervise special education programs in the state; and the dates on which the child count must be taken (Supplementary Information, Federal Register, August 23, 1977, p. 42474). When the final regulations were issued, they included comments following most of the sections to clarify and aid public agencies in following them.

To judge the specificity of this law, it is necessary to review the areas covered in the law and its regulations. The categories of concern include free appropriate public education, nondiscriminatory evaluation, least restrictive environment, the individualized education program, due process, elements of parent participation, the specified funding formula, and comments on a few minor specifications of the law.

**Free Appropriate Public Education--Zero Project**

As a major provision, the regulations define a free appropriate public education as "special education and related services" which:

(a) Are provided at public expense, under public supervision and direction, and without charge;

(b) Meet the standards of the state educational agency, including the requirements of this part;

(c) Include preschool, elementary school, or secondary school education in the state involved; and

(d) Are provided in conformity with an individualized education program which meets the requirements under Section
This provision is required for all children ages 3 to 18 by the beginning of the September, 1978 school year and for ages 3 to 21 by September, 1980. If ages 3 to 5 and 18 to 21 are inconsistent with state law or practice or by order of the courts then they are not mandated.

Turnbull, Strickland and Brantley (1978) refer to the above provision as the cornerstone of P.L. 94-142, inferring the principle of zero reject (Turnbull, et al., 1978). This principle is implemented by conducting a child find program on an annual basis to locate, identify and evaluate all handicapped children who reside in the jurisdiction of each public agency (Turnbull, et al., 1978). The law indicates that if the number located exceeds 12% of the total school population the excess funding would come solely from state and local sources rather than funds allocated by P.L. 94-142 (Section 121a.702, Federal Register, August 23, 1977, p. 42502).

"Handicapped children" are defined as "mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multihandicapped, or as having specific learning disabilities, who because of those impairments need special education and related services" (Section 121a.5, Federal Register, August 23, 1977, p. 42478). These handicapping conditions are defined in the regulations.
The law requires specific attention be paid to two priority categories: all handicapped children who currently are not receiving an education; and handicapped children within each disability area with severe handicaps who are currently receiving an inappropriate education (P.L. 94-142, Section 612-3, 1975). Many of these students have previously been kept at home or placed in institutions which provide them with little or no education.

The law became comprehensive in nature when it defined special education and related services. The term "special education" in Section 121.14 of the regulations means:

"specially designed instruction, at no cost to the parent to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions... the term includes speech pathology, or any other related service if the service consists of specially designed instruction... to meet the unique needs of a handicapped child..." (p. 42480)

Extending the provision is the term "related services" in Section 121a.13 of the regulations which is defined as:

... transportation and such developmental, corrective and other supportive services as are required to assist a handicapped child to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training. (p. 42479)

Final regulations differ from proposed regulations since special education services needed by the child are determined regardless of the availability of services (Amicus, 1978). This may be a provision
in the law which certain public agencies choose to ignore. The principle prevents total and functional exclusion as defined by Turnbull, et al. (1978). In the past, handicapped youth have been totally left out of any type of educational program and functionally excluded with educational programs that were inappropriate (Turnbull, et al., 1978).

**Nondiscriminatory Evaluation**

A provision which is very complimentary to the concept of zero reject is nondiscriminatory evaluation. This is defined as:

procedures used . . . to determine whether a child is handicapped and the nature and extent of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade, or class (Federal Register, August 23, 1977, p. 42494).

The regulations further indicate that all handicapped children must be reevaluated every three years or more often when requests are made by the child's teacher or parents (Federal Register, August 23, 1977).

**Least Restrictive Environment**

"Least restrictive environment" refines the earlier touted concept of "mainstreaming," established before the Education for All Handicapped Children Act (Dunn, 1969). Now the law states:

that to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling or other removal of handicapped children from the regular educational
environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (Federal Register, August 23, 1977, p. 42497).

This indicates a continuum of special services from more restrictive to less restrictive. Legal preference is clearly in the direction of less restrictive settings; however, efforts must be made to insure that handicapped children receive no harmful effect from placement in least restrictive environments. Such placements are to be based on the student's individualized education program (Turnbull, et al., 1978).

**Individualized Education Program**

The provision for an Individualized Education Program (IEP) is the focal point or locus of the law. The IEP is the means to accomplish the free appropriate education for all handicapped children. An IEP is defined in regulations and the law as a "written statement for each child" which must include:

(a) A statement of the child's present levels of educational performance;

(b) A statement of annual goals, including short-term instructional objectives;

(c) A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs;
(d) The projected dates for initiation of services and the anticipated duration of the services; and
(e) Appropriate objective criteria and evaluation procedures and schedules for whether the short-term instructional objectives are being achieved.

(Federal Register, August 23, 1977, pp. 42490-91; P.L. 94-142, Section 4, 1975).

Due Process

Due process provisions may be summarized in the following five processes:

1. A hearing may be initiated by parents or the public agency for complaints regarding the child's identification, evaluation and placement or for challenging any decisions made in these areas. The hearing must be conducted by the public agency responsible for the child's education. An impartial hearing officer presides and must not have professional or personal interests that would conflict with his role. In many states this is an attorney. Any party may be advised by counsel or a person with expertise in a field under concern. Any party may present evidence, cross examine witnesses, prohibit evidence which has not been shared with the other party at least five days prior, and obtain written or electronic verbatim record of the hearing as well as written findings of fact and the decision. Parents may have the child present and may also have the hearing open to the public. If the decision is not satisfying to all concerned, appeal may be made to the state agency where an impartial
review takes place and an independent decision is made based on that review. This decision is final unless either party chooses to bring civil action in either a state or federal district court. The public agency has a 45 day period in which to reach a final decision upon receipt of a request and the state agency upon appeal has a thirty day period. During these procedures the child remains in the current placement unless both parties agree to another placement. If the hearings are in reference to an initial placement, the child must be placed in a public school program until the final decision is made.

2. Parents may request an outside independent evaluation to be done if they are dissatisfied with the findings of the one done by the public agency. This independent evaluation must be done by someone outside the agency, not routinely used, and at public expense unless the agency initiates due process procedures to document the appropriateness of the initial evaluation.

3. Parents must be notified in writing prior to the public agency's proposal or refusal to initiate or change identification, evaluation or educational placement. The notice must inform them of the full listing of due process safeguards available, a description of a rationale for the action taken, a description of the basis for the decision (e.g. evaluation procedure, test record, or reports considered), and a description of any other factors considered. This notice must be in language that is understandable to the general public and in the native language or other mode of communication of the parent.
4. The parent must give prior consent before the evaluation for placement in special education can take place. If the parent refuses, some states have laws which govern the public agency in overriding a parent's refusal (Turnbull, et al., 1978). If not, the agency may initiate due process proceedings.

5. When the agency is unable to identify or locate the parents of the child they have the duty of assigning someone to act as a surrogate according to criteria set forth in the law (Turnbull, et al., 1978).

These then, are major provisions set forth in the law itself and the implementing regulations. Without them, the emphasis on the following parent participation would not be as impelling.

**Parent Participation**

Throughout all of the provisions in P.L. 94-142 there are repeated inferences for parental participation. In addition to their total involvement in the IEP process, parents have additional rights directly implied in the law. They may inspect, and request explanation or interpretation of, any records regarding their child. They may also request amendment of inaccuracies. Information that is outdated and/or no longer needed must be destroyed if the parents request it.

Parents are also to be informed of how information is gathered as well as a description of their rights and their children's rights
regarding access. Their involvement is also extended into the development and approval of educational policy. This occurs in the mandated participation of parents in all public hearings and on educational advisory committees (P.L. 94-142, 1975; Federal Register, August 23, 1977).

Funding Formula

The fiscal arrangements for P.L. 94-142 utilize an innovative method of funding. The payment formula is based on a gradually escalating percentage of the national average expenditure per public school child times the number of handicapped children receiving publicly financed special education and related services (Ballard & Zettel, 1978). Figure 1. clarifies the concept.
NAE = total funds spent over a year in public elementary and secondary schools in the United States determined from the second preceding fiscal year also with the total amount of direct expenditures by states for operation of local education agencies. This total is divided by the average number of children receiving a daily free public education.

% = begins with 5% for fiscal year 1977
    10% for fiscal year 1978
    20% for fiscal year 1979
    30% for fiscal year 1980
    40% for fiscal year 1981

NHC = Children ages 3 to 21 in the state who are receiving educational and related services. The total number cannot be greater than 12% of the total number of children in the state ages 5 to 17 receiving public education (Amicus, 1977)

Figure 1. Funding Formula
The formula carries an inflation factor because it fluctuates with inflationary-deflationary adjustment in the nation average per pupil expenditure (Ballard & Zettel, 1978). The dollars indicated are for excess cost, and represent potential funding. A public agency must therefore spend the same amount of money on all handicapped children as is spent on the "normal" pupil in the school. P.L. 94-142 provides money for all excess costs above that amount.

Unfortunately, the amount that Congress appropriated for this important piece of legislation has not been equalled in actual allocations. However, P.L. 94-142 remains the only piece of major legislation to carry such a large commitment of dollars in recent history.

Other

The law requires each state to submit a compliance plan; application of the rules for inter- and intra-agency agreements; information on incentive grants available through the law and "amendments with respect to employment of handicapped individuals, removal of architectural barriers and media centers" (P.L. 94-142, 1975, Section 6).

The above examination of specifics in the law provides a general view of the mandate given to educators. This law was not enacted based on legislative creativity. Its components were long in the making.
Forerunners in Law and Litigation

In order to understand the significance of this law it is necessary to review the previous laws and judicial decisions leading up to its passage. After reviewing these landmark activities, the federal process is discussed as it leads into the implications of this law and its requirements.

Public Law 94-142, The Education for All Handicapped Children Act of 1975, may be the most important piece of educational legislation in this country's history but it is the culmination of many preceding battles (Corrigan, 1978b). As early as 1972, Abeson wrote of a "movement" which was evidenced by the positive change occurring at all levels of government. Indicators of this movement were the introduction and passage of new state and federal laws, several major attorney generals' rulings, the growing establishment by the Federal courts that the right to an education and the right to treatment for handicapped individuals is "unalienable," the availability of increased funds, and increased attention to the delivery of services for the education of the handicapped by public policy makers.

A large portion of this "quiet revolution" (Weintraub & Abeson, 1976) was initiated by an even larger civil rights movement that caused parents of handicapped children to align with lawyers in attacking the segregated settings for the handicapped on the same grounds as segregation based on race (Corrigan, 1978a). This increased involvement on the part of attorneys and the courts explains Burton Blatt's reference to attorneys as "the new heroes of education" (Kuriloff, 1974, p. 35).
Various strategies have been used to keep the handicapped out of schools such as postponment, exclusion, suspension and denial. These practices are frequently supported by state compulsory attendance laws. For some handicapped children these became compulsory non-attendance laws (Weintraub & Abeson, 1976). Parents began to take up the challenge of exclusion by using the judicial system to reshape the status quo (Kuriloff, 1974) at a time when rights were very much an issue. The concept came from the 1954, Brown v. Board of Education Supreme Court decision: "In these days it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity for an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms" (745. Ct. 686, Ed. 873).

The quiet revolution was initiated in the early '70s by two noted and precedent setting right to education lawsuits (Abeson & Zettel, 1977). In 1971 the court approved a consent agreement with the plaintiff Pennsylvania Association for Retarded Children (PARC) and thirteen mentally retarded children of school age representing themselves and all others in classes for mentally retarded in the state. The agreement, in favor of PARC, resulted from the state's failure to provide access to a free public education for retarded children. The defendants were the State Secretary of Education and Public Welfare, the State Board of Education, and thirteen named school districts (Weintraub & Abeson, 1976). The court noted "a mentally retarded person can benefit at any point in his life and
development from a program of education" 343 F. Supp. 279 (E.D. Pa., 1972). This reasoning may partly have been based on the following summary of expert testimony:

provision of a systematic program to the mentally retarded will produce learning; education cannot be defined solely as provision of academic experiences but must be seen as a continuous process by which individuals learn to cope and function with their environment; and the earlier these children are provided educational experiences--the greater amount of learning that can be predicted (Weintraub & Abeson, 1976, p. 8).

In the landmark federal ruling of 1972, Mills v. the Board of Education, parents and guardians of seven Washington, D.C. children brought a class action suit against the Washington, D.C. Board of Education, the Department of Human Resources, and the mayor for failure to provide all children with a publicly supported education (Weintraub & Abeson, 1976). Three of the children were in residential institutions with no education program. The others lived with families and had been placed on waiting lists for tuition grants to obtain private educational programs (none were ever provided). On December 20, 1971, the court issued an order indicating the following:

named plaintiffs be provided with publicly supported education by January 3, 1972; by the same date defendants had to provide a list showing every child of school age not receiving a public support education; initiate efforts to identify all other members of the class not previously known; and plaintiffs and defendants were to consider the selection of a master to deal with special questions arising from the order (Weintraub & Abeson, 1976, p. 9).

In August that year, when the defendants failed to comply, Judge Joseph Waddy issued an order and decree for implementation providing a declaration of the constitutional rights of all children regardless
of exceptionality, to a publicly supported education; that the defendants' rules, policies and practices which excluded children without a provision for adequate alternative educational services and absence of prior hearing and review of placement proceedings denied the plaintiffs and class right to due process and equal protection under the law (Weintraub & Abeson, 1976).

Together the concepts, due process and equal protection, form the argument for a constitutional right to an education (O'Donnell, 1977). Under the fifth and fourteenth amendments a great deal of litigation took place. Many rulings were based on the fifth amendment, "that no person shall be deprived of life, liberty, or property, without due process of the law" and the fourteenth amendment, "that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law" (Abeson, Bolick & Hass, 1975, p. 8). Thomas Gilhool, the attorney in the PARC case was quoted as saying "a new forum (the due process hearings) for the first time in American education offers an opportunity for the parent, an informal and defined fashion, to hold schools accountable for the nature of the education program offered his child" (Kuriloff, 1974, p. 37).

Even though the PARC and Mills decisions set the major precedents leading up to P.L. 94-142, there were other judicial decisions
which strengthened the movement. In 1969 the Attorney General in North Carolina handed down this ruling:

It is unconstitutional and invalid, therefore, to operate the public school system in a discriminatory manner as against the mentally retarded and to allocate funds to the disadvantage of mentally retarded children (Abeson, 1972, p. 65).

In 1973, the case of Lori v. State of California, the following was voiced by the court:

*With minor exceptions, mankind's attitudes toward its handicapped population can be characterized by overwhelming prejudice. (The handicapped are systematically isolated from) the mainstream of society. From ancient to modern times, the physically, mentally or emotionally disabled have been alternatively viewed by the majority as dangers to be destroyed, as nuisances to be driven out, or as burdens to be confined. . . . (T)reatment resulting from a tradition of isolation has been invariably unequal and has operated to prejudice the interests of the handicapped as a minority group (Abeson & Zettel, 1977, p. 120).*

Another strong court decision came from the Lee v. Macon County Board of Education in 1974:

*... stripping a child of access to educational opportunity is a life sentence to a second-rate citizenship (Abeson, Bolick & Hass, 1975, p. 2).*

These court views would seem to indicate that P.L. 94-142 was long overdue. However, our society as well as the courts had undergone a relatively new perspective. The same judicial source rendered this rationale in a 1919, Beattie v. State Board of Education, Wisconsin Supreme Court decision when it allowed for:

*The exclusion of a non-physically threatening cerebral palsied child on the basis that his condition produced a depressing and nauseating effect on the teachers and school children and that he required an undue portion of the teachers' time (Abeson, Bolick & Hass, 1975, p. 3).*
The legal challenge of such exclusion, by any rationale, has been derived from the United States Constitution. If a benefit is provided to some, such as public education, it must be to all unless the state can give a compelling reason why not (Abeson & Zettel, 1977).

Throughout the litigation and emerging statutes there were abundant references to "suitable," "appropriate," "specialized instruction," "appropriate to the child's capacity" and "designed to develop the maximum potential of every handicapped person" (Abeson & Zettel, 1977). By 1972 it was reported that nearly 70% of the states had adapted mandatory legislation requiring the education of all children who have handicaps as defined in each state's policies (Abeson, 1972). Such momentum seems to indicate a move forward from decisions like the Wisconsin one. Even though these reforms were long overdue, Melcher (1976, p. 129) more than adequately describes what the overriding rationale must be when he quotes Blackstone, the great British jurist, who once said: "Law reflects the moral sentiments of the people."

The Federal Legislative Process

P.L. 93-380, the forerunner of P.L. 94-142, included due process provisions and assurance of education in the least restrictive environment and was enacted August 21, 1974 (Ballard & Zettel, 1977). As stated earlier, many of the provisions of P.L. 93-380 are repeated in P.L. 94-142. But the latter expands requirements and provides funding provisions which is why it commands recognition and compliance.
By 1975, all but two state legislatures had adopted some form of mandatory law calling for education for at least the majority of its handicapped children (Abeson & Zettel, 1977). In the same year, the Subcommittee on Select Education and the Subcommittee on the Handicapped began a series of legislative hearings in Washington, D.C. and elsewhere to extend and amend the Education of the Handicapped Amendments of 1974 (P.L. 93-380). By this time over half of the states had either been through or were in the process of going through litigation (Abeson & Zettel, 1971).

The subcommittees found "over 1.75 million handicapped children in the United States were being excluded entirely from receiving public education solely on the basis of their handicaps; over half of the estimated eight million handicapped children were not receiving the appropriate educational services they needed and/or were entitled to; many other children with handicaps were still being placed in inappropriate educational settings because their handicaps were undetected or because of a violation of their individual rights" (Abeson & Zettel, 1977, p. 123). Congress designed P.L. 94-142 to a large degree to respond at least in part to illegal and inappropriate practices such as exclusion of children with handicaps, incorrect or inappropriate educational programs as well as haphazard decision making (Abeson & Zettel, 1977).

To many, this law seems to be a new concept, but as Abeson and Zettel (1977) conclude "historians may determine that P.L. 94-142 is the premier educational policy attainment for the handicapped . . . the most notable overall policy for this group is Section 504 of the
Vocational Rehabilitation Act of 1973 (P.L. 93-112). To be in violation of P.L. 94-142, in most situations, also means a violation of Section 504, which in its finality can mean the withholding of all federal funds" (p. 125). This is clearly indicated in Section 504 where it reads:

no otherwise qualified handicapped individual in the United States . . . which solely by reason of handicap be excluded in the participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (P.L. 93-112, Section 504, 1973).

It is truly unfortunate that such changes had to occur as the result of litigation and legal reform. What must be emphasized now is the implementation of this law which implies the right to an educational environment that helps children to become all they are capable of being (Corrigan, 1978a).

Through the implementation process of such a comprehensive and far reaching law there are sure to be many interpretations. As was reviewed, different courts and state systems have interpreted constitutional ambiguities over the years. With the many possibilities it is necessary to discuss actual implications of the earlier stated provisions and suggest possibilities for implementation.

Implications of Provisions and Recommendations for Implementation

Public Law 94-142 can be viewed as having four major purposes: the availability of special education programs to handicapped children and youth who require it; assurance of appropriateness in
decision making with regard to providing special education to handicapped children and youth; establishment of management auditing requirements at all levels of government; and financial assistance (Ballard & Zettel, 1977). Of these purposes the first two become the hardest to define and implement. Professionals in the field may have to reshape their perceptions. Education must be considered as a continuous process through which individuals learn to cope and function within their environment, regardless of what their environment includes (Abeson & Zettel, 1977). Corrigan (1978) believes that the mandates in P.L. 94-142 will become a part of general education and, therefore, general education will become "special." That is to say, that the components of the law will soon be recognized as desirable for all children causing overall education to merit higher quality requirements.

Schelechty and Turnbull (1978) have suggested two possible ways that the law may affect teachers:

1) further bureaucratize schools and classrooms and lead to a consequent diminution of the classroom teacher's power and authority--perhaps to the point that the regular teacher will become nothing more (or less) than a technician carrying out the directives of individuals in the area of special education, or

2) will enhance the status of the classroom teacher as a professional and bestow upon him or her authority to make pedagogical decisions that require specified performance from others (e.g. diagnosticians, special educators, curriculum specialists, evaluators, and parents) (p. 35).

Classroom teacher denotes both regular and special education teachers. Klein (1978) describes them as "support teams," comprised
of regular and special education personnel who work toward cooperative problem solving not only for children identified as handicapped but for all children.

The Least Restrictive Environment Concept

This law clearly implies a need for special and regular educators to consider themselves as one profession in the field of education. This concept is not new. Deno's cascade of services for the handicapped population it illustrates the needed flow special education must have to regular education. The cascade helps tailor treatment to individual needs rather than promoting a system of sorting out children so they fit conditions designed according to group standards not necessarily suitable for the particular child (Deno, 1970).

In studying the cascade system in relation to P.L. 94-142 we can see a need for a shift in emphasis. The majority of mildly handicapped children have been in self-contained classes in the past (Dunn, 1968). These same students should move to least restrictive programs, as will other handicapping conditions in the most restrictive end of the cascade. The weight should now shift to the least restrictive end. (Figure 2.)
Cascade of Education Services

Children in regular classes, including those "handicapped" able to get along with regular class accommodations with or without medical or counseling supportive services

Regular class attendance plus supplementary instructional services

Part time special class

Full time special class

Special class in a Separate special school

Homebound

Instruction in hospital or domiciled settings

"Noneducational" service (medical and welfare care and supervision)

The shift should be moving out of the middle and bottom into the top of the cascade.

(Deno, 1974)

Figure 2.
Abeson (1977) refers to the least restrictive principle as a progression of placements that must be considered when planning programs for individual handicapped persons. This concept applies to all handicapped children whereas mainstreaming traditionally is referencing the mildly handicapped, or educable mentally retarded, mildly emotionally disturbed, and the learning disabled (Abeson, 1977). He goes on to quote L. R. Allen who believes "each child's uniqueness exists in school ability, personality, physical prowess and motivation . . . To assume that common decisions can be made about the educational placement of all handicapped children in any educational setting is simply incorrect . . . Different children have different educational strengths and weaknesses which dictate the need for different educational programs which must be determined individual child by child." (Abeson, 1977, p. 25)

Viewing the range of programs, Chambers (1976) describes an "apple pie premise" that people should in general be free to live as they please. He continues that if the apple pie premise is accepted then the principle of least restrictive alternative easily follows: when government does have a legitimate communal interest to serve by regulating human conduct (in this case education) it should use methods that curtail individual freedom to no greater extent than is essential for securing that interest. The further a child is placed from regular class, the more restrictive or deprivational it is to that individual's freedom (Chambers, 1976).
Chaffin (1974) draws a relationship between Deno's cascade of services model and Lilly's Training Based Model. Lilly (1971) indicated that in the past the focus of educational instruction has been on the child rather than the educational system. His model (Lilly, 1971) includes several criteria. The concept of zero reject places the responsibility for failure on the teacher and not on the child, forcing educators (special and regular) to deal with educational problems in the regular classroom. Another major criteria indicates that solving difficult classroom situations is the responsibility of the regular classroom teacher, with special education teachers serving as supportive personnel. Finally, Lilly (1971) believes a major goal of special education is to develop the skills of regular education so that special support is not needed.

Clearly the concept of regular and special education working as one is not new, nor are the principles of zero reject and least restrictive environment. But the law can cause these concepts to be a reality. The least restrictive alternative can be made operational only within a framework that from the outset adopts certain value statements: "1) the basic issues are moral and ethical; 2) integration of children of varying physical, intellectual, and behavioral characteristics enhances the long-term benefits of schooling for all children; 3) human diversity is valued and educationally relevant; 4) each child is unique and equally important; 5) each child can benefit from an appropriate educational program; and 6) programs tailored to
the needs of individual children promote growth and learning." (Klein, 1978, p. 113). Once again the thinking encompasses all children.

In order for the traditional roles of special and regular education to change Schlecty and Turnbull (1978) believe teacher educators will need to redefine their preparation programs. They suggest that these educators will best respond by "accepting or acknowledging the superiority of psychological behaviorism as a basis for educational practice" (Schlecty & Turnbull, 1978, p. 36). Programmatic administrators are likely to respond positively and often generously to consultants or teacher education programs that provide good reasons and theoretical justification for doing what they think they must do anyway, abandoning some of the most seminal thinking in education (e.g. Dewey and Piaget) (Schlecty & Turnbull, 1978). These authors go on to point out that teacher education programs will need to encourage practitioners to critically evaluate what they do, what they choose to do, and must do considering social and philosophical concerns as well as technical issues.

By redesigning teacher preparation programs, the development and implementation of IEPs would not seem so monumental. When P.L. 94-142 refers to an "appropriate" education, the word may be defined through the use of the written IEP (Ballard & Zettel, 1977). This IEP has been referred to as a management tool (Ballard & Zettel, 1977; Abeson & Zettel, 1977) and as the central building block to understanding and effectively complying with the Act (Abeson & Zettel, 1977).
Ballard and Zettel (1977) view the basic provisions of the IEP as addressing educational needs of a single child rather than a class or group of children; including these elements of the child's education that are special education and related services as defined by the Act; and a statement of what will actually be provided for the child as distinct from a plan providing guidelines from which a program must then be developed. The IEP is an agreement between all parties and while it is not intended as a contract, it is a written statement indicating what will be provided to the child. Misinterpretation and misinformation become critical dangers. School districts are legally responsible for specific education services, but the IEP according to Abeson & Zettel (1977) is not an instructional plan which specifies daily teacher-child activities.

These implications may appear harsh. However, the continuum or cascade, the concept of mainstreaming and various educational philosophies, all have evolved through litigation and legislation to develop the above implications. Professional response has been immediate. Several state and national organizations have studied the provisions and made numerous recommendations which follow.

**Recommendations of Earlier Studies**

**Similar State Laws**

Attempts have been made to study this law's impact for future implementation. In one study, (Amicus, 1978) three state laws including provisions approximately the same as P.L. 94-142, were
evaluated. The Massachusetts Comprehensive Special Education act of 1972, better known as Chapter 766, implemented in 1974, served as a prototype for P.L. 94-142. After the first year of its implementation the Russell Sage Foundation and SEP studied its effects.

The research reveals efforts by some educators to ease demands on their time by eliminating or standardizing procedures. This was done by "rationing the number of assessments performed; neglecting to conduct assessments; placing limits on numbers of assessments held; biasing scheduling of assessment in favor of children with behavior problems, those not likely to cost the school much or those who met the needs of personnel seeking to practice their specialities" (Amicus, 1978, p. 11). Districts also rationed services by reducing the number of hours of assignment to specialists, "by favoring group over individual treatment and by using specialists-in-training rather than experienced personnel as instructors" (Amicus, 1978, p. 12). The report further indicates paperwork requirements and mandated procedures to protect parents' rights were bypassed. Meetings were superficial and to save time parents' signatures were frequently obtained on blank forms. Individual plans became "roadmaps routing the child to the specialist" and services were put off until late in the year. Researchers cite the following as reasons for unsuccessful implementation:

- failure to use the two year preparation time period between the enactment of the law and its implementation;
- failure to train regular education teachers to handle children with special needs; and failure to guarantee adequate funding by the legislature (Amicus, 1978, p. 12).
Recommendations to improve future implementation were:

careful preparation of local personnel; emphasis on providing services and on state leadership in helping local systems establish, expand and improve services; include volunteers or staff on assessment teams to act as child advocates in addition to parents; and an analysis of coping behavior and rewards for those whose methods best reflect the spirit of the law (Amicus, 1978, p. 12).

The Michigan Mandatory Special Education Act (PA 198) of 1971 was evaluated by a twenty-eight member Ad Hoc Task Force on Special Education which issued a report in July 1977. The report, based on public hearings, surveys, on-site visits and interviews identified several unmet needs and called for moderate to large increases in services in all areas of handicap and age levels (Amicus, 1978). The researchers concluded the following:

Programs and services were not sufficiently available to handicapped persons; appropriate program placements were not consistently provided; a lack of systematic coordination between providers of programs and services at all levels; inservice training was limited and inappropriate; a lack of an organized plan and a concerted effort to provide effective mainstreaming while meeting the needs of individual handicapped students (Amicus, 1978, p. 13).

A reoccurring comment indicated the need for a strong monitoring system separate from the consulting system. Approximately 75% of the sampled respondents felt funding was inadequate and cited a need for increased involvement by university and community groups as resources for planning, inservice training and evaluation (Amicus, 1978).

Finally, a third state law was evaluated in 1977 by the Virginia State Department of Education in Special Services on the Education of the Handicapped and repeats many of the same problems as in Michigan. The study was funded following a year of open committee meetings,
public meetings and solicited testimony (Amicus, 1978). The results of these three state studies clearly indicated problem areas that arose over time and that could be predicted and possibly dealt with in P.L. 94-142.

The National Education Association Study

The National Education Association (NEA also conducted a study noting that the passage of the law "was so little noted by so many of the people whom it will most affect" (NEA Study Report, 1978, p. 9). They state that there has been no more "revolutionary" development in public school education since the Supreme Court decision in 1954. In comparison the reaction has been "muted." The following reasons for conducting the study were outlined:

- its profound significance for teachers, and for all students--those who have obvious handicapping conditions and those who do not; the complex procedural demands of the law; its several apparent ambiguities, and the challenges it presents to the judgement and sensitivity of all those who will be responsible for balancing the various interests that will be affected as its provisions are carried out (NEA Study Report, 1978, p. 9).

NEA invited several national organizations to nominate members for a panel. The final members came from the Council for Exceptional Children, the National Association for the Deaf, and the National Association of Secondary and Elementary Principals. Two parents of handicapped children represented locally based advocacy organizations and the remaining members were from NEA. Initially an on-site phase of the study conducted open meetings in three locations of the country having legislation basically similar in intent and content to P.L. 94-142. The guiding criteria was that the study would:

- Focus on districts that have had several years of experience for implementing state plans for education of the handicapped; be a
balance of urban and rural among the 3 locations; and have significant proportions of minority students included (NEA Study report, 1978, p. 27).

Open hearings were held during October, November and December of 1977 with interviews of teachers, administrators, school board members, representatives of community groups, students with and without handicaps, legislators, state school officials and college and university specialists in the area of special education. The team also visited schools and classrooms in the various districts. In all, 43 schools were visited in three sites. Approximately 100 people were interviewed at each site. The following districts were selected as representative of similar areas across the country.

Heartland Education Agency in Des Moines, Iowa, which ranges over 11 counties in central Iowa, was a site chosen to evaluate the effects of P.L. 94-142 with 40% of the population in rural areas and the other 60% fairly evenly distributed over urban and suburban communities. Attention focused on the problem of rural isolation, difficulties of providing transportation and of hiring and retaining qualified staff to meet the needs of special students.

Savannah-Chatham Public Schools in Georgia was the only location where a racial minority comprised a majority of the total school enrollment. Of 34,000 students, 55% were black. Focus here was on educational problems confronted by poor and black children, many of whom lived in segregated areas in the inner city. The panel was mainly interested in the validity of various forms of evaluating and categorizing students by their special needs and about the use of
standardized tests for these purposes. Savannah-Chatham was also the only location where teachers did not have the right to bargain collectively.

The third location was Santa Barbara County Public Schools, California. This is the agency locally responsible for coordinating services under the California Master Plan for Education of handicapped children. The districts ranged from 42 students in a one-room school to 17,000 enrolled in the Santa Barbara city district. Of five North County districts chosen, Guadalupe with a 95% Spanish speaking enrollment, refused to cooperate even though some people came out of the district to be interviewed. The focus in this location was on issues of testing and evaluation relating to Chicano and migrant students who have historically been mislabeled and misplaced in separate and unequal special education classes (NEA Study Report, 1978).

In reporting the findings NEA makes recommendations with no intent "to criticize pedagogical techniques ... but to point out conditions and attitudes that must prevail if teachers are to be effective in their relationships with students--those with and without obvious handicapping conditions--and if the right of all parties to the educational process are to be honored." (p. 43). Their recommendations are summarized as follows:

1) The state department is urged to make a vigorous systematic child find program, concentrating not just on preschool but also school age children currently without services, especially migrant, non-English speaking children.

2) School systems are recommended to eliminate all use of group administered, norm referenced standardized tests;
adhere to the regulations of P.L. 94-142 in testing all children, not solely those already being considered for placement; require school psychologists and other test givers to compare not just with the general school populations, but others of the same general education, cultural, ethnic and racial background; develop an active program to recruit bilingual teachers, psychologists and other specialists; and recruit and train bilingual aides familiar with the language and culture.

3) All concerned agencies and organizations should work together to develop courses of practical value and relevance to the realities of the school and classroom, not confined to academic theory but field experience based; include assistance in shaping attitudes and practical skills such as sign language; and build into the certification of regular educators, special education course work.

4) Regarding time constraints, teacher organizations need to develop proposals for flexible scheduling to reduce student-teacher contact hours and allow some time for teachers to carry out non-instructional responsibilities. State education agencies need to reduce paper work and develop some conformity of the IEP form; establish certain basic standards for information required on the IEP, parent consent and student evaluation forms.

5) Regarding class size, local education agencies need to refrain from placing any children, particularly handicapped, in classrooms that are crowded; and ensure appropriate supportive facilities, aides, and other support personnel accompany handicapped children to designated general education classrooms.

6) Through bargaining or consultation, teacher organizations must seek to ensure an equitable grievance procedure with full due process rights for teachers in settlement of disputes over implementation of the law; and become involved and supportive of parent and advocacy groups.

7) Regarding transportation and access to programs, local education agencies need to deliver services to students wherever possible through the use of itinerant teachers and consultants and use vans for therapists and equipment; employ trained aides to accompany all forms of transportation; and make use in general of other forms of transportation besides "the big yellow bus."

8) Local education agencies must reduce dependence on written communication with parents especially minorities
whose primary language is not English; and establish active programs of home visits, counseling and training of parents at home or school.

9) Parents and parent advocacy groups must make efforts to become informed of their rights; form coalitions and work with all persons who serve the handicapped such as bus drivers, cooks, teachers, administrators, and medical personnel.

10) All groups concerned with the education of handicapped children must work together to lobby for greatly increased levels of funding for P.L. 94-142 to earmark monies for handicapped migrant children and have the Migrant Branch of the Office of Education coordinate those funds.

Education Turnkey Systems

Concurrent with the NEA study, Education Turnkey Systems (ETS) implemented a process to gather information in a series of nine case studies in three states to study the effects of P.L. 94-142. They conducted over 800 interviews in rural, urban and suburban local education agencies with central office and building staff and observed over 100 meetings ranging from small evaluation and placement conferences to large community meetings. The study began in September of 1977 and continued into September of 1978. The preliminary findings focus upon three sets of interrelated questions:

What activities or implementation process were undertaken; what patterns emerged and why?

What consequences arose and to what could these consequences be attributed . . . to the law specifically, or other factors?

What types of process dynamics were observed as decisions to implement provisions were made, as trade off considerations occurred, and as related consequence and coping strategies arose?

(Education Turnkey Systems (ETS), 1978, p. 12)
The researchers indicate that "compared with recent legislation, never have so many SEAs and LEAs initiated so many activities with relatively few federal resources to implement the provisions of a federal mandate" (ETS, 1978, p. 23). Evidence indicated strong competition for funds in districts creating tension between special and regular educators. Even though there seemed to be some "turf battles" most sites had made initiatives to coordinate services with other local and state agencies.

General findings seemed to indicate that procedures used by LEAs to implement various provisions were influenced greatly by SEA priorities, state legislation, and SEA regulations (ETS, 1978). Childfind and IEP assurances were two high priorities which seem to have been successful but created waiting lists of children to be assessed or placed due to organizational and bureaucratic barriers in the urban areas, and to inadequate services in rural areas" (ETS, 1979). Directly related to the IEP provision, the researchers indicate relatively large amounts of building level staff time being consumed, especially during the first half of the school year.

In all sites visited the IEP development process seemed to vary considerably. In one state the IEP process had been in place since the early 70's and in another a standard format had recently been initiated. Most sites seemed to be preparing for the next school year by developing plans to improve the process and to prepare regular teachers and principals in the IEP process (ETS, 1978).

Regarding evaluation, the researchers discovered one state with four member university teams, under contract with the SEA, doing most
of the assessments. Other areas varied but generally seemed to lack resources to effectively carry out all needed assessments.

Parents' rights were a major concern in all three states studied. In one state, procedures have been in effect for years notifying parents at different points in the process; in another state, procedures are just being developed (ETS, 1978). The various sites visited varied, but parents were contacted before delivery of services in all sites but not necessarily prior to assessment (ETS, 1978). This variation in involvement was attributed to the result of both parent attitudes and accessibility of staff (ETS, 1978).

This, and the previously mentioned study, seemed mostly to be concerned with how the "system" was coping with the law. Results and observations suggest the various problems being dealt with throughout the districts investigated. This type of information is hardly indicative of any consumer response or change as a result of P.L. 94-142. To underscore this it is helpful to review the actual Congressional Record for the underlying rationale for specifics included in P.L. 94-142.

Overall, the above studies provide a general perspective of how the law and especially the IEP provision were being implemented through 1979. It is interesting to also review some legislative intent behind the IEP and examine the implications of its evolution.
Rationale and Implications of the IEP

Legislative intent for the IEP was straightforward. Representative Brademas spoke to the House of Representatives favoring the law and the IEP:

Individual plans are of great importance in the education of handicapped children in order to help them develop their full potential.

(House Resolution 614, 1975, p. 23704)

Representative Quie was somewhat more explicit and possibly stronger indicating that:

because handicapped children are unique, setting up plans for each one makes good sense and by involving parents in the development of such plans, the benefits in school hopefully would be continued at home. It is important to point out that it is an educational plan developed jointly, but it is not intended as a binding contract by the schools, children or parents.

(House Resolution 614, 1975, p. 23707)

By investigating the amount of information reported thus far on P.L. 94-142, it is evident that there are several problems in implementation. This becomes evident when considering the most impressive provision of the law, the individualized education program (IEP). This central building of the law, was interpreted by one of its authors as having four major purposes: 1) to guarantee the availability of special education programming; 2) to assure fairness and appropriateness in decision making for providing programming; 3) to establish clear management and auditing requirements and procedures at all levels of government; and 4) to financially assist the efforts of state and local government through the use of federal funds (Weintraub, 1977).
The IEP is not a new concept with the advent of P.L. 94-142. Section 504 of the Vocational Rehabilitation Act of 1973 requires an IEP to assure appropriate educational opportunity (Hayes & Higgins, 1978). According to the Council for Exceptional Children (CEC) Research Center (1977), twenty-seven states have had some type of written documentation requirements for each handicapped child for several years.

The IEP provision has been described as remarkable not only for what it includes the necessity for a written educational plan for every handicapped child, but for what it does not include as well. The description is noticeably lacking in specifics regarding the development of the IEP, leaving a way for districts to adapt and suggest formats (Hawisher & Calhoun, 1978). This emphasizes the need for schools adjusting to their students rather than the students adjusting to the schools (National Advisory Committee on the Handicapped, 1977).

The IEP approach "assumes that differences among children are normal, that school is not a contest, and that the effectiveness of the teaching-learning process is to be measured in terms of the individual student's progress toward prestatet goals. The basic concern is not with how well students fare in comparison with their classmates, but with the effectiveness of particular instructional methods, strategies, environments, locations and materials" (National Advisory Committee on the Handicapped, 1977, p. 7).

Hawisher and Calhoun (1978) point out that due to the difficulty special education children have had with conventional education, it
has been felt that carefully thought out individualized program adaptations would make the difference between success or failure for those children. Since the quality of programs and supervision varies tremendously, individualized programs are difficult to measure. A key phrase is in the definition of special education: "specially designed instruction to meet the unique needs of handicapped children" (P.L. 94-142, Education for All Handicapped Act, Section 602, 1975). "For many this will not be the totality of their education . . . it clearly implies that special education proceeds from the basic goals and expected outcomes of general education" (Weintraub, 1977, p. 29). As educators, we intervene with an IEP "not because the child is mentally retarded but because he needs specifically designed instruction" (Weintraub, 1977, p. 29).

Management Tool or Instructional Plan

The whole concept of individualization must be dealt with carefully. Jones (1978) believes the "notion" of the IEP is laudable; however, it assumes that the craft of teaching handicapped children is much more advanced than it actually may be. He cites research that indicates teacher attitudes toward individualized instruction are good in general but very few actually practice it. And Levin (1978) cautions that we should be very careful to see that individualization does not become a way of systematizing the expectations of lower or less valued accomplishments in some children than in others.
Individualization is referred to as "matching" the instruction to the child (Birch & Reynolds, 1977; Jones, 1978; Levin, 1978). It is personalized teaching which deals with each student's personal skills, interests, abilities, learning styles, motivation, goals, rate of learning, self discipline, problem-solving ability and prognosis for moving ahead (Birch & Reynolds, 1977). Jones (1978) suggests that diagnostic-prescriptive teaching may be seen as the key to developing the IEP. This refers to the process of diagnosing student learning needs and prescribing educational treatment procedures. He and others (Yeseldyke & Salvia, 1974) further caution that there are many assumptions underlying the procedures in diagnostic-prescriptive teaching. These include the view that children's strengths and weaknesses can be easily diagnosed and that the instruments used are valid with such measures and learning outcomes being related.

The IEP process strengthens the concept that "the teacher is the "educational diagnostician," planning and prescribing learning objectives and the means to reach them; however, student need is the chief guide to instructional organization" (Birch & Reynolds, 1977). In this respect individualization must be a distinctly substantiated and delineated process. Unfortunately, up to the development of this study there is an absence of theory or theoretical discussion in the literature on individualization (Jones, 1978). At this stage it does not seem to be clear that individualization of instruction always leads to desirable consequences. To the extent that it has resulted in "systematic social class biases in the treatment of youngsters and
thereby reinforced initial disadvantages, its historical application has hardly been salubrious" (Levin, 1978, p. 87).

Reynolds (1978) sums up the implications of a weak professional commitment with a warning that:

some will go through the motions of IEPs, and consume a great deal of time and resources, but will advance the cause of the handicapped but little or not at all; . . . . letting bureaucratic mechanisms overtake and mutilate the lofty purpose and enterprise envisioned by the makers of P.L. 94-142 . . . Progress in trying to implement massive new procedures is best assured when the legal imperative is matched with a strong developmental effort and the latter reaches down to fundamentals rather than just surface compliance efforts (p. 62).

The IEP itself has been declared many times as a "management tool" (Weintraub, 1977; Schipper & Wilson, 1978; Turnbull, Strickland & Brantley, 1978; Hayes & Higgins, 1978) rather than an instructional plan. It is an agreement between all parties and while it is not a legally binding contract, it is plainly a statement setting forth what will be provided (Weintraub, 1977). As the "cornerstone of the law . . . parents, teachers and other professionals, as well as the eligible student, can refer to it when questions arise concerning resources or educational goals" (Hayes & Higgins, 1978, p. 270).

Even though P.L. 94-142 does not require any teacher, agency or person to be accountable if a child does not achieve the projections in the IEP, Hayden and Edgar (1978) feel that the only interpretation that can be made is that the IEP is an accountability check for the teacher, administrators, parent and school system to translate the federal goal of an appropriate education for every handicapped child into reality. A further specification of this concept is that "the
IEP protects the child and teacher when the teacher assumes responsibility for questioning the plan, for collecting data on which to modify the plan, and for one to one involvement with the child (Harvey, 1978). But the implications of the IEP process for accountability are unavailable. Teachers and school systems will be held accountable for "competent" performance (Reynolds, 1978).

Hobbs (1978) views the law itself as one of the most significant issues since 1973 regarding classifying children, and the provision for developing IEP's, as a movement away from "traditional classical categories." The traditionally used approaches to education which try to fit children into predetermined learning models and the accompanying instructional methods and materials are no longer appropriate (Brown, 1977). In other words the IEP must be thought of as "a flexible response" to the changing needs of the child representing a "rational approach" to decision making which is an ongoing process (Brown, 1977).

These stated implications by well known professionals in the field of special education are many and varied. They go from the specific to the very general. Simple review of these opinions will be indicative of future interpretations. But the point of origination is still the requirements themselves and the clear and concise requirements contained in that part of the law. Those requirements are reviewed briefly with the following related area of who develops the IEP and how it is implemented.
IEP Requirements

The written IEP deals with several areas of concern. A child's present levels of performance must be outlined. These may be considered current achievement levels (the results of testing) in statements of strengths and weaknesses (Hawisher & Calhoun, 1978; Brown, 1978). These levels of performance might also be developed by following a set of procedural guidelines for translating student evaluation into practical planning for the handicapped:

1) Review information gathered by the multidisciplinary evaluation team.
2) Determine subject and skill areas for which the IEP should be developed.
3) Determine if sufficient evaluation data are available.
4) Gather and review more if necessary.
5) State the performance levels related to subject and skill areas to be developed (Turnbull, Strickland, & Brantley, 1978, p. 145-146).

Hayden and Edgar (1978, p. 69) suggest that certain criteria need to be considered when accumulating present levels of performance:

1) Data to be collected and analyzed must include medical assessment data, physical assessment data and educational assessment data.
2) Priorities should be determined based on analysis of the data and the current functioning level of the child.
3) Physical limitations must be considered as well as;
4) Functionality of skills.

In considering both of the aforementioned suggested procedures, it is obviously necessary to consider assessment as a vital part in
the process of developing an IEP. Assessment procedures are needed which detect progress in the "domains of achievement" set out individually for each child forcing measurement to become integral with instruction (Reynolds, 1978).

The present levels of performance are used to develop annual goals and short-term objectives. If done properly, they can save valuable time in planning and provide a systematic guide for instruction (Turnbull, Strickland & Brantley, 1978). It is important to remember that "formulating an annual goal is an educated guess or estimate of where a particular student will be at the end of one year if a prescribed sequence of instruction is followed" (Turnbull, et al., 1978, p. 151) and should be in measurable terms. In writing the annual goals Turnbull, et al. (1978) suggest considering the following criteria:

1) past achievement
2) present levels of performance;
3) practicality of selected goals;
4) priority needs of the student; and
5) amount of time to be provided for the related instruction.

The short-term instructional objectives will specify the instructional sequence for achieving the annual goal (Turnbull, et al., 1978) and should be in measurable intermediate steps (Hawisher & Calhoun, 1978). These objectives need to be specific in stating desired behavior and criterion in a way that is manageable for both the student and the teacher (Turnbull, et al., 1978). Schools must
establish a procedure for ensuring systematic specification of goals and objectives, possibly by employing the following resources:

1) the use of existing curriculum guides;
2) development of new curriculum guides;
3) development and use of curriculum checklists; and
4) the use of commercial materials (Turnbull, et al., 1978).

The legal requirement for evaluation of goals and objectives involved the determination of objective criteria; appropriate evaluation procedures; evaluation schedules (Turnbull, et al., 1978). The IEP must be updated at least annually, yet for all but the mildly handicapped this may be too infrequent (Harvey, 1978). Systematic instruction, in order to be effective requires that each objective be mastered prior to introducing the next objective (Turnbull, et al., 1978). This may constitute more frequent reviews.

The IEP is not a complete guide to instructional strategies, nor is it a series of lesson plans. The less certain one is of the data on which an IEP is based, the more critical it becomes to review and modify it periodically (Harvey, 1978). Therefore, the IEP must be "systematic" (Hayden & Edgar, 1978) in the application of the present levels of performance to annual and short-term projections in order to be evaluated effectively. Turnbull, et al (1978) suggest an IEP form, skills checklists, graphing and anecdotal data as methods of documentation to accomplish more valid evaluation.

The IEP must also describe the special education services to be provided. This may be the appropriate, least restrictive special
placement, and special instructional techniques or materials (Hawisher & Calhoun, 1978). Harvey (1978) feels strongly that a child's least restrictive environment will be the direct outgrowth and result of successful implementation of his or her IEP.

**Partners Developing the IEP**

**Personnel Involved in the IEP**

The IEP requirements stipulate that parents, teachers, and other professionals associated with the child, form a committee to share the responsibility of planning the child’s educational program (Turnbull, Strickland & Goldstein, 1978). Persons specified in the meeting are there to insure that those who have information about the child make the decisions regarding services needed for the child’s best interests (Weintraub, 1977). The development and implementation of the IEP represents the "new frontier of parent-professional partnerships related to educational decision making" (Turnbull, Strickland & Goldstein, 1978, p. 414).

Hayes and Higgins (1978) feel that when parents and teachers work together from referral, few surprises occur as the IEP is developed. This provision may cause us to deal with the fears and hostilities that parents sometimes have in order to build trusting relationships between teachers and parents and develop strong mutual commitment to build healthy environments for children (Reynolds, 1978). Or, this provision may cause a limited compliance effort, simply getting parents to "sign off" on the IEPs (Reynolds, 1978).
Professionals and public school personnel have neglected parents in the past often treating them as nuisances. They have to be central in any kind of intelligent programming for children (Hobbs, 1978). The law now allows them to be involved at every planning and programming step of the process, a measure that should result in more positive attitudes about the child and his education (Washick, 1978). Parents possess unique information about their child especially in their ability to report on their child's educational history which may effect the newly developed program (Weintraub, 1977).

There is also to be a local education agency representative involved in the IEP meeting. This person assures that the necessary resources to implement the IEP will be made available, including time, personnel, space and dollars (Weintraub, 1977). Administrators are usually chosen for this role due to their specialized knowledge about such provisions.

Teacher participation is to allow those persons who have major responsibility for program delivery, to have more than the usual minor voice in the educational planning and placement decisions (Weintraub, 1977). They must have the opportunity to apply their professional knowledge regarding the best methods of serving the individual child's needs.

With the parent as a strong partner in planning, all of the child's activities and skill development occurring in school can be reinforced at home (Weintraub, 1977). Parents must have the opportunity to convey to the schools what they feel is appropriate for their child and have their opinions seriously considered.
An additional member of this team may be the child. Too often the child is left out of the decision making process (Weintraub, 1977) when it may have been extremely appropriate to have the child involved. It is obvious that the child, more than any one, would be aware of what he or she could do independently and what skills are most difficult. The emphasis in including the child should be not to focus on what the child cannot do, but what he or she can do. "They live day and night with the potential and the limitations of their conditions and probably are more realistic with 'fewer hangups' than most people realize" (Fox, 1978, p. 16).

In the total effort to come together for a joint meeting to develop the IEP, there seem to be several difficulties. Efforts at informing the profession have proven that there is little insight into how people might work together creatively to design environments for better learning and living by handicapped students (Reynolds, 1978). In fact many systems have doubled the problem by adding the IEP process on top of already existing systems of evaluating and placing handicapped children (Hayes & Higgins, 1978). It is evident that administrators and systems will have to develop more flexible means of providing IEP conference time as well as inservice training in the most time effective manner (Washick, 1978).

Knowing the requirements for content of the IEP as well as the required participants does not insure effective implementation. As stated, the educational day is usually well-packed with teacher/student activities. It will take time management skills and administrative support to promote a usable implementation system.
Suggestions for Implementing the IEP

The IEP requirements of the law do outline program decision making but they do not delineate specific procedures for selecting teaching methods and determining the appropriate classroom goals and objectives (Hedbring & Holmes, 1977). There have been a multitude of systems proliferated to cope with this problem, but the process still causes problems for many.

Hedbring and Holmes (1977) emphasize that teachers need to be able to refer to "well-founded instructional strategies" but that these must also apply to practical records keeping procedures. They recommend a three part system which includes: (1) a 10-step sequence for meeting teacher relevant IEP mandates; (2) suggested ways to use the sequence to develop curriculum files; and (3) a functional record keeping approach to continuous maintenance of student files. The total system is behaviorally oriented and well organized so that procedures flow together providing consistency.

The IEP process fits well to a systems approach if those involved are aware of the mechanics of the system. However, many people believe that almost everything that is required for the IEP is currently being done by competent teachers (Hayden & Edgar, 1978; Hasazi & Hork, 1978). Hasazi and York suggest eleven steps that they believe apply to all children, environments, and instruction on any skills:

(1) Meet and learn about the students.
(2) Determine what the students want to learn and/or what their parents want them to learn.
(3) Determine the students' current skills.

(4) Determine the skills needed by the student.

(5) Specify the goals of instruction.

(6) Break the goals down into smaller, teachable and measurable objectives that when acquired, lead to the realization of the goals.

(7) Select instructional procedures to teach those objectives.

(8) Select materials, tasks and physical arrangements that fit the objectives and instructional procedures.

(9) TEACH - implement the instructional plan.

(10) Measure student progress or the objectives.

(11) Evaluate instruction in light of student progress and make appropriate revisions (1977, p. 65).

These steps would most definitely meet the IEP requirements if appropriate evaluation took place and if needed services that were unavailable were provided. It also might be possible that all teachers do not practice the above described process, which very much resembles individualization.

Hasazi and York's (1977) process is supported by what the National Advisory Committee on the Handicapped (1977) describes as basic competencies displayed by effective classroom teachers daily. These included organizing a program of study and arranging for the necessary people and equipment to carry it out; collecting and analyzing relevant data; assessing the students abilities and needs; establishing achievable objectives; gauging and guiding the child's interaction with others; determining the most effective environment for the child's needs; evaluating and modifying the program and
facilitating the child's progression to a more demanding program. Similar ideas are discussed by Brown (1977) and Turnbull, et al. (1978).

The above discussion has dealt with the teacher in general and has not specifically referred to separate areas of regular and special education. Ideally this is good, but realistically may be troublesome. Reynolds (1978) acknowledges the differences but emphasizes that expertise must be considered as part of a "common pool" to which all teachers contribute and from which all teachers may draw. Both special and regular education teachers are needed to write IEPs but Reynolds (1978) views the regular teacher as the "pivotal person." In Figure 3 he illustrates and earlier developed consultation "process between peers--a skill that must be learned by both parties" (Reynolds, 1978, p. 61).

Figure 3. illustration of regular and special educators involved in a "consultation process."
This simplified process is definitely needed and could cause a total change in the educational structure if it were extended to all children.

These ideas for implementation are in many ways innovative, yet also just good common teaching sense. One would suspect that many of them could be found operating in the field. It is therefore necessary to explore actual onsite investigations of the systems being used for actual implementation.

General Studies and Recommendations Regarding the IEP

Connecticut Study

P.L. 94-142 includes certain types of evaluation as requirements for monitoring. These include numbers of children mainstreamed, number of minority children in self-contained classes, and so forth. This information is relatively easy for SEAs and LEAs to gather and report but may be the most useless. These issues do not address the appropriateness of educational placement and resulting improvement or lack of it (Jones, Gottlieb, Guskin & Yoshida, 1978). Some of the following studies may be reporting similarly irrelevant information.

A study conducted in Connecticut investigated evaluation procedures followed by the Planning and Placement Teams (PPT) which had been operating under similar regulations as those required for the IEP in P.L. 94-142. The investigators (Yoshida, Fenton, & Kaufman, 1977) examined the extent to which PPT chairpersons and team members were aware of their responsibilities for developing an evaluation
plan for students' programs; how they stated that it had been developed; and awareness of their responsibility for reviewing students' programs for updating.

A total of 1,526 questionnaires were sent out with a return of 96.2%. Of those returned, 221 were chairpersons of PPTs and 1,247 made up other members of these teams (administrators, support personnel and instructional personnel). The majority of those responding felt that the specification of an evaluation plan was a final decision responsibility of the placement team. Thirty-one percent said that they should only offer suggestions. The majority also felt that the plans were developed at the time of the placement decision and that the decision should be made based on a continuous monitoring of the program's appropriateness. And finally, the team felt that the students' records were reviewed often enough to keep the programs adequately updated (Yoshida, Fenton, & Kaufman, 1977).

This study may indicate some of the attitudinal trends of currently functioning IEP teams. Many states have and still do conduct a placement team meeting as well as an IEP meeting (Russell, Shoemaker, McGuigan, & Bevis, 1976) although the trend is now to combine them. Initially, the proposed federal regulations included the specification for a placement team meeting separate from the IEP meeting (Federal Register, 1975, p. 42474); this was excluded in the final rules and regulations.

The results of this study are not easily generalized, due to the limited similarities of the variables under investigation and those currently existing. However, one may infer positive effects as the
result of team developed IEPs. The investigators (Yoshida, et al., 1977) concluded that future studies should assess the quality of IEPs and their fiscal impact on local education agencies. Facilitators and barriers in the team and/or IEP process need to be more clearly defined.

Recent Qualitative and Quantitative IEP Studies

A study on the early effects of the IEP done by Hawkins-Shepard (1978) indicated the process caused more parent contact and input, as well as increased interaction with school psychologists. These findings were the result of interviewing teachers, specialists, and administrators from urban and rural, day and residential, and itinerant and school based situations. Respondents indicated that teachers, parents, principals, and support personnel, all became very familiar with the goals and objectives for the child. Furthermore, interdisciplinary programs were attempting to provide cross categorical educational services. Parents were reported to be "very pleased with their new role," according to professionals interacting with them. The only concerns reported in the study were in regard to time constraints placed on the professionals involved in the process.

A more specific study was conducted to evaluate quantitatively and qualitatively the IEPs written as a requirement of the California Contra Costra County Master Plan for Special Education (Anderson, Barner & Larson, 1978). The requirements were very similar to those in P.L. 94-142. These plans were developed for pupils diagnosed as learning disabled and placed in regular schools receiving part-time
remedial help. The teachers developing the plans were specially trained with one full year of experience in IEP writing.

Investigators acquired more than 400 pupils' IEPs with over 2,400 instructional objectives. Objectives were then randomly selected, read and rated by four evaluators trained for the task. A specially designed rating instrument was subjected to rater agreement measures which suggested that moderate consistency between raters existed.

Quantitative results indicated the following:

1) IEPs on the average covered four general education areas with recommended teaching methods and curriculum materials, six instructional objectives and five months estimated time for achievement.

2) More than 72% of the instructional objectives addressed the areas of reading, math and languages; 10% dealt with social, emotional and/or behavior areas.

3) Special education teachers were listed as wholly or partly responsible for implementation of more than 75% of the objectives; the rest were to be covered by regular classroom teachers.

4) Three out of every four objectives were assessed with teacher made measures, the rest with published tests, rating scales, or observation schedules.

5) Only 6% lacked parent signatures and a few more lacked checks for parent program approval and awareness of due process.

Qualitative results of evaluators rating on a numerical scale indicated the needs, goals, objectives, and other plan elements were on the average of "high quality, free of jargon and otherwise easily readable and appropriately related to one another" (Anderson, et al., 1978, p. 208). The recommended teaching approaches received higher ratings than the goals and objectives.
As a result of this study, the investigators determined that there is a need for intensive training in writing goals and objectives; there should be adequate pupil description included in such plans; documentation of parent communications should be stressed and closely monitored; and full attention should be given to emotional, social and behavioral needs in the written program.

The above study focuses on the written quality of the IEP and indicates that teachers trained in writing goals and objectives can produce high quality plans. This conclusion is very logical, however, not totally supported due to the lack of comparison. Without some type of control, this study is far from conclusive. Further IEP studies are needed to support these findings, which are positive and encouraging.

Project IEP

An earlier study conducted throughout four states: Alabama, New Jersey, Washington, and Wisconsin; was termed "Project IEP" (Morrisey & Safer, 1977). The project was an effort to identify and clarify perceptions related to roles in the IEP process. From February to May of 1977, approximately 200 persons from each state were interviewed using open ended interviews conducted in the respondent's homes, offices or classrooms. Those interviewed included state and local administrators, regular and special education teachers, parents of handicapped children and children themselves, support personnel, advocacy groups, and union representatives. Twelve persons made up a panel to conduct forums in May for comments from those interviewed.
The panel was said to have had backgrounds similar to those of the respondents, yet not one was a parent or parent representative, but rather all were professionals.

The findings suggest that parents feel that they can provide significant information about their child's background and school history that would be relevant to developing an educational program. "Most parents, however, agree that specification of goals, objectives and instructional methods is best done by professional educators." (Morrisey & Safer, 1977, p. 43). It is necessary to keep in mind that these are educator reports on parent perceptions of the process rather than actual parent responses.

Investigators suggested some barriers to the IEP process: school personnel believe IEP development should be left to professionals; parent frequently feel excluded or intimidated by school personnel; both parties feel that parents usually lack knowledge and confidence to effectively question professional recommendations; some school personnel feel that the cost in notification and consent procedures outweigh the potential benefits of parent participation (Morrisey & Safer, 1977).

The authors suggest that educators speak to parents in understandable language; that parent advocates accompany parents to IEP planning meetings and that the state or advocacy group provide parents with written checklists to use in observing their children at home and in "school-child interactions;" and finally that schools
sponsor meetings where parents of handicapped children can share feelings and problems and become informed about special education programs.

In summarizing all reactions to the IEP requirements the investigators reported the following major findings:

1) Professionals involved are very concerned about increasing demands on their time for noninstructional purposes. This is in regard to the team meetings and additional paperwork.

2) Many teachers are uncertain of their roles and regular educators feel that they are being asked to do things that they are not trained to do. These feelings seem to be effecting overall morale.

3) All involved feel that certain aspects of the IEP need to be standardized minimally. These include reporting of all aspects of the child's functioning and strengths and weaknesses.

These results are somewhat informative although they focus on negative aspects of the IEP requirements. Generalizability is limited but the information should be used to investigate certain areas more specifically. Persons involved in the IEP process would be better prepared to deal with some of the anticipated attitudes of team members if these results were considered. The study implies that methods for improving the process need to be developed, applied and evaluated.

Findings of NASDE

Research data collected by The National Association of State Directors of Special Education (NASDE) support earlier studies (Schipper & Wilson, 1978). Teachers expressed concern for increased time demands and lack of training. They felt the least prepared when
dealing with formal and informal assessing; developing annual goals and short-term objectives; managing classroom instruction; and communicating with parents.

Administrators reported their perceptions of teachers having difficulties matching objectives with appropriate materials. They often were not clear of the roles of the teachers or themselves in the planning process. Teachers on the other hand expressed disenchantment with the team process which they saw as being controlled by administrators and school psychologists. As a result of these perceptions the researchers predict increasingly low job morale (Schipper & Wilson, 1978).

The same studies reported that more children are being identified and overall services are improving. Many teachers indicated the IEP process as valuable since it required them to think about and analyze their teaching; saved them time during the year in planning lessons; focused their attention on the child through assessment; and structured their thinking about where they were going during the year through writing goals and objectives.

The following concerns seemed to be consistently reported throughout the country:

1) Administrators often passed the responsibility for writing and implementing the IEP to classroom teachers alone.

2) Administrators and teachers interpreted the IEP as a daily lesson plan and written objectives to mean that they must be stated behaviorally.

3) Confusion existed at both the SEA and LEA levels as to whether the IEP is written before or after placement.
4) There has been widespread confusion as to the number of persons that are to be present at the IEP meeting. There have been reports of up to 15 to 20 persons at one meeting.

5) The process for providing assessment data for the IEP has not been clearly established. There has also been a noted absence of reported assessment data, specification of the percentage of time the child is to spend in the regular classroom; the type of physical education program the child will receive; and a place to note the date of IEP development and names of persons who developed the IEP (Schipper & Wilson, 1978).

Information reported by NASDSE officials clearly indicates that the IEP process is not running smoothly throughout the country, but rather there are some major inconsistencies. "Although there was no research design or analysis applied in the collection or validation of these concerns . . ." (Schipper & Wilson, 1978, p. 39) the investigators feel that the information serves as a guide for future structured studies and for federal consideration in future decisions concerning the IEP mandates. One of the major investigators, William Schipper, recently reported (unpublished, C.E.C. presentation, 1979) the overall view of the IEP as being the most difficult provision of the law to implement for states. He indicated that NASDSE would recommend to Congress the modifying of the short-term objectives provision. This recommendation may indicate delineation of the short-term objectives or delaying their writing until after placement of the child.
Education Turnkey Systems

A series of nine case studies have been accumulated in three states which indicated considerable variance in their stages of compliance and implementation. The overall study by Education Turnkey Systems, Inc. (1978) was an effort to describe the activities and processes by which local education agencies are implementing the law. Over 800 interviews were conducted with central office staff and over 100 meetings were observed.

In an early report of the preliminary findings, SEAs and LEAs were said to have initiated an enormous amount of activity with very few resources. It seems that lower level agencies have been using mandates of the law and policy statements to increase leverage for bargaining in additional resources. This is creating tension among various level administrators and between regular and special education personnel.

Coordination of child find activities has improved considerably although there are some barriers reflected in "turf battles" (Education Turnkey Systems, 1978). Coordination of services seems to indicate further administrative differences. Along with the child find activities, the IEP provisions were viewed as the highest priorities. This increased activity has resulted in identification of large numbers of "priority-one" children. Newly identified children are causing backlogs for assessment or placement due to organization barriers in urban areas and inadequate rural services. These activities and the IEP mechanisms were found to be consuming large portions of building staff time.
Local education agencies were found to be implementing the IEP based on state policies and suggested formats. However, the quality of implementation activities varied greatly. This was partially due to the fact that some states had had IEP procedures in place since 1970. Others were just beginning. The IEP itself was being written in various ways. Long-term goals were being written by placement committees and short-term goals by teachers. In other states teachers write the entire IEP. In all states parents approve the IEP.

Assessment procedures varied greatly also. In some areas university teams did the evaluation and in others, LEA staff were responsible. There were waiting lists in all areas. Placements and consideration for the least restrictive environment seemed to be hampered by availability of services and limited attempts to provide additional ones. These problems, and all of those previously mentioned, occurred to a greater degree in the rural areas studied.

In nearly all of the studies reported above, there seems to be a definite lack of information determining what methods or types of IEP processes are beneficial and effective. Instead, these studies, most of which were sponsored by the U.S. Department of Education, SEP, have focused on complaints, biases and vague generalities. The concentration of interviewing has been reported predominantly from a professional viewpoint. The constant use of open ended interviews and self report by LEAs, causes the information to be subject to criticism and offers little empirical basis for describing the state
of the art in IEP development. The consumers, parents and children, have had little direct input. It is necessary to analyze parent involvement in special education over the years.

**Parent Participation**

Historically, it was parents who saw a need for the establishment of schools (Kroth, 1975). They formed organizations to build schools, raise money, and encourage legislation favorable to their children. It is for that reason that educators must realize that "schools do not belong to teachers or school administrators . . . rather they belong generally to the people and, more specifically, to the parents who support them as taxpayers" (Kelly, 1974, p. 123). These parents have not only the right, but also the responsibility to influence how the schools are operated, what will be taught, and how their children will be educated.

Parents are one of the most motivating forces in the lives of their children. Very few educators would deny the strong influence that the home has on a child's growth and development (Kroth, 1978). The family's impact is probably greater than "all other social influences put together . . . , the family is the heart of the culture" (Plamondon & Soskin, 1978, p. 26). Educators, therefore, have no choice but to establish a working and productive relationship with parents (Kroth, 1978).

The problem as Bissell (1976) reports, is that it does not take a massive review of the literature or more than a five minute conversation with a group of special educators to discover that: 1) parents
are frequently viewed from a "pathological perspective" in terms of maladaptive adjustments to their handicapped children; 2) parents are seldom viewed as desirable or competent "full fledged members" of the interdisciplinary team; and 3) parents are dehumanized by categorical references and generalizations regarding the nature of their child's handicapping condition. They are treated as a separate group of parents: those with exceptional children as opposed to those with "normal" children.

Parents, who are ultimately responsible for their children, have been "deplorably neglected" (Hobbs, 1978) in the past. Schools have treated them as nuisances. In many schools, contacts with parents have decreased to the point where often a computer print out of grades and an open house early in the year are the only major communications (Kroth, 1978). This may explain the decreased parental support of the educational system. Parents are becoming more critical, bond issues are failing, and educators have been taken to court (Kroth, 1978). Not only are they responding individually in these ways, but they are now becoming very influential through their efforts to join forces and organize.

Parent Organizations

In this era of the Education for All Handicapped Children Act, parents are a stronger force than ever. They have felt intimidated by or angry with professionals awed by professionals, intuitively knowing that they know their children better than the experts and yet have persistently assumed the professional knows best (Gorham, 1975).
Parents are no longer willing to accept school policies unquestioningly (Jones, 1978). Previously when certain handicaps were excluded as uneducable, parents acquiesced and placed the children in institutions or kept them at home. This is not common practice now (Jones, 1978).

Tawney (1977) views parents and public educators as legal adversaries. His rationale is based on the court battles of the past and the growing parent organizations of the present. "The air of hostility will not dissipate quickly" (Tawney, 1977, p. 86). It was the practices of past exclusion that have brought about the recent force of parent organizations and advocacy groups from the early 1960's (National Advisory Committee on the Handicapped, 1976). Their cause has grown through the use of publicity, mass mailings, public meetings and other means of accessing public information. The result has been massive activity by legislatures (National Advisory Committee on the Handicapped, 1976).

Parents who are "racially and culturally oppressed," and parents of handicapped children, have become increasingly sophisticated regarding educational matters (Jones, 1978). Through legislative and public demands, parents are calling for the acceptance of all kinds of previously unaccepted students, and the improvement of achievement levels for children who have been "erroneously" labeled EMR or disadvantaged (Jones, 1978). Parents are blaming the educational system and its structures. The age when parents were seen but not heard is
gone (Strenecky, McLoughlin, & Edge, 1979). They must be recognized as "special" educators, the true experts on their children (Hobbs, 1978).

Parents have discovered that they may take a more active role in their child's program through parent groups. The basic purpose of such groups is to provide parents with a forum where they can share their common concerns and also learn about the educational programs, trends, and innovations in their schools (Strenecky, et al., 1976). These groups have proven that "parent power" can be effective for a single child through the strong voice of the parent who understands and knows his or her rights and how to obtain them (Kappelman & Ackerman, 1977).

Parent power can be defined as "the ability to know what is needed, to recognize what is lacking, and collectively to demand and facilitate the acquisition of those services needed" (Kappelman & Ackerman, 1977, p. 32) to give every child an appropriate education. Since the child cannot defend himself, the parent is the ultimate advocate. Parents know this and due to past experiences, their success at getting their child placed will not be total until the placement is in an appropriate educational program (Tawney, 1977).

The new school-parent coalitions will be difficult. Many parents, whose children have not learned, will distrust the school to the point of giving up on the school or becoming very aggressive, even hostile, in their attitudes (Wood, 1978). These attitudes cause many advocacy groups to take a hard line with the schools. In one state, advocacy groups are training parents of handicapped children
to pose the question to the regular teacher of their child placed in a mainstreamed setting: "What did you learn in college about how to teach my blind (physically handicapped, mentally retarded and others) child?" Parents are told that if they are dissatisfied with the answer they should report their feelings to the administrator of the school (Schlechty & Turnbull, 1978). If this becomes the trend, all of education would have to become more accountable, not just special education. While parents have the right and opportunity to influence decision making in a variety of educational matters, the intelligent use of this right bestows enormous power and responsibility on parents (Fischer & Schimmel, 1978).

Tawney (1977) understood the power of parents and advocacy groups when he predicted a future outlook of a parent suing a teacher for not educating a severely retarded child; teacher suits against the employing district for failure to provide resources or manpower to enable them to do a competent job; and possibly a suit against a public school administrator for placing a teacher with a poor record in a classroom for severely retarded children. This projected chain reaction may not be very far in the future.

Professionals must remember that parents are the consumers being served. Due to common concerns, their organizations have been effective in not only getting laws enacted for the handicapped, but also in the effort to decrease custodial types of services and replace them with appropriate services. An analysis of the most successful groups indicates that they all were characterized by the following: a) good organizational planning; b) leaders who encouraged everyone
to contribute to the meetings and to share in the planning; and c) concentration on discussions mainly related to the problems of children (Strenecky, et al., 1979). These groups have the power of teaming with the responsive school system to help the child and the power to force a sluggish school system to educate the child in the most appropriate way (Kappelman & Ackerman, 1977). Parents have moved from passive acquiescence to what is now vigilant consumerism (Strenecky, et al., 1979).

**Parent Involvement with the Team**

It is no longer legitimate to practice the belief that therapy and education should be left to the professionals. It is more rational to admit that parents can be an extremely positive influence due to their time and emotional involvement (Feldman, Byalick, & Rosedale, 1975). The law mandates a team process for developing a child's program and educators must operate from this rationale: "The principle of freedom of choice implies that public schools offer parents and their children viable choices in such areas a philosophical model, curriculum and instruction" (Klein, 1978, p. 113). Parents should be free to choose from among several alternatives, which are deemed most suitable for the individual child's needs and aptitudes. This must be done in consultation with the educators involved for a unified team decision. In reviewing the literature on parent involvement, Kelly (1974) indicates that when parents are involved in the educational process, children are likely to achieve better.
The team effort may be synthesized by examining organizational theory models which apply well to current special education decision making situations (Fenton, Yoshida, Maxwell, & Kaufman, 1977). First, there must be a perception or statement of the problem by collecting relevant information and determining its importance in identifying the students' special needs. Second, alternatives are explored by generating a list of all those possible. The students' special needs are the criteria used to choose the most appropriate alternative. And finally, the selection of a solution requires evaluating each of the proposed alternatives and then planning a process for implementation and monitoring the child's program (Fenton, et al., 1977). This must be structured, systematic and done by group members participating on an equal basis.

Hobbs (1978) discusses the "interconnectedness" of the lives of children and the people on whom children are dependent. He praises P.L. 94-142 for recognizing the importance of parents and for bringing them into the planning and programming every step of the way. But Hobbs (1975) emphasizes the importance of the professional defining their role as that of consultant to the parents, "not as a dominant authority in a transient relationship" (p. 93).

Bissell (1976) points out that as early as 1957 Kanner and other professionals expanded the team concept to include parents as members with equal standing. But team approval has commonly been implemented in such a way that the individual student has been fragmented by various disciplines. Bissell (1976) sums the situation up very neatly:
The team conceptualization has been captained or coached by the professional. Parents have generally been on the line, on the bench, or in many instances, in the bleachers (p. 79).

Educators have voiced reasons for noninvolvement with parents. These have included time constraints, difficulty getting approval for testing and eventual placement, parents' inability to understand the process, parents' nonattendance, and parents' nonacceptance of their child's problems. Mattson (1978) suggests that these are mostly "cop-outs." Professionals need to begin the process with a more positive attitude. It is up to them to be organized and structured. Gorham (1975) suggests the following for professionals:

1) Let parents be involved in every step.

2) Make a realistic management plan part of the assessment outcome.

3) Be informed about community resources.

4) Write reports in clear understandable language.

5) Give copies of all reports to parents.

6) Be sure that parents understand that there is no such thing as a one shot final and unchanging diagnosis.

7) Warn the parent of possible service insufficiencies.

8) Explain that some people may emphasize the negative.

Now that the IEP requirements stipulate that parents, teachers, and other professionals associated with the child must form a committee to plan the child's program, (Turnbull, Strickland, & Goldstein, 1978) the above procedures will need to be expanded and refined.
The key concept for assuring an appropriate program for the
child is cooperative teamwork (Falck, 1978). It reflects the need to
have input from a variety of human resources. There must be coordi-
nation of all services provided, from the classroom to the community.
But this can only be done if members of the team reinforce each
others' efforts to help the child (Falck, 1978).

Permanent members of the IEP or placement team will likely
include the special education teacher(s), school psychologist,
counselor, and the principal. There may also be various therapists
and representatives from other agencies (Turnbull, et al., 1978).
Along with the parent, the team's functions include coordination of
all procedures related to identification, evaluation and placement;
responsibilities for following due process provisions; and respon-
sibilities for monitoring and advising (Turnbull, et al., 1978).
Parents must be included in this process.

Evaluating Actual Parent Involvement

Parent representation is one area of P.L. 94-142 that cannot be
ignored. If a child's parents cannot be located or have passed away,
a surrogate parent is appointed. A surrogate parent is a person
acting in place of a child's legal parent and is legally responsible
for the child's educational welfare. A surrogate may not be
appointed when the child's real parents are uncooperative or un-
responsive (Turnbull, et al., 1978).

Parents may also bring advocates into the team process. An
advocate is any person who accompanies the parents for the purpose of
supporting, defending or arguing for their cause. The advocate can be a friend, teacher or lawyer (Turnbull, et al., 1978) and assists in the role of decision maker.

Since parents are the most important change agents in the child's life, to exclude them would be to waste a valuable and necessary resource (Falck, 1978). Throughout the country various training programs have been created to more effectively involve parents (Falck, 1978; Turnbull, Strickland, & Goldstein, 1978; Kroth, 1978). The assumption underlying these programs is that the more the parents know about educational techniques and procedures, the more active they can be in the educational process (Kroth, 1978).

In every situation where the educational agency has intentionally involved the parent in some type of planned program the results seem to be positive. Feldman, et al. (1975) describes the results of parent involvement as increasing the parent's trust in and satisfaction with special education facilities, professionals, and educators. Parents are beginning to view themselves as capable of dealing with their children and as being "potent forces" in their children's education. Adamson (1972) described a similar attempt to involve parents as being rewarded with the parents "setting the tone of readiness for their child to use the school" (p. 13).

A successful program that has been incorporated as part of teacher training is reported by Flint and Deloach (1975). The program provided information, support and improved communications among parents of handicapped children in the form of both small and large
group sessions. A similar program is proposed by Turnbull, et al. (1978) with both a teacher training and a parent training format.

Karnes and Zehrback (1975) report a very comprehensive eleven stage model for systematic involvement of parents. The first three stages are levels of assessment. The next three determine what the family is able to provide, assessing the unmet needs the family can provide, and what persons or agencies are responsible for the needs remaining. The following two stages provide alternatives and allow family members to make a choice from all possibilities. The final stages involve determining the differences in the child's needs and what the family can provide, how various agencies will work with the parents, and developing the implementation plan. A similar program, Project PACE (Parent Action in Child Education) implements detailed assessments where teachers go into the homes and work directly with the parents of preschool children with problems (Crozier, 1976).

Studies of the IEP from 1975-1979

With the advent of P.L. 94-142, various disciplines will become involved in the decision making process and will contribute differently. Gilliam (1979) indicates that an examination of the literature shows little research addressed specifically to this problem. He goes on to describe a study where participants in the team process were asked to rate the various roles before and after participation in the placement decision. The intent was to determine which roles were perceived as contributing the most, and then a post measure was to determine which actually did. Parents, social workers, and principals were rated high before the meeting and low
for actual contributions. In both instances the special education teacher was rated first. Parents went from third to ninth out of fifteen roles named. The author suggests that certain roles rated less important might be those that are intimidated by other participants, which would explain the low parent contribution rank (Gilliam, 1979).

A similar study questioned 1,372 members of the Planning Teams (P.T.) in Connecticut on items regarding parent participation at various points in the planning process (Yoshida, Fenton, Maxwell, & Kaufman, 1978). The respondents included school psychologists, social workers, counselors, central administration personnel, principals, speech and hearing clinicians, medical personnel, reading consultants, and special and regular education teachers. Results showed that members typically request parental information in writing before the meeting in which programming is decided. Attitudes toward parental participation during the meeting suggest support for a limited parental role. Parents do not seem to be expected to participate actively in making decisions about their child's program (Yoshida, et al., 1978).

A smaller scale survey was reported by Cohen (1977) in which a twelve item questionnaire was administered to measure support or nonsupport for various kinds of parent involvement. Items reflected the traditional home support for the school; parents as receivers to be helped and trained by the school; specific parent responsibilities in regular education; the parent in the classroom; and the aide of a parent-professional partnership. Responses were from twenty-seven
educators of severely and multiply handicapped students in local centers and fourteen from public and parochial classes for the mildly handicapped. Responses to most of the items were generally favorable. Having parents as teaching assistants was viewed primarily as negative. The author indicates that the generalizability of this study is limited. Favorable responses may be due to the needed home involvement for the severely handicapped population.

In a recent investigation, Helsel (1978) reports a survey conducted in Ohio to determine the degree of parental involvement in the development of the IEP and the level of parental understanding concerning their rights under P.L. 94-142. Questions also probed parent opinions about major problems of implementation. Eighty percent of the respondents had been notified that an IEP was being developed. Only 75% were consulted about the items to be included. And only 59% were invited to be present while the IEP was being developed.

Most of the parents indicated that they were aware of the IEP but waived the right to participate. According to the author only half of the respondents seemed to understand their rights concerning the IEP. Nearly 60% knew when the review was scheduled and about half knew what steps to take if they were dissatisfied. In contrast, 96% were aware that all handicapped children in Ohio have the right to a free and appropriate public education and 95% believed that all related services were being effectively delivered to their children.

Helsel notes that the personal opinion segment of the study cited three of the most critical problems for implementation.
Parents perceived a lack of appropriate classrooms, lack of money and a lack of "public awareness, leadership and qualified teachers" (Helsel, 1978, p. 3).

These results cannot be generalized throughout the country but they certainly indicate a need for further investigation. All of the previous studies reported have similar implications. In general there seems to be only limited parental involvement in all stages of programming. These are by no means conclusive.

In June of 1979, Phillip Stromowsky reported the results of an attitudinal survey he conducted in Montgomery County, Maryland. His sample consisted of three hundred and thirty parents, from thirteen different schools and centers. His study was also conducted through the use of a survey in a question and answer format.

Several of Stromowsky's findings are specific and significant to this study. Parents who participated in an IEP conference generally rated the experience as positive. There was a slightly more positive response at the elementary age level then at the secondary level.

Stromowsky's results indicated that parents were involved in the IEP process. There was no significant variance found in parental attitudes based on numbers of conference participants, parent-invited participants or past parent experience with parent conferences.

These findings indicate a high positive correlation between parents' positive responses regarding the multifactored evaluation and the IEP. The lowest response correlations in this area were from parents who indicated that they had not attended the IEP meeting due to poor communication with the school district.
Overall evaluative results of this study reported by Stromowsky indicated the following:

1) The school district involved in the sample should increase their efforts of involving parents with the IEP process;

2) Most parents respond positively regarding their involvement in the IEP process; and

3) Most parents thought their opinions would be useful to the district staff.

This study has investigated parent experiences and perceptions of the mechanics involved in the IEP development, and provides a new source of information to be added to a currently small body of knowledge on the IEP. The information gained from this study will hold significance for future investigation especially if the major findings are supportive of earlier sources of information derived from the actual implementers of the process.

Summary

How effectively is P.L. 94-142 being implemented? It has been four years since it was signed into law and there are evidently some problems. Studies of the law and the IEP are few and results--in most instanced--simply infer rather than validate information.

There are no studies that have focused on the recipients or consumers of P.L. 94-142, except for the Helsel study and the Stromowsky study. What are the results of implementation on the children it is intended to serve? As discussed earlier, the parent may well be the factor which determines successful implementation of
the law. As the ultimate advocate for the child the parent is actually monitoring the implementation of the IEP. SEP monitors the letter of the law and the consumers assess the intent and effectiveness of the provisions.

Parents must be sampled. Their involvement and reactions must be measured. The Helsel study is a beginning, but is too localized. Parents must be looked at all over the country. If one state is doing a better job of involving parents, then other states need this information. Initially parents will not all be totally informed of their rights and responsibilities. It will be a gradual process. However, now is the time to sample the parent population, before they decide the process is ignoring them.

The requirements of the implementing regulations seem complex. But when viewed as a process or system they flow and fit well. Each piece or requirement appears to have a specific function and all were well conceived based on yearly lawsuits and emerging state statutes pushing to create this law and other educational programs for handicapped children.

The consumer end of the spectrum is the parent and children. It is evident that the administration of the IEP component is difficult and changes in procedures are unwelcome. Administrators are in a period of transition when the systems they are using are being finalized. This too, is vital information for research, but not without regard to its effects on the child and the parent. It may be that our system will adjust to, and develop a system of delivery that we are comfortable in applying. If it does not meet the needs of the
consumer it does not matter. The implementation of the IEP process is intended to have impact on the child. We seem to have lost sight of this in the studies reviewed.

There clearly are a number of areas open for inquiry regarding this law. But the major concerns lie in the effectiveness of the IEP, and the impact it has on handicapped children. The IEP may be viewed as a measure of accountability for consumers. The child is most definitely a consumer in the IEP process.

**Implications for Further Research**

The provisions in P.L. 94-142 have opened up a large area for investigation. The IEP is the area of most interest. Unfortunately the majority of studies have seemed to be in the general area of compliance. Gathering numbers of children served and instructional objectives doesn't really say much about the effects of the law. These are mean statistics which SEP monitors and reports.

Professionals in the field who are implementing the IEP should begin to collect some relevant data. What we have thus far is generally irrelevant. The types of questionnaires that have been employed have been very general in nature. They have sampled very small and limited populations with very little generalizability. And for the most part that have consistently relied on self report which is limited in its application.

The majority of the studies reported have reflected a very negative outlook. The line of inquiry has been one of problem hunting. Very few of the researchers have looked for positive
changes as a result of the process. The IEP presents an "intervention" which varies in its application throughout the country.

This law is a monumental landmark not only for education of handicapped children but for education of all children. Even though the intent is to improve existing services for handicapped students and provide appropriate services for those handicapped children not previously served; implementation of the IEP is something all parents and citizens will want for the benefit of all children receiving public education. Future studies may include attitudes of parents of nonhandicapped children.

This Act includes some very specific provisions to rectify previous problems. It may rectify misplacing children with special needs, or excluding them and then providing them, as citizens, the free and appropriate public education that they are entitled to receive. The provision for an individual education program, which has been described as the core or foundation of this legislation, will cause the handicapped population to make gains and acquire skills needed to function in our society. Building a plan that addresses the unique needs of the child enables them to overcome or adapt to their handicap in order to concentrate on acquiring functional skills needed.

It is only logical that the IEP provision focus on a multidisciplinary team approach. In order for the unique needs of various handicapping conditions to be addressed, it is necessary that the persons most able to provide such services become working members of a team concerned with the individual child involved. Not only is it
mandated that the parent be included but it can only be beneficial if the parent actually participates. For years parents have been working alone for appropriate programs for their child. They have tried to become aware of the child's unique needs but are not always able to deal with those needs.

On the other side of a long established fence, the teacher has been relying on what she knows about the child when he or she is in a particular classroom environment. To some degree, she must try to focus in on that child's needs as well as several, and often times many others. It is then her/his responsibility to recognize needs and plan a program to meet them. Teachers are now mandated to modify this function into a working team process. The decisions made for a child will no longer be based on the efforts of one person. The IEP process assures that the child will be educated as a child first and as a child with a handicap second.

The strongest implication of this law may be parent involvement. Professionals are still trying to cope with the changes within the system. In the meantime, parents are once again equipping themselves. They initiated this law and all of the gradual steps preceding it. If they are excluded, they will once again use the necessary powers to force education to acknowledge them. In the final chapter such instances have already occurred and will be presented. Whether we, as a profession choose to implement this law appropriately or not--it will be the citizen and parent groups who monitor our actions. They will enforce the Act. The provisions are law, whether or not they are convenient they must be carried out. In
essence, it does not make a difference how pleased we are with the law. What counts is how we implement it and what the result of that implementation is on handicapped children. The research has not even scratched the surface.

In the period of time following full implementation, there have been a number of efforts to change the IEP requirement. These have been unsuccessful. There have also been many policy considerations relating to interpretation of the IEP requirements. For the most part, the results have strongly supported the original intent of the law. The motivator of the former effort was primarily undertaken by professionals who were unsuccessful. The latter changes were initiated mostly by parents who have been for the most part successful.
Chapter III

METHOD AND PROCEDURES
FOR THE STUDY

The Sponsoring Agency

The sponsoring agency for this study was the National Committee for Citizens in Education (NCCE) based in Columbia, Maryland. They are a nonprofit, private organization dedicated to promoting citizen advocacy in education. They do not work solely with issues of handicapped children; rather, the bulk of their efforts have been with issues concerning nonhandicapped children.

The constituents of this organization are composed of parent teacher associations (PTA) and any other types of parent-teacher or citizen groups which are involved with promoting responsible educational practices.

Their funding base is generated predominantly by grants from some public, but mostly private, foundations. In addition, they receive monies through private citizen donations. For this particular survey, they were able to raise supporting funds through the George Gund Foundation.
The primary purpose of NCCE has been to generate information for their constituents regarding factual data on educational issues. They have developed leaflets on collective bargaining, operation of effective parent teacher associations (organizations) (PTA), facts about teacher retirement systems, and other similar topics.

Many of the investigative efforts of NCCE are developed through actual consumer input as well as thorough investigation of the governing rules and policy making bodies responsible. A study similar to this one involved checking a child's progress through the reporting systems used by schools in grading periods.

Because the work of NCCE is of such interest in the educational field, it has predictably caught the eye of Washington officials. NCCE has been requested on many occasions to testify in congressional hearings on particularly controversial issues. This study also generated congressional testimony (Appendix C).

The usual mechanism used by NCCE to generate many of their products is to contract the actual investigative and data analysis activities to an outside agency. For this project, the Ohio State University was chosen. The activity generated a graduate associate position for this investigator.

This joint venture was to be primarily directed by NCCE. Unfortunately, some of the decisions made effecting the sample and means of sampling were made in the interest of cost rather than valid research design.
Field Test Survey Development

The first step in the process was the development of a field test survey. The topic was parent involvement in the IEP process. The 1978-79 school year was the first for full implementation of Public Law 94-142 and the provisions of the IEP. This was a good time to determine how well districts had used the preceding three years to gear up for implementation.

The field test and finals surveys were designed to inquire about the actual implementation of the IEP mandates in school districts. Unlike many earlier studies described in the preceding chapter this survey would gain information from parents rather than from administrators or educators. This was the bulk of NCCE's constituency list and therefore an active and available audience for such a survey.

Original intent of the field test questions was to ask simply whether or not certain required components appeared on IEPs, if steps in the process were followed, and how parents felt about their experiences as partners in the development of the IEP. The same intent was carried through in the final survey product.

The field test survey "A Parent-Citizen Survey: Improving Services for Children in Special Education" was disseminated to parent groups in Ohio and Maryland. This was done by contacting the president of each organization, explaining the project and requesting that they distribute the surveys. Ideally, accessing their mailing lists would have been the best method of distribution, but the parent organizations for the most part would not agree.
The organizations who did agree to distribute the field test were as follows:

- Statewide Parent Information Network (SPIN) - 1,000
- Ohio Association for Children with Learning Disabilities (OACLID) - 1,200
- Ohio Coalition for Education of Handicapped Children (OCEHC) - 1,200

Cover letters were also sent to the organizations to explain the field test survey to parents receiving it (Appendix D). The organizations indicated they would distribute the surveys in their meetings and enclosed in their newsletters. This investigator and the principal faculty investigator suggested that paid postage return envelopes be provided. The sponsoring agency declined due to their not yet settled funding base for the project. Needless to say, without this mechanism the return rate of field test surveys was predictably very low.

The surveys that were returned, 37, were very complete. In addition, each person took the time to enclose numerous comments regarding the design of the survey questions. There were lengthy passages regarding their experiences with the IEP process. Some of the comments are provided in Appendix E.

The design of the field test first asked for demographic data including: school building; school system; parent's name; address; child's age; child's sex; type of school child was enrolled in if not public; and an optional area for phone number with assured confidentiality. This information would later be used to note the possible influencing variables in the final survey. They would also provide a mechanism for future follow-up if the sponsoring agency needed it.
Many of the identifiers might later be linked with certain trends in IEP development. The name of school buildings became helpful for determining the size of the school district. A national directory of school districts was used to look up population of the school district. The later application of this information could be used to investigate differences in smaller rural school practices versus larger city district activity.

Question 1 dealt with the regulation requiring the IEP to be developed no later than 30 days following the multifactored, multidisciplinary evaluation. If the parent indicated that it did occur in this time frame the district was correctly implementing the law. The survey also allowed for a "no" response and then a selection of two, three, four, five, six months or later, or never response.

Question 2 dealt with an area which is not a clearly spelled out mandate. The law and regulations prescribe that the parents may have a copy of the IEP upon request. This question dealt with that by using the term available: "A completed copy of the IEP was made available to see." This wording more clearly gets at the intent of the provision. The response requested a "yes" or "no."

Question 3 dealt with the regulations requiring a projected date for annual review: "A specific date was set for reviewing my child's progress under this IEP." The "yes" or "no" response here may cause the parent to have to review the actual IEP document rather than rely
Question 4 related to the extensive due process procedures in the law: "I was given specified information on how to appeal the program assignment decisions in the IEP." The actual required time for this information to be provided to the parent is prior to consent for evaluation. However, it was undesirable to bog down the questioning with the timing requirements of the law. This information may have also been provided at the IEP meeting especially if the parent was in disagreement with the proposed program. The "yes" or "no" response was used again.

Question 5 involved a clearly defined requirement: "The dates for the beginning of services for my child were quite clear." The law requires that the IEP indicate a date for initiation of services. This question, as well as the following one, may cause the parent again to have to review the actual IEP document. Again the "yes" or "no" answer simply verifies whether or not the required item was included on the IEP.

Question 6, for the most part, included all of the specifics that make up the specially designed program of the IEP: "The IEP for my child contained the following items: annual goals; short-term objectives; specific service(s) to be provided; present levels of performance; date services were to begin; evaluation; evaluation of the IEP; special materials, equipment, or media; percentage (%) of time in regular program activities; statement of related services (for example, transportation); place for me to indicate my approval; educators informed me of how the IEP was to be developed and what
would be in it." These "yes" or "no" questions were primarily an effort to get at factual items included on the IEP. Here, beginning or initiation of services is checked for the second time.

Several of the items in question six are not clearly spelled out by the law and regulations. Special materials, equipment or media specifications are not a required component of the IEP. However, the law makes it quite clear that whatever it takes to specially design the program must be provided.

A place to indicate approval is also not a required component. The effort by many school districts to include an approving statement and/or a place for parent signature is to verify agreement. Additionally, it documents parent participation, attendance or at least a review of the document.

The item indicating "educators informed me of how the IEP was to be developed and what would be in it" was an attempt at determining whether parents were informed of intended IEP development and procedures. This again is required during the initiation phase.

Items 7 through seventeen of the field test used a numerical Likert scale for response rather than yes/no. The scale indicates 1 as "to no extent"; 2 as "to a minor extent"; 3 as "to a moderate extent"; and 4 as "to a major extent." The questions involving these scaled responses are primarily attitudinal and lend themselves more to a choice of response by degree.

Question 7 is an attempt to deal with the requirement of duration of services indicator: "I am quite certain from the IEP when
service(s) will begin for my child and how long they will last." If the IEP only dealt with data for initiation a lesser degree of response would likely be provided.

Question 8 deals with a procedure which implies the intent of the overall IEP. It questions actual parent involvement in the process as opposed to merely an "after the fact sign off". The IEP for my child was completed before the meeting with me." As the previous chapter indicated many parents find themselves in IEP meetings where the completed IEP is presented for their review and consent rather than enlisting their expertise to draw up the document.

Question 9 is primarily aimed at the parent's attitude regarding their treatment by professionals at the meeting: "Educators presented information during the IEP meeting in understandable language." This would be as opposed to educational jargon. A degree of response allows the parent a choice for their overall perception of the proceedings.

Question 10 goes slightly beyond the specific mandate: "The short-term objectives are written as specific steps my child will achieve in the next three months or more." Ideally, with the passage of the law and ensuing regulations short-term objectives were seen as intermediate objectives to the annual goal. The perception has not necessarily changed but the practice is usually not that methodical.

Question 11 again deals with parent's attitude regarding the degree of involvement on their part facilitated by the educators: "I was given ample opportunity to ask questions of educators during the
meeting." As stated in the preceding Chapter the intent of the law was to have parents be equal partners, yet it did not appear that is always the case.

Question 12 is similar to eleven in probing attitude: "I was encouraged to contribute significant information to my child's IEP." This question takes the parent beyond the question asking stage and inquires as to whether they felt they not only helped in developing the IEP but were encouraged to do so.

Question 13 dealt with one of the federal regulations: "The evaluation written into the IEP included how the IEP was to be evaluated, when the evaluation was to occur, and who would be responsible for making sure the IEP was done." The actual requirement deals with schedules and procedures for objective criteria. The effort here was to interpret that somewhat for the parent. However, the term "evaluation" is difficult to simplify further and still be describing criteria.

Question 14 added the negative phrasing of a question dealing with the requirement of the parent being informed about all programs the child is eligible for: "Other program assignments for my child were not considered during the IEP." The phrasing of the question lends itself more to an attitudinal response even though it probes a required content item.

Question 15 extends an earlier content requirement inquiry: "The IEP clearly stated what specific service(s) my child would be
receiving." This clarity question adds a qualitative judgement component to the factual response. The mandate requires a statement of related services.

Question 16 presents an attempt to check for actual content of the IEP. The federal regulations refer to the fact that several areas should be evaluated if needed but do not require it be as comprehensive as this question would infer: "The description of my child's present educational performance in the IEP included information in all four of these areas: self help skills (personal maintenance, vocational, etc.); academic skills (reading, math, etc.); social behavior (how she/he gets along with others, etc.); physical skills (coordination, running, etc.)." Again this requires somewhat of a qualitative judgement on the part of the parent as well as a necessary check of the IEP document.

Question 17 dealt with the intended manner the regulations foresaw annual goals and objectives to be developed: "The short-term objectives did not seem closely related to the annual goals(s)." As suggested earlier the annual goals were more general or global, the short-term objectives were intended to be a smaller breakdown and more specific.

Questions 18 through 31 go much further into actually probing the parent's attitude about the IEP proceedings as well as the resultant effects on their child. For the most part parents would not need to review the actual IEP document to respond. A Likert scale
of a different selection is used including "strongly agree, agree, disagree, strongly disagree." Parents were directed, as in the earlier two sections, to circle their answer.

Question 18 requires the parent to judge how immediate the actual IEP was implemented: "The time between the IEP meeting and when services began for my child seemed reasonable." The provision calls for implementation without undue delay. The wording of this question attempted to simplify that concept.

Question 19 is a slight repeat of an earlier attitudinal question: "Educators did not provide any information to help me understand the IEP process." This is again trying to measure the parents' feelings about their involvement in the IEP process as they would either be helped or hindered by the educators involved.

Question 20 requires the parent to judge if they feel the IEP was actually specially designed to meet the unique needs of their child: "The IEP that was developed seemed to fit my child's needs." Their answer may need to consider many factors, especially the presented evaluation results, but they would still be highly qualified to make such a judgement.

Question 21 is slightly more specific in probing the parents' feelings about the actual content of the IEP: "The annual goals in the IEP did not fully meet the educational needs of my child." This question is also another attempt to verify the inclusion of the required annual goals while also measuring the parent's level of involvement or at least agreement in the process.
Question 22 is an effort to get the parent's thought on how well the evaluation information, or present levels of performance, flowed into the goals and objectives of the IEP: "The information from my child's evaluation before the IEP was fair and useful for planning a program for my child." It is possible that parents may have had involvement in the IEP process and feel positive, yet not remember the evaluation information. Further, the evaluation information may not be used very effectively, or possibly not at all, for the IEP development.

Question 23 is purely asking the parent how they perceive the IEP process they experienced: "I felt like a fully participating member with educators during planning of the IEP." Unless the previous discussed studies are drastically different from the content of this one, the literature would indicate that this may not be a highly rated positive response question.

Question 24 is much like question 23 in getting the parents' feelings about their actual participation in the process: "I was given the opportunity to agree or disagree with educators during the IEP meeting." Once again, the literature review up to the time of this survey would indicate that parents seldom feel as though they are on equal footing as the professional in the educational process.

Question 25 tries to simply probe the parent's perception of the least restrictive environment philosophy of the mandates: "Every attempt was made by educators to provide services for as much time as possible in a regular classroom." For parents of more severely
handicapped children, there may be a high non-response or negative response on this item. But due to the incidence of such handicaps that should be only a small percentage of the final return.

Question 26 is directed at the provision of a free and appropriate public education, regardless of cost, inference in the law: "The service(s) for my child in the IEP was determined by what was available rather than what was needed (for example: if a certain service was known to be needed but the final decision was made based on what the school district currently had)." The probability of this actually happening may increase with the severity of handicap. This law would bring many more severely handicapped children into the public schools and require more and a variety of services. On the other hand, this type of IEP development might go undetected by a parent, especially one who may be extremely pleased with the idea of any intervention finally occurring.

Question 27 continues to collect perceptions and feelings from the parent about their own involvement in the process: "I felt free to ask questions about points I didn't understand regarding the IEP." If parents were literally involved in development of the IEP, they should in fact be more at ease questioning unfamiliar terms or information.

Question 28 could easily be tied to question 26 or availability of services: "There were major areas of educational needs for my child which were ignored during the IEP meeting." It is
further probable, however, that if certain areas of evaluation information were not covered or presented the parent might be unaware of the discounting of a particular need.

Question 29 is again purely attitudinal in terms of the parents' perceptions of the process: "My child's educational needs were adequately served by the IEP. Due to phrasing, this question may have less possibility of non response. The question is short and put simply. It attempts to assure that parents would feel comfortable with at least one of the attitude questions regarding their experience in the process.

Question 30 does not deal directly with any federal requirement for P.L. 94-142: "The school which my child attends has a good program for preparing parents to participate in the IEP process." School districts may possibly meet the challenge of this law and develop awareness and training programs for parents to facilitate more involvement. It is common today. Additionally, the extensive requirements for prior notice activities may cause some districts to do intensive one on one communication with parents which could easily be viewed as a good program for preparation of parents.

Question 31 simply adds to the assortment of attitude probes: "I feel that the IEP for my child will improve next year." This question may apply to districts that envoke a lot of parent pressure on P.L. 94-142 issues, or simply to a parent who sees the process as it was in 1978, new and unfamiliar.
Field Test Results

Thirty-seven or approximately .1% of the field tests were returned. The heaviest factor in this low return was felt to be the lack of a paid return postage and addressed envelope provision. Instead people were instructed on the survey to return the survey to the address of the NCCE.

The responses received were studied primarily for comments on the format and presentation of the items rather than the responses. The cover letter (Appendix F) which had accompanied the survey had asked parents to comment on the items and ease of response. The questions they were asked were as follows:

1) Were the questions clear?
2) Were the questions helpful to you in learning more about the IEP process?
3) Did we miss important areas? Which ones?
4) Were there too many questions?
5) Did some of the questions seem to cover areas more than once?
6) If you would eliminate some questions, which ones would they be?

Recommendations were formulated to submit to NCCE for consideration of the final survey structure. First an analysis was made regarding the number of questions that were answered. This helped to single out those items which had very low or no responses. Some parents placed question marks by the items and several commented on whether or not questions were clear and easily understood.
The format beyond the actual questions was also studied. One element added to the introductory statements dealt with NCCE's intent to produce a parent handbook for parents "on how to participate more successfully in the IEP process." The remainder of the introductory comments were unchanged.

The identifying information supplied by parents which would later be used to look at possible factors which may influence the process, was studied as well. No items were deleted. Changes made included adding a response area for the child's primary handicapping condition. Also the statement regarding parents phone numbers was rearranged to enclose "would be held confidential" in parenthesis rather than leaving it as part of the sentence.

In addition to the response content of the survey parents all wrote comments on the field test survey itself which had little room for that purpose. It was recommended that the survey allow more room for actual comments. This was done by reducing the size of print and leaving a block of blank space at the end of the survey.

The actual breakdown of responses by questions is presented in Table 1.
Response by Percentage of Corresponding Answer Category - Table 1.

<table>
<thead>
<tr>
<th>Question</th>
<th>No Response or Question Mark</th>
<th>Yes</th>
<th>No (Never)</th>
<th>2-6 mos later</th>
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<tr>
<td>1</td>
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Table 1 (continued)

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</tbody>
</table>
Recommendations for Final Survey Development

This investigator, appointed by the recipient of this project, provided the results of the field test return to NCCE along with a review of the field comments. Recommendations included the following:

1) Reorganize the way questions are presented by clustering similar questions together.

2) Reword question 2 based on comments that some parents were able to look at a final copy of the IEP but could not keep it. Also, since the questions suggests a final kind of step in the process, it was suggested that it come near the end.

3) Add a question to check on required participants in the process.

4) Modify the content question in question 4 to ask if the IEP contained a way to check progress rather than evaluation. This effort was to simplify questions as much as possible in lay terminology.

5) Delete the item in question 4 on related services since it is dealt with more specifically in field test question 15.

6) Break up question 7 into two questions since the IEP may indicate when services would begin but not include an ending date.

7) Change the word evaluation in question 13 to further simplify wording for understanding. It was also recommended that the question have three answers for how, when and who.
8) Delete question 14 due to confusion indicated by field test respondents and the fact that its content was well covered in other questions.

9) Modify question 17 to state it positively rather than negatively.

10) Modify the wording of question 19 to delete the negative. Comments indicated it is very difficult to respond with a negative answer when the question is worded with a negative.

11) Move question 22 up in the body of the survey to follow immediately after question 1 on whether or not and when the evaluation was done.

12) Delete question 24 with wording of agree or disagree and, due to several similar attitudinal questions elsewhere in the survey.

13) Add questions to determine if the parent filling out the survey had signed consent for the IEP, been given information regarding the appeal process, or been asked to assume cost for any of the services.

A recommendation which originated with the NCCE personnel was to eliminate all Likert responses and use only "yes" or "no" responses. Their rationale was based on several field test comments and the belief that such a format would simplify the process.

The advantages of the "yes" and "no" format other than simplifying the process, would also be the ease in completion of the survey
in shorter time. This could possibly encourage some persons to fill out the survey who would not otherwise take the time to do so in the filed test format.

The primary disadvantage to only a two choice answer was the weakening of the survey design. Using Likert responses provided a more statistically sound method of questioning.

The above disadvantage was stressed to the sponsoring agency. However, they still felt that providing parents a simpler format and more easily worded questions would increase the ease of the response and increase returns. This was the first significant difference to surface for this investigator and the sponsoring agency which would later affect the overall design of the study.

The final recommendations made by this investigator were to request that the surveys include: 1) a copy for parents to keep so that they would complete the survey rather than keeping it for information; 2) add on identifiers for handicap area in the demographic section; and 3) provide postage paid, return addressed envelopes to increase returns. The latter was the second significant difference of approach to occur for this investigator and the sponsoring agency.

The sponsoring agency, due to their privately generated funding base, was still unsure about the possibilities of adequate levels of continued funding. This insecure funding base was the primary rationale for not using a paid return system for the survey. Later in the process the NCCE sponsors would acknowledge this as a major error in the process and provide the necessary funds for return
postage. But at the onset of sending out the final survey parents were not provided with a return mechanism.

All other recommendations regarding the survey items were accepted. These and some slight wording changes were all put into the development of the final survey. Additionally, parents were invited to include "any additional comments about your IEP experience" and were provided a space on the survey for such comments.

Distribution of the Final Survey

The National Committee for Citizens in Education provided a massive mailing list as well as suggestions of possible other parent organizations. Jointly, this investigator and the NCCE staff, contacted approximately 85 parent organizations and asked for their involvement. All groups contacted agreed to participate by at least including the survey in their newsletters. Many agreed to use their meeting time to get members to begin completing the survey. Based on this response and the inability to access organization address lists, boxes of surveys were sent to organization memberships. The president of each organization was used as the contact person and coordinator of the distribution process.

The enthusiasm on the part of parent organizations was encouraging. In the outset of the process it appeared as though the lack of paid postage might possibly be outweighed by citizen desire to provide their input. Unfortunately, lack of paid postage had a devastating effect on the return.
Approximately 40,000 surveys were distributed across the country. Again, the sample was determined by availability rather than by scientifically controlled selection. Parents were all members of active parent organizations (See Appendix F for the list of parent organizations receiving the survey and the number of surveys mailed to each organization). This investigator, in conjunction with NCCE personnel, believed that this intentionally biased sample would provide complete and relatively accurate responses in comparison to random selection of parents with handicapped children. Parent organizations affiliated with NCCE frequently received information regarding federal laws and regulations. It was, therefore, felt that the sample would be informed and actively involved parents.

The final survey was distributed in September and October of 1978. This was following two all day meetings with the sponsoring agency and time allowed for printing the final survey forms. All parent organizations were contacted prior to receiving the survey to request their involvement, explain the intent of the survey, and to get a general count of how many members were in each organization. This information was exchanged via each group's president. Following these contacts, NCCE mailed out bulk amounts of surveys to the groups. The actual heavy bond survey was marked in the upper corner as "NCCE copy" and a lighter weight paper was used as the parent copy and was marked in the upper corner as "your copy."
Analysis of Final Surveys

Completed surveys were to be mailed to NCCE where they were logged in and mailed on to the Ohio State University and logged in a second time. Completed surveys were interpreted into a coding system so each could be scored on a grid sheet which would eventually be keypunched on cards for computer analysis.

Each survey was assigned a case number from a possible four digit column of 0001 to 2336. States were given a two digit code number ranging from 01 to 46. Size of school districts was coded as follows: districts with average daily membership (ADM) of less then 300 were coded as 11; 300 to 599 coded as 12; 600 to 999 coded as 13; 1000 to 2499 coded as 14; 2500 to 4999 coded as 15; 5000 to 9999 coded as 16; 10,000 to 24,999 coded as 17; and greater than 25,000 coded as 18. Additional codes in the size category were assigned for private (19), parochial (20), cooperative (21), state (22), and federal (23).

Type of school district was given a one digit code as: public (1), parochial (2), private (3), state (4), cooperative (5), and federal (6). Public appeared self explanatory as well as private and parochial. State schools tended to be residentially operated state facilities for deaf or blind. Cooperative programs were many times cooperatively funded programs by both state and local dollars similar to our County Boards of Mental Retardation and Developmental Disabilities. Federal programs were those such as Headstart.
Age of the children described was simply coded with two digits representing actual age. Sex of the child was coded as 1 or 2 representing female or male. And finally, the demographic information provided codes for primary handicap. They are as follows: speech (01), learning or behavior disability (resource room also included) (02); mild, EMR, or Downs Syndrome if public (03); TMR or Downs Syndrome if separate facility (04); physically handicapped (05); severe/profound/multiply handicapped (06); gifted (07); visually handicapped/blind (08); hearing impaired/deaf (09); autism, language disability or nonverbal (10).

Neither the principal investigator nor the sponsoring agency viewed gifted children as handicapped. However, several surveys were marked as such and therefore placed in the analysis process.

Question responses were all coded as 1 or 2 except for the question regarding time. For "2 months" 2 was used, "3 months" 3 was used, and so on up to "never" which was coded as 9.

The computer analysis was done with the Statistical Package for the Social Sciences System (SPSS). The data analysis for NCCE primarily dealt simply with frequency of yes and no responses. This investigator, however, was further interested in possible demographic variable effects which might be accounted for. These are discussed earlier as research questions and will be addressed in the next chapter as results along with results of the hypothetical assumptions presented.
Problem Areas in Distribution and Sample Selection

Surveys were sent to approximately 85 parent organizations. Cartons of surveys were sent to each organization once they confirmed by telephone their membership would participate. NCCE agreed to slow down distribution to 10,000 per month initially until their funding mechanisms were definite. This was recommended due to the probability of low returns. This investigator consistently predicted a low return rate without paid postage return envelopes.

Within a two month period only 530 surveys had been returned. NCCE finally consented to provide postage paid return envelopes for the next 15,000 surveys. The second half of the NCCE mailing list was used to receive these surveys. Completed surveys were received by NCCE and forwarded to the Ohio State University for analysis.

Returns did increase from less than 1% to about 8%. Also, several of the organizations on the first mailing requested additional surveys. Another 6,000 surveys were distributed in response to such requests which were made by the second group of recipients as well.

There were 16 duplicate returns of which the second one was thrown out of the final analysis. All surveys were converted to a grid sheet which was later used to generate key punch cards.

Overall, the method used to develop, disseminate and analyze this survey had several problems which did not enhance the scholarly quality of the research design. The method of sample selection was not considered to be a major problem. The sample was practically selected from an available and willing population. The group could
be said to be somewhat purposefully biased and homogeneous in their make-up. All were parents of handicapped children involved enough in their children's educational process to become active members of parents organizations. And most importantly, the sample was nationwide.

The method of survey development was the first area of weakness for the survey. Conversion of all field test questions to a "yes/no" response mode severely limited the analysis which might be done with the results. The intent; however, was to simplify the mode of response for increased understanding of the questions, ease of response and to decrease the time involved in responding.

Dissemination of the survey was the weakest aspect of the project. By changing the method used for return, the rate of response was changed and greatly affected the overall quality of the response sample. It is given that if paid postage and return envelopes had been provided from the onset, the return rate would have significantly increased providing a greater chance of deriving a good response sample for statistical analysis.

Analysis of the returns was severely limited due to the above weaknesses cited in the study. These will be discussed in the following Chapter.
Chapter IV
DATA AND ANALYSIS OF THE RESULTS

The following Chapter will present the results of the IEP status study sponsored by NCCE. The initial data presented provides an overall view of how the surveys were returned and rationale for a low return rate. A summary of how the returns were distributed and a frequency of yes/no responses to each question is discussed as the information of primary concern by the sponsoring agency. And finally, the initial research questions are presented with a statistical handling of the data which lends the resultant findings of the study.

Surveys were returned directly to the National Committee for Citizens in Education, copied and forwarded to this investigator for analysis. A major area of concern was lack of paid postage on the field test survey and early final surveys. Due to the financial constraints of the sponsoring agency continued encouragement of paid postage was ignored until the resultant slow final return was apparent.

Initial mail out of 20,000 surveys in September provided a return of only 530. With the addition of postage paid return envelopes, 15,000 more were sent. Later, additional request amounted to another 6,000 surveys sent to organizations for distribution. With the later 21,000 surveys a return of 1806 was tabulated for the final total of 2336.
Tables 2 through 7 are actual frequency distributions for the sample of 2336. For later statistical analysis 307 survey cases are deleted due to excess missing data provided by persons completing the surveys. Examples would include only filling out demographic information and not the questions, questions only, and less than three questions responded to including question 1.

Surveys were sorted, coded and transferred to coded grid sheets used for keypunch cards. The final tabulation of surveys returned deleting repeats was 2336. There were only twelve duplicates which had to be deleted. The returned surveys constituted only a disappointing 5.8% of the total distributed. The primary factor for this was the initial lack of postage paid return envelopes.

Additional factors which may have influenced a low return rate were: 1) parent organizations not distributing all of the surveys that were sent to them; 2) lack of active involvement on the part of individual parents in their respective organizations, 3) the length of the survey and some persons reluctance to take the time to complete it; 4) a possibility that parents either felt they did not understand the questions or remember the process well enough; 5) a portion of several of the organizations' memberships may have been professional rather than parents.

It is still an assumption held by this investigator that the selective nature of the parent organization would provide a group of persons who had at some time sought participation in an organization. Such persons would be more likely to fill out a survey than a
randomly selected group of parents. As was mentioned in the preceding Chapter, the sponsoring agency had ready access to the parents surveyed in that they were a part of a network of over 300 parent organizations working with NCCE.
To introduce the data analysis the following tables are presented which provide the study sample frequencies of returned surveys by special classes of interest.

Ranking of Return by School Population - Table 2

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<thead>
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<th>Population</th>
<th>No.</th>
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<td>Under 300</td>
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<td>300-599</td>
<td>13</td>
<td>0.6</td>
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<td>600-999</td>
<td>35</td>
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<td>10000-24999</td>
<td>498</td>
<td>21.3</td>
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<td>Over 25,000</td>
<td>508</td>
<td>21.7</td>
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Ranking by Type of School Program - Table 3

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<th>Type</th>
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<td>Parochial</td>
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### Ranking by Sex of Handicapped Child - Table 4

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<th>Sex</th>
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<td>Male</td>
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<tr>
<td>Female</td>
<td>808</td>
<td>35.0</td>
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### Ranking by Age of Handicapped Child - Table 5

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<th>Age</th>
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<td>12 years</td>
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## Ranking by Handicapping Categories - Table 6

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<td>Learning Disabled (LD/BD)</td>
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<td>Physically Handicapped</td>
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<td>8.9</td>
</tr>
<tr>
<td>Severely/Profoundly Handicapped</td>
<td>149</td>
<td>6.4</td>
</tr>
<tr>
<td>Hearing Impaired</td>
<td>145</td>
<td>6.2</td>
</tr>
<tr>
<td>Speech Problems</td>
<td>103</td>
<td>4.4</td>
</tr>
<tr>
<td>Trainable Mentally Ret.</td>
<td>102</td>
<td>4.4</td>
</tr>
<tr>
<td>Visually Handicapped</td>
<td>80</td>
<td>3.4</td>
</tr>
<tr>
<td>Autistic</td>
<td>71</td>
<td>3.0</td>
</tr>
</tbody>
</table>
### Individual Survey Questions with Tallied Percentage of Yes/No Responses - Table 7

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The IEP meeting was held within 30 days following evaluation of my child. If NO, please check when the IEP meeting was held following the evaluation:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. 1 month</td>
<td>59.1</td>
<td>24.4</td>
</tr>
<tr>
<td>B. 2 months</td>
<td>6.0</td>
<td>N/A</td>
</tr>
<tr>
<td>C. 3 months</td>
<td>2.9</td>
<td>N/A</td>
</tr>
<tr>
<td>D. 4 months</td>
<td>1.7</td>
<td>N/A</td>
</tr>
<tr>
<td>E. 5 months</td>
<td>.9</td>
<td>N/A</td>
</tr>
<tr>
<td>F. 6 months</td>
<td>5.5</td>
<td>N/A</td>
</tr>
<tr>
<td>G. Never</td>
<td>N/A</td>
<td>6.0</td>
</tr>
<tr>
<td>2. The information from my child's evaluation before the IEP was fair and useful for planning a program for my child.</td>
<td>71.3</td>
<td>11.3</td>
</tr>
<tr>
<td>3. The following were present at the IEP meeting:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. My child</td>
<td>17.0</td>
<td>60.2</td>
</tr>
<tr>
<td>B. Child's teacher</td>
<td>77.4</td>
<td>7.7</td>
</tr>
<tr>
<td>C. School representative (other than child's teacher)</td>
<td>66.4</td>
<td>13.9</td>
</tr>
<tr>
<td>D. Parent or Guardian</td>
<td>63.2</td>
<td>3.2</td>
</tr>
<tr>
<td>E. Other</td>
<td>12.0</td>
<td>N/A</td>
</tr>
<tr>
<td>4. The IEP for my child contained the following items:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Annual goals</td>
<td>76.1</td>
<td>8.9</td>
</tr>
<tr>
<td>B. Short-term objectives</td>
<td>73.2</td>
<td>11.0</td>
</tr>
<tr>
<td>C. Specific service(s) to be provided</td>
<td>70.8</td>
<td>12.3</td>
</tr>
<tr>
<td>D. Present level of performance</td>
<td>75.7</td>
<td>8.9</td>
</tr>
<tr>
<td>E. Date services were to begin</td>
<td>67.2</td>
<td>15.5</td>
</tr>
<tr>
<td>F. Ways to check my child's progress</td>
<td>62.0</td>
<td>29.3</td>
</tr>
<tr>
<td>G. Special materials, equipment or media</td>
<td>51.2</td>
<td>29.7</td>
</tr>
<tr>
<td>H. Percentage of time in regular class placement</td>
<td>50.8</td>
<td>28.2</td>
</tr>
<tr>
<td>I. Place for me to indicate my approval</td>
<td>77.1</td>
<td>7.0</td>
</tr>
<tr>
<td>J. Educators informed of how the IEP was to be developed and what would be in it</td>
<td>65.6</td>
<td>19.4</td>
</tr>
</tbody>
</table>
Table 7 (continued)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. The description of my child's present educational performance in the IEP included information in all four of these areas:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Self-help skills (personal maintenance)</td>
<td>66.1</td>
<td>18.0</td>
</tr>
<tr>
<td>B. Academic skills (reading, math, etc.)</td>
<td>22.8</td>
<td>11.9</td>
</tr>
<tr>
<td>C. Social behavior (how s/he gets along with others, etc.)</td>
<td>67.1</td>
<td>15.0</td>
</tr>
<tr>
<td>D. Physical skills (coordination, running, etc.)</td>
<td>58.2</td>
<td>22.3</td>
</tr>
<tr>
<td>6. There were major areas of educational needs for my child which were ignored during the IEP meeting.</td>
<td>18.5</td>
<td>62.7</td>
</tr>
<tr>
<td>7. The short-term objectives are written as specific steps my child will achieve in the next three months or more.</td>
<td>58.5</td>
<td>21.6</td>
</tr>
<tr>
<td>8. The short-term objectives did seem closely related to the annual goal(s).</td>
<td>62.6</td>
<td>11.2</td>
</tr>
<tr>
<td>9. The annual goal(s) in the IEP did not fully meet the educational needs of my child.</td>
<td>44.9</td>
<td>28.3</td>
</tr>
<tr>
<td>10. The IEP clearly stated what specific service(s) my child would be receiving.</td>
<td>65.5</td>
<td>15.6</td>
</tr>
<tr>
<td>11. The dates for the beginning of services for my child were quite clear</td>
<td>64.0</td>
<td>16.3</td>
</tr>
<tr>
<td>12. I know when the IEP services will end for my child.</td>
<td>36.5</td>
<td>43.7</td>
</tr>
<tr>
<td>13. The service(s) for my child in the IEP was determined by what was available rather than what was needed (for example: if a certain service was known to be needed but the final decision was made based on what the school district currently had).</td>
<td>37.3</td>
<td>70.1</td>
</tr>
<tr>
<td>Question</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------</td>
<td>-----</td>
</tr>
<tr>
<td>14. A specific date was set for reviewing my child's progress under this IEP.</td>
<td>44.9</td>
<td>40.0</td>
</tr>
<tr>
<td>15. The method of checking my child's progress in the IEP included:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. How it would be checked</td>
<td>45.8</td>
<td>32.1</td>
</tr>
<tr>
<td>B. When it would be checked</td>
<td>42.8</td>
<td>34.5</td>
</tr>
<tr>
<td>C. Who would be responsible for making sure it's done</td>
<td>43.9</td>
<td>31.5</td>
</tr>
<tr>
<td>16. Some regular class placements for my child were considered during the IEP meeting.</td>
<td>45.7</td>
<td>33.7</td>
</tr>
<tr>
<td>17. Every attempt was made by educators to provide services for as much time as possible in a regular classroom.</td>
<td>29.3</td>
<td>27.5</td>
</tr>
<tr>
<td>18. A completed copy of the IEP was:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Made available to me to look at</td>
<td>66.4</td>
<td>7.3</td>
</tr>
<tr>
<td>B. Made available to me to keep</td>
<td>58.3</td>
<td>20.2</td>
</tr>
<tr>
<td>19. The IEP for my child was completed before the meeting with me.</td>
<td>51.9</td>
<td>28.6</td>
</tr>
<tr>
<td>20. Educators presented information during the IEP meeting in understandable language.</td>
<td>79.9</td>
<td>7.1</td>
</tr>
<tr>
<td>21. I was given the opportunity to ask questions about points I didn't understand regarding the IEP.</td>
<td>82.4</td>
<td>4.4</td>
</tr>
<tr>
<td>22. I was encouraged to contribute significant information to my child's IEP</td>
<td>69.8</td>
<td>16.2</td>
</tr>
<tr>
<td>23. The IEP that was developed seemed to fit my child's needs.</td>
<td>70.2</td>
<td>14.0</td>
</tr>
<tr>
<td>24. Educators provided information that helped me understand the IEP process</td>
<td>63.0</td>
<td>22.7</td>
</tr>
</tbody>
</table>
Table 7 (continued)

<table>
<thead>
<tr>
<th>Questions</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>25. I felt like a fully participating member with the educators during the planning of the IEP.</td>
<td>59.4</td>
<td>26.0</td>
</tr>
<tr>
<td>26. The school which my child attends has a program for preparing parents to participate in the IEP process.</td>
<td>26.2</td>
<td>51.2</td>
</tr>
<tr>
<td>27. I refused to consent to the IEP.</td>
<td>5.2</td>
<td>78.5</td>
</tr>
<tr>
<td>28. I was given specific information on how to appeal the program assignment decisions in the IEP.</td>
<td>34.0</td>
<td>45.8</td>
</tr>
<tr>
<td>29. I was asked to assume costs connected to services in my child's IEP.</td>
<td>5.2</td>
<td>79.9</td>
</tr>
<tr>
<td>30. I am hopeful that the IEP for my child will improve next year.</td>
<td>64.0</td>
<td>11.0</td>
</tr>
</tbody>
</table>
The descriptive statistics of this study alone can be presented in several different ways. However, it appears most useful to view the earlier rankings in Tables 2 through 6, the total tabulation of yes or no responses with the nonresponse category, explain the remaining percentage, (Table 7) and then to view the following rankings of Tables 8 and 9.

It appears from the information presented so far that most of the overt, tangible requirements of the law have been met. These requirements included presence of parent, specific information required in the IEP, and few attempts to get parents to assume certain costs. See Tables 8 and 9 below. Later statistical analysis of the data will support this early indication.

Ranking of Individual Questions (Positive) - Table 8

<table>
<thead>
<tr>
<th>Highest Favorable Responses</th>
<th>(75.%+)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parent or Guardian present</td>
<td>(83.2%)</td>
</tr>
<tr>
<td>Statement of Annual Goals</td>
<td>(76.1%)</td>
</tr>
<tr>
<td>Present levels of child's performance</td>
<td>(75.7%)</td>
</tr>
<tr>
<td>Place for parents suggestions</td>
<td>(77.1%)</td>
</tr>
<tr>
<td>IEP is in understandable language</td>
<td>(79.7%)</td>
</tr>
<tr>
<td>Parents had opportunity to ask questions</td>
<td>(82.4%)</td>
</tr>
<tr>
<td>Few refused to sign IEP</td>
<td>(78.5%)</td>
</tr>
<tr>
<td>There were minimal attempts to get parents to assume costs</td>
<td>(79.9%)</td>
</tr>
</tbody>
</table>
Ranking of Individual Questions (Negative) - Table 9

<table>
<thead>
<tr>
<th>Highest Unfavorable Responses</th>
<th>(25%+)</th>
</tr>
</thead>
<tbody>
<tr>
<td>IEP was completed before the meeting</td>
<td>(51.9%)</td>
</tr>
<tr>
<td>Lack of programs to prepare parents</td>
<td>(51.2%)</td>
</tr>
<tr>
<td>Lack of information given on appeal</td>
<td>(45.8%)</td>
</tr>
<tr>
<td>Annual goals do not meet child's needs</td>
<td>(44.9%)</td>
</tr>
<tr>
<td>No data for duration of services</td>
<td>(43.8%)</td>
</tr>
<tr>
<td>&quot;Other&quot; personnel (besides parents, teachers, school representative, and child were not usually present)</td>
<td>(38.7%)</td>
</tr>
</tbody>
</table>

Evaluation process in IEP was unfavorable in following areas:
- date for review (40.0%)
- this checked (34.5%)
- how checked (32.1%)
- who's responsible for each (31.5%)

Services are by availability rather than needs (37.3%)

Consideration of regular classroom placement was unfavorable (37.7%)

A more specific analysis of the above data can be looked at through the results of a contingency table analysis of crosstabulation of the data. A crosstabulation provides a joint frequency distribution of cases according to two or more classifying variables and is one of the most commonly used analytic methods in the social sciences (Statistical Package for the Social Sciences, 1975). Later, the results of specified crosstabulations will be analyzed by a chi-square test of statistical significance to determine
whether or not key variables are statistically dependent. Early face value of general crosstabulations are summarized below in tables 10, 11 and 12.

Crosstabulation of Favorable/Unfavorable Responses in the Questions Dealing with Parent Attitudes - Table 10

<table>
<thead>
<tr>
<th>By school district population:</th>
<th>5,000 or more</th>
<th>Under 5,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest Favorable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lowest Favorable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Types of Handicaps:

<table>
<thead>
<tr>
<th>Highest favorable</th>
<th>LD/Bd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lowest Favorable</td>
<td>Autistic</td>
</tr>
</tbody>
</table>

Type of school district

<table>
<thead>
<tr>
<th>Highest Favorable</th>
<th>public</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lowest Favorable</td>
<td>parochial</td>
</tr>
</tbody>
</table>
### Crosstabulation of Favorable/Unfavorable Responses in the Questions Dealing with Appropriateness of IEP Content - Table 11

<table>
<thead>
<tr>
<th>By school district population:</th>
<th>5,000 or more</th>
<th>Under 5,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest Favorable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lowest Favorable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of handicaps:</th>
<th>LD/BD</th>
<th>Autistic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest Favorable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lowest Favorable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of school district:</th>
<th>public</th>
<th>parochial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest Favorable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lowest Favorable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

### Crosstabulation of Favorable/Unfavorable Responses in the Questions Dealing with the IEP Procedures - Table 12

<table>
<thead>
<tr>
<th>By school district population:</th>
<th>5,000 or more</th>
<th>Under 5,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest Favorable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lowest Favorable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Handicaps:</th>
<th>LD/BD</th>
<th>Autistic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest Favorable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lowest Favorable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of school district:</th>
<th>public</th>
<th>parochial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest Favorable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lowest Favorable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Research Questions and Results

With that overview of the general results of the study, the earlier research questions must now be addressed. The following questions are presented with a description of the results of data analysis.

Question one asked if consumers and participants in the IEP process generally report positive experiences regarding their overall experience in the process. The specific questions used for this analysis were:

I was given the opportunity to ask questions about points I didn't understand regarding the IEP.

I was encouraged to contribute significant information to my child's IEP.

The IEP that was developed seemed to fit my child's needs.

Educators provided information that helped me understand the IEP process.

Educators presented information during the IEP meeting in understandable language.

Statistical analysis of the above questions used a nonparametric chi-square test. A nonparametric test is used primarily due to the assumption free value of a nonparametric test. The sample in its two groups of yes and no are not assumed to be normally distributed or to have common means or centers. For this reason a nonparametric test is more appropriate. This analysis actually will be testing the hypothesis of: the probability of the responses being primarily
positive or negative better than a fifty/fifty chance happening? If a low probability is encountered the responses can be treated as representing factors other than chance.

Table 13 represents the results of the first research question providing an overall chi-square of 366.8 and a range from 192.8 to 527.8.

### Statistical Range for Individual and Total Questions on Experiences - Table 13

<table>
<thead>
<tr>
<th>Question</th>
<th>df</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Given the opportunity</td>
<td>1</td>
<td>.01</td>
</tr>
<tr>
<td>Encouraged to contribute</td>
<td>1</td>
<td>.01</td>
</tr>
<tr>
<td>IEP fit needs</td>
<td>1</td>
<td>.01</td>
</tr>
<tr>
<td>Educators provided information</td>
<td>1</td>
<td>.01</td>
</tr>
<tr>
<td>Understandable language</td>
<td>1</td>
<td>.01</td>
</tr>
<tr>
<td>Overall</td>
<td>1</td>
<td>.01</td>
</tr>
</tbody>
</table>

Question two asked if parents view the experience in the IEP process in a positive way attitudinally, including their experience with the professionals involved. The specific questions used for this analysis were:

- I felt like a fully participating member with the educators during the planning of the IEP.
- I refused to consent to the IEP.
I am hopeful that the IEP for my child will improve next year.

I felt like a fully participating member with the educators during the planning of the IEP.

Every attempt was made by educators to provide services for as much time as possible in a regular classroom.

A nonparametric chi-square test on these questions resulted in an overall chi-square of 212.1, with 1 degree of freedom. The significance of the chi indicates a level of .01 in reference to the positive results occurring in other than a 50% chance happening.

Individual questions indicated a wide variance. The variance is indicated in the following table 14:

<table>
<thead>
<tr>
<th>Question</th>
<th>df</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Every attempt</td>
<td>1</td>
<td>.0001</td>
</tr>
<tr>
<td>Participating member</td>
<td>1</td>
<td>.01</td>
</tr>
<tr>
<td>Hope for Improvement</td>
<td>1</td>
<td>.01</td>
</tr>
<tr>
<td>Refused to sign</td>
<td>1</td>
<td>.01</td>
</tr>
<tr>
<td>Overall</td>
<td>1</td>
<td>.01</td>
</tr>
</tbody>
</table>
Question three asked if parents report positively that the required content is covered in the IEPs they are involved in developing. The specific questions used for this analysis were:

The IEP for my child contained annual goals, short-term objectives, present levels of performance, percentage of time in the regular class, and date services were to begin.

The IEP clearly stated what specific service(s) my child would be receiving.

The dates for the beginning of services for my child was quite clear.

I know when the IEP services will end for my child.

A specific date was set for reviewing my child's progress under this IEP.

The method of checking my child's progress in the IEP included:

- how it would be checked,
- who would be responsible for making sure it is done, and when it would be checked.

Some regular class placements for my child were considered during the IEP meeting.

The following table 15 provides the results of data analysis with a chi-square range of 138.1 to 249.6.
<table>
<thead>
<tr>
<th>Question</th>
<th>df</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>annual goals</td>
<td>2</td>
<td>.01</td>
</tr>
<tr>
<td>short-term objectives</td>
<td>2</td>
<td>.01</td>
</tr>
<tr>
<td>present levels performance</td>
<td>2</td>
<td>.01</td>
</tr>
<tr>
<td>% of time in regular class</td>
<td>2</td>
<td>.01</td>
</tr>
<tr>
<td>date services begin</td>
<td>2</td>
<td>.01</td>
</tr>
<tr>
<td>what services</td>
<td>2</td>
<td>.01</td>
</tr>
<tr>
<td>dates for beginning</td>
<td>2</td>
<td>.01</td>
</tr>
<tr>
<td>when will end</td>
<td>2</td>
<td>.01</td>
</tr>
<tr>
<td>date for review</td>
<td>2</td>
<td>.00001</td>
</tr>
<tr>
<td>who reviews</td>
<td>2</td>
<td>.01</td>
</tr>
<tr>
<td>how reviewed</td>
<td>2</td>
<td>.01</td>
</tr>
<tr>
<td>regular class placements</td>
<td>2</td>
<td>.01</td>
</tr>
<tr>
<td>Overall</td>
<td>2</td>
<td>.01</td>
</tr>
</tbody>
</table>
Question four asked if parents reported that the professionals are following the required procedures in implementing the IEP process. The specific questions used for this analysis were:

The following were present at the meeting:

- my child
- child's teacher
- school representative (other than the child's teacher)
- parent or guardian
- other

Educators informed me of how the IEP was to be developed and what would be in it.

The IEP meeting was held within 30 days following evaluation of my child.

The IEP for my child was completed before the meeting with me.

I was encouraged to contribute significant information to my child's IEP process.

I was given specific information on how to appeal the program assignment decisions in the IEP.

I was asked to assume costs connected to services in my child's IEP.

The results of statistical analysis of this question is presented in the following Table 16.
Statistical Range for Individual and Total Questions on Procedures - Table 16.

<table>
<thead>
<tr>
<th>Question</th>
<th>df</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>child present</td>
<td>2</td>
<td>.01 (negative)</td>
</tr>
<tr>
<td>child's teacher</td>
<td>2</td>
<td>.01 (positive)</td>
</tr>
<tr>
<td>school representative</td>
<td>2</td>
<td>.01 (positive)</td>
</tr>
<tr>
<td>parent or guardian</td>
<td>2</td>
<td>.01 (positive)</td>
</tr>
<tr>
<td>other</td>
<td>2</td>
<td>.01 (negative)</td>
</tr>
<tr>
<td>how and what</td>
<td>2</td>
<td>.01 (positive)</td>
</tr>
<tr>
<td>within 30 days</td>
<td>2</td>
<td>.01 (positive)</td>
</tr>
<tr>
<td>completed before</td>
<td>2</td>
<td>.0001 (negative)</td>
</tr>
<tr>
<td>encouraged to contribute</td>
<td>2</td>
<td>.01 (positive)</td>
</tr>
<tr>
<td>information on appeal</td>
<td>2</td>
<td>.0001 (negative)</td>
</tr>
<tr>
<td>asked to assume costs</td>
<td>2</td>
<td>.01 (positive)</td>
</tr>
</tbody>
</table>
The range of positive chi-square results in the above table was 231.8 to 871.6, all significant at the .01 level. The range of negative chi-square results was 51.6 to 231.1, significant from .0001 to .01. Due to the mixture of positive and negative probabilities no overall calculation would be useful.

Question five asks if parent attitudes of the IEP process are mostly negative or mostly positive and are there any indicators in the demographic data which would appear to be a major contributing factor. The following table 17 will display overt positive and negative responses for questions determined to deal with attitude only, and then a crosstabulation with a parametric chi-square analysis to determine if there was in fact a significant dependent variable.

**Contributing Factors to Positive/Negative Attitudes - Table 17.**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Significant Variable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Every attempt</td>
<td>49.3</td>
<td>27.5</td>
<td>no significant variable</td>
</tr>
<tr>
<td>Participating member</td>
<td>59.4</td>
<td>26.0</td>
<td>+.0001 for public schs (type) no significant negative</td>
</tr>
<tr>
<td>Hope for improvement</td>
<td>64.0</td>
<td>11.0</td>
<td>+.0074 for public schs (type) no significant negative</td>
</tr>
<tr>
<td>*Refused to sign</td>
<td>5.2</td>
<td>78.5</td>
<td>+.0001 for size for districts with greater than 25,000</td>
</tr>
</tbody>
</table>

*1 is recoded as 2 for a positive response.
Question six asks does the information reflect more positive results for size of district, sex of child, handicapping condition or financial support type based on overall responses. Table 18 displays the fact that the positive results on the overall survey were not significantly effected by any of the four variables.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>.52</td>
</tr>
<tr>
<td>Sex</td>
<td>.36</td>
</tr>
<tr>
<td>Handicap</td>
<td>.15</td>
</tr>
<tr>
<td>Type</td>
<td>.11</td>
</tr>
</tbody>
</table>

Significance Levels of Variables
Possibly Effecting the Survey Results - Table 18.

Question seven asks how the results in this status survey are reflected in policy decisions for the time of the survey through 1983 and what directions are implicated for IEPs developed in the future. This information has been formulated and is provided in the following Chapter as a lead into the conclusions this investigator draws from all results tabulated.

The overall results presented in this chapter have shown that the most significant findings are within the probability of certain questions occurring with other than a fifty/fifty chance.
For the research question dealing with parent comments regarding their experiences there is a significant probability that the positive results were not by chance. Overall, the cluster of survey questions used are positive.

The research question regarding general attitudes of parents involved in the development of their child's IEP were likewise significant positively discarding the possibility that positive responses were a result of chance. Additionally, parent responses indicated that for the most part the required content of the IEP as analyzed by research question three was appropriately included.

In research question four selected procedural survey questions were analyzed. This appears to be the one area of the process which may not be occurring as consistently or appropriately as others. The overall cluster did not lend significant results. Individual questions indicated significant negative responses for child and others present. This is not unusual; however, significant findings of completing the IEP prior to the meeting and not providing appeal information are of concern.

Final conclusions of this information and recommendations for future action are discussed in the following chapter.
Chapter V.

UPDATED CHRONOLOGY OF EVENTS AND CONCLUSION

A Chronological Analysis of Events Following This Study

The results of this study have provided a status of the IEP and its provisions for the first full year of its implementation. The results which have been presented have indicated both strengths and weaknesses in the process. All of the information has been generated by the consumer, who played a major role in the development of P.L. 94-142 and who will also be the primary impetus for any change.

The following section will provide a chronology of events which have occurred since the 1978-79 school year. This update will be presented yearly and include judicial decisions, state agency decisions, and any major activities at the federal level which have impacted the provisions of the IEP process.

The primary source of information which will be used to detail such a chronology is the Education for the Handicapped Law Report. The chronology will begin with the 1979-80 school year. By viewing the evolution of IEP development this way it may be possible to: 1) view the results of the IEP status study as early indicators of upcoming change; and 2) to predict future trends or major decisions which might further alter the IEP.
Highlights of the 1979-80 School Year Judicial Decisions

Lora v. Board of Education of City of New York: A consent order was entered in a class action suit regarding New York City special day schools for emotionally disturbed students. It was alleged that these students who exhibited severe acting out and aggressive behaviors in school were beginning to create racially segregated schools in violation of due process and equal protection amendments. The IEP was to be used to specify remedial action.

Mattie T. v. Holladay: A consent order was entered regarding violation of EHA - Part B section, requiring state departments of education to develop interagency agreements with other state agencies which are involved in the care of handicapped children. The order specified that for students placed residually in an institution the IEP is to indicate: date of initial placement in the institution; the reason for the placement; steps to be taken by the institution to obtain a permanent noninstitutional residence and educational program for the child if appropriate; and the projected date of such a placement as one of the IEP goals. This class action suit had also dealt with the state of Mississippi's need to follow procedural safeguards as well.

Battle v. Commonwealth of Pennsylvania: It was decided that a state policy of refusing to provide more than 180 days of education is incompatible with the law's emphasis on individual
needs. The rule was determined to be imposing a rigid program restriction which may be totally inappropriate to the child's educational objectives.

**Armstrong v. Kline:** This case was heard on remand from the U.S. Court of Appeals for the Third Circuit. It dealt with the state of Pennsylvania's policy prior to June of 1979 of refusing to fund education to handicapped children, as well as nonhandicapped, in excess of 180 days. The class action suit on behalf of five parents and their children had been supported in the lower court also, yet for different reasons. It was found that Pennsylvania's policy was violating the Act's requirements to individually formulate an IEP, based on the unique needs of each individual. The state was ordered to implement such formulation and abandon any policy limiting the school year. The court actually established guidelines for determining students in need of a twelve month school year. These were ordered to be applied at the time of the annual IEP review.

**Brown v. D.C. Board of Education:** It was decided that even though a change in the location of a class for a deaf-blind child required changing the IEP to incorporate additional support services, parents could request a hearing to challenge content of the IEP and are entitled to review by an impartial hearing officer within 45 days. This was due to the fact that the district did not involve the parents, thinking they were not changing educational placement.
Rowley v. The Board of Education of the Hendrick Hudson Central School District: Evidence provided before the district court which included audiological records, academic test scores, classroom observations, and witnesses' testimony indicated that a hearing impaired child understands considerably less of what goes on in class due to her hearing problem. The court found that the Education for the Handicapped Act and case laws require that the child be provided with an interpreter and specified on the IEP. This was preceded by a lower court decision. The appeal was based on the difference between most appropriate and appropriate as intent of P.L. 94-142.

S-1 v. Turlington: A due process hearing was refused for a request to determine whether evaluation has been done and IEP activities are justified when the LEA contends that both have occurred. Further, the LEA showed that one student had withdrawn from school and parents of the other students had reviewed and consented to IEPs. The plaintiffs involved seven EMR children who were expelled from high school. The district felt that since the students were not disturbed the behaviors did not relate to their handicap. Expulsion was determined to be ceasing services. It was decided rather that it constituted a change in placement, requiring due process procedures and a change in the IEP.
State Education Agency Decisions

California (1979): Whenever the duration of special services will be more or less than the regular school year it must be specified on the IEP. However, length of school day does not need to be stipulated unless the child is unable to function for a minimum school day.

Pennsylvania (1979): The hearing officer's finding that the IEP would need modifications does not mean that the program is inappropriate.

Massachusetts (1979): Even though a Saturday recreational program is beneficial to an autistic child, it was not considered essential for provision of an appropriate program and therefore, not a part of the IEP.

Connecticut (1979): The district was found to be improperly offering placement for an upcoming school year without an IEP. They had been asking parents to make a decision knowing nothing about the program.

Ohio (1979): The procedural safeguards require that following an evaluation there is a process for a placement decision and development of an IEP. A district did appropriately evaluate a student but did not notify the parents of their intent to change placement or develop an IEP. Therefore, the SEA found the new placement was inappropriate.

Florida (1979): State and federal laws do not require a district to write the location of services on the IEP.
Massachusetts (1979): Services must be included in the educational program which are not just beneficial but essential to the child's progress toward IEP goals.

New York (1979): School districts do not have to pay for all services included on the IEP. The services may also be paid for by other agencies. However, the school district is ultimately responsible for cost those agencies do not pick up; in no instance will the parents be asked to assume costs.

Nebraska (1979): Since the state law required the IEP to be in effect at the beginning of the school year, the district may not require a child to be enrolled before the IEP is developed.

Highlights of the 1980-81 school year

Judicial decisions

Pratt v. Board of Education of Frederick County: In considering disciplinary procedures, the district could go beyond their policies and procedures handbook, and stipulate guiding provisions in the IEP which would specifically apply to one emotionally disturbed child. The district handbook would still apply as well.

Georgia Association for Retarded Citizens v. McDaniels et al: When SEA or LEA policies prohibit providing educational services beyond 180 days for mentally retarded children, even when individually considered, it is a violation of the Education for the Handicapped Act and Section 504 of the Rehabilitation Act. Such a policy limits individualized consideration. However, the
plaintiffs were unable to show that the extended school year was in fact necessary so the state and local defendants would need to reconsider their findings in light of this decision.

State Education Agency Decisions

California (1980): The district had developed an IEP following a child's suspension which indicated need for a placement to deal with learning disabilities and emotional disturbance. Emotional disturbance had not earlier been identified in previous years. The parents disagreed and the district initiated a hearing. The IEP was found to be appropriate in its development and consideration of the parents requested independent evaluation results. The district had proposed a private school placement. This was upheld yet since state law did not allow for the district to override the parent the district could offer placement in a regular program if parents did not agree to the IEP.

California (1980): The IEP developed for an orthopedically handicapped child in 1979 violated EHA since parents were not invited to participate in its development. In 1980 (6 months later) a new IEP did include the parents but was found to be inadequate due to the lack of short-term goals, objective criteria, and procedures for evaluation. It was determined that the two IEPs, when used together, compensated for the shortcomings in each.
Massachusetts (1980): Parents of a learning disabled child had decided to postpone agreement to an IEP until the completion of an independent evaluation. At first the district refused to the independent evaluation but later agreed. Once the evaluation was completed the parents refused the district's IEP, removed the child from public school, and placed her in a private school. The district developed an IEP which they contended met the independent evaluation findings. The hearing officer was to decide if the IEP developed by the schools for their public junior high was appropriate over the private school placement. The parents contended the school IEP was inappropriate since they had not been included in its development. In the final decision the district was found at fault for excluding the parents, not sharing information with them, or developing an IEP in a timely manner, and at fault for originally disallowing an independent evaluation. Further, the district was ordered to pay for the private program which was appropriate, transportation, and for the provision of psychotherapy which was said to be tied to the child's progress in school.

New York (1980): A hearing officer had upheld a public school placement for an emotionally handicapped child. The parents appealed indicating that the child had regressed in the two years he had been in the public program and he needed a more structured setting. After lengthy debate as to whether or not the decision could be appealed, appeal was finally granted based
on the determination that the IEP had failed to specify performance levels for related services, long and short-term goals for academic and behavioral areas, and the earlier decision that the student was untestable. The final decision held that testing and proper IEP development must be done.

**Pennsylvania (1980):** The parent and school district went to hearing over the dispute of the EMR or LD program as appropriate. The parents' independent evaluation data did not hold up to the requirements for LD placement. An expert witness for the parents tried to further dispute the district's recommended placement based on the contention that the IEP did not describe the "most appropriate" program. The finding was that districts are to provide an appropriate program, not the most appropriate.

**California (1980):** It had been disputed as to whether or not the district was considering a proper IEP at a hearing. It was determined that since the district had convened an IEP meeting following an independent evaluation, they were acknowledging the original IEP to be inappropriate.

**Vermont (1980):** A district's procedure of requiring state board approval for funding of services not available to be included on the IEP was found to be in violation of federal law. The district must either include all services during the IEP meeting or request a due process hearing.

**California (1981):** The student had attended a private school for one year at the district's cost. The district decided they could provide an appropriate program in the public setting. The
parents disagreed. It was primarily determined that the LEA had not met the burden of proof that it was capable of meeting a student's IEP. This was due to the limited presentation on class size, teacher credentials, and school size. The student was allowed to stay in the private placement.

Ohio (1981): It was determined that a student with "total communication" specified on the IEP was being instructed by a teacher with only a rudimentary level of signing skills, and therefore was unable to provide adequate instruction. The district was ordered to provide a teacher who could instruct the student thoroughly through use of signing.

New York (1981): Initially, it was found that the district had prepared an IEP for a multiply handicapped child which did not provide for any educational program or related services due to severity of handicap. The parent wanted the above to include feeding therapy. The local hearing officer had agreed and the district appealed. The SEA decision disregarded the feeding therapy item sending redevelopment of the IEP back to the district. It was found since the IEP did not contain an educational program, it could not contain related services.

Massachusetts (1981): Parents had requested their fourteen-year-old LD child be placed in a private school due to his five year academic lag even though he had been in special education since 1977. It was first found that the child was not receiving the services indicated on the IEP; the IEP was inappropriate
since it had most recently been done without parent input; and
the proposed IEP was inappropriately proposing vocational pro-
gramming when academic needs had not been met. The parents were
granted private school placement at district expense.

Georgia (1981): A hearing officer's decision was overruled
since it was based on an invalid IEP. The IEP had initially
been developed without parent input and rejected by the parents.
Later the district indicated the child was not handicapped. The
case was sent back to the LEA for the purpose of developing an
IEP and proposing a placement consistent with the child's needs.

Other Activities at either State or Federal Levels

The Office of Special Education had formulated recommendation to
Secretary Shirley Hufstedler indicating a need to develop a policy
statement for the federal regulations which would address the issue
of mental health services, and also to interpret such a policy.

The original proposal would have incorporated psychotherapy and
psychoanalysis when such services were needed for a handicapped child
to benefit from special education. This determination, however,
would be contingent on the results of the evaluation and whether such
services were "counseling" or "psychological" services.

The above policies were not issued but announced to be in a
redraft stage with an unannounced date for submission.

Also, in October of 1980 a Final Report to the Secretary of the
Task Force on Equal Educational Opportunity for Handicapped Children
was published. This report was in response to recommendations made earlier. The primary content of this report dealt with a newly created supportive relationship between the Office of Special Education (OSE) and the Office of Civil Rights (OCR). The departments would now provide better leadership and guidance in their monitoring of P.L. 94-142 and Section 504.

The report summarized earlier criticisms of the two offices and determined four areas which needed further consideration by the Department of Education: data collection issues, enforcement issues, policy development issues, and technical assistance issues. Recommendations dealing with these areas were the basis for development of a memorandum of understanding between the two divisions of the department, covering matters relating to the rights of handicapped children.

A specific response and recommendation dealt with IEPs. A recommendation specifying the need for formal guidance in a number of key policy areas provided the initiative to develop a paper to address questions regarding details of the IEP process. The draft paper will be discussed in this text later with a comparison of the final paper issued in 1981.

At this time various written policies were being proposed and drafted regarding psychotherapy, catheterization, insurance, suspension and expulsion, surrogate parents, impartiality of administrative reviews, out-of-state placements, nondiscriminatory evaluation, placement in the least restrictive environment, enrollment in private school, and extended school year. It has been seen that many of these issues were being dealt with in the courts.
Also during this year, the Office of Special Education and Rehabilitative Services issued a briefing paper on the initial review of regulations. The purpose was to discuss the proposed areas of the P.L. 94-142 regulations targeted for deregulation.

Specifically regarding the Individualized Education Program, the paper reviews the portions of the regulations that go beyond what the statute requires. These sections were indicated to be of concern due to public comment regarding: 1) size of the IEP meeting; 2) number of authorized participants; 3) length and format of IEPs; 4) legal statutes and IEPs; and 5) minimal requirement for IEPs. It was reported that in many instances LEAs required things in excess of the federal requirements. They were later issued as a draft in August of 1982 along with other major proposed changes in the regulations.

Proposed changes dealt with definitions, state plans, local education agency applications, nonsupplanting, state advisory panels, SEA responsibility, reports, free appropriate public education, extended school year, suspension and expulsion, out-of-state placements, IEPs, services to private schools, personnel development, due process procedures, prior notice, evaluation, LRE, and confidentiality. In reference to IEPs, it was proposed that only statutory requirements would be in the regulations. Earlier interpretive IEP provisions would be modified to reflect this. Such a change would provide regulations which would ensure parent participation.
Probably the most definitive set of statements issued by the federal government, the Policy Paper on IEPs represents an attempt by the Office of Special Education to clarify the regulations. The process of issuing this information began with a draft paper disseminated on November 5, 1979. Comments were analyzed and a final draft was issued as Department of Administrative Services (DAS) Bulletin #64. This draft contained a cover letter from Gary McDaniels, then Director of the Division of Assistance to States.

The purpose of this policy paper was indicated as an effort to clarify what IEP requirements must be met for minimum compliance. The format included a restatement of the federal requirement, and an implementation question and answer. Many of the answers provide a framework of guidelines which might be used by agencies.

The policy paper additionally defines the purpose of the IEP requirements below. These go beyond earlier discussions presented, which had been proposed by the earlier authors of P.L. 94-142. The following purposes and functions are taken from DAS Bulletin #64 (May 23, 1980; Department of Health, Education and Welfare, Office of Education; p. 3):

1. The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them, as equal participants, to jointly decide upon what the child's needs are, what will be provided, and what the anticipated outcomes may be.
2. The IEP itself serves as the focal point for resolving any differences between the parents and the school; first through the meeting and second, if necessary, through the procedural protections that are available to the parents.

3. The IEP sets forth in writing a commitment of resources necessary to enable a handicapped child to receive needed special education and related services.

4. The IEP is a management tool that is used to insure that each handicapped child is provided special education and related services appropriate to his/her special learning needs.

5. The IEP is a compliance/monitoring document which may be used by monitoring personnel from each governmental level to determine whether a handicapped child is actually receiving the free appropriate public education agreed to by the parents and the school.

6. The IEP serves as an evaluation device for use in determining the extent of the child's progress toward meeting the projected outcomes. (NOTE: The law does not require that teachers or other school personnel be held accountable if a handicapped child does not achieve the goals and objectives set forth in his/her IEP. See 121a.349).

These six purposes remained intact when the IEP policy paper was printed as amendments to the federal regulations. On February 6, 1981, a modified version of the IEP questions and answers was printed in the federal register for implementation.
The following section will compare the draft information with the final regulatory statements. The questions will be restated exactly as they appeared in the DAS Bulletin and the regulation. The response will be summarized. If the response is different for the regulation the information will appear opposite the draft response. These questions and answers were received by most as very helpful but by others as controversial. It is interesting to see if they were published as regulations in or near their original form.
May 23, 1980, DAS Information Bulletin #64

1) Who is responsible for writing IEPs for a handicapped child served by a public agency other than the SEA or LEA? The answer varies for different States depending on the law, policy, or practice. The SEA is ultimately responsible for having all agencies as well as LEAs serve handicapped children appropriately. The following define some of the SEA and/or LEA responsibilities which must cover educational and noneducational placements:

1. Under each interagency agreement the state must pinpoint who writes and implements the IEP when an LEA is placing a child with another state agency, when a state agency places residually, when parents place in public institutions, and when courts or correctional agencies place a child. Since more than one

EHA Section 1401(19), Supplement 41 February 6, 1981

1) "writing" to "ensuring the development" Same response. Clarifies Regulation 300.341.
agency may be involved, each one's role should be defined to avoid delays in providing an appropriate program. This covers the specification of both who is to provide the program, and who is to pay for it. All provisions of the law must be followed for LRE including at least annual reviews and placements based on the IEP, as close as possible to the child's home;

b) LEA initiated placements require the LEA to write the IEP even if it is for a state program. State law determines who reviews although it is usually a joint activity. However, there must be a clear decision made as to the responsibility for the child's education.
2) Who is responsible for writing IEPs for a handicapped child placed out of State by a public agency? The "placing" state is responsible for writing the IEP, insuring implementation and identifying the agency to be responsible for these activities (dependent on State law, policy, or priority). A contractual agreement between states would delineate the receiving states' responsibilities. The question addresses Section 121a.341. of SEA Responsibility.

2.1) In requiring that an IEP must be in effect before special education and related services are provided, what does "be in effect" mean? It means the IEP is developed at a meeting with all required participants, at least yearly, determined to be

2) For a child placed out of state by a public agency, is he placing or receiving State responsible for the child's IEP?

Same response

Clarifies Regulation 300.341.

3) Same question

Same response

Clarifies Regulation 300.342.
appropriate for the child's needs, projected outcomes and services, and to be implemented as written.

The question addresses Section 121a.342.

2.2 How much of a delay is permissible between the time a child's IEP is written and when special education is provided? Generally, none. It is to be implemented immediately with the only delays being summer or spring breaks, transportation arrangements, etc., otherwise within a few days of the meeting.

2.3 For a handicapped child entering special education for the first time, when must an IEP be written -- before placement or after placement? The IEP must be in effect before the program and related services are provided. Since

4) Same Question
Same response
Regulation 300.342.

5) "entering" to "receiving"
"written" to "developed"
Essentially the same response.
Clarifies Regulation 300.342(b)(i).
The program is implemented based on the IEP, the IEP must be in place. However, there is an allowance for a temporary placement provided the following occur:

1) an interim IEP spelling out timelines and conditions of the trail placement;
2) parent agreement and continuous involvement;
3) an expected timeline of within a 30 day time period for finalizing judgement of the appropriate placement;
4) a meeting to finalize the IEP at the end of the trial period.

It is noted detailed lesson plans and objectives may be developed based on the IEP for the final placement but are not required as part of the IEP.

4) If a handicapped child has been receiving special education in one LEA and moves to another community, must the new LEA

6. Same question. It is not necessary to develop a new IEP if the current IEP is available; and the parents and new LEA agree
hold an IEP meeting before the child is placed in a special education program? Yes. By reviewing the child's former school records and IEP, a new one should be finalized within approximately a week of enrollment. The earlier response regarding an interim IEP could also be applicable. The question addresses Section 121a.343 meetings.

4.1 Does paragraph (c) of Section 121a.343 authorize a public agency to delay the development of a handicapped child's IEP for a period of up to 30 days following placement? No, that timeline is in place to insure a maximum amount of time between evaluation and actual provision of special education. Once a child is determined to be eligible for special education the IEP is appropriate and can be implemented as is. If the IEP is not available or either party feels the IEP is not appropriate, the IEP is to be revised in approximately a week. If additional information or evaluation is needed the concept of a temporary IEP may be used. Clarifies Regulation 300.343.

7. What is the purpose of the 30 day timeline in Regulation 300.343(c)? Essentially, same response.
based on an evaluation, the LEA has up to 30 days to complete the IEP. Services then are to begin immediately.

4.2 Must the multidisciplinary team hold a separate meeting to determine a child's eligibility for special education and related services, or can this step be combined with the IEP meetings? This is up to LEA and SEA discretion. If separate, the placement decision is made at the IEP meeting. If combined meeting, then the agencies must have parents participate. If it is determined at a separate meeting that a child is not eligible then the parents must be notified of the decision. It is recommended but not required, that parents be involved in both when separate meetings are held. The question addresses Section 121a.343.

8. Must the agency hold a separate meeting to determine a child's eligibility for special education and related services, or can this step be combined with the IEP meeting? Essentially the same response with the additional terminology of multidisciplinary team or "group of people." Clarifies Regulation 300.343 and 532.
<table>
<thead>
<tr>
<th>4.3 Must IEPs be reviewed or revised at the beginning of each school year? No, but they must be in effect at the beginning of each school year and reviewed in a meeting held at least annually. They may be held at any time during the year, including the end, summer before, or on the anniversary date of the last one.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.4 How frequently must IEP meetings be held? Periodically, but not less than annually. It was intended that as many meetings could be held as would be necessary to meet a child's needs, allowing time for parent notice for participation.</td>
</tr>
<tr>
<td>9. Same question.</td>
</tr>
<tr>
<td>Same response.</td>
</tr>
<tr>
<td>Clarifies Regulation 300.343</td>
</tr>
<tr>
<td>10. How frequently must IEP meetings be held and how long should they be? Same response as to draft question with added statement. There is no prescribed length of time for an IEP meeting. Initial placements usually take longer, as well as those with various types of services. Shorter meetings usually occur for the opposite.</td>
</tr>
</tbody>
</table>
4.5 Can IEP meetings be initiated at the request of the parents? Yes.

4.6 Can IEP meetings be initiated at the request of the child's special education teacher? Teachers are the main implementers of a child's program. If they feel the child is not progressing or the program is not appropriate they should follow the agency's procedures or have the agency call a meeting to review the IEP.

No Question.

11. Who can initiate an IEP meeting? IEP meetings are held at the discretion of the public agency. However, if the parent feels the program is not going well they may request an IEP meeting. The agency should grant reasonable requests. If a child's teacher feels there is a need for an IEP meeting, they should follow the agency's procedures in calling one or request the agency to hold one.

12. May IEP meetings be tape-recorded? This is not addressed in the Act or regulations. It is permissible at the option of either the parents or agency. If, however, it is kept by the agency it becomes an educational record and is subject to confidentiality requirements of the
5.1 Who can serve as the "agency representative" at an IEP meeting? It can be any member of the school's staff who is qualified to provide or supervise specially designed instruction, excluding the child's teacher. This would include special education teachers, speech therapists, administrators and principals or other administrators qualified to provide or supervise special education. This is left to the agency, state or school considering: whatever is agreed upon will be delivered and not vetoed at a higher level; for those mildly handicapped students needing few resources a special

13. Who can serve as the "representative of the public agency" at an IEP meeting? Same response. Clarifies Regulation 300.344.
5.2 Who is the "agency representative" for a handicapped child who is served by a public agency other than the SEA or LEA? This would be up to state policy and procedures as well as who is responsible for placing, paying for and providing the child's education. An example is provided. The question addresses Section 121a.344 as do the next twelve.

| 14. Who is the "representative of the public agency" if a handicapped child is served by a public agency other than the SEA or LEA? | Essentially same response. Clarifies Regulation 300.344. |
5.3 For a handicapped child being considered for initial placement in special education, what teacher should attend the IEP meeting? This would be either the child's regular teacher or a special education teacher in the area of suspected disability. Regardless, there needs to be someone in the meeting either qualified to provide or supervise special education. Sometime additional meetings are needed. It is helpful to have the expected receiving teacher present if possible. If not, he or she should receive a copy as soon as possible of the meeting and before they receive the child.

15. Same question
Same answer with addition of "it may be both."
5.4 If a handicapped child is enrolled in both regular and special education classes, which teacher should attend the IEP meeting? The special education teacher, even though the regular education teacher may also attend at the option of parent or agency. The IEP or its contents should be shared with the regular teacher and the special education teacher should act as a resource.

5.5 If a handicapped child in high school attends several regular classes, should all of the child's regular teachers attend the IEP meeting? This is decided by the SEA or LEA considering the following: a) the number of people should be small allowing for more parent involvement, cost effectiveness, ease of arranging and conducting

16. Same question
Same response.

No. Only one teacher must attend however, it may be more at the discretion of parent or agency. The same considerations are explained excluding all references to the special education teacher acting as a resource.
and more productivity; b) under certain circumstances a larger meeting might be warranted and could then at agency and parent discretion, include all regular teachers as "other participants;" and c) even though the regular teachers may not attend they should be informed about the contents of the IEP or receive a copy and consultation from a special teacher.

5.6 If a child's primary handicap is a speech impairment, must the child's regular teacher attend the IEP meeting? No. A person qualified as a speech pathologist must attend the meeting and they would usually act as the child's teacher. The regular teacher is optional.

5.7 If a child is enrolled in a special education class because of a primary handicap and also receives speech and language pathology services should both

18. Same question.
No. A speech pathologist would usually serve as the child's teacher and the regular teacher is optional.

19. Same question.
No, both do not need to attend. The special teacher would attend as the child's teacher, while the speech pathologist may either
specialists attend the meeting? Generally, yes. The special education teacher must attend, however, the speech pathologist may either attend or provide written recommendations for the meeting participants.

5.8 Can representatives of teacher unions attend IEP meetings? No. Under the Federal Education Rights and Privacy Act union officials may not attend when student records are discussed unless they have written consent of parents. However, even when records are not discussed, P.L. 94-142 does not include such persons for the IEP development since they would not be considered as having intense interest in the child. Since union officials would be protecting the interests of teachers rather than children their attendance would be inappropriate.

20. When may representatives of teacher organizations attend IEP meetings? Same response.
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
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<tbody>
<tr>
<td>5.9 When may a handicapped child attend an IEP meeting? Generally,</td>
<td>Whenever the parent decides it is appropriate. Agencies and parents should discuss such participation to determine if participation would be helpful and or beneficial. The agency must include this information in their notice of the meeting.</td>
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<td>5.10 Are the parents precluded from attending IEP meetings when the student reaches the age of majority? No, the parents do still have the right to attend even though the Act does not address students turning the age of majority. When a student at that age chooses to attend their IEP meeting they may, unless declared legally incompetent in which case the parents could decide on the child's participation.</td>
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<tr>
<td>21. Same question.</td>
<td>Same response with an added note: the agency and the parents should encourage the involvement of older children especially at the secondary level.</td>
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<tr>
<td>22. Do the parents of a handicapped child retain the right to attend the IEP meeting when the student reaches the age of majority? The Act does not address this issue and the Department is considering development of guidance under a separate document.</td>
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</table>
5.11 Do related services personnel have a role at the IEP meeting?
Yes, if it is determined a child needs related services to benefit from a special education program, the agency should arrange to have those persons attend the IEP meeting or provide recommendations for services based on evaluation.

5.12 Are agencies required to use a "case manager" in the development of a handicapped child's IEP? No, however some schools have found it helpful to have a special educator or other staff person act as Coordinator or case manager. They might coordinate the multidisciplinary evaluation, collect and summarize evaluation and other data relevant to development of the IEP, communicate with

23. Must related services personnel attend the IEP meeting? No, they are not required to attend. If the child needs related services based on an evaluation the agency should see to it that a qualified service provider either attends the meeting or provides recommendations.

21. Same question.
Same response.
parents and participate in or conduct the IEP meeting.

5.13 For a child with a suspected speech impairment, who represents the evaluation team at the IEP meeting? Usually, a speech pathologist represents the evaluation team and if the child has a speech handicap only, other evaluation members may not be involved. The comment section of the regulations is included which allows the speech pathologists to complete all of the evaluations required for speech identification. All areas may not be assessed unless it is recommended by the speech pathologist.

6.1 What is the role of the parents at the IEP Meeting? The law expects parents to be equal participants in developing and revising their child's IEP. This is to be an active role where parents participate in discussing the child's needs, and

25. Same question. Essentially the same response.

help in the decision of what services the agency will provide. It is noted that the parent may bring an outside person along, familiar with the law, the child or as a specialist who provided an independent evaluation. The question addresses section 121a.345.

6.2 What is the role of a surrogate parent at the IEP meeting? This is a person appointed to represent a handicapped child in the educational decision making process when the child has no parent to do so. The surrogate is offered all of the same rights under P.L. 94-142 as parents.

6.3 Must the public agency let the parents know who will be at the IEP meeting? Yes, and the agency should give the parents names as well as positions of those attending. The appropriateness

27. Same question.

28. Same question.

27. Same response.

28. Essentially the same response.

Clarifies Regulation 300.514.

Clarifies Regulation 330.345.
of the child attending should also be discussed. Parents should also be told of their right to bring along others to the IEP meeting. It is appropriate for the district to know if they intent on bringing someone else.

<table>
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<tr>
<th>6.4 Are parents required to sign IEPs? This is not required by the Act or the regulations. It is considered to be useful and a national survey indicates most IEPs do have parent signatures. Some purposes for this might be: a) to document attendance (especially for monitoring compliances), b) the signature may be used for indication of parent approval, however, they must be told that they may request another meeting at anytime, and c) if the agency representation signs it provides the parents with a signed record.</th>
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<tr>
<td>29. Same question. Same response.</td>
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parents with a signed record of services to be provided.

6.5 If the parents sign the IEP does this indicate consent for initial placement? The signature could indicate consent if a statement is included which meets the definition of Section 121a.500: "the parent has been fully informed of all information relevant for which consent is sought; b) the parent understands and agrees in writing to the activity and the activity is described with a description of records which will be released and to whom; and c) parents understand it is voluntary consent, revokable at anytime. A notation is included here indicating that since this informed consent is similar to prior notice such written notice could be distributed at the IEP meeting.

30. Same question. Same response except for deletion of the notation: clarifies regulation 300. 504(b)(1)(ii).
For questions 31 through 35 of the published addendum, there were no draft policy statements issued.

31. Do parents have the right to a copy of their child's IEP? Yes, the regulations state that on request, the agency shall give the parent a copy. They should be informed of this and receive the copy in a reasonable period of time. Here it is noted that the status study reported in previous chapters is cited in this Policy Interpretation. The note indicates that it was reported by the National Committee for Citizens in Education that of approximately 2,500 parents, 60% reported receiving a copy of the IEP in their 1979 survey.

32. Must parents be informed at the IEP meeting of their right to appeal? If they have been informed of their right to
appeal during prior notice it is not necessary to do so again. The regulations indicate that such written notice is to be provided a reasonable time before the agency initiates or refuses a change in program. Further, this notice must include a full explanation of due process provisions for all procedural safeguards. The IEP meeting is designed for all participants to work together to develop a program. If the parent and agency are unable to reach agreement during the IEP meeting; parents should be reminded of their due process rights. Every effort including mediation should be made to resolve differences. However, mediation or other procedures may not be used in place of or
to deny a parent a due process
hearing. Clarifies Regulation
300.304 and 305.

33. Does the IEP include ways
for parents to check the pro­
gress of their children?
Generally, yes. Through the
joint decision making process
parents are involved in develop­
ment of goals and objectives
for special education and
related services. That record
should be helpful to both
parents and school personnel
in checking the child's pro­
gress. However, since it is
not required that the IEP
cover daily, weekly or monthly
instructional plans the parent
would need to check such spe­
cific ongoing information
through parent-teacher confer­
ences, report cards, and other
agency reporting procedures.
34. Must IEPs include specific "checkpoint intervals" for parents to confer with teachers to revise and update their children's IEP? This is not required, however, the IEP could indicate some specific intermediate review dates if all participants agree this is necessary. The regulation requires a review meeting at least annually, as many meetings a year as the child needs, an agency allowance for any reasonable parent request for an IEP meeting. Clarifies regulation 300.343.

35. If the parents and agency are unable to reach agreement at an IEP meeting, what step should be followed until agreement is reached? Generally, both parties would agree to some type of interim placement
until the disagreement is resolved. If this cannot be agreed upon the last IEP stays in effect until disagreements are resolved. The following might be helpful:
A) Parties may agree to the special education program but disagree over related service(s). It is recommended: 1) the IEP be implemented in all other areas, 2) the document should note areas of agreement, and 3) procedures are developed to resolve the disagreed areas.
B) Parties may agree generally to the program but prefer self contained as opposed to resource room services in the continuum. The agency should: 1) remind the parents of their due process rights, 2) work to develop interim activities, and 3) recommend the use of medication to
### 7.1 What should be included in the statement of the child's present levels of educational performance?

This will differ for each child, depending upon the input of the IEP participants. The following should be considered:

- **Avoid due process formal procedures.**
- **C) If a hearing is initiated, the child's placement may not be changed unless both the parents and agency agree.** Two examples are provided. A notation is provided indicating that if the disagreement is over provision of an already provided related service, it will continue to be provided until the hearing is decided. Clarifies Regulation 300.513.

A) The statement should accurately indicate the effect of the child's handicap on educational performance in academic and nonacademic areas. Labels may not substitute for this information.

B) It should be written in objective measurable term if possible. Test scores might be appropriate, however, they should be self-explanatory if used or include an explanation. Raws score would be insufficient.

C) There should be a direct relationship, between present levels and the goals, objectives, and related services and program described in the IEP. This question addresses Regulation 121a.346.

7.2 Why are goals and objectives required in the IEP? This statutory requirement provides a way of determining if anticipated progress is occurring and

37. Same question
Same response.
and whether the decided placement is appropriate. It is designed for ongoing accountability and protections for handicapped children and their parents. They are not however, to be as specific as daily, weekly or monthly lesson plans.

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<tr>
<th>7.3 What are &quot;annual goals&quot; as used in the IEP requirement of P.L. 94-142? These are statements of expectation for one calendar year. There must be a good relationship between these goals and the present levels of performance which are derived from current evaluation information.</th>
<th>38. What are &quot;annual goals&quot; in an IEP? Same response except for evaluation comment.</th>
</tr>
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<tr>
<td>7.4 What does the term &quot;short-term instructional objectives&quot; mean as it is used in P.L. 94-142? Objectives are</td>
<td>39. What are &quot;short-term instructional objectives&quot; in an IEP? Essentially the same response without the examples provided.</td>
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</table>
measurable intermediate steps between present levels of performance and the annual goals. They are developed based on a breakdown of the goals and provide "milestones" for indicating progress toward the goals. They are to cover the areas of the child's special education program and related services. They should deal with minimizing the effect of the child's handicap on school performance yet do not deal with the regular education portion of a child's school program. An example describes inclusiveness from a speech handicapped only child to a severely retarded child. Objectives in the IEP are similar to other educational objectives in that they give an expectation of behavior within a given timeframe and determine
progress toward that expectation. They are different in the amount of detail. They provide "benchmarks" for determining progress. This should be most exactly done quarterly for a grading period. Instructional objectives on the other hand deal with more specifics such as methods and materials which are not required for the IEP.

No draft question.

40. Should IEP goals and objectives focus only on special education and related services, or should they relate to the total education of the child? They are primarily concerned with the special education program and related services provided to minimize the child's handicap. The examples provided in the previous draft question are published with this response.
7.5 Is there a relationship between the goals and objectives on an IEP and those that are in "instructional plans" of special education personnel? Yes, there should be a direct relationship. In terms of federal compliance the IEP is not meant to be as specific as instructional plans. It sets the general direction and serves as the basis for developing instructional plans.

Questions published as 42 through 46 skip draft 7.6 and begin with 7.7. When must IEP objectives be written -- before or after placement? They must be written before placement. Specific instructional
lesson plans based on the IEP would be written after placement but not required as part of the IEP.

7.8 Can short-term instructional objectives be changed without initiating another IEP meeting? The legislative history makes it clear, that parents are to be involved throughout the process including development, review and revisions. In some cases if parents have input in the decision it might be possible to make changes if:

a) no change is made in any other part of the IEP;

b) prior written notice must be provided to indicate the agency will hold a meeting on the proposed change if parents request it.

Note: (1) since the IEP is not an instructional plan

43. Same question

No, the regulations indicate the meetings are held to develop, review and revise the IEP. Since such a change would be a revision the agency must notify parents of the proposed change and initiate an IEP meeting. If the parents are unable or unwilling to come, participation can be arranged in other ways such as telephone conference calls.
the need to change it would not be common. Such a need should require a meeting and possibly a reevaluation.

Note (2) in addition to written notice the teacher is recommended to call or meet with the parent. At that time they could give them the notice if they have a meeting.

7.9 Does the IEP list all special education and related services needed or only those available in the public agency? Each public agency must provide a free and appropriate public education to all handicapped children. Therefore, the IEP must contain all needs based on a current evaluation. This means they may be listed if not available but must be provided through contractual agreement or other arrangements.

44. Must the IEP include all special education and related services needed by the child or only those available from the public agency? Same response.
7.10 Is the IEP a commitment to provide services -- i.e.,
must a public agency provide all of the services listed in the IEP? Yes. The IEP should include all services required to meet the child's special education needs and all must be provided.

7.11 Must the public agency itself provide IEP services directly to a handicapped child? The public agency is responsible to see that they are provided and may use its' own direct staff resources, indirectly contract with another agency, or make other arrangements. The agency may use whatever funding sources are available for such services but there must be no cost to the parents.

45. Same question.
Same response.

46. Must the public agency itself directly provide the services set out in the IEP? Same response.
(7.6) If a handicapped child is enrolled in both regular and special education classes, should the IEP include the goals and objectives of the regular teacher(s)? Generally no, the IEP is only to address needs regarding the child's handicap (an example is provided). The special education teacher's development of detailed instructional plans but the IEP would not carry this for either special or regular teachers. Since the child's problem would likely have an effect on the regular class placement the child's regular teacher(s) should either be informed or receive a copy of the IEP. A note indicates the regular teacher might also be involved in the IEP meeting. The agency should

47. Does the IEP include on special education and related services or does it describe the total education of the child? The IEP is required to include only those special education and related services must indicate the extent of participation in regular education. The regulations define special education and related services as specially designed to meet the unique needs of the child. The example provided for question 41 is repeated here.
insure that the regular education teacher(s) receive necessary help during the year in order to help minimize the effect of the child's handicap on regular class participation (This question and question #47 are found in the draft and include essentially the same response).

No draft question.

48. If modifications are necessary for a handicapped child to participate in a regular education program, must they be included in the IEP? Yes. If modifications or supplemental aids and services are necessary to ensure the child's participation in regular education they must be described in the IEP. This includes any regular education program including non-academics.
7.13 Must physical education (P.E.) be included in every handicapped child's IEP? Generally, yes, but the information depends on the motor needs of the child. The following kinds may be described:

a) regular P.E. with nonhandicapped students may be described on the IEP for LD, speech impaired and some mentally retarded children. For mildly handicapped children, P.E. may be listed in the area for extent of participation in regular education. For speech impaired students who are otherwise full-time regular education, P.E. would not need to be specified beyond indication of full-time regular education; b) regular P.E. with adaptations may be provided for certain handicapped children. The IEP would briefly describe physical motor needs in present levels of performance and when special adaptations are necessary;

49. When must physical education (P.E.) be described or referred to in the IEP?

Items a) and b) of the draft are combined here as: a) indicating essentially that when a child needs adaptations of any type in the regular program it must be specified; b) specially designed P.E. is described the same; c) P.E. in separate facilities must be described or referred to in the IEP depending on the specific motor needs of the child. It is noted here that the department is considering publishing a separate document in the P.E. requirement of the act.

Clarifies Regulation 300.346 regarding content of the IEP.
c) specially designed P.E. would be included in all parts of the IEP including goals and objectives; d) P.E. in special settings only minimal information is needed. It may indicate the child takes part in the basic P.E. program or some part of it.

7.14 Must vocational education services be listed in a child's IEP? Yes. Both P.L. 94-142 and P.L. 94-482 (the Vocational Education Amendments of 1976) require this. Additionally, the P.L. 94-482 requires the IEP to be used for data keeping in local and state agencies providing vocational education to handicapped students. If no modifications are needed it would be in extent of participation in regular education. If any modifications are made it

50. If a handicapped student is to receive vocational education, must it be described or referred to in the student's IEP? The answer depends on the type of vocational education. If the child participates with no modifications it is not necessary to include vocational education on the IEP. Modifications must be described on the IEP and specially designed vocational programming should be addressed in all parts of the IEP. It is noted that in the Vocational
should be addressed in all parts of the IEP and agencies should try to involve those service providers in the development.

Act the funds for handicapped must be spent consistent with EHA and the five year "State Vocational Education Plan" is to describe how programs for handicapped are planned and coordinated with EHA.

7.15 Must the IEP specify the extent or amount of services or simply list the services to be provided? The extent or amount are to be stated so the commitment is clear. A general standard of time must be indicated which is appropriate and clear to all IEP members. Speech, as an example, would indicate number and length of sessions per week. Changes in the overall amount could not be made without another meeting.

51. Must the IEP specify the amount of services or may it simply list the services to be provided? The amount of services must be stated clearly in the IEP. Changes in the overall amount of time would require another IEP meeting.
No question.

52. Must a handicapped child's IEP indicate the extent to which the child will be educated in the regular education program? Yes, in accordance with Regulation 300.346(c). One way would be a percent of time or listing the regular classes. For severely handicapped persons, noncurricular activities might be listed.

7.16 Can the anticipated duration of services be projected for more than one calendar year? In general it would be up to one calendar year due to the relationship between duration and other parts of the IEP. However, it could be indicated that services would be needed for an extended period as long as it is considered whenever the child's IEP is reviewed.

53. Can the anticipated duration of services be for more than twelve months? Same response.
7.17 Must the "evaluation procedures and schedules, be included as a separate item in the IEP? They need not be included as a separate item but must be presented in a recognizable form linked to the short-term objectives.

7.18 Is it permissible for an agency to have the IEP completed when the meeting begins? It would not be appropriate to have a completed IEP for the parents signature. Participants could come prepared with evaluation findings, present levels of performance, and possible recommended annual goals, objectives and related services. It must be made clear at the beginning of the meeting that these recommendations are for
review and discussion by the parents. The legislative history makes it clear that parents must be given the opportunity to actively participate.

<table>
<thead>
<tr>
<th>7.19 Is there a prescribed format or length for IEPs?</th>
<th>56. Same question.</th>
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<tr>
<td>No, format and length are state and local decisions. The IEP must adequately describe the child's program yet was not intended to be a detailed instructional plan. It will usually be one to three pages.</td>
<td>Same response.</td>
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<tr>
<th>7.20 Is it permissible to integrate the IEP requirement under P.L. 94-142 with the individual service plan requirements under one of the other Federal programs in which such plans are mandated (e.g., Medicaid and Title XX), or</th>
<th>57. Is it permissible to consolidate the IEP with an individualized service plan developed under another Federal program?</th>
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<tbody>
<tr>
<td>Yes, if required information and participants are included in a single document. Examples</td>
<td>Yes, if required information and participants are included in a single document. Examples</td>
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must they be maintained as separately distinct records? When a child is required to have both, it is possible to have both in a single document which has all the required information, participants and assurances for both requirements. Examples of plans which might be included are given.

7.21 Is the IEP subject to the confidentiality requirements under P.L. 94-142? Yes, both in the Act and regulations as well as in the Family Educational Rights and Privacy Act (FERPA). It is considered an educational record. It is noted that FERPA allows personally identifiable information to be disclosed if it is to other school officials with a legitimate educational interest.

58. What provisions on confidentiality information apply to IEPs? Same response.
7.22 If placement decisions are made at the time the IEP is developed, how can a private school representative be in attendance at the meeting? Usually such a child has already been receiving special education with parents and school people involved over a long period of time. At some point residential placement is discussed and if both agree the residential personnel become involved. A meeting is held to finalize the IEP when the public agency must insure a representative of the residential school attends or is involved through telephone calls. This question is in response to Section 121a.348. It is noted that a separate policy paper is being developed to deal with private school questions.

59. Same question.
Same general response.
Clarifies Regulation 300.348.
7.23 Is the IEP a performance contract? Section 121a.349 specially deals with that. The IEP is not a performance contract for either the teacher or the agency if a child does not meet the IEP objectives. The agency must provide services in accordance with an IEP.

60. Same question. No, regulation 300.349 makes it clear that no liability is imposed. Agencies must provide the program included in the IEP but are not accountable as a child does not achieve growth.
Hessler v. State Board of Education of Maryland: A school district had proposed a 1980-81 school district placement for a public high school. Part of the information they considered in developing the IEP was a private diagnostic report paid for by the parents. Before the beginning of the school year the parents enrolled the child in a private school and later sought reimbursement. The state level review as well as this federal district court held that the parents were not entitled to reimbursement since the LEA had acted appropriately in developing an IEP with the parents for public school placement, and that the parents had bypassed the appropriate procedures and administrative remedies in enrolling their child in a private school.

Also during this year the United States Supreme Court selected to hear the Amy Rowley case (out of the many which had been appealed to them).

Board of Education of the Hendrick Hudson Central School District, Westchester County, et al v. Rowley, by her Parents (appealed from the U.S. Second Circuit Court of Appeals) This case was argued on March 23, 1982 and decided on June 28 of 1982. The primary issue revolved around provision of a sign
language interpreter for a girl with only minimal residual hearing who had already been provided with a hearing aide, and special tutoring by the school district. The parents had insisted that such an interpreter be included on the IEP.

In the earlier appeals process it was found that Amy performed better than the average child in her classroom and was advancing easily from grade to grade. However, it was further concluded that because of a disparity between her achievement and her potential she was not receiving a free and appropriate public education. FAPE had been described as the "opportunity to achieve her full potential commensurate with the opportunity provided to other children."

The Supreme Court decision was delivered by Justice Rehnquist. He was joined by Chief Justice Burger and Justices Powell, Stevens, and O'Connor. Justice Blackman filed a concurring opinion. Justice White filed a dissenting opinion and was joined by Justices Brennan and Marshall.

In the opinion a brief history of the development of P.L. 94-142 is reviewed including the requirements for IEP development. The court then moves on to a description of Amy Rowley the student in question with minimal residual hearing and "excellent" lipreading capabilities. Accommodations had been made for Amy which included installing a teletype machine in the principal's office for communication with her parents who are also deaf; several members of the administration attended a course on sign
language; and provision of an FM hearing aid facilitated by the teacher's wireless receiver. These took place during Amy's kindergarten year. Her first grade IEP indicated placement in a regular classroom with supplemental services from a tutor for the deaf one hour daily and from a speech therapist three hours weekly. The parents agreed but insisted on an interpreter for all of Amy's academic classes. This was carried out on a trial basis and indicated by the tutor as unnecessary at the time. In an impartial hearing and later state level review it was agreed that Amy did not need the services due to her ability to "achieve educationally, academically, and socially, without the interpreter." These decisions were reversed by the federal district court and the court of appeals.

The Supreme Court's review of the lower court decisions included defining "free, appropriate public education" and the role of state and federal courts in their decision making process. In doing so, the court indicated that FAPE is defined in the Act even though "cryptic rather than comprehensive." If the child is receiving personalized support services with sufficient support services and other procedural requirements have been met then, in fact, a FAPE is being provided.

The court goes on to discuss congressional intent. Unserved and inappropriately served children are discussed as priorities for consideration. This information combined with free and appropriate are said to have instituted a process for
states to adopt procedures for serving previously unserved children and all handicapped children in an individualized way.

It is emphasized that the statute does not prescribe a level of education to be provided. Further it definitely does not require states to maximize potential equal to the opportunities of other children as the lower court rules. Here there is discussion of the court's responsibility to interpret what the legislation meant by free and appropriate without misconstruing what was written. It is stated that the intent of the Act was more to open the door of public education to handicapped children rather than provide some substantive standard.

Previous judicial decisions are cited for the underscoring of adequacy required. The court indicates that it is very difficult to equate equal with free and appropriate public education. The statements in the law requiring a child to benefit are also discussed. The IEP should be developed in a personalized manner and regular education participation should allow a child to receive passing marks and move from grade to grade.

A concurring decision by Justice Blackmun includes a comment that the legislative history reads differently. It clearly intends to have Congress be more active in providing equal educational opportunity to handicapped persons. The questions this judge felt were addressed dealt with whether Amy Rowley's whole program offered her a chance to participate substantially and equally with her classmates.
The dissenting three justices felt the majority opinion contradicts itself, the statute, and legislative history. It is agreed that the statute limits definition to "appropriate" however, here legislative intent is viewed differently. The majority opinion was indicated to have selected isolated phrases. While the dissenting opinion notes limited meaning of appropriate education in the statute it stresses the statutes' provision of a "full" educational opportunity to all handicapped children. This opinion concludes by sighting at least a dozen remarks found in the congressional record supporting the intent of providing equal opportunity at least and a quote reference to the provision of a program for a child achieving "his or her maximum potential" (EHLR, 1982, p. 553:673).

The dissenting opinion further discusses the courts ruling regarding whether providing Amy Rowley with a teacher with a loud voice gives her as equal an opportunity with nonhandicapped children as a sign language interpreter. Justice White feels that this is not a commensurate opportunity, nor does he agree with the majority opinion on the judicial responsibility described in the statute.

State Education Agency Decisions

California (1981) A district had previously placed a student in a private residential school. Due to her success the district recommended placement back in the regular program. The student decided against the change. The parent was denied a new IEP meeting due to the student no longer being eligible. The
hearing officer found that the student could remain in placement until a new IEP meeting was held, and the placement to regular education would not be appropriate without transition services.

**Indiana (1981)** Even though a district had violated state law by not developing an IEP in a conference it was found to have caused no harm to student or parents by virtue of the parent never objecting to the program the student was participating in.

**Pennsylvania (1981)** The state decision indicated a local hearing officer had erred in ordering the district to rewrite an IEP to include life skills training. The prevocational program in the IEP was determined to be appropriately inclusive of life training skills and mainstreaming opportunities.

**Iowa (1981)** It was determined that giving parents only one day's notice of the IEP meeting was not a "mutually agreed upon time and place" and therefore a violation of the parent's due process rights.

**California (1981)** Sensory integration therapy need not be included on the IEP. It is a specific treatment technique. Only the related service of occupational therapy needs to be indicated with appropriate goals and objectives.
Rhode Island (1982) It was found that under a "full faith and credit" clause of the U.S. Constitution, Rhode Island had to honor an IEP developed and implemented by Massachusetts until they evaluate and do their own. Until this was done they are also obligated to pay for out of state placement through the IEP.

Massachusetts (1982) The state hearing officer found that the district had violated the IEP. The IEP indicated a Level I placement and the district moved the child to Level II while the parents' were in an appeal process.

Other

The proposed regulations were postponed from April to May 1 of 1982 and again until May and then June. A final announcement indicated they would be delayed beyond September.

Highlights of the 1982-83 School Year Judicial Decisions

Riley v. Ambach (1982): This class action suit in New York dealt with several issues including a 50% discrepancy ruling for learning disabled students, residential placements, attorney fees, and the IEP. The final issue which determined the outcome was present levels of performance. Since the child was coming from another placement, it was found that the parents' failure
to supply current evaluation information for present levels of performance constituted failure to exhaust administrative remedies.

Lisa H. v. State Board of Education (1982): Two Pennsylvania students who were evaluated but not identified as gifted and talented felt they could pursue the procedures laid out in P.L. 94-142. It was found that a right to education is not an explicit right granted under the Federal constitution or other statutory provisions, with the exception of exceptional children. Gifted and talented is not included in the provisions for exceptional children and for development of an IEP.

Abrahamson v. Herschman (1983): On appeal by the district the issue dealt with whether or not proposed day school only was appropriate for a severely handicapped child. The court found that stipulation of residential services on the IEP, to be essential for the student to make any progress and receive a free and appropriate public education.

Lee v. Thompson (1983): A court in Hawaii decided that five specified factors should be considered in determining need for a twelve month program. Extended school year was described as one additional means of providing a handicapped student with specialized instruction in accordance with an IEP. The five factors which must be considered are: 1) the nature of the child's handicap; 2) the severity of the handicap; 3) the areas of learning which are crucial to goals of self-sufficiency and
independence; 4) the extent of regression caused by interrupting the school year; and 5) the rate the child regains skills following such regression.

Stacey G. v. Pasadena Independent School District (1982): The issue dealt with disagreement over the handicap of a severely involved child and what the placement should be. The parents felt the child was autistic and the district indicated severe mental retardation. The court found that IEP team members must consider the aims of an educational program to be attaining the highest level of self sufficiency and avoiding institutionalization. The court indicated the appropriate placement for such a child to be highly structured and year-round in addition to providing the parent with training in behavioral management techniques.

Chin v. Yukon Public Schools (1983): This Oklahoma decision dealt with provision of services of an emotionally disturbed, mentally retarded individual. The parents had refused placements by the district and during due process procedures placed the child in a residential program. The final outcome indicated that districts are not required by the Act to prepare an IEP unilaterally when parents have refused to participate in educational decisions. The court felt that all administrative remedies had not been exhausted.

Roncker v. Walter (1983): This case was filed and decided with the Sixth Circuit U.S. Court of Appeals. The court was to
determine whether the school district had abused its discretion in proposing that a severely handicapped child receive educational services in a county program for the mentally retarded where there is no contact with nonhandicapped children. The local hearing officer had decided on a public school placement in a special class. The State Board of Education decided on a split program in each. The district court refused class action certification and found unfair of the districts decision due to lack of progress by the child. This appeal court remanded the decision finding that the placement did not satisfy EHA's mainstreaming requirement. The judges indicated that the court should determine whether the placement could be provided in a nonsegregated setting. Cost was said to be a proper factor to consider but not a defense when a district fails to use its funds to provide a proper continuum of alternative placements. The lower court had also been found to be in error in not allowing the case to be tried as a class action suit.

Whereas the Rowley case earlier looked at "free appropriate education" this case looked at "maximum extent appropriate." The first contributing issue dealt with whether all evidence relevant should be considered or only that dealing with procedural requirements. This court decided that all relevant evidence could be heard on appeal as was substantiated in the Rowley decision. That decision further indicated that the courts rule on the procedural decisions rather than educational placements.
In Roncker v. Walter it was decided that the procedural requirements had been met. The second question dealt with whether the IEP was developed to enable the child to benefit educationally. It was determined that the case involved the provision of serving handicapped children as near to nonhandicapped as possible. Additionally, the court was considering the fact that "due weight" had not been given to the state administrative proceedings. For the later reason the appeals court remanded this case to the district for reconsideration of earlier proceedings and for class action status.

The question came down to whether or not the Roncker child could be provided an appropriate program within a nonsegregated setting. The appeals court required the district court, on remand, to determine whether it would be "feasible" to provide a public school special class program in proximity to nonhandicapped, which would be equivalent to a program provided by the county school.

**State Education Agency Decisions**

**Connecticut (1983):** The dispute was over placement in a residential facility for an LD student and the district's insistence of their ability to provide a program. It was decided that since the district had not developed an IEP the district was to pay the costs of the residential program. However, the child was to be placed back into the school's program immediately in order for the district to develop an IEP and begin providing services.
Connecticut (1982): A district had failed to provide a program for a child with severe emotional and communication problems. They claimed that an "observational" year was needed. The parent wanted a private school placement and had an independent evaluation done. The hearing officer decided that the district would pay cost of placement and transportation to the private school service. They had not considered the opinions of IEP members, did not notify parents of proposed program and placement change, failed to prepare a 1981-82 IEP, and also had not gathered the necessary evaluation data.

Illinois (1983): The school district had, in good faith, provided an appropriate evaluation and special education services to an eighteen year old LD student. The district had not developed IEP goals, objectives, and criteria to determine satisfactory completion of the secondary school program. The state hearing officer decided that due to the good faith efforts on the part of the district, they were not obligated further.

Massachusetts (1983): The parents wanted placement in a private school claiming it was least restrictive. They also indicated the IEP developed by the district was incomplete. The decision found the public school program to be appropriate. The hearing officer found no harm to be done to the child due to the IEP, and the child would stay in the private placement until the IEP was completed.

California (1982): The issues revolved around a severely handicapped child in a rural area being transported for one to one
and a half hours with a seizure history; whether the IEP contained life appropriate skills which could also be delivered by the home district; the child's need for occupational therapy; appropriate integration with nonhandicapped students of age equivalency; and reimbursement for an independent evaluation. All issues were found to be acceptable as the district was currently handling them. Expense for the independent evaluation was denied since it was primarily just an expert opinion.

Washington (1982): The district was allowed to cancel a program for a preschool child even though an IEP had been written. This was because the provision of a preschool program was discretionary for the LEA. Further, it would have impaired the "exercise of the district's governmental process" (EHLR p. 504:102).

Reaction to Proposed Regulations

Hearings were held from early September of 1982 on the previously discussed regulations issued August 4, 1982. Most of these hearings had to be rescheduled for more spacious accommodations due to the large numbers of concerned persons attending.

Senator Lowell Weicher (R-CT) ushered the passage of an amendment preventing the proposed regulation from becoming effective until the 97th Congress reconvened or the 98th Congress convened. A similar resolution had been introduced in the house.

Initially, Terrel Bell, Secretary of Education, announced a second round of proposed changes were likely. The proposals at that time were in hearings receiving negative reactions. In addition to
the tremendous parent response, large professional organizations such as the Council for Exceptional Children and the Association for Severely Handicapped were issuing critical comments.

On September 29, Terrel Bell announced the withdrawal of six areas of proposed regulations and further stated the entire set may be withdrawn. The items withdrawn related to parental consent prior to evaluation or initial placement; least restrictive environment; related services; timelines, attendance of evaluation personnel at IEP meetings; and qualifications of personnel.

The above action came after three days of testimony before the House Subcommittee on Select Education. In that same testimony Martin H. Gerry, Esq. had testified that five of the proposed regulations, "would constitute more of an economic recovery" act for lawyers than an improvement in the provision of services to handicapped children." (EHLR, p. SA-12). Similar negative testimony was heard in the house.

In February of 1983, Edward Sontag, Director of Special Education Programs announced that revised regulations would be issued in the summer. He further announced that Special Education Programs (SEP) would plan to have a new set adopted and published sometime in the fall of 1983. In April it was interestingly announced that the administrations' plans to review and revise Section 504 would be abandoned.

Plans for revising P.L. 94-142 regulations were abandoned for the most part also. Without formal announcement the proceedings for such revisions apparently stopped. In June of 1983, the Education
for the Handicapped Act Amendments were passed in the Senate, introduced in the House, and later with only slight modifications were adopted. These amendments introduced by Senator Orin Hatch had no particular modifications for the IEP provisions. They primarily dealt with extension of discretionary programs and expanding the range of such programs in terms of age and type of disability. A new type of demonstration program was added dealing with the critical transition from school to work. The amendments also contain an emphasis on the need to train parents to participate in their children's special education.

Analysis of the Chronology of IEP Events through 1979 to 1983

Initially, a review of the body of literature leading up to the previously discussed status study emphasized several issues. Among those issues three surface as establishing a pattern in the state, judicial, and federal policy decisions and clarifications up to 1984. These are the use of the IEP document as a binding contract, parent involvement throughout the IEP process, and the use of the IEP for determining what a free and appropriate public education is for an individual child.

Time after time hearing officers and the courts have used the IEP as a method of holding school districts accountable for provision of services to handicapped children. All things listed on the IEP must be provided exactly as they are described. Program disputes over additional services eventually are settled with additions or
deletions within the IEP. The earlier discussion of the IEP as a management tool is certainly well based with the idea of districts managing and allocating resources.

Consistently LEAs and SEAs have had to deal with issues such as extended school programs, psychotherapy, catheratization and disciplinary procedures. The final decisions at all levels deal with whether or not such services should or should not be included on the IEP which spells out the child's appropriate educational program. The determination to provide those services or any others will always depend upon the evaluation information, but in the final steps of the process all information leads to the development of the IEP.

Parent involvement in the process has also been decided to be crucial to planning an appropriate program. Numerous cases have found the school districts to be negligent in arranging such involvement. The results are usually escalating disputes to be decided by the state agencies or the courts. The specificity of the law regarding parent involvement appears to be consistently upheld by these decisions. When parents are not a part of the process it has generally been ruled that the IEP is invalid. In such instances, independent evaluations and parent initiated placements frequently are viewed as the parents only means of involvement. Apparently, several cases demonstrated such situations where districts ended up paying for private or residential services.

Provisions for related services are frequently detailed on student IEPs and then not delivered as stated. This issue has consistently provided an area of dispute often settled through a review
and possible change of the entire placement. School districts are held accountable for inclusion of such services as if they had signed a contract. This will hold true in the ongoing debate of whether or not certain services are medical or educational.

The Rowley decision further emphasizes the IEP as a plan for specifying the needs and resolving services for a handicapped child. Amy Rowley's IEP was used as the document which would direct the district in providing an appropriate program. The decision to exclude a signing interpreter from the IEP due to Amy's present levels of performance was the issue which brought the dispute to the level of the United States Supreme Court. In the decision the court did emphasize that Amy's above average performance contributed to their determination of an appropriate program and that their analysis was confined "to that situation." (EHLR, 1982, p. 553-668)

This case is a highly specific one. Others discussed have dealt with appropriateness of program based on a discussion of least restrictive environment whether or not an extended school day or year is provided, and the need for residential goals and objectives. The pattern of decisions supports the concept of providing services in as near proximity as possible to nonhandicapped children. The latter topics have been decided on a wide margin of opinions. Some states have had to implement these additional services for appropriate programming. In other decisions, the definition of educational program benefits has kept the school day and year limited.
Summary and Conclusion

The status study presented here supported the idea that parents are equal partners in the process of making educational decisions for handicapped children. Often they are not treated as such or there is disagreement with educator's recommendations and the due process provisions of P.L. 94-142 must be activated to settle disputes.

In general, procedural requirements of the IEP are being met in a majority of cases. Conditional conclusion is based on the fact that 1978 was the first year for the implementation of the IEP.

Parents indicated that the primary procedural steps regarding the IEP are being followed. This conclusion is supported in that nearly 60% of the parents surveyed report the IEP meeting was held within 30 days of their child's evaluation. Over 70% of the respondents indicate that the information about their child's evaluations was fair and useful. Approximately 83% of the responding parents attended the IEP meeting with 77% of the teachers and 66% of other school representatives. Approximately 70% of the parents reported that the basic informational requirements of the IEP were in place. And over 60% of the parents felt that the IEP fit their child's needs and they were adequately informed to participate in the IEP conference.

However, by viewing the data from a substantive viewpoint, parents were not involved in the development of the IEP as was intended by the legislation. This conclusion is supported by
approximately 52% of the parents indicating that the IEP was completed before the IEP conference; 51% of the parents indicated that the program provided through the IEP was inadequate for their child's needs; and approximately 45% of the parents were not informed of their rights to appeal the IEP decisions. Parents further indicated through several responses that the evaluation of the IEP by school officials is noticeably deficit.

The Surveys were distributed through parent and professional groups. As a participating sample study, the results must be interpreted with caution since their representativeness of all parents of handicapped children cannot be determined. With confidentiality requirements of P.L. 94-142 limiting the access of IEP information and the national scope of this study, there were few options in the design and distribution of the surveys according to conventional sampling strategies.

These results, however, provide fair approximation of parental response since the analysis of the surveys reveal a close approximation with the normal distribution of parents of handicapped children by type of school program, type of handicapping condition, and the age and sex of the handicapped child. It is appropriate to point out that there may be a sampling and respondent bias within these findings which is not determinable under the conditions of this study. The study is useful, however, in providing a broad general framework for discerning parental response to the IEP
requirement; the conclusions should stimulate consideration of revision of some implementation practices and more careful scrutiny of current adherence to the procedural requirements.

The chronology of legal and policy decisions verifies a pattern that was beginning to develop even at the time of the status study. Over half of the cases and policy decisions dealt with lack of adherence to certain procedural steps required in the regulations. Parents are frequently involved after many of the decisions are made and often after the IEP is written. As was noted in several of the cases discusses an additional problem lies in deleting some of the required items on the IEP.

If the small number of persons who responded that they refused to sign the IEP could be even remotely representative of the number of IEP meetings that result in a hearing then the law appears to be serving its purpose. On the other hand, the large percentage of parents who are hopeful for improvement may have been among a growing number who have initiated due process appeal steps.

From the review of the legal and policies decisions it further appears that the year following the first full year of implementation brought about the largest number of disputes over procedural requirements. As the years pass and educators become more proficient at implementing the process, it seems that the more recent issues deal with the appropriateness of programs provided and even the quality of such programs. The Rowley decision clearly deals with both.
The investigator sees a future of continuing evolution for the IEP. It has currently evolved from a management tool to a binding contract of sorts. In most recent times it has shown itself to be a means of accountability for some and an excuse for others.

Recommendations for educators in the future would be:

1) Treat parents as knowledgeable partners in the process with the educator.

2) Expect the attorneys of the future to be more informed about the requirements of 94-142. This includes an evolution which has seen the independent hearing officer who initially was an interested person, evolve into a trained attorney.

3) The ongoing debate of related services has past the simplistic stage it was in when the survey was done. There are now more services related to handicapping conditions which educators are for the most part unfamiliar with. The courts will probably plan an active role in deciding which educators are responsible for providing.

4) Don't look for a watering down of the IEP requirements. They were clarified more specifically, with a slightly more conservative approach to the final regulations than the draft. However, the definitive nature of the regulations helps. Parents and advocates will not allow their prime tool in dealing with schools to be diluted.
5) Overall, the future of handicapped children appears brighter due to the definition given to the IEP requirements by the many decisions which have been made. Hopefully, as the final ambiguities are defined it is a distinct possibility that educators and parents of nonhandicapped children will begin to adopt the IEP model at least in principle.

This study has shown that parents are a source of information for judging educational programs. Additional studies may be generated to more clearly define some of the negative responses. After the fact parent involvement and parent assumption of costs could be studied as contributing factors to the appeals process.

A more detailed analysis of the judicial and governmental decisions would also be useful. How decisions evolve and why upon appeal all initial information may be useless, would provide useful insight to all persons dealing with handicapped children.

A follow-up survey of all the same parent organizations would provide a substantial base of information for future policy decisions and a clearer insight of the direction this process has gone.

The demographic variables in the study were insignificant. A more indepth study of each would probably show a significant change from a very rural sample to a metropolitan area sample.

And finally the most beneficial follow-up study would deal with the primary consumer, the student. The student's educational performance is, after all, the end result of the planning, the
meetings, and the negotiations. When the process flows as it should and responses are positive, does the child succeed? That is a research question which should be the focus of a study. An investigation of the product of 94-142 is needed.

In a time when the quality of education is being questioned, it is also a time to question the qualities of the IEP. It is now a matter of developing an appropriate written format to assure IEP content. But what difference does the content and its development make? Are there methods of developing that content that deliver a more substantive education to handicapped children. That is the next logical step in a continuing focus on the individualized education program and one not addressed by this study.
APPENDICES
APPENDIX A
Field Test Survey
A PARENT-CITIZEN SURVEY
Checking Your Child's Progress In Special Education Programs

Please Circle your answer

14. A specific date was set for reviewing my child's progress under this IEP.
Yes No
15. The method of checking my child's progress in the IEP included:
how it would be checked
when it would be checked
who would be responsible for making sure it's done
Yes No Yes No Yes No
16. Some regular class placements for my child were considered during the IEP meeting.
Yes No
17. Every attempt was made by educators to provide services for as much time as possible in a regular classroom.
Yes No
18. A completed copy of the IEP was:
made available to me to look at
made available to me to keep
Yes No Yes No
19. The IEP for my child was completed before the meeting with me.
Yes No

What Were Your Feelings About the Following:

20. Educators presented information during the IEP meeting in understandable language.
Yes No
21. I was given the opportunity to ask questions about points I didn't understand regarding the IEP.
Yes No
22. I was encouraged to contribute significant information to my child's IEP.
Yes No
23. The IEP that was developed seemed to fit my child's needs.
Yes No
24. Educators provided information that helped me understand the IEP process.
Yes No
25. I felt like a fully participating member with the educators during the planning of the IEP.
Yes No

Please keep this copy for your records. For more information about NCCE publications and services, write to:

National Committee for Citizens in Education (NCCE)
Suite 410, Wilde Lake Village Green
Columbia, Maryland 21044

Your copy
Public Law 94-142 (The Education for All Handicapped Children Act of 1975) is a federal law which provides for a free and appropriate public education for all handicapped children regardless of the degree or type of handicap. This law also requires that a written educational program (IEP) be developed for each child to meet his/her unique educational needs.

This questionnaire is designed to find out about the parents' views concerning one aspect of this law—the Individual Educational Plan (IEP). We value the amount of time and help you are about to give. Keep in mind that your help could improve services for children throughout the country. As one example, we plan to produce a handbook for parents on how to participate more successfully in the IEP process.

School Building _____________________________________
School System ______________________________________
Parent's Name______________________________________
Address__________________________________________________________
Street City State Zip

Child's Age _____ Sex: M    F
What is your child's primary handicapping condition?

Is your child in a public school? Yes    No
If NO, what type of school? i.e., parochial, private, state

Your phone number (would be held confidential) could be helpful to us if we want to follow up.

Area Code Number

Please answer the following questions after you have attended the meeting at which your child's IEP was developed for the coming school year.

1. The IEP meeting was held within 30 days following evaluation of my child. If NO, please check when the IEP meeting was held following the evaluation:
   - 2 mos. later
   - 3 mos. later
   - 4 mos. later
   - 5 mos. later
   - 6 mos. later
   - 4 mos. later

2. The information from my child's evaluation before the IEP was fair and useful for planning a program for my child.

3. The following were present at the IEP meeting:
   - My child
   - Child's teacher
   - School representative (other than child's teacher)
   - Parent or Guardian
   - Other ____________________________

4. The IEP for my child contained the following items:
   - Annual goals
   - Short-term objectives
   - Specific service(s) to be provided
   - Present level of performance
   - Date services were to begin
   - Ways to check my child's progress
   - Special materials, equipment or media
   - Percentage (%) of time in regular class placement
   - Place for me to indicate my approval
   - Educators informed me of how the IEP was to be developed and what would be in it

5. The description of my child's present educational performance in the IEP included information in all four of these areas:
   - Self-help skills (personal maintenance)
   - Academic skills (reading, math, etc.)
   - Social behavior (how she gets along with others, etc.)
   - Physical skills (coordination, running, etc.)

6. There were major areas of educational needs for my child which were ignored during the IEP meeting.

7. The short-term objectives are written as specific steps my child will achieve in the next three months or more.

8. The short-term objectives did seem closely related to the annual goal(s).

9. The annual goal(s) in the IEP did not fully meet the educational needs of my child.

10. The IEP clearly stated what specific service(s) my child would be receiving.

11. The dates for the beginning of services for my child were quite clear.

12. I know when the IEP services will end for my child.

13. The service(s) for my child in the IEP was determined by what was available rather than what was needed (for example: if a certain service was known to be needed but the final decision was made based on what the school district currently had).
APPENDIX B
Final Survey
Please circle your answer.

18. The time between the IEP meeting and when services began for my child seemed reasonable.
   Strongly Agree  Agree  Disagree Strongly Disagree
19. Educators did not provide any information to help me understand the IEP process.
   Strongly Agree  Agree  Disagree Strongly Disagree
20. The IEP that was developed seemed to fit my child's needs.
   Strongly Agree  Agree  Disagree Strongly Disagree
21. The annual goal(s) in the IEP did not fully meet the educational needs of my child.
   Strongly Agree  Agree  Disagree Strongly Disagree
22. The information from my child's evaluation before the IEP was fair and useful for planning a program for my child.
   Strongly Agree  Agree  Disagree Strongly Disagree
23. I felt like a fully participating member with educators during the planning of the IEP.
   Strongly Agree  Agree  Disagree Strongly Disagree
24. I was given the opportunity to agree or disagree with educators during the IEP meeting.
   Strongly Agree  Agree  Disagree Strongly Disagree
25. Every attempt was made by educators to provide services for as much time as possible in a regular classroom.
   Strongly Agree  Agree  Disagree Strongly Disagree
26. The service(s) for my child in the IEP was determined by what was available rather than what was needed (for example: if a certain service was known to be needed but the final decision was made based on what the school district currently had).
   Strongly Agree  Agree  Disagree Strongly Disagree
27. I felt free to ask questions about points I didn't understand regarding the IEP.
   Strongly Agree  Agree  Disagree Strongly Disagree
28. There were major areas of educational needs for my child which were ignored during the IEP meeting.
   Strongly Agree  Agree  Disagree Strongly Disagree
29. My child's educational needs were adequately served by the IEP.
   Strongly Agree  Agree  Disagree Strongly Disagree
30. The school which my child attends has a good program for preparing parents to participate in the IEP process.
   Strongly Agree  Agree  Disagree Strongly Disagree
31. I feel that the IEP for my child will improve next year.
   Strongly Agree  Agree  Disagree Strongly Disagree

Please return this form to:
National Committee for Citizens in Education (NCCE)
Suite 410 Wilde Lake Village Green
Columbia, Maryland 21044

OTHER COMMENTS:
Please feel free to give us any additional comments about your IEP experiences.
**A PARENT-CITIZEN SURVEY**

**Improving Services for Children in Special Education**

Public Law 94-142 (The Education for All Handicapped Children Act of 1975) is a federal law which provides for a free and appropriate public education for all handicapped children regardless of the degree or type of handicap. This law also requires that a written educational program (IEP) be developed for each child to meet his/her unique educational needs.

This questionnaire is designed to find out about the parents' views concerning one aspect of this law—the Individual Educational Plan (IEP). We value the amount of time and help you are about to give. Keep in mind that your help could improve services for children throughout the country.

Please circle your answer.

**School Building**

**School System**

**Parent's Name**

**Address**

- Street Address
- City
- State
- Zip

**Child's Age**

**Child's Sex** M F

Is your child in a public school? Yes No

If NO, what type of school? i.e., parochial, private, state

Your phone number could be helpful to us if we want to follow up and will be held confidential.

**Area Code**

**Number**

Please answer the following questions after you have attended the meeting at which your child's IEP was developed for the coming school year.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>1. The IEP meeting was held within 30 days following evaluation of my child. If NO, please check when the IEP meeting was held following the evaluation:</td>
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<td>or more</td>
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<td>7. I am quite certain from the IEP when service(s) will begin for my child and how long they will last.</td>
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<td>8. The IEP for my child was completed before the meeting with me.</td>
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<td>9. Educators presented information during the IEP meeting in understandable language.</td>
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<td>10. The short-term objectives are written as specific steps my child will achieve in the next three months or more.</td>
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<td>11. I was given ample opportunity to ask questions of educators during the meeting.</td>
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<td>12. I was encouraged to contribute significant information to my child's IEP.</td>
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<tr>
<td>13. The evaluation written into the IEP included how the IEP was to be evaluated, when the evaluation was to occur, and who would be responsible for making sure the IEP was done.</td>
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<td>14. Other program assignments for my child were not considered during the IEP.</td>
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<td>15. The IEP clearly stated what specific service(s) my child would be receiving</td>
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<tr>
<td>16. The description of my child's present educational performance in the IEP included information in all four of these areas:</td>
<td></td>
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<tr>
<td>• self help skills (personal maintenance, vocational, etc.)</td>
<td></td>
<td></td>
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<tr>
<td>• academic skills (reading, math, etc.)</td>
<td></td>
<td></td>
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<tr>
<td>• social behavior (how s/he gets along with others, etc.)</td>
<td></td>
<td></td>
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<tr>
<td>• physical skills (coordination, running, etc.)</td>
<td></td>
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<tr>
<td>17. The short-term objectives did not seem closely related to the annual goals</td>
<td></td>
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</table>
Mr. Chairman, members of the Subcommittee, my name is Stanley Salett, Senior Associate of the National Committee for Citizens in Education.

The NCCE is a non-partisan, non-profit organization dedicated to increasing citizen involvement in the issues and policies of our nation's public schools. We work with a network of over 325 parent/citizen groups which are active in public education at the local and state level. One of the beliefs we share is that decisions affecting the lives of children should be open to public scrutiny.

We have found that a growing body of research demonstrates that parental involvement in school activities has a positive effect not only on school policies, but on students' achievement as well. Over a decade ago, for example, James Coleman made his now-famous report to the Department of Health, Education and Welfare, which showed, among other things, that student achievement is higher in schools with active parent organizations. And a 1973 HEW study found that two key factors in academic success were students' and parents' expectations, and "the extent to which parents engaged in activities supportive of these expectations."
Our experience with parent/citizen groups and our research of the literature on the effect of parental involvement leads us to conclude that it is indeed wise policy for the federal government to encourage parent participation in public schools. Consequently, we strongly support the provisions in the law requiring parent involvement in the development of individual educational plans for their handicapped children.

Given this background, NCCE felt that a specific monitoring of these parent participation provisions was required. So, in November of 1978, together with a research team based at Ohio State University and a coalition of more than 400 local and state voluntary organizations, we conducted a survey to examine the parents' role under the law. Our intent was to try to answer questions such as:

- Are affected parents aware of the law and their rights under it?
- Have schools notified parents that their presence is required at an IEP meeting?
- Has a meeting been held this year, and how were parents treated at it?
- Are educators helpful? Are they listening to parents?
- Is the program resulting from the IEP meeting based on what a child needs or on what the school system has to offer?
- Do parents know they can appeal IEP's made for their child?
Our primary source of information has been nearly 2400 parents of children with various handicaps who took the time to complete our survey. Our survey has not been funded by the federal government, but is supported by the George Gund, Field, New World and Hearst Foundations. To our knowledge it is the only national survey focused solely upon parent participation in PL 94-142.

In addition to surveying individual parents, we are also reviewing the Bureau of Education for the Handicapped's state administrative reviews to identify IEP-related areas cited by BEH for corrective action, and then contacting each state for status reports.

For today's hearing, I would like to discuss the preliminary findings of the parent/citizen survey, and our analysis of the BEH program administrative reviews. If you have no objection, Mr. Chairman, I would like to have entered into the record a copy of the questionnaire and the responses tabulated. Over 2,300 parents from 438 school districts in 46 states have responded to the survey so far.

First, considering that PL 94-142 has been fully in effect for only one school year, the IEP process seems to be working basically very well.

- Nearly 60% of the parents surveyed report that an IEP meeting has been held within 30 days of their children's evaluations. Only 6% report that a meeting was never held.
Over 70% of the respondents said that the information about their children's evaluations was "fair and useful," that educators presented the IEP in understandable language, and that there was an opportunity to ask questions.

Although children were mostly absent (only 18% were reported present), the meetings were well attended, by 83% of the responding parents, by 77% of the teachers, and by 66% of other school representatives.

70% of the parents surveyed reported that the IEP's did contain important basic information: annual goals, short-term objectives, specific services to be provided, present performance levels, and the dates that services were to begin.

And over 2/3 of the responding parents felt adequately informed about the IEP and felt that the IEP generally fit their children's needs. Only 5% refused to approve their children's IEP's.

I think these figures indicate that the idea of an individual educational plan for each handicapped child, drawn up in consultation with the child's parents, has had success. Such a massive undertaking has required an enormous amount of time, energy, and commitment from everyone involved -- teachers,
• Information on how to appeal a contested evaluation or IEP was not made available to nearly 46% of the parents surveyed.

• And while the most basic requirements of the IEP have been met, still a full 45% of the parents reporting felt that the annual goals set in the IEP did not fully meet the educational needs of their children.

A further analysis of our data shows that the parents of mildly handicapped children are generally more satisfied with IEP procedures than are the parents of severely handicapped children. Also, we found that smaller school districts (those serving fewer than 5,000 children), as well as parochial schools and state-operated programs, are having greater difficulty in meeting IEP requirements.

Our colleagues at Ohio State University have also finished a preliminary content analysis of the Program Administrative Reviews conducted in 31 state departments of education by teams from BEH from 1977 to 1979. Their major findings are that in 75% or more of these states:

• Requirements as to IEP content and procedures are inconsistently applied by local education agencies.

• Parent involvement on any substantive and documented basis is lacking.
And state monitoring of IEP development and implementation is notably weak.

Obviously, our study of parental involvement in PL 94-142 is far from complete. Even now, more surveys are being returned, analysis of state efforts is continuing, and a survey of more than 400 parent organizations is under way. We would be delighted to keep the Subcommittee informed, Mr. Chairman, of our further findings, and to be available as a resource as need arises for additional information.

We do, however, feel that a few recommendations may be made on the basis of the findings so far. In general, we can conclude that, in both legislation and regulation, the law offers too little guidance on public participation at the local level. Other major federal education programs that were devised to serve a specific category of children in need -- Titles I and VII of the Elementary and Secondary Education Act, the Emergency School Aid Act, and the Vocational Education Act -- recognized the importance of an outside independent committee or council, composed of at least a majority of parents of the children served, to provide guidance and to hold local officials accountable for the use of federal funds. Despite the money and commendable avenues for individual parent involvement required in the Education for All Handicapped Children Act, there is no requirement in the law concerning local parent councils. It is our experience that,
in general, when state and local education agencies seek outside opinion, if they seek it at all, they work only with a very select set of people and often in a very closed way. Accordingly, we would recommend that:

- A district-wide advisory council, composed of a majority of parents of handicapped children representing each school with a program, be required for every district receiving funding under the law, and given the following responsibilities:

  1. To provide basic information on PL 94-142 to all parents of handicapped children in the district, including information on how to appeal an evaluation or an IEP.

  2. To review the district's plan for implementing PL 94-142 and to hold public meetings on the plan.

  3. To develop and maintain a roster of interested members of the public and affected agencies, including parent/citizen organizations, which should be routinely informed of the council's activities.

  4. To encourage and assist school personnel in a parent training program to acquaint parents with their rights and responsibilities under the law, to provide parents with
information on the publication, development, and use of the IEP, and to answer questions parents have on the program.

5. To encourage and assist school personnel in a teacher training program to help teachers in working with parents on the IEP.

- It should be required that all IEP's contain specific items for parent involvement:
  1. How to check the child's progress.
  2. At-home activities that can reinforce the educational program.
  3. Check-point intervals for parents to confer with teachers and to revise and update the IEP.

- It should also be required that an IEP may not be completed before the parent meeting, that a completed copy be made available to parents a reasonable time after the meeting, and that all parents be informed of the appeal procedure.

We feel that these recommendations are within the intent of the law and will serve greatly to strengthen the local programs.

Thank you, Mr. Chairman, for this opportunity to present our views. I will be pleased to answer any questions.
APPENDIX D
July 17, 1978

Dear Friend:

Thank you for agreeing to give us your reactions to being a part of developing your child's Individual Educational Plan. We need the enclosed forms returned to us by August 10th.

You are helping us to make important early decisions for a much larger survey of parents which is scheduled for later this year by telling us what you think of the form. After you have completed this form, what we want to know is:

1. Were the questions clear?
2. Were the questions helpful to you in learning more about the IEP process?
3. Did we miss important areas? Which ones?
4. Were there too many questions?
5. Did some of the questions seem to cover areas more than once? If you would eliminate some questions, which ones?

Please write us a note to accompany the survey form if you have answers or suggestions to the questions above.

For your convenience we have enclosed an addressed, postage-paid envelope. Please remember we need the forms and your comments in the mail by no later than August 10th.

Thanks again for your help.

Senior Associates
Carl L. Marburger
J. William Rioux
Stanley Sollett
EDITOR - Network
Christie Bamber

Governing Board
Katharine Aucinchlos
CHAIRMAN
M. Hayes Musell
VICE CHAIRMAN
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Peter Buttenweiser
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William J. McGee
Elinor H. Newbold
George Oiler
Nelson Schwab, Jr.
Mildred Kiefer Wurf

Formerly National Committee for Support of the Public Schools
Agnès Meyer, Founder

Mitchell Rogovin
Rogovin, Stern & Hugo COUNSEL
APPENDIX E
Comments from Field Test
Girard, Ohio

"In a brief statement I am dismayed at the lack of understanding that the educational system has in the area of emotional-behavior patterns manifested by children with learning disabilities ... In talking to administrative and instructional personnel they all claim to understand; however, they don't demonstrate this to me in practice. Maybe academically they 'hear' but their feelings and gut level operation are missing . . . I would like any information you may be able to send me on the subject."

Cleveland, Ohio

"Evaluation of my child was done on a completely private basis. I brought evaluations to public school. They were accepted. IEP was begun at meeting of placement team (to which I was not invited) about two months after I brought my evaluations to school district . . . No short-term objectives were included . . . Educators made no effort to offer me opportunity for input. The IEP was totally completed, read to me, and explained to me . . . I was asked questions about my child's personality, none about her educational program . . . I understood the IEP because of my own efforts to educate myself to
the requirements of the law . . . through ACLD, IRC and other educational resources in the community . . . I do not think any disagreement on my part would have meant any adjustment of my child's IEP."

"The evaluation information for my child's IEP was four years old . . . I was not given much time to look over the contents of the IEP. . . The IEP team was composed of my son's teacher and one parent. Fifteen minutes were allotted for our meeting. . . Some of the questions are not clear:

No. 7 First portion of questions should be removed but how long services will last should be included
No. 10 specific steps? - actual lesson plans?
No. 14 Negative question with negative answer, confusing.
No. 17 unless parent was very well educated this would be difficult to answer.
No. 31 Are you asking if the child's year will be improved or if the IEP will improve?

. . . I answered these questions with a good deal of education on the IEP process. I am past president of the Central Ohio Association for
Children with Learning Disabilities, an Impartial Hearing Officer for Central Ohio and a member of the 504 Task Force for the Columbus Public Schools."

My son's IEP was prepared before I met with the principal, psychologist, and homeroom teacher . . . The program has goals in the academic subjects . . . I asked for a reading tutor and a math tutor. He never got the math tutor. The explanation was that he was a special education student and tutoring was for the other students: It was suggested that I have an outside tutor. I agreed until I found out it cost $10.00 a session. I brought a copy of the law to the principal . . . my son was given reading by a tutor, one or two persons a week by the LD teachers, whenever she could squeeze it in. I felt it was better than nothing so I didn't complain . . . I would like to add the administrators seem just as unsure as I am about how much they must do for my child under this new law."

"The IEP to which I am referring took place three years after my child was placed in the program, but a short time after she was reevaluated. The only person attending the
meeting other than myself was the teacher . . . 
In general the information I received was vague 
and very general.

Richmond Hts, OH

"Obviously my son's school has not formally 
complied with IEP regulations. I plan to pursue 
this. They have given much time to conferences, 
etc. and could have much of this material inform­
ally. But I feel a written plan would be a good 
and useful tool both for them and for us, as 
parents. We have our son enrolled in a private 
school because . . . We felt the local Richmond 
Heights system was very hostile and unhelpful in 
sorting out all the possibilities for our son. 
Their concern was with maintaining a high 
achieving student body and exceptional children 
were, we felt, subtly encouraged to leave. No 
IEP or the mention of one, was presented to us as 
a possibility. Without further evaluation we 
opted for a private school which we felt was more 
human, and warm, sympathetic, etc."

Garfield Hts, OH

"I did not understand what kind of evaluation is 
to be written into the IEP. Question thirteen 
does not explain the evaluation enough for me to 
understand. The "did not" wording of question 
seventeen is confusing. Otherwise I like the 
questionnaire and the way it was put together."
"After our son was in the EMR program for one year another IEP was done. We weren't sure that this placement was correct and were debating a legal course of action to have him placed in an LD/BD placement. Therefore, we would not sign the IEP, but asked the head of the Special Education Department for a copy of the IEP so we could not have a copy of it until we signed. Since then we have heard from several people that this was possibly illegal."

"Questions were not always clear and some answers cannot be boxed in by four stock phrases. . . . An area you should cover is whether or not parents receive any prior explanation or come to the meeting cold . . . Some of the questions were repetitive and fourteen should be eliminated or rephrased . . . Our son was last evaluated in 1975. The first IEP was Spring of 1978. He has moved many times from class to class. The Special Education Supervisor wrote out an IEP, very broadly phrased, and mailed it to us, with our permission."

"I would prefer to answer yes or no or agree or disagree."
"I could not answer many of the questions because our daughter was not in her Learning Disabilities Program until just recently (9th grade) . . . in third grade she began to exhibit great difficulty in school, but no one could help us. The school psychologist tested her and came up with nothing. In fifth grade she was diagnosed LD by a private clinical child psychologist and pediatric neurologist . . . Incidentally, due to our tremendous complaints and efforts the school psychologist's contract was not renewed . . . I am hoping an IEP will be written for her. But, this once again will be the first year our high school will have a "LD" resource person.
APPENDIX F
Parent Organizations
GROUPS CIRCULATING IEP SURVEYS

Central California Chapter of the Nat'l. Society for Autistic Children
Ms. Mary Ann Shubin
17557 W. McKinley
Kerman, CA 93630
(50)

South Florida Assn. of Parents of the Deaf, Inc.
Evelyn C. Touchton, President
18600 N. W. 5th Ave.
Miami, FL 33169
(75)

Coordinating Council for Handicapped Children
Charlotte Des Jardins
407 South Dearborn, Rm 1075
Chicago, IL 60605
(5,000)

DeKalb County Special Ed. Assoc.
D. S. Hurd
405 E. Gurlin Rd.
DeKalb, IL 60115
(500)

III. Assn. for Retarded Citizens
Ms. Elaine M. Hoff, Ass't.
Ridgely Building
504 E. Monroe
Springfield, IL 62701
(100)

P O Box 595
Waukegan, IL 60085
(100)

School for the Treatment of Emotional Problems in Children
Mrs. Freda Tillin
Family Worker, ACSR
6740 South Shore Drive
Chicago, IL 60649
(40)

Bonavista Programs
Ms. Pam Villigen
P. O. Box 2496
Kokomo, IN 46901
(50)

Parent Information Center
Jeanne Rockwell
Executive Secretary
812 East Jefferson Boulevard
South Bend, IN 46617
(2000)

Anne Arundel County ACLD
Violet Cosgrove
703 Partridge Lane
Glen Burnie, MD 21061
(250)

Howard Co. Assn. for Retarded Citizens
Alan Lovell
Suite 251, Wilde Lake Village Green
Columbia, MD 21044
(25)

Metropolitan Baltimore ACLD
Ann Vinup
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Baltimore, MD 21234
(500)

Learning Diagnostics, Inc.
Ms. Susan B. Hodinko, Dir.
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Silver Spring, MD 20901
(30)

Ms. Judy Volkman
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Baltimore, MD 21239
(25)
Federation for Children with Special Needs
Ms. Martha Ziegler, Dir.
120 Boylston St. Suite 338
Boston, MA 02116
(1,000)

Mass. A.C.L.D.
Ms. Lillian Alpaugh
11 River St.
Wellesley, MA 02181
(1)

Michigan A.C.L.D.
Ms. Melba Kubat
15035 Rosemont
Detroit, MI 48223
(1500)

Minnesota ACLD
Mary Jo Richardson
494 N. Gridggs Midway Bldg.
1821 University Ave.
St. Paul, MN 55104
(500)

Parents Advocacy Coalition for Educational Rights Center (PACER)
Ms. Paula Goldberg
4701 Chicago South
Minneapolis, MN 55407
(100)

Missouri Assn. for Autistic Children
Ms. Lois Blackwell
8671 Old Town Drive
St. Louis, MO
(200)

Amoskeag Center for Educational Services
Mr. Jack Robillard
Program Coordinator
4 Elm Street
Manchester, NH 03103

New Hampshire ACLD
Ms. Louise Huppe
292 Arah St.
Manchester, NH 03104
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Edgewater Park Township Schools
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C.S.T. Coordinator
Washington and Cherrix Avenues
Edgewater Park, NJ
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(125)

N.J. Kingsway Learning Center
Parents' Assn.
Marlene Scott
Wheat shaft Rd.
R.D. 5
Vincentown, NJ 08088
(25)

Advocates for Children of NY, Inc.
Ms. Mirian Thompson, Ex. Dir.
29-28 41st Ave., Rm 508
Long Island City, NY 11101
(250)

Bd. of Cooperative Educational Services
Vivian Purcell-DeMatas, Supervisor
Special Ed. Program
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(100)
Bronx Organization for the Learning Disabled
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Bronx, NY 10463
(25)

Mohawk Valley LDA
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New Hartford, NY 13413
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Burr Jr. Hi. School
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Guidance Counselor
Commack, NY
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Monroe County LDA
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Rochester, NY 14607
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Assn. for Brooklyn Learning Disabled Brain Injured Citizens
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Brooklyn, NY 11234
(25)

Mount Pleasant School District
Dr. Joseph O'Donnell
Chairperson
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NYALD Capital District Chapter
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Birchwood Lane
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Northeastern NYACLD
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Chautauqua County ACLD
First United Methodist Church
Lakeview & Buffalo Streets
Jamestown, NY 14701
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Onondaga Co. ALD
c/o YWCA
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Eastern Long Island ACLD
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Orange Co. ACLD
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Monroe, NY 10950
(25)

Manhattan Chapter NYALD
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Grand Central Station
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(25)

Queens Assn. for Neurologically Impaired Brain Injured Children, Inc
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Rose Marie Raccioppi, Pres.
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South Central ACLD
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Staten Island Chapter NYALD
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Suffolk ACLD, Inc.
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(1000)

Tompkins County LDA
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Ulster Co. ACLD
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Ulster Co. Chapter ACLD
Mary Ann Suto
Newsletter Editor
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(625)

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(25)

Southwestern Ohio Coalition for Handicapped Children
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Ohio Coalition for the Handicapped
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Centre Co. Assn. for Children with Learning Disabilities
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State College, PA 16801
(75)

Reading/Berks Co. Chapter
Nat'l. Society for Autistic Children
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Reading, PA 19608
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Judy Ventrella
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Tunkhannock, PA 18657
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N. Ogden, UT 84404
(150)

Arlington A.D.C.D.
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Arlington, VA 22205
(100)

Tazewell Co. Assn. for
Retarded Citizens
Mrs. Helen Harkins
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Tazewell, VA 24651
(20)

Ms. Ruth Nieves
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Torrimar
Guaynabo, PR 00657
(100)
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