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## Comparison and Analysis of the California Master Plan for Special Education Annual Evaluation Report and the United States Office of Special Education Program Administrative Review of California

Russell Vincent Riley  
*University of the Pacific*

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Comparison and Analysis of the California Master Plan  
for Special Education Annual Evaluation Report  
and the United States Office of Special  
Education Program Administrative Review of California

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Presented to  
the Faculty of the Graduate School  
University of the Pacific

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In Partial Fulfillment of the  
Requirement for the Degree  
Doctor of Education

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By  
Russell Vincent Riley  
October, 1981

This dissertation, written and submitted by

Russell Vincent Riley

is approved for recommendation to the Committee  
on Graduate Studies, University of the Pacific

Dean of the School or Department Chairman:

Oscar J. Jamis

Dissertation Committee:

Robert D. Morrison Chairman

Don C. Meyer

Muskopf

Paul J. Fogle

Dated

October 15, 1981

COMPARISON AND ANALYSIS OF THE CALIFORNIA  
MASTER PLAN FOR SPECIAL EDUCATION ANNUAL  
EVALUATION REPORT AND THE UNITED STATES  
OFFICE OF SPECIAL EDUCATION PROGRAM  
ADMINISTRATIVE REVIEW OF CALIFORNIA

Abstract of Dissertation

The purpose of this study was to investigate the compliance and implementation levels of special education services in California during the 1979-80 academic year. Data sources used for this study included (a) an analysis of 20 Northern California Monitor and Review (MAR) reports, (b) the descriptive state data contained in the 1979-80 California Master Plan Report, and (c) the evaluation data from the United States Office of Special Education Program Administrative Review (PAR) of California for 1979-80. A portion of the research objectives were answered through the development of an analysis methodology for the MAR reports compatible with the Statistical Package for the Social Sciences (SPSS). The remaining research objectives were completed by the development and application of an analysis and comparison model utilizing a five-point rating scale. Since the State's annual report is based in part on the MAR documents, the model was constructed to combine these two sources and compare them with data

that was used to support the conclusions of the PAR report. This methodology was used to determine the compatibility of the two official reports describing the implementation and compliance status of special education in California during the 1979-80 academic year. The findings of this study in relation to data from the 20 MAR reports showed that on the average only 19% of the total number of items (196) from the state's monitor and review instrument were found to be in the "compliance" category. Furthermore 39% of these items were in the "non-compliance" category, while 42% of the items were "not assessed". Additional findings suggest an extensive variation in both the application of the state's 196 item MAR instrument and the evaluation results for rural and urban areas. The findings of the first application of the analysis and comparison model five-point rating scale suggest that when state report information and MAR data are available they generally do not support the PAR material used to substantiate the PAR report findings. The results of the second application of the model found that the data supporting PAR conclusions could not be substantiated or when present in the state and MAR reports, the sources were not in agreement. Based on the findings of this study, this investigator concluded that (a) local education agencies are experiencing significant problems

in implementing required special education services, (b) there are substantial problems with the consistent application of the state's monitor and review instrument, (c) state and federal program evaluation systems lack a common philosophy and practical methodology to complement each other and avoid duplication, (d) portions of the support material used to justify PAR statements were based on isolated instances of observation, and (e) portions of the support material used to justify PAR statements were in conflict with state report and MAR data sources raising questions of PAR report accuracy and generalizability. Recommendations in relation to the findings of this study include the following: (a) the development of a uniform evaluation philosophy and practical methodology to assess special education services, (b) modification of the state's 196 item MAR instrument and training procedures to obtain consistent and uniform data to accurately measure progress in the implementation of special education services, (3) completion of reliability and validity studies to support the continued use of the MAR evaluation instrument, and (d) replication of this study at five-year intervals to plot implementation progress of mandated changes within the field of special education.

## ACKNOWLEDGMENTS

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TABLE OF CONTENTS

	Page
ACKNOWLEDGMENTS . . . . .	vi
LIST OF TABLES . . . . .	x
 Chapter	
I. The Problem and Definition of Terms . . . . .	1
I. Introduction . . . . .	1
II. Statement of the Problem . . . . .	9
III. Purpose and Significance of the Study	11
IV. Research Methodology . . . . .	14
V. Assumptions and Limitations . . . . .	16
VI. Definition of Terms . . . . .	16
VII. Summary . . . . .	27
II. Review of the Literature Related to this Study . . . . .	28
I. The Constitutional Basis for the Right to Education . . . . .	28
II. Judicial Decisions . . . . .	30
III. Legislative Enactments . . . . .	37
IV. Implementation and Compliance Monitoring Procedures . . . . .	56
V. Results of the 1980 California Program Administrative Review . . . . .	67
VI. The Education Advocates Coalition Report . . . . .	70



TABLE OF CONTENTS (Continued)

Chapter	Page
III. Description of the Design and Procedure of the Study . . . . .	77
I. Population and Data Sources for the Study . . . . .	77
II. Description of the Analysis and Comparison Model . . . . .	89
III. Statistical Procedures . . . . .	93
IV. Summary . . . . .	95
IV. Findings of the Study . . . . .	96
Findings . . . . .	96
Summary . . . . .	135
V. Summary, Conclusions and Recommendations . . . . .	137
I. Summary . . . . .	138
II. Discussion . . . . .	141
III. Conclusions . . . . .	147
IV. Recommendations . . . . .	148
References . . . . .	150
Appendices	
A. THE TWENTY NORTHERN CALIFORNIA LOCAL EDUCATION AGENCIES REVIEWED DURING 1979-80 . . . . .	157
B. SUMMARY OF THE CALIFORNIA MASTER PLAN FOR SPECIAL EDUCATION 1979-80 ANNUAL EVALUATION REPORT . . . . .	161

TABLE OF CONTENTS (Continued)

	Page
Appendices	
C. BUREAU OF EDUCATION FOR THE HANDICAPPED ACTIVITIES DURING ADVANCE PROGRAM ADMINISTRATIVE REVIEW VISIT . . . . .	171
D. BUREAU OF EDUCATION FOR THE HANDICAPPED ACTIVITIES DURING THE ON-SITE PROGRAM ADMINISTRATIVE REVIEW . . . . .	174

LIST OF TABLES

Table	Page
1. . . . .	98
2. . . . .	100
3. . . . .	101
4. . . . .	103
5. . . . .	107
6. . . . .	109
7. . . . .	111
8. . . . .	112
9. . . . .	114
10. . . . .	115
11. . . . .	116
12. . . . .	117
13. . . . .	119
14. . . . .	120
15. . . . .	122
16. . . . .	124
17. . . . .	125
18. . . . .	128
19. . . . .	129
20. . . . .	130
21. . . . .	131
22. . . . .	132

## Chapter I

### The Problem and Definition of Terms

#### I. Introduction

The first effort to educate an educationally handicapped child dates back to the French physician Jean Itard in Paris, France. Itard's ingenious methods and his student, Edouard Seguin, who developed a physiological method for teaching the handicapped, were important influences in the history of the United States' efforts to serve this population. The beginning of special education programs in this country occurred in the 1880's and can be traced to the development of the state residential schools for the deaf and blind, public day school classes for the deaf, and numerous programs for the "feeble minded". Education of the retarded in the public school setting was provided first in Providence, Rhode Island in 1896 (Weintraub & Abeson, 1976).

Initially, educational methods were developed by physicians, while today many disciplines are involved with the enormous expansion of the public schools' mandated responsibilities to serve all educationally handicapped students. Until recently the federal role, as it pertains to the handicapped, was limited to providing monetary

assistance to state and local educational agencies to meet the needs of specific disabilities groups.

Traditionally, special education programs were established on a categorical basis related to a specific handicapping condition. As parents of children with various specific handicaps voiced their needs, new programs were added until some 28 different categorical programs were funded. Although this approach provided necessary services to many handicapped individuals, many other children with exceptional needs were either not receiving services, or receiving limited services which were often inappropriate to their educational needs (CSDE: California Master Plan Report, 1979). These circumstances changed significantly when, on November 29, 1975, President Ford signed into law the Education For All Handicapped Children Act (P.L. 94-142). This permanent landmark legislation commits the federal government to a level of funding that provides a free appropriate public education for all handicapped children between the ages of three and 21. Embodied within P.L. 94-142 are a variety of statutory and regulatory requirements that represent the current philosophical position of special educators relative to civil rights and educational services necessary to appropriately provide full equality of opportunity for handicapped children (Oberman, 1980, p. 48).

The U.S. Department of Health, Education, and Welfare sees the development of regulations for implementing P.L. 94-142 as being an evolutionary process which will continue over a period of years. The actual impact and consequences of the statutory provisions and problems which state and local educational agencies may have in implementing these provisions are not known at this time.

(Barbacovi & Clelland, 1978, p. 72)

What the future holds for the general development of special education as a professional discipline, and what impact P.L. 94-142 will have on shaping this future, are not clearly discernible. However, many authors (Anderson, Martinez, & Rich, 1980, chap. 1; Barbacovi & Clelland, 1978, p. 72; Gilhool, 1976, p. 13; National Education Association, 1978; Oberman, 1980, pp. 49-52; Pechter, 1979, p. 68) believe one basic assumption is appropriate--if successfully implemented, P.L. 94-142 will mark the beginning of a new era for all children, not just handicapped children.

P.L. 94-142 requires states to provide a free appropriate publicly supported education to handicapped children and includes among its provisions that:

1. A free appropriate education is guaranteed to all handicapped children between the ages of

three and 18 by September 1, 1978, and to all handicapped children between the ages of three and 21 by September 1, 1981.

2. A detailed set of procedural safeguards and due process requirements must be adhered to, including nondiscriminatory testing, parental rights for participation in the assessment and placement of their children, and appeals procedures.

3. A written individualized education program (IEP) must be developed for each handicapped child. The individualized education program must be developed jointly by, at least, a qualified representative of the local educational agency, the child's teacher, parents or guardian, and the child himself or herself, whenever appropriate.

4. Handicapped children are to be educated in the least restrictive environment appropriate to the needs of both special and regular education pupils. (CSDE: New Era for Special Education, 1980, pp. 24-28)

The development of the California Master Plan for Special Education, which preceded and is consistent with legislative and judicial mandates embodied in P.L. 94-142, began in 1970 with extensive studies and reviews of existing

special education services and included several public input seminars. This information provided a basis for the development of a plan for special education which the State Board of Education formally adopted as the California Master Plan for Special Education in January 1974.

The Master Plan reorganizes the system for delivering special education services in a manner which is consistent with federal requirements. The Master Plan differs from federal law in the following areas: (a) establishes a regional delivery system, (b) requires a local comprehensive plan, (c) further specifies certain assessment procedures, (d) requires a parent advisory committee structure in each comprehensive plan area, and (e) specifies certain instructional components.

The authority to implement special education programs under the Master Plan was initially provided on a pilot basis with the enactment of Assembly Bill 4040 (Chapter 1532, Statutes of 1974). Pursuant to that authority, the State Board of Education approved six responsible local agencies (RLAs) to implement comprehensive plans for special education during the 1975-76 school year. Four additional RLAs were approved to begin implementation during the 1976-77 school year (CSDE: California Master Plan Report, 1978, p. 3).



Seventeen RLAs, including 259 school districts and 12 offices of county superintendent with some 80,000 handicapped pupils, are currently implementing local comprehensive plans. Assembly Bill 1250 (Chapter 1247, Statutes of 1977) provides for statewide phase-in of the Master Plan by the 1981-82 school year. Assembly Bill 65 (Chapter 894, Statutes of 1977) provides for funding for the Master Plan which will allow for implementation in approximately 30% of the state. Assembly Bill 65 included a statement of legislative intent that, subject to future budget acts, the Master Plan for Special Education be funded for statewide implementation by 1981-82. On July 18, 1980, Senate Bill 1870 (S.B. 1870) was passed which allows for procedures and fiscal resources to implement the Master Plan state wide. This bill accelerates the effective date of California's massive Master Plan for Special Education. When the Master Plan is fully implemented, in two years under S.B. 1870, all of the state's public and private schools will be involved serving an estimated 400,000 exceptional students (New Bill, 1980).

The significant provisions of the Master Plan (S.B. 1870) include the following provisions:

1. Exceptional children are to be educated in the least restrictive environment. To the maximum extent appropriate to their needs,

exceptional children are to be educated alongside their non-handicapped peers. However, that does not eliminate special classes or state schools. Rather, it reserves these placement options for children who cannot function in the regular class.

2. Parents have significant new rights. They must give written consent before their child is assessed, and placed. Pupil assessment procedures are simplified and clarified under the new law. Parents have the right to obtain copies of their exceptional child's school records. If they disagree with assessment and placement decisions they can appeal. School districts must notify them of their rights.

3. Local school districts can pick one of three plans which they think would be the most effective governance structure for special education. They can operate their own program if of sufficient size and scope. They can join with other districts to form a special education services region (SESR) governed by a joint powers or contractual agreement. They can enter into a contractual agreement with a county office of

education to assure the needs of all pupils in the region are met. (New Bill, p. 9)

General and special educators are currently faced with the problem of initiating organizational change in providing for educational services to handicapped students due to two major external social forces: (a) legislative mandates and (b) judicial litigation. Concurrent with these external forces, general and special educators have begun to realize the inadequacies of the organizational structures and service delivery systems provided by many public schools for handicapped individuals. In response to these social forces and professional criticism, proposals for personal accountability for program effectiveness and efficiency have been suggested for special education teachers and administrators, as has legal action for the reform of special education programming.

Both federal and state agencies periodically evaluate and review implementation progress of P.L. 94-142. The states use of federal funds for the education of handicapped children requires the state education agency to develop and undertake monitoring and evaluation activities to ensure legal compliance of all public agencies. These procedures must include the collection of data and reports, on-site visits, and comparison of a sampling of IEPs with programs actually provided (Code of Federal Regulations,

Title 45, 121a.601). At the federal level the Bureau of Education for the Handicapped (BEH) was given responsibility for evaluating implementation of P.L. 94-142. The State Program Implementation Studies Branch (SPISB) was established for this activity. With the new law came a requirement for a series of annual reports on progress in its implementation, to be submitted to the Congress each January (SPISB: Progress Toward Education, 1979, p. 33). To keep track of progress, and as a prelude to offering technical assistance, the BEH established a Program Administrative Review (PAR) process involving state-by-state site visits beginning before P.L. 94-142 became effective. The basic purpose of the PARs is to determine the degree to which an individual state's policies, procedures, and practices are consistent with federal regulations and the state's annual program plan (SPISB: Progress Toward Education, 1979, p. 72).

## II. Statement of the Problem

Public Law 94-142, governing the use of federal funds for the education of handicapped children, requires the State Education Department to, (a) undertake monitoring and evaluation activities to insure compliance of all public agencies within the state, and (b) develop procedures and timelines for monitoring and evaluating public agencies involved in the education of handicapped children. State

legislation governing review of programs conducted under the California Master Plan for Special Education (Assembly Bill 1250) mandates that the Superintendent of Public Instruction shall "monitor the implementation of local comprehensive plans by periodically conducting on-site programs and fiscal reviews" (Education Code, 56312(e)).

California, under authority from both states and federal mandates, has been charged with the responsibility of undertaking monitoring and evaluating activities to ensure compliance of all public agencies within the state providing education services to the handicapped. From the state developed descriptive evaluative procedures and results, an LEA's degree of special education program implementation is described in the following three response categories:

1. Assessed item found to be in compliance.
2. Assessed item found to be in noncompliance.
3. Item not assessed (CSDE: Manual of Procedures, 1979).

Full implementation and compliance reviews take a considerable amount of time and involve a composite team drawn from the special education field. The state's evaluative instrument contains 196 items grouped in nine framework subsections (CSDE: Manual of Procedures, 1979).

In conjunction with the state's monitor and review procedures and an annual evaluation report, BEH conducts PARs in at least one-half of the states and territories each year. Each review typically consists of a five-day stay by a team of four or more Bureau staff members. Decisions as to which local school districts and state-operated or supported programs will be visited are based on the following: (a) possible need for technical assistance, (b) potential noncompliance problems, or (c) evidence of successful procedures for complying with the federal statutes and regulations (SPISB: Progress Toward Education, 1979, pp. 72-72).

Presently there is no reported research comparing the California State Department of Special Education Annual Report (1979-80) with the Bureau of Education for the Handicapped PAR Report for California (1979-80). There has been no in-depth description of local educational agency characteristics based upon data generated by the state's monitor and review procedures.

### III. Purpose and Significance of the Study

The purpose of this study is to describe the current implementation level of California special services in relation to the following objectives:

1. To develop a summary composite of the three response categories for all local educational

agencies (LEAs) participating in the Northern California monitor and review (MAR) procedures:

2. To develop a summary composite of response categories grouped by compliance and quality item types;

3. To develop a summary description of assessed LEAs when instrument items are organized by the three Northern California geographic sub-regions in relation to response categories grouped by compliance and quality items;

4. To develop a summary composite of response categories grouped by framework subsections;

5. To develop a summary description of assessed LEAs when instrument items are organized by the three Northern California geographic sub-regions in relation to response categories grouped by framework subsections;

6. To develop a composite relative percentage ranking of all LEAs organized by framework subsections and group by response categories;

7. To develop response category percentages for each LEA;

8. To develop percentage rankings of LEAs grouped by response categories;

9. To develop LEA response category percentages grouped by framework subsections;

10. To compare the data base for the six items under the General Monitoring Analysis section of the PAR report with support material for the California Master Plan Annual Report and this researcher's MAR data;

11. To compare the data base for the five items under the Issues for In-depth Monitoring Section of the PAR report with support material for the California Master Plan Annual Report and this researcher's MAR data;

12. To assess the feasibility of developing a manageable screening instrument based on item and framework analysis for State Department implementation/compliance full review decisions.

#### Significance of the Study

Though there has been a proliferation of reports from both state and federal agencies relating to present levels of compliance with P.L. 94-142 mandates, questions continue to arise as to the generalizability and accuracy of these documents. The present study is the first attempt to analyze and compare the data bases used to develop the California State Department of Education Special Education Annual Report (1979-80), and the BEH Program



Administrative Review (1979-80) of California's special education program. Both the state and federal reports are based in part on California's Monitor and Review (MAR) documents which have not been item analyzed for research purpose. Therefore this study additionally will be the first to individually and collectively provide an in-depth analysis of 20 MAR reports from the Northern California special education region. The results of this study may help explain the conclusions of the various reports describing special education services and provide insights into needed modifications for accurate and reliable state and federal program analysis. Finally, the results of this research could be useful in providing new insights into appropriate state and federal relationships and responsibilities in the special education areas of implementation and compliance.

#### IV. Research Methodology

This study is concerned with analyzing data bases for two reports describing the current status of special education services in California. In developing the research objectives for this study three steps were taken. The first was to obtain the Northern California region special education Monitor and Review Report (MAR) for the 1979-80 academic year. These MAR reports were sent to this researcher by the California State Department of

Education, Office of Special Education (CSDE-OSE). Since these documents had never been individually or collectively analyzed, the second step was to develop an analysis methodology compatible with the Statistical Package for the Social Sciences (SPSS) for processing at the University of the Pacific, Stockton, California, Computer Center.

The second step was to obtain a copy of both the California Master Plan for Special Education 1979-80 Annual Evaluation Report and the United States Office of Special Education Program Administrative Review of California for 1979-80. The third step was to develop an analysis and comparison model to compare the supporting basis material for each of these reports. Since the state's annual report is based in part on the MAR documents, the model was constructed to combine these two sources and compare them with data that was used to support the conclusion of the PAR report. This methodology was used to determine the compatibility of two official reports describing the implementation and compliance status of special education in California during the 1979-80 academic year. This extensive amount of data describing a particular academic year (1979-80) had never been available and is therefore deserving of study.

## V. Assumptions and Limitations

### Assumptions

This researcher had no control over the procedures utilized to obtain the data for the various reports. Since the material was gathered in the field it is assumed to be valid. Furthermore, the local education agencies chosen for MAR procedures during any particular year provide a representative sample of special education programs throughout the state.

### Limitations

This study has been limited by the state department's interpretation of the requirements to ensure compliance with state and federal legislation. These are encompassed in the designed information gathering instruments, choice of local education agencies evaluated, membership composition of MAR teams, and the state's calendar of MAR team visits. Furthermore only Northern California special education MAR reports were included in this study.

## VI. Definition of Terms

Special terms have been used throughout this study. The following definitions are provided in relationship to their relevance or application to this study:

1. Handicapped Children: The term refers to all handicapping exceptionalities such as mentally retarded, hard of hearing, deaf, speech impaired, visually

handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multi-handicapped, or as having specific learning disabilities, who because of those impairments need special education and related services (National Archives, 1977, p. 42478).

2. Implementation: The devising of ways to carry out proposals (Good, 1959, p. 280).

3. Assembly Bill 1250 (1977), as amended by A.B.3635: This law provides for statewide implementation of the California schools (CSDE: New Era for Special Education, 1980, p. 29).

4. Assembly Bill 4040: The first Master Plan legislation enacted in 1974 which authorized three year pilot programs in up to 10 areas of the state (CSDE: New Era for Special Education, 1980, p. 29).

5. Senate Bill 1870: State legislation accelerating the effective date of California's Master Plan for Special Education.

6. Master Plan (California Master Plan for Special Education): Approved in 1974 under Assembly Bill 4040, it establishes a comprehensive system for delivering special education services to exceptional children. It describes program components and creates the responsible local agency (RLA) structure which moves key educational decisions from

the state to the local level (CSDE: New Era for Special Education, 1980, p. 29).

7. Public Law 94-142: The Education for All Handicapped Children Act. Passed by Congress in 1975, it guarantees a free appropriate education to school-aged handicapped children by October 1, 1977; to those three to 21 by September 1, 1981 (20 U.S.C. 1401 et seq.; 45 C.F.R. 121a.1 et seq.).

8. Free and Appropriate Public Education: A key provision of P.L. 94-142 that entitles handicapped children to schooling at no charge to their parents. The education must be under public supervision, meet state standards, and be appropriate to the child's needs (CSDE: New Era for Special Education, 1980, p. 29).

9. Least Restrictive Environment: The environment in which a handicapped child will have the most contact with his or her non-handicapped peers. The statutes and regulations require placement of children in the least restrictive environment appropriate to their needs (45 C.F.R. 84.34(a); 45 C.F.R. 121a.550).

10. Individualized Education Program (IEP): A written statement for each handicapped child developed in any meeting by a representative of an LEA which is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of

handicapped children, the teachers, the parents or guardian of such children, and, whenever appropriate, such child. This shall include: (a) a statement of the present levels of education performance in the "learning areas of instruction", (b) a statement of annual goals, including short-term instructional objectives, (c) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs, (d) the projected date for initiation and anticipated duration of such services, and (e) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being met (Search, 1977, Appendix A, p. 2).

11. Learning Areas of Instruction: The following are to be assessed in the process of completing the psycho-educational evaluation for special education placement: (a) basic skill subjects including pre-academic readiness skills, in the areas of reading communication, and computational skills, (b) body coordination, (c) health and hygiene, (d) self-concept, (e) school and community adjustment, and (f) vocational and career development (Search, 1977, Appendix B).

12. Local Education Agency (LEA): An LEA is defined as any provider of special education programs or services.

This designation also includes any "responsible local agency" or "intermediate education unit" such as a school district or county office of education or a consortium of any combination of counties and/or districts (Search, 1977, Appendix A, p. 2).

13. California State Department of Education, Office of Special Education Monitor and Review Procedures: This includes instruments used to determine program quality and the extent of conformity with legal requirements consisting of interview forms, observation guides and collection procedures for the major review area. The processes used to collect information includes the following six instruments:

a. Administrative interviews: This instrument is used by the team leader to elicit information from selected administrative staff. Documentation is a top priority consideration.

b. Pupil record reviews: An examination of an appropriate sample of pupil records is conducted by review team members who meet qualifications of confidentiality requirements, and who have received prior training in techniques of record analysis. Record review by the team members is often facilitated by the assistance of an agency representative familiar with the filing system.

c. Educable mentally retarded record reviews: Individual pupil records are reviewed to determine

currency, completeness, and appropriateness of identification, assessment, and placement data.

d. Classroom observations: The purpose of the classroom observation is to seek evidence which confirms that individuals with exceptional needs are receiving those educational and related services needed and prescribed in the IEPs. Review team members visit classrooms to determine the correlation between randomly selected IEPs and the instructional activities and related services provided in the setting observed. Observation focuses on the pupil, not the teacher or other service providers. Review team members also determine whether IEPs in the classroom are current and complete.

e. Staff interviews: Three interview instruments are used to elicit information from regular education teachers, special education teachers, specialists and support staff, and others employed by the agency or school district.

f. Parent interviews: The purpose of interviewing parents is to elicit information regarding the provisions of services, to determine the extent to which they are informed of their rights and responsibilities, and to determine the extent to which they are included in planning educational activities (CSDE: Manual of Procedures, 1979).



14. Monitor and Review Instrument Framework Sub-sections: The following nine frameworks as described in the Manual of Procedures (CSDE, 1979) were used to organize all data gathering instruments and the field review report:

a. SEARCH IDENTIFY/LOCATE, REFER, AND SCREEN FOR ASSESSMENT).

All children in need of special education and related services must be identified and located. (45 CER.121a.220; 20 U.S.C. 1414(a)(1)(A))

<u>Questions</u>	1-4	Child find
	5-16	Referral process
	17-20	Recording

b. ASSESSMENT

Each LEA shall establish and implement procedures consistent with the requirements of federal and state law for educational assessment of an individual with exceptional needs. (121a.530; 20 U.S.C. 1412(5)(C))

<u>Questions</u>	21-27	Policies and procedures
	28	Reassessment
	29-31	Independent assessment
	32-35	Assessment notification

c. DEVELOPMENT AND REVIEW OF THE IEP

An individualized education program shall be developed for every individual with exceptional needs and shall be reviewed periodically and not less than annually. (121a.342, 121a.343(d); 20 U.S.C. 1412(4) 1414(a)(5))

<u>Questions</u>	36-38	Policy
	39	Nonpublic non-special education schools
	40-49	IEP contents
	50-51	IEP appropriateness
	52-55	Least restrictive environment
	56-69	Participation in meetings
	70-78	Annual review

d. IMPLEMENTATION OF FREE APPROPRIATE PUBLIC

EDUCATION

Each LEA shall provide special education and related services in accordance with individualized education programs in the least restrictive environment and with the requirement of free appropriate public education. (121a.550, 121a.551; 20 U.S.C. 1401(18), 1412(2)(A)(B), 1414(a)(1)(c), 1414(a)(5)(6))

<u>Questions</u>	79-85	Implementation
	86-90	Appropriateness of placement

91-95 Policy

96-107 Integration of  
individuals with  
exceptional needs

e. PROCEDURAL SAFEGUARDS, DUE PROCESS, CONFIDENTIALITY, AND COMPLAINT PROCEDURES

Written notice of all procedural safeguards available to them must be given to the parents of an individual with exceptional needs. (121a.504, 121a.505; 20 U.S.C. 1415(6) (1)(C)(D))

Parents and public educational agencies are guaranteed fair hearings. (121a.560--121a.568; 20 U.S.C. 1412(2)(D), 1415). Agencies shall establish and implement confidentiality protections. (121a.560--121a.574; 20 U.S.C. 1412(2)(D)) Agencies shall establish and implement complaint procedures. (121a.602; 20 U.S.C. 1412(6))

Questions

108-115 Notices

116-117 Primary language

118-120 Consent

121-124 Surrogate parents

125-131 Pupil records

132-138 Confidentiality

139-147 Fair hearings

148-150 Complaint procedures

f. PERSONNEL DEVELOPMENT

All school personnel shall be provided an opportunity to participate in an ongoing comprehensive system of personnel development activities. (121a.380; 20 U.S.C. 1413(a)(3))

<u>Questions</u>	151-154	Planning
	155-162	Implementation

g. EDUCABLE MENTALLY RETARDED

Each LEA shall comply with the court order of Judge Peckham, December 1974 (Larry P. v. Riles).

<u>Questions</u>	163-173	EMR record review
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h. NONPUBLIC SCHOOLS

Even if a nonpublic school or facility implements a child's individualized education program, responsibility remains with the public agency. (121a.374 (c); 20 U.S.C. 1413(a)(4)(3))

<u>Questions</u>	174-176	IEP development
	177	Service agreements
	178-180	Annual review
	181-182	LEA monitoring
	183-185	Placement
	186	Integration of individual needs
	187	Personnel development
	188-189	Policy

i. ADMINISTRATION

Administrative control of services and funds shall be in accordance with state and federal laws and regulations. (121a.182-186, 121a.228-233, 121a.240; 20 U.S.C. 1414(a))

<u>Questions</u>	190-194	Child count
	195-196	Accounting procedures

15. Monitor and Review Instrument Compliance and Quality Items: The 196 questions incorporated into the program review evaluate two major aspects of the program: program quality and compliance of the program with standards based upon laws and regulations. Quality items (51) are interspersed within the instruments and across the framework and reflect aspects which are indistinguishable by the degree of excellence, i.e., these questions do not include reference citations. Compliance items (145), interspersed similarly, reflect aspects which are required by law, i.e., these questions include reference citations (CSDE: Manual of Procedures, 1979).
16. The Program Administrative Review (PAR): This is the direct observation method set up by Bureau of Education for the Handicapped (now the Office of Special Education) to establish a system of regular visits to states and territories to determine the degree of compliance

with P.L. 94-142 (SPISB: Progress Toward Education, 1979, p. 72).

### VII. Summary

This chapter has presented an introduction to the problem and a statement of the problem as it relates to research objectives. In addition, it has explained the significance of this study, stated the suggested objectives, the assumptions and limitations, and defined significant terms relative to this study.

Four additional chapters are included in this study. Chapter II reviews Constitutional issues and judicial decisions which shaped present legislative enactments. Current state and federal laws are discussed as they relate to mandated requirements and reporting procedures. This includes state and federal documents describing progress toward full implementation of P.L. 94-142 and a report from the Education Advocates Coalition (1980). Chapter III describes the design and analysis of the MAR reports as well as the model utilized to compare the 1979-80 PAR report with the California State Department of Education Annual Report on Special Education (1979-80). Chapter IV presents results of the comparison and analysis of the three data sources available for this study. Chapter V contains the conclusions based upon the study and recommendations for further investigation.

## Chapter II

### Review of the Literature Related to this Study

The literature reviewed for this study is organized under six major categories: (a) the Constitutional basis for the right to education, (b) judicial decisions, (c) legislative enactments, (d) implementation and compliance monitoring procedures, (e) results of the California Program Administrative Review, and (f) the findings of the Education Advocates Coalition study. These interrelated areas as well as current program evaluation procedures continually shape and modify the special education services provided for the handicapped children in the United States today.

#### I. The Constitutional Basis for the Right to Education

The U.S. Constitution does not expressly state that an education is a fundamental right. However, one of the most significant provisions of the Constitution found in the Tenth Amendment reserves to the states or to the people all powers not delegated to the federal government by the Constitution. The power of each state to provide and maintain public schools is thus inherent in the state

responsibilities established by this amendment (Morphet, Johns, & Reller, 1974, chap. 2).

Four provisions in the Constitution and its amendments are commonly recognized as having considerable significance for education. Most of them are concerned with the protection of what is commonly referred to as the inherent rights of individuals. Of particular interest to special education advocates is the Fourteenth Amendment. This amendment prohibits any state from making or enforcing any law abridging "the privileges or immunities of the citizens of the United States", or from depriving any person of "life, liberty, or property, without due process of the law", or from denying "to any person within its jurisdiction the equal protection of the laws" (Morphet et al., 1974, pp. 37-38). Each of these provisions has been the basis for a number of controversies and challenges involving special education.

Lower federal courts which have ruled in favor of a right to an appropriate education have relied upon the "due process" and "equal protection" provisions of the U.S. Constitution as support for their conclusions. The equal protection clause specifies the equality of an individual under the law while at the same time specifying a procedure of due process when any state restricts the rights of its citizens. In essence, equal protection



stipulates that laws be applied equally to all citizens and that they be applied in accordance with due process. Together, these two concepts form the argument for a Constitutional right to an education (Tracy, Gibbins, & Kladder, 1976, pp. 42-43).

A child classified as handicapped and placed in a special class or excluded from school is denied due process if school authorities fail to utilize fair procedures in making such a determination. Additionally, the unjustified exclusion of any child from public education denies that child equal protection of the laws if the state offers educational programs to non-handicapped children. This rationale is the basic justification for a lengthy history of special education litigation.

## II. Judicial Decisions

### Federal Case Law

The idea of placing children in as normal a setting as possible originated in the courts as the doctrine of "the least restrictive alternative". As early as 1819, in McCulloch v. Maryland the court stated that regulations affecting citizens of a state should be both "appropriate" and "plainly adapted" to the end sought. Whatever the structure or program, however justified, those in authority are bound to "guarantee its implementation in the least restrictive environment available" (Tracy et al.,

1976, p. 43). That is, the government's purpose should be served with as little imposition on the individual as possible. The principle of least restrictiveness entered into educational decisions in the late 1960's and early 1970's, in a wave of civil rights litigation concerning the right of all children to equal educational opportunity (SPISB: Progress Toward Education, 1979).

The foundation for the development of a right to education for handicapped children lay in the 1954 U.S. Supreme Court decision in Brown v. Board of Education when the court emphasized the importance of education:

Today, education is perhaps the most important function of state and local government. . . .

In these days it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of 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. (347 U.S. 483, 1954)

Although the arguments set forth in the Brown case challenged public school segregation on the basis of race, the basic principle of equal opportunity for an education was reaffirmed. This was carried forward in the arguments presented on behalf of handicapped children

who were being denied the right to an appropriate education (O'Donnell, 1977).

In 1971, the parent self-help movement in Pennsylvania, initiated the first major right to education case of the new decade, Pennsylvania Association for the Retarded Children v. Commonwealth of Pennsylvania.

The plaintiffs in the PARC case included 14 mentally handicapped children of school age who represented themselves and all others within the state who were excluded from public school programs of education and training (Oberman, 1980). After the presentation of the plaintiffs' case a consent decree and stipulation were entered into by the parties and approved by the court.

The consent decree in PARC emphasizes most of the major themes in the right to education area. First, it firmly establishes that all of Pennsylvania's mentally retarded school-aged children, regardless of the nature, severity or complexity of their handicaps are capable of learning and are entitled to an appropriate program of education. The decree goes on to require that the education provided to mentally retarded children must be appropriate for them and must take account of their specialized needs. Moreover, the parties also consented to notice and opportunity for a due process hearing prior to any child being denied admission to a public school

program or having the child's educational status changed (O'Donnell, 1977). These basic principles have been reiterated in almost every subsequent right to education decision.

The extend PARC rights to other handicapped children, a different, cross-categorical litigation approach was taken in Mills v. Board of Education of the District of Columbia. Decided on August 1, 1972, Mills was a class action suit brought on behalf of children labeled as mentally retarded, emotionally disturbed, hyperactive, behavior problems or otherwise impaired, who were excluded from educational programs. The court in the Mills decision explicitly based its decision on the due process and equal protection clauses of the Constitution. The court ruled that no child could be excluded from a regular school assignment unless adequate alternative education services suited to the child's needs were provided. The child is also accorded a constitutionally adequate prior hearing and periodic review of the educational program (Barbacovi & Clelland, 1977, pp. 4-5). The court ordered the provision of a "free and suitable publically-supported education regardless of the degree of the child's mental, physical or emotional impairment" (Mills, 1972, at 878).

Both PARC and Mills cases found that total exclusion of handicapped children violates the equal protection clause of the Fourteenth and Fifth Amendments. The judicial impact of these cases was in deciding that no handicapped class, regardless of severity or problem type, could be denied equal protection of the law.

#### State Law

As previously stated, the U.S. Constitution does not expressly provide for the right to an education. Historically, education in this country has always been the responsibility of each state. In fact, the U.S. Supreme Court in the San Antonio Independent School District v. Rodriguez case specifically left the question of a right to education under state constitutions to be decided by state courts (Oberman, 1980).

At approximately the same time PARC and Mills were decided, several lawsuits in other states seeking the right to an appropriate education for handicapped children were settled by either consent decree or a ruling by the court (O'Donnell, 1977). The California case of Diana v. State Board of Education involved the misclassification of bilingual children of Mexican-American heritage. As a result of this court case, the California Board of Education agreed to test or retest children in their primary language and to provide special help to

mislabeled children returning to the regular classroom (Scherr, 1979). Federal law now requires that children be tested in their native language (45 C.F.R., sec. 121.a 532 (a)(1)).

This case and others such as Stewart v. Phillips in Boston (1970), and Larry P. v. Riles in California (1972), have focused on testing and labeling procedures which have been used to set up categories of programs effectively denying equal educational opportunities under the law. While the focus has varied from case to case, the major point at issue has been the validity of testing procedures in conducting a complete and appropriate phase of assessment (Tracy et al., 1976, p. 48).

The plaintiffs in the Larry P. v. Riles case held that racial bias in the intelligence tests has resulted in over-representation of minority children in classes for the retarded. In reaction to this suit, most school districts in California ceased screening or referring children who may be mentally retarded. Further, those children who are identified are often not assessed for intelligence, but only for such characteristics as achievement, adaptive behavior and medical history. However, these areas have no criteria for establishing the retardation classification (SPISB: Progress Toward Education, 1979, p. 12).

On December 13, 1974 the United States District Court for the Northern District of California in the case of Larry P. v. Riles expanded an earlier order and entered a statewide preliminary injunction restraining the California Department of Education from:

performing psychological evaluation of plaintiffs and other black California school children by the use of standardized individual ability or intelligence tests which do not properly account for the cultural background and experiences of these children . . . and placing black children in California into classes for the educable mentally retarded on the basis of the results of any test which does not properly account for the cultural background of these children.

(U.S.: PAR, 1980, p. 33)

A final order of the court making this injunction permanent was entered on October 16, 1979.

In summary this section has focused primarily on federal and state litigation. Courts have consistently held that state and local education agencies are obliged by federal statute to offer, at minimum, free and appropriate educations to all handicapped children. Thus there is good reason to believe that courts generally will require education agencies to fulfill and expand that

mandate to all handicapped individuals. The following section discusses legislation prompted or accompanied by recent litigation.

### III. Legislative Enactments

#### Federal Legislation

Until recently, the federal role, as it pertains to the handicapped, was limited to providing monetary assistance to state and local educational agencies to meet the needs of these specific groups. The initial step was taken in 1954 with the passage of P.L. 83-531, the Cooperative Research Act. This Act was designed to foster a spirit of cooperation between the federal government and institutions of higher learning and represented a rudimentary awareness by Congress of the need for categorical aid for special education. In 1958, two bills were passed that established categorical support for the education of the handicapped. P.L. 85-905, Captioned Films for the Deaf established a loan service for cultural enrichment and recreation for deaf persons. The Training of Professional Personnel Act, P.L. 85-926, focused on the training of university level persons to teach in the area of mental retardation. In 1965, with the passage of P.L. 89-10 the Elementary and Secondary Education Act (ESEA), the first sizable commitment by the federal government to support K-12 education was undertaken.



The federal monies, authorized in five Titles, were designed to lend assistance to local and state education agencies in providing programs and services to educationally deprived children. In 1966, P.L. 89-750, the ESEA Amendments of 1966, created Title VI which established the Bureau of Education for the Handicapped to handle all federal programs designed to meet the needs of the handicapped, and provide categorical funds for the support of approved programs at the local district level (Barbacovi & Clelland, 1978, pp. 2-3).

P.L. 89-750 was amended and extended in 1974 by Public Law 93-380 (Education Amendments of 1974). This 1974 Act contained the first congressional declaration of the federal policy that all handicapped children are entitled to an appropriate free public education. In order to receive money under this Act, states were required to set forth in detail their policies and procedures to ensure the provision of appropriate education to all handicapped children. Each state was also required to provide a detailed timetable for achieving full appropriate educational opportunity for all of its handicapped children, including a description of the kind and numbers of facilities, personnel and services necessary to meet this goal (Oberman, 1980).

Perhaps most importantly, each state was required, as a precondition to receiving money under P.L. 93-380, to provide due process procedures for ensuring that handicapped children and their parents were guaranteed procedural safeguards in decisions regarding the children's identification, evaluation and educational placement. These included, at minimum, the right to prior notice before a change in educational placement and the opportunity for impartial hearing; access to all relevant records; the right to obtain an independent evaluation; procedures to protect children whose parents were not known or available; and provisions for the enforcement of due process hearing decisions. Each state was also required, for the first time by federal statute, to ensure that, to the maximum extent appropriate, handicapped children are educated with children who are not handicapped (P.L. 93-380, 612(d)(13)).

Congress' concern for the handicapped was not limited to the area of education. In 1973, that body passed the Rehabilitation Act of 1973 (P.L. 93-112, as amended by P.L. 93-516), which provides, at Section 504 that:

No otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefit of, or

be subjected to discrimination under any program or activity receiving federal financial assistance (29 U.S.C. 706).

It was not until May 4, 1977, that the Department of Health, Education and Welfare issued its regulations under Section 504 (45 C.F.R. 84.1 et. seq.).

Although the Section 504 regulations are most frequently regarded as the source of a right to physical access to public buildings, they also require that any elementary or secondary education program that receives or benefits from federal financial assistance must provide a "free appropriate public education" to each qualified handicapped person in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap (45 C.F.R. 84.33).

The Section 504 regulations contain a strong "least restrictive environment" requirement. This least restrictive environment requirement, or as it is sometimes inappropriately termed, "mainstreaming" requirement, also extends to non-academic and extra-curricular activities (45 C.F.R. 84.34(d)).

The ultimate available sanction against a recipient for failing to comply with the Section 504 regulations is the cutting off of federal education funds. Section 504 has been held to be similar to a civil rights law; in

itself, it provides no funding for the carrying out of its mandates. An administrative enforcement mechanism to remedy Section 504 violations is available through the Office of Civil Rights. Private individuals aggrieved by violations of their rights under the Act may also bring law suits in federal court (Oberman, 1980).

In November of 1975, Congress passed P.L. 94-142, the Education for all Handicapped Children Act. This permanent legislation amends P.L. 94-380 (Part B) and commits the federal government to a level of funding that provides for a free appropriate public education for all handicapped children (Barbacovi & Clelland, 1978, p. 3). Public Law 94-142 and its regulations (20 U.S.C. 1401 et. seq.; 45 C.F.R. 121a.1 et. seq.), issued on August 23, 1977, require affirmative and rapid action of the states as a precondition to receiving the substantial amount of federal money authorized by the Act. Under the Act each state applying for funds must submit a plan to the U.S. Commissioner of Education for approval. This plan details the state's policy for assuring all handicapped children the right to a free appropriate public education. The plan must demonstrate that the state is committed to achieving special education and related services for all handicapped children ages three to 18 by September 1978, and all handicapped children ages three to 21 by September 1980, unless ages

three to five and 18 to 21 are exempted because of state law, practice or court decision (20 U.S.C. 1412).

Individual education program. A free appropriate public education under the Act is a program of special education and related services provided at public expense, under public supervision and without charge, in accordance with state standards and in conformity with an individualized education program (IEP) (45 C.F.R. 121a.4). Special education is defined as "specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child. . ." (45 C.F.R. 121a.14). Related services are "transportation and such developmental, corrective and other supportive services as are required to assist a handicapped child to benefit from special education . . ." (45 C.F.R. 121a.13).

The IEP requirement is the core of P.L. 94-142. Each handicapped child who because of his or her handicaps needs special education and related services must have an IEP (20 U.S.C. 1414(a)(5); 45 C.F.R. 121a.5(a) and 121a.130). An IEP is a written statement developed jointly by school personnel and the child's parents, which provides a blueprint for the child's education. An IEP must include the following: (a) a statement of the child's present educational performance, (b) a statement of annual goals and short term instructional objectives,

(c) a statement of the specific special education and related services to be provided to the child, (d) a statement regarding the extent to which the child will participate in regular education, (3) the anticipated starting dates and duration of the services, and (f) objective criteria for determining educational achievement (45 C.F.R. 121a.340-349; 20 U.S.C. 1401(19)).

The IEP is a document which embodies what educators refer to as the "diagnostic/prescriptive" approach to educating handicapped children. It represents an agreement between the parents and child and the local educational agency (LEA) requiring that LEA to provide certain services, and may serve as the basis for administrative or legal action if the promised services are not provided. Although the IEP is not intended as a binding contract by the schools, children, and parents, professional responsibility necessitates that the "social contract" understanding of "services promised, services delivered" should be honored. This professional responsibility involves the monitoring and evaluating of individualized education programs (Barbacovi & Clelland, 1978, pp. 60-61; Oberman, 1980, p. 49).

State responsibilities. As a condition of receiving funds under P.L. 94-142, the California State Department of Education (CSDE) must submit an annual plan to BEH

which contains the following elements: (a) state assurances that all handicapped children have the right and will receive a free appropriate education, (b) assurance that the procedural safeguards spawned by PARC and incorporated into P.L. 93-380 are adhered to, (c) that education will be provided in the least restrictive environment, and (d) that centralized responsibility for educating handicapped children is placed with the state education agency (45 C.F.R. 121a.110 and 111). In addition, Section 101 requires that a general application be submitted under which CSDE may distribute federal funds to LEAs. Taken together, the general application and the annual program plan constitute the contractual basis for the administration of funds and funded programs under the Act (P.L. 94-142).

States must also provide for an administrative complaint resolution mechanism for claims of non-compliance with the Act (45 C.F.R. 121a.602). This mechanism is in addition to the due process procedures, which are designed to resolve factual disputes as to the appropriateness of particular evaluations, programs and placements (45 C.F.R. 121a.500-534). The Act provides specifically for federal court jurisdiction over such disputes after the exhaustion of state administrative appeals (45 C.F.R. 121a.511; 20 U.S.C. 1415).

In summary this section has reviewed federal statutes and state responsibilities as a precondition to receiving federal money for the handicapped authorized by P.L. 94-142. Since the promulgation of these federal statutes and their regulations, the development of state special education programs has centered around their definition, enforcement and interpretation. The next section reviews the development of current California legislative and legal requirements for services to this state's handicapped children. These will be compared and contrasted to federal statutes now in effect.

#### State Legislation

California began serving exceptional children in 1860 when the School for the Deaf, Dumb and Blind was established in San Francisco. During the past 119 years, other special education services were added piecemeal as science and education learned more about each handicap. Since the programs were added in different years, some received more money than others because the newer programs were funded according to higher inflation levels. By 1970, the state's effort to educate handicapped children represented a patchwork of 28 categorical programs, each with different maximum class sizes and conflicting placement procedures. The system was difficult to administer at the local school level due to



the myriad of special education programs and numerous other categorical programs. It also created competition among special education interest groups who argued the merits of their programs separately before the California Legislature (CSDE: New Era for Education, 1980, p. 3).

New design for special education. In 1970 the State Department of Education and the State Board of Education initiated a comprehensive process designed to reorganize the system of special education in California. The development of the California Master Plan for special education took three years and involved representatives from every major parent group, teacher organization, and administrative group in the state. On January 10, 1974, the Master Plan was adopted by the State Board of Education. The California Master Plan for Special Education (CMPSE) was developed to provide a logical and workable statewide system of special education (CSDE: Master Plan Report, 1978, p. 1).

The CMPSE preceded, and is consistent with, Public Law 94-142, which requires states to provide an appropriate publicly supported education to handicapped children. The master plan differs from federal law in the following ways: (a) it establishes a regional delivery system, (b) it requires a local comprehensive

plan, (c) it further specifies certain assessment procedures, (d) it requires a parent advisory committee structure in each comprehensive plan area, and (e) it specifies certain instructional components (CSDE: Master Plan Report, 1979, pp. 8-9).

The major features of the California master plan and its authorizing legislation include the following:

1. Comprehensive planning units

- a. School boards, educators, and persons from the community(ies) join together to form comprehensive planning units. Such units may be composed of a single large school district, two or more districts, or two or more school districts and an office of a county superintendent of schools. Whatever the pattern of organization, the planning unit must be large enough to provide the full range of services required by individuals with exceptional needs. This combination of resources allows for the provision of services that a single small or medium-sized school district or office of a county superintendent of schools might not be able to provide.

- b. A local comprehensive plan is developed by each planning unit for the area served by the local educational agencies participating in the unit. The

local plan tailors the requirements of the Master Plan to the needs of the local area. Each comprehensive plan must include an indication of how the local participants will (a) provide for the seeking out of all local individuals with exceptional needs, (b) make services available to meet the needs of all individuals identified as having exceptional needs, (c) provide for parental involvement and procedural safeguards, (d) use available resources at the local level to meet the needs of individuals with exceptional needs, (e) conduct staff development activities for regular and special education staff, and (f) evaluate and improve local programs.

c. When the comprehensive planning unit develops a local comprehensive plan that is accepted by the State Department of Education and approved by the State Board of Education, the area covered by the plan is then known as a Special Education Service Region (SESR).

"Responsible local agency" (RLA) refers only to a school district or office of a county superintendent of schools designated by the participants as the fiscal and administrative agent for the unit.

d. Each SESR has a community advisor committee. Parents comprise the majority of the committee. Among other tasks, the committee advises in the development and review of programs under the local comprehensive plan, assists in parent education, and encourages public involvement in the plan.

e. In implementing the plan, the SESR has the services of program specialists. Among the responsibilities assigned to this staff position in the master plan are ensuring adequate curricular resources to all staff members who work with special class students and assessing the effectiveness of special education programs.

## 2. Instruction and educational services

a. Special education means instruction and educational services specially designed to meet the unique needs of individuals with exceptional needs and provided at no cost to the parent or child. Such instruction and services may include (but are not necessarily limited to) classroom instruction, instruction in the home or hospital, language and speech instruction, psychological services, educationally related therapies, special physical education and vocational education programs, parent education, health nursing services,

school social work, notetaking and interpreting, transcribing and reader services, and recreation services.

b. Each SESR's plan includes four instructional components: (a) special classes and centers, (b) the resource specialist program, (c) designated instruction and services, and (d) nonpublic school services.

c. Special classes and centers are designed for children with moderate or severe handicaps who are able to spend little time or no time in regular classrooms.

d. Through the resource specialist program, instructional planning, special instruction, tutorial assistance, and other services are provided to individuals with exceptional needs in regular classrooms or special programs or both. Assistance to teachers in regular classrooms may also be provided through this program.

e. Designated instruction and services are specific and are not normally provided in regular and special class programs or in resource specialist programs. Designated instruction and services also include home and hospital instruction.

f. Nonpublic school services are offered to individuals with exceptional needs when the staff and the parent determine that services appropriate to the needs of the individual are not available in the public school.

g. State residential school services are also available to meet highly specialized educational needs of individual students.

### 3. Provision of services

a. Special education services are offered in the regular class or in a special education setting, in the least restrictive educational environment, and according to each student's individually determined need.

b. The process of identification, assessment, and instructional planning for individuals with exceptional needs are conducted at two levels in the SESR. A school appraisal team reviews all referrals within a particular school and makes recommendations regarding such referrals in accordance with state and federal laws and regulations. Specialized educational assessment service personnel review referrals for in-depth studies of individual students from the school appraisal team, from parents, and from other

sources. The educational assessment service conducts assessments of students and makes recommendations as appropriate. The school appraisal team and the educational assessment service are responsible for reviewing each student's progress at least annually.

c. A detailed set of procedural safeguards and due process requirements is adhered to, including nondiscriminatory testing, parental rights to participate in the assessment and placement of their children, and appeals procedures.

#### 4. Individuals with exceptional needs

a. Individuals with exceptional needs are those students whose educational needs cannot be met within the regular classroom, even with modification of the regular program, and who have been determined by both parents and professionals to require the additional benefit of special education because of demonstrated physical, intellectual, or serious emotional handicap or as a result of a specified behavior, learning, or language disorder.

b. A written individualized education program (IEP) is developed for each special education student.

5. State financial assistance

a. State financial assistance to special education programs was changed under the Master Plan authorizing legislation, A.B. 4040 and A.B. 1250. The proportion of the state funding was to be increased, and provisions were made for future annual inflation adjustment.

b. The fiscal system was changed from funding on the basis of individual handicapping (categorical) conditions to the types of services provided (special classes, special centers, resource specialist program, designated instruction and services, and nonpublic school services). Funding is also provided for identification, assessment, and instructional planning; management and support services, including administrative services, program evaluation, staff development, instructional equipment and materials; and special transportation services. (CSDE: Master Plan Report, 1981)

Implementation of the master plan. The authority to implement special education programs under the master plan was initially provided on a pilot basis with the enactment of Assembly Bill 4040 (Chapter 1532, Statutes of 1974). Assembly Bill 1250 (Chapter 1247, Statutes of



1977) provided for statewide phase-in of the master plan by the 1981-82 school year. Technical amendments to Assembly Bill 1250 were made in Assembly Bill 3635 (Chapter 402, Statutes of 1978) and in Assembly Bill 2506 (Chapter 796, Statutes of 1978).

The original legislation (Assembly Bill 4040) allowed only a few regions to enter the master plan in the first year (1975-76). Several school districts, counties, or combinations of these submitted comprehensive plans. Of these volunteers, six were selected by the State Department of Education and approved by the State Board of Education to pilot the concepts contained in the master plan beginning in 1975-76. This selection was based on the following criteria: (a) size and scope of the programs proposed in the plan, (b) compliance with legal requirements, (c) state population distribution factors and characteristics, and (d) availability of authorization funds.

During 1975-76 additional plans were submitted to the State Department of Education for possible selection in 1976-77. Four plans were selected through the use of the criteria previously listed. In 1978-79 an additional seven areas were added, with the same competitive planning process being used.

In 1978-79 the State Board of Education adopted a phase-in plan identifying the specific Special Education Service Regions (SESRs) to enter the master plan beginning in 1979-80, 1980-81, and 1981-82 (Assembly Bill 1250). This movement from a competitive planning process allowed regions to set a date for implementation of quality programs under the master plan and to spend less time on submitting and resubmitting competitive plans for state approval. By 1981-82, the State Board of Education projected that 429,615 children would be served statewide by 100 SESRs (CSDE: Master Plan Report, 1981).

Recently Senate Bill 1870 (Chapter 797, Statutes of 1980) was passed and created a new special education system for California. Under existing law, special education is provided under either the California Master Plan for Special Education (CMPSE) or under provisions that are categorized according to the type of handicap. Present law calls for the gradual statewide implementation of the CMPSE. S.B. 1870 repeals such categorical provisions and appropriates special education monies only for the master plan. It thereby completes the statewide implementation of the CMPSE by all school districts during a two-year transitional period commencing with fiscal year 1980-81. Other provisions of the bill

include: (a) local school boards are to set policy for the programs the district operates, (b) funding is based directly on each district's 1979-80 actual costs, (c) parent complaints are to be filed directly with the state, (d) limitations on the proportions of children who will be funded by the state, (e) eligibility requirements for speech and language requirements and for children with specific learning disabilities, and (f) a process for changing a special education service region (ACSESR: Fact Sheet, 1981).

In summary this section has discussed the historical development of services for handicapped children in California and the various state and federal legislative enactments. As a prerequisite for local program funding both state and federal agencies have set up implementation and compliance monitoring systems to evaluate progress and assure that legal mandates are enforced. The next section will discuss these procedures and the results of their assessments.

#### IV. Implementation and Compliance Monitoring Procedures

As amended by P.L. 93-380, The Education for All Handicapped Children Act (P.L. 94-142) requires each state educational agency (SEA) to ensure that a "free appropriate public education" is afforded to all

handicapped children within the state. Under this requirement, the SEA sets education standards for all agencies within the state and exercises general supervision over their education activities. Each SEA is responsible for administering, monitoring, and evaluating the Act's implementation. The U.S. Office of Education has administrative responsibility for the manner in which the states implement the Act (P.L. 94-142) and states in turn have administrative responsibility for the manner in which the Act is implemented by local school districts.

Unlike most other federal education legislation, P.L. 94-142 delineates the relationships among federal, state and local agencies. Federal responsibility is limited to oversight of the states, while the SEAs have primary responsibility for assuring that the provisions of the Act are carried out not only by local educational agencies (LEAs) but also by any other state agencies that conduct education programs as part of their service to handicapped children. This linear monitoring arrangement is a significant departure from standard practice, particularly at the state level, where interagency relationships traditionally have been limited to such matters as an exchange of technical assistance. Under P.L. 94-142, however, these

relationships now involve accountability for funds and formal assurances of compliance. Consistent with the federal statute and its regulations, the SEA is called upon to establish and disseminate policies, procedures, and practices in addition to monitoring SEAs and LEAs implementation progress (SPISB: Progress Toward Education, 1979).

To date, performance of SEAs comprehensive P.L. 94-142 monitoring systems has been uneven, particularly where there has been a tradition of strong LEAs and weak SEAs. For many states monitoring the implementation of P.L. 94-142 within the local school district has meant developing new capabilities and performing new functions. A recent BEH survey of SEAs indicates that today 100% of the states now have monitoring procedures in place. Monitoring has proved to be both an essential state role in the implementation of P.L. 94-142 and a demanding one. An average of 11 people per state spend a significant portion of their time on monitoring activities, with typical state site visit teams consisting of four or five people. Most state departments report that they visit about one-third of the LEAs annually. Nearly all states (90%) conducted follow-up or corrective action visits (SPISB: To Assure Education, 1980, pp. 101-102).

Administrative Role of Bureau of  
Education for the Handicapped

Within the U.S. Office of Education, the Bureau of Education for the Handicapped has the responsibility for administering P.L. 94-142, and has done so through the following four activities: (a) drafting and refining necessary regulations, (b) stimulating interagency coordination of policies and procedures bearing on education of the handicapped, (c) monitoring the implementation of P.L. 94-142 and providing technical assistance to the states, and (d) evaluating the effectiveness of implementation of these laws (SPISB: Progress Toward Education, 1979). In the functional areas of monitoring the Act's implementation, the BEH developed four principle components for the monitoring procedure: (a) the review of each State's Annual Program Plan, (b) program reviews conducted within states, (c) procedures for processing complaints, and (d) procedures for responding to requests for waivers.

Annual Program Plans. Under the General Education Provisions Act, states wishing to qualify for formula grants must submit Annual Program Plans (APP). Such plans must be approved by the Commissioner of Education before funds can be allocated. Once approved, the state

plan becomes a formal agreement between the BEH and the state for the fiscal year (SPISB: To Assure Education, 1980, p. 98).

The Program Administrative Review. In addition to making a careful review of State Annual Program Plans, the Bureau conducts Program Administrative Reviews (PARs) to assess the degree to which states are carrying out the responsibilities their plans set forth. A Bureau review team attempts to visit each state for one week at least every other year. The team typically consists of the BEH State Plan Officer for the State, five other Bureau staff members, and sometimes regional HEW employees.

State performance is assessed in such areas as child identification, IEPs, and the administration of funds. The team members visit approximately 10 local schools and five state-operated programs, interviewing state department personnel, state advisory committee members, local school district personnel, teacher groups, and representatives of parent associations.

At the conclusion of the visit, team members meet with the Chief State School Officer to present their findings. A written draft of these findings is mailed to the Chief after the visit. The state is asked to respond to the draft report within two weeks. If there is no

documentation by state officials that the findings are inaccurate, the report becomes final. In instances where a state is not in compliance with the law, the report specifies actions necessary to correct the situation and the deadline for these corrections. A verification visit is subsequently made to states to determine the extent to which corrective actions have been taken.

The information obtained through the program review procedure is used primarily for assessing state compliance with P.L. 94-142's provisions. However, this review procedure is also basic to Bureau efforts to improve P.L. 94-142's implementation. Once deficiencies have been identified, Bureau staff work with individual states to assist them in carrying out corrective actions. The information is useful also in Bureau planning for technical assistance efforts (SPISB: To Assure Education, 1980).

#### State Monitor and Review Procedures

Federal Requirements. Section 600 of the implementing Regulation (45 C.F.R. 121a.) for P.L. 94-142 specifically provides that the SEA is responsible for ensuring that:

each education program for handicapped children administered within the state, including each program administered by any other public agency:



(i) is under the general supervision of the person responsible for educational programs for handicapped children in the state educational agency.

Section 101(e)(3) of the Education Division General Administrative Regulations (EDGAR) (45 C.F.R. 100B) provides that such general supervision must include a proper method of:

(i) monitoring of agencies, institutions, and organizations responsible for carrying out each program, and the enforcement of any obligations imposed on those agencies, institutions, and organizations under the law; and (V) the correction of deficiencies in program operations that are identified through monitoring or evaluation.

In order to facilitate this monitoring role, Section 722 of the EDGAR specifically authorizes a state educational agency to "require a subgrantee to furnish reports that the state needs to carry out its responsibilities under the program." Section 722(a)(4) of the EDGAR requires the state educational agency to "develop procedures, issue rules, or take whatever action may be necessary to properly administer each program and to avoid illegal . . . use of funds by the state or a subgrantee."

State Requirements. Prior provisions of the California Education Code (EC) required the monitoring of Master Plan (MP) districts and were included in MP-EC Sections 56350-352, 56355, and 56356. MP-EC Section 56366 provides that:

the department shall continuously monitor and review all special education programs approved under this chapter to assure that all funds appropriated to school districts under this chapter are expended for the purposes intended.

Non-Master Plan EC Section 56005 authorized the Superintendent of Public Instruction to "adopt rules and regulations specifying the form of the reports required of school districts and the county superintendent of schools" required by Article 1 of Part 30 of the Education Code.

The Education Code currently contains several provisions requiring the CSDE to monitor the compliance of local districts, county offices and special education service regions with state and federal requirements. These provisions include EC Sections 56600-604, 56607-608 and 56825. EC Section 56602(b) clearly recommends the use of both existing information and specifically collected data and directs specific attention to the

placement of pupils in least restrictive environments and the degree to which services identified in individualized education programs are provided. EC Section 56825 requires CSDE to "continually monitor and review all special education programs approved under this part . . ." . Chapters 797 (A.B. 1870) and 1353 (A.B. 3075) of the Statutes of 1980, taken together, establish the current state statutory requirements for special education in California. Chapter 797 became effective July 28, 1980. Certain modifications to the provisions of Chapter 797 contained in Chapter 1353 became effective September 30, 1980. These new provisions create a new Part 30 of the Education Code (commencing with Section 56000) and repeal all prior requirement contained in A.B. 4040, A.B. 1250, A.B. 3635, and A.B. 2506. For the purposes of this study, the implementation and compliance procedures are based on requirements under A.B. 1250, Chapter 1247, Statutes of 1977.

The Department of Education is required to submit an annual report describing the status of implementation of the master plan for special education (formerly under A.B. 1250, Chapter 1247, Statutes of 1977, currently provisions of S.B. 1870, Chapter 797, Statutes of 1980). Much of the data for this report is generated by statewide monitor and review reports. In order to acquire a

uniform base of information, the CSDE developed a monitor and review instrument (refer to the definition of terms section, Chapter I, for a detailed description of this instrument). The nine section framework which is used to organize the state's assessment instrument provides a system to determine the elements that are in place or need to be developed in order to be in compliance with regulatory requirements of P.L. 94-142 and A.B. 1250.

One-third of all public education agencies are reviewed each year. Non-public schools and state operated programs are reviewed using separate instruments and special teams. The program review team consists of at least three members, one of whom must be a staff member of the California State Department of Education, Office of Special Education. Other members are selected by the Department to serve on review teams because of their background or expertise in special education. Parents are included as team members whenever possible, since they provide both the expertise and a perspective which enhances the review process. Review teams vary in size as well as composition. A review team of three persons may be able to conduct an on-site visit in two days in a small school district or a single agency, while a team of 10-12 persons may need five days to complete a review for a large consortium (CSDE: Manual of Procedures, 1979).

Following the completion of a monitor and review process in a local education agency (LEA) an exit meeting is held to briefly describe how the review was conducted, how the findings were rated, and the implications of the results. The team leader then summarizes the key points reviewing major problem areas and makes recommendations about the LEAs current program practices. The official typed copy of the LEAs Monitor and Review Report is sent to the district within 15 working days. Follow-up procedures and timelines for needed program alteration are included in the report (CSDE: Manual of Procedures, 1979).

In summary, this extensive state monitoring system was developed with the primary purpose of insuring that all handicapped school-age children are receiving the services embodied in judicial and statutory mandates. During the 1979-80 academic year the Bureau of Education for the Handicapped completed a Program Administrative Review in California to assess compliance with and implementation of P.L. 94-142. This review essentially assesses the state's success in complying with the legal aspects required of evaluation procedures to obtain federal funds for handicapped services. The results of this review are reported in the following section.

5. CSDE has failed to monitor adequately non-public schools providing special education and related services to handicapped children placed or referred by public agencies.

6. CSDE has failed to establish general supervision over educational programs for the handicapped children operated by state agencies (U.S.: PAR, 1980, pp. 9-10).

Issues for in-depth monitoring analysis. Additionally, the Office of Special Education (OSE) concluded that CSDE has failed to conduct in-depth monitoring activities in five areas of program operations where evidence of widespread deficiencies have been brought to its attention. These include the following:

1. The placement of handicapped children in the least restrictive environment.
2. The provision of occupational and physical therapy services required to assist a handicapped child to benefit from special education.
3. The provision of psychological and counseling services required to assist a handicapped child to benefit from special education.
4. The provision of special education and related services to a handicapped child only

V. Results of the 1980 California Program  
Administrative Review

Analysis, Findings and Corrective  
Action

General monitoring analysis. The Bureau of Education for the Handicapped (now the Office of Special Education) concluded that the California State Department of Education (CSDE) had failed to adopt and use a proper general method of monitoring and correcting identified deficiencies of agencies, institutions and organizations responsible for carrying out educational programs for handicapped children in each of the following respects:

1. CSDE has failed to collect and analyze any off-site data related to important compliance responsibilities.
2. CSDE has failed to utilize properly, data from all sources to establish probable compliance/non-compliance of monitored agencies and target agencies for on-site investigation.
3. CSDE has failed to conduct on-site reviews in an effective manner.
4. CSDE has failed to communicate properly the results of monitoring activities and to secure adequate voluntary plans of corrective action from monitored agencies.

after a complete individualized education program is in effect.

5. The use of testing and evaluation materials and procedures for evaluation and placement of handicapped children which are not racially or culturally discriminatory (U.S.: PAR, 1980, pp. 23-24).

The PAR report contains field information and rationale supporting OSE's conclusions relating to the CSDE compliance levels. It additionally includes recommendations for corrective action, an outline for a detailed remedial plan, offers of technical assistance and time-lines.

This report suggests that the State of California is having significant problems implementing and maintaining adequate monitor and review activities to accurately determine the level and types of services the handicapped are receiving. Additionally, a nationwide coalition of advocacy groups for the handicapped recently completed a six month study investigating P.L. 94-142 implementation and the OSE's compliance enforcement activities. This report includes data on services to handicapped children in California and analyzes both state and federal deficiencies in relation to their compliance with current



legislation and regulations. Results of the coalition's report are included in the following section.

VI. The Education Advocates Coalition Report

Beginning with the enactment of P.L. 93-380 in 1973, the federal Bureau of Education for the Handicapped (BEH) in the Office of Education has had the responsibility for monitoring and enforcing implementation of special education laws. To determine the effectiveness of BEH's legal mandate the Education Advocates Coalition (EAC) was formed. This nationwide coalition of advocacy groups undertook an intensive six month investigation of the status of implementation of P.L. 94-142 and BEH's compliance activities over the years (Education Advocates Coalition, 1980). Based on its investigation, the Education Advocates Coalition (1980) concluded that:

1. State and local education agencies throughout the United States are depriving hundreds of thousands of handicapped children of their rights in ten critical respects.
2. The federal Office of Education and the Bureau of Education for the Handicapped (BEH) have failed to remedy this situation because of inadequate staff, policy-making, monitoring, and enforcement activities. (p. 3)

The similarity of the reports from each of the target states (including California) strongly suggests that the EAC conclusions reflect nationwide problems of great magnitude. None of the specific deficiencies set forth in the EAC report (1980) is an intrinsic part of the special education system. No change in the legislation or regulations is necessary. The predominant need is a commitment to implement P.L. 94-142 with effective enforcement by responsible governmental agencies.

#### Major Areas of Non-Compliance

The Education Advocates Coalition (1980) identified 10 major areas of non-compliance:

1. Tens of thousands of children who have been identified as handicapped and referred for evaluation and services are either on waiting lists or ignored altogether by school officials for months or even years.

2. Institutionalized children and children in other placements outside their natural homes are routinely denied adequate and appropriate services or excluded from educational services altogether.

3. Handicapped children are frequently denied related services, such as physical therapy, occupational therapy, school health

services, and transportation, essential to enable them to benefit from special education.

4. Many handicapped children remain unnecessarily segregated in special schools and classes for the handicapped.

5. Black children are misclassified and inappropriately placed in classes for the "educable mentally retarded" at a rate over three times that of white children. Other minorities are frequently misclassified as well.

6. Handicapped children are illegally suspended or expelled from school for periods ranging up to nearly two years.

7. Many handicapped children still have not received an individual evaluation or an individualized education program (IEP). Often "canned" IEPs provide a substitute for truly individualized planning.

8. Severely handicapped children are denied education in excess of the 180-day school year, even when such service is essential to the child's education.

9. Most states have no system for identifying children in need of "surrogate

parents" (i.e., P.L. 94-142 advocates) or for appointing surrogate parents; thus, many children in out-of-home placements go unrepresented in the P.L. 94-142 process and are effectively stripped of their rights.

10. Inadequate notice of rights under P.L. 94-142 and unnecessary procedural hurdles are often used to discourage parents from fully participating in evaluation and placement decisions for their children. (pp. 4-5)

The continued existence of such major problems, most of them the very problems Congress intended to address in enacting P.L. 94-142, demonstrates the need for aggressive and persistent compliance activities by BEH. But in the years since Congress lodged enforcement responsibilities with it, BEH has moved only very slowly from its historical role as a passive, grant-giving agency. The EAC examination of the agency suggests BEH is lacking adequate compliance plans and activities. Neglecting its legal responsibilities, BEH appears to have repeatedly failed to identify major violations of law and develop specific remedies, forcing courts, simultaneously examining the same state practices, to issue the necessary remedial orders (EAC Reports, 1980).

Conclusions of Education Advocacy  
Coalition Report

The Education Advocacy Coalition (1980) concludes that:

(a) BEH's monitoring activities have repeatedly failed to identify and document serious state-wide noncompliance with pivotal provisions of P.L. 94-142, (b) when serious noncompliance is identified, BEH has failed to take adequate steps to enforce P.L. 94-142 and bring states promptly into compliance with the Act, (c) BEH has failed to make clear federal policy decisions in a timely fashion, thereby fostering confusion and substantially delaying the efforts of parents and children to obtain needed educational services, (d) BEH staff assigned to monitoring, enforcement, policy development and technical assistance activities under P.L. 94-142 is too small and inadequately trained to fulfill the agency's compliance duties under the Act, and (e) BEH has failed to target its limited resources to resolve those implementation issues which are most critical to ensuring that handicapped children receive adequate educational services. (p. 7)

In summary this section has dealt with the results of the Education Advocates Coalition Report (1980). It indicates the presence of significant deficiencies in meeting mandated levels of implementation and compliance with P.L. 94-142. Additionally, BEH has been criticized (Education Advocates Coalition, 1980) for its apparent failure to carry out state monitoring activities in an appropriate manner and suggests that neither state or federal agencies are fulfilling the obligations required by P.L. 94-142.

#### Summary and Chapter Overview

This chapter has reviewed the growth and development of special education as it has been shaped by both federal and state judicial and legislative actions. It has documented through various legal bases the handicapped child's right to a free appropriate education in the least restrictive environment. To guarantee this right, the various governmental responsibilities were discussed as well as their reporting procedures to monitor implementation of P.L. 94-142. While BEH (now the Office of Special Education) reviews state progress through annual program plans and PAR reports, the CSDE assesses local progress through its monitor and review program. The recent California PAR Report (1980) has concluded that the CSDE "is not currently in compliance

with the Act" (p. 3). Although the Education Advocates Coalition Report (1980) found 10 areas of major non-compliance in various states (including California), the report concluded that "BEH's monitoring activities have repeatedly failed to identify and document serious statewide noncompliance with pivotal provisions of P.L. 94-142" (p. 6).

The purpose of this study is to compare and analyze California's PAR Report (1980) with the annual special education state report and monitor and review reports from Northern California. It is an attempt to provide information that evaluates the substantiation of the PAR conclusions and determine the compatibility of these reporting sources. Chapter III discusses the methodology of this analysis and comparison, the model that was devised, and the in-depth analysis of the monitor and review reports.

## Chapter III

### Description of the Design and Procedure of the Study

This chapter presents a description of the three data sources used to analyze and compare the California Master Plan Report and the Office of Special Education Program Administrative Review Report. The procedures for the development of each data source is discussed in relation to the sample selection method, documentation method for conclusions, and report format design. The description of the analysis and comparison model is then presented. A summary of the design and procedure of the study completes this chapter.

#### I. Population and Data Sources for the Study

For the purposes of special education program administration, the California State Department of Education has divided the state into Northern and Southern sections. The Northern section is further divided into subregions A, B, and C. Within these subregions, twenty local education agencies (LEAs) were selected by the state to be involved in the monitor and review process (see Appendix A). According to the Manual of Procedures (1979) one-third of the state's LEAs are reviewed annually and the results, because of selection procedures, are considered to be



representative of special education services throughout the state. Following selection of review sites, the state department developed a calendar indicating when each LEA would be reviewed by the state team. The Northern Region LEAs were reviewed during the November to May 1979-80 academic year period. The state department had agreed to send this researcher the monitor and review final report summary for each LEA upon completion of these written documents.

State Monitor and Review Procedures. The following sequence described in the Manual of Procedures (1979) was used by the State Department of Special Education review team to complete the monitor and review procedures:

1. Review existing state data and other information relating to the proposed site visit, including reports of local fair hearings, complaints and state appeals.

2. Make initial contact with the LEA official responsible for special education for the following purposes:

- a. To meet the agency administrator(s) and make arrangements for the on-site review.

- b. To describe the major steps in the review process.

c. To ask the agency official to have personnel available to facilitate the record review, and discuss:

- (1) Agency staff size
- (2) Number of pupils
- (3) Geographical distance between special education programs
- (4) Records to be examined and their location
- (5) The number of classes to be visited
- (6) Major areas to be reviewed
- (7) Arrangements for the administrator to contact parents and staff selected by the team leader and inform them that they are being requested to be present for the interview
- (8) The availability of itinerant support personnel for interview at the time of the on-site review
- (9) The existence of special programs, if any (research, demonstration, experimental, etc.)
- (10) Team needs (local information packet, special equipment for services,

work space, accommodations, transportation, assistance with record review, lodging and eating facilities, etc.)

d. To set visitation dates and establish the size of review team needed, taking into consideration the number of programs to be reviewed and the distance and time required to move from one program to another.

e. To randomly select parents and school personnel to be interviewed from lists provided by the administrator.

3. Complete monitor and review procedures.

4. Explain the purpose of the exit meeting.

Briefly describe how the review was conducted, how findings were rated, and the implications of results.

5. Within 15 working days after completing the program review, the team leader will distribute three typed copies of the final written report to the agency being reviewed and three copies to the Assistant Superintendent of Public Instruction and Director of Special Education (Program Review Office).

6. A written response must be submitted to the Assistant Superintendent of Public Instruction and Director of Special Education (Program Review Office),

within 30 days of receipt of the typed final report for problem areas or areas needing corrective action listed in the final report. This response must include: (a) a plan for corrective action with a description of proposed activities, (b) resources to be utilized, (c) time lines for completion, and (d) person(s) responsible.

7. The agency's plans for improvement of programs and services are reviewed by State Department of Education personnel and the agency is notified by the team leader of approval or nonapproval within 30 days of receipt of the plans. If any part of the improvement plan does not qualify for approval, the team leader must so notify the district superintendent and Director of Special Education and request the agency to modify and resubmit the plan for review with appropriate deadlines as set by the team leader (in no case longer than 15 days). Continued program funding depends upon successful completion of an acceptable plan to bring all elements of the special education program into compliance with federal and state requirements. Approval of the local comprehensive plan for the following school year under P.L. 94-142 is not made until compliance has been effected.

8. When the improvement plan is approved, the team leader submits it to the administrator of Consultant Services, North or South, for attachment to both the final review report and to the Comprehensive Plan/P.L. 94-142 Application filed by the agency. Changes approved in the final report must be reflected in the programs and services provided through the Comprehensive Plan/P.L. 94-142 Application.

9. The agency plan for improvement serves as a working document between the State Department of Education and the agency in providing technical assistance. A follow-up visit is conducted by the Department of Education consultant assigned to the agency to assist in identifying and coordinating access to additional resources as may be needed. This consultant visits the agency within 90 days to review those areas being corrected and to ensure compliance. This visit is documented in a report and copies sent to the agency, the Director of Special Education, and filed with the final report and the plan for corrective action within 15 days. If the agency is not implementing this plan for corrective action, the Office of Special Education notifies the Department's legal office to follow up with appropriate action.

10. The agencies reviewed have responsibility to maintain on file and available for loan a maximum of ten copies of the final report in order to comply with individual and group requests from the public for program review information. (pp. 12-15)

Statistical analysis of monitor and review reports.

Monitor and review (MAR) final report summaries were sent to the researcher by the State Department of Special Education upon the field teams completion of the LEA review and preparation of the required descriptive report. These reports were obtained for each LEA in the Northern Region.

The raw data from the summary reports was reduced to a numeric character system and transferred to separate sheets in preparation for keypunching. Since this data represented baseline data for which no analysis model had been developed, discussions were held with individuals at the University of the Pacific, Stockton, California, in the statistics department (Dr. Lewis Aiken) and mathematics department (Dr. Coburn Ward and Deann Christenson). A model was designed that would be compatible with the Statistical Package for the Social Sciences (SPSS) for processing at the University of the Pacific Computer Center on the Burroughs B6 700 computer (Nie, Hull, Jenkins, Steinbrenner, & Bent, 1975).

Two input systems were designed to allow for a more discrete analysis of the available data. This provided a method of displaying data profiles in the areas of compliance, non-compliance, and not assessed items in a variety of grouping types. Further breakdown was available in relation to geographical subregions, framework subsections and compliance versus quality items. Data will be reported in Chapter IV in the form of frequencies and percentages to describe the present level of implementation and compliance with regulations embodied in P.L. 94-142. This description will provide baseline data that, in addition to the data in the 1979-80 California Master Plan Report (1981), will be incorporated into the analysis and comparison model to evaluate the conclusions of Bureau of Education for the Handicapped Program Administrative Review Report for California (1980).

California Master Plan for Special  
Education 1979-80 Annual  
Evaluation Report

This sixth annual evaluation report describes the status of implementation of special education master plan programs and will be used as the second basis of comparison for the purpose of this study. It is the final annual evaluation report of programs authorized by A.B. 1250. Future reports will address the provisions of S.B. 1870, Chapter 797 of 1980.

During 1979-80 the California State Department of Education (CSDE) carried out a number of program evaluation and review activities in special education services regions (SESRs). The purpose of the CSDE's evaluation efforts was to provide the Legislature, the State Board of Education, the Governor and state and local educational program administrators with the information needed to refine and improve policies, regulations, guidelines and procedures on a continuing basis as specified in the Education Code Sections 56350 and 56351.

Information sources and data gathering procedures for the state's evaluation report. In preparing the evaluation report the California State Department of Education (CSDE) used a number of existing information sources and points of view. Information sources included the following:

- (a) child counts and fiscal reports from the 21 SESRs,
- (b) descriptions of CSDE and local educational program monitor and review activities for program compliance in the SESRs,
- (c) descriptions of personnel development activities sponsored and conducted by the CSDE, and
- (d) descriptions of technical assistance based on the results of local program evaluations (MARS) by the CSDE (Master Plan Report, 1981).

In addition, the CSDE summarized the results of special evaluation studies on topics of statewide interest



regarding the California Master Plan for Special Education. For the second time, the CSDE included in its report the results of special studies designed and conducted by a number of SESRs to answer their own local program questions, according to their own local evaluation plans. Although limited in their generalizability, these findings are interesting both as possible indicators of trends and to provide ideas for future courses of action.

Major items reported in the master plan report. The results of the California Master Plan for Special Education 1979-80 Annual Evaluation Report (1981) are summarized and presented in Appendix B. The report is organized in relation to the following headings: (a) availability of special education services to students under the California Master Plan for Special Education, (b) special education program costs, (c) local program evaluation, (d) entry and movement of students in special education programs, (e) participation of special education students in the regular school programs, (f) in-service training for regular class teachers, (g) student performance, (h) attitudes of parents and school staff members toward special education services, and (i) local compliance with state and federal regulations.

Statistical data used to support the report's results. The CSDE utilized a variety of descriptive statistics to

substantiate the report's contents. Chapters II-VI of the 1979-80 California Master Plan Report (1981) provide a detailed description of methodology and procedures employed to support the findings on the implementation status of California's special education programs. The material contained in above mentioned chapters (II-VI) plus the researcher's data from the in-depth analysis of the 20 monitor and review (MAR) reports, will be evaluated in relation to supporting data in the Program Administrative Review Report (1980).

#### Program Administrative Reivew Report

Although the Annual Program Plans provide a great deal of information about the implementation of P.L. 94-142, they report only planning data. Actual progress can effectively be measured only through observation. The BEH therefore established a system of regular visits to the 58 states and territories to conduct Program Administrative Reviews (PARs) (SPISB: Progress Toward Education, 1979).

California PAR Report information sources and data gathering procedures. Recently, the Office of Special Education (OSE, formerly BEH) completed its fiscal year 1980 (academic year 1979-80) Program Adminstrative Review (PAR) of California's Special Education Program. The PAR was conducted in the following four phases: (a) an off-site review of information available to OSE pertaining to the

compliance status of the California State Department of Education (CSDE) and the public agencies in the state subject to its general supervision, (b) an on-site visit to the CSDE and other organizations and agencies during the period February 21-29, 1980 (see Appendix C), (c) an on-site review of 31 public agencies providing special education and related services conducted April 14-23, 1980 (see Appendix D), (d) an off-site analysis of all information available to OSE pertaining to the responsibilities imposed upon the CSDE by Part B of P.L. 94-142 (the Act). On the basis of all of the information identified, collected and analyzed by OSE during the four phases of the program administrative review, OSE concluded that "CSDE is not currently in compliance with the Act (U.S.: PAR, 1980, p. 3). The PAR report results as stated in Chapter II (pp. 67-69) explicitly details problems under two separate areas. The particular items listed under the area headings of (a) general monitoring analysis and (b) issues for in-depth monitoring analysis, are restated in Chapter IV and PAR supporting statement material is analyzed in relation to data from the 1979-80 California Master Plan Report (1981) and this researcher's MAR data.

Statistical data used to support PAR Report results.

The Office of Special Education (formerly BEH) reviewed a

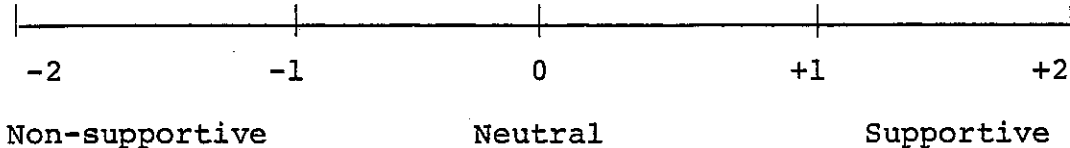
variety of state supplied descriptive statistics and documents in the areas of: (a) general supervision and monitoring, (b) pupil count and data forms for master and non-master plan districts, (c) occupational and physical therapy, (d) psychological services, (e) individualized education programs, and (f) least restrictive environment. Appendices C and D describe the program administrative review data gathering sequences and site procedures. The data from these sources were incorporated into the text of the PAR report as supporting material for the statements listed in Chapter II (pp. 67-69).

## II. Description of the Analysis and Comparison Model

The following model was developed (with consultative suggestions from Dr. William Theimer, University of the Pacific) to compare the supporting material for the Program Administrative Review Report (PAR) with the data from the California State Master Plan Report (CSMP) and the researcher's analysis of the 20 monitor and review reports (hereafter referred to as the Riley material or data). Individual statements appearing in the PAR report (refer to Chapter II, pp. 67-69, for complete listing) were used for comparison and analysis model organization. PAR data related to these statements are described as either non-supported, neutral, or supported in relation to data in the CSMP report and the Riley material.

### Rating Scale

A five point equal appearing rating scale was applied to objectify each subtest of individual items in these comparisons. The rating scale is described below:



Scores utilizing this scale are incorporated into table presentation of the PAR statements compared to the CSMP report and Riley data. To objectify this rating system, the following definitions and methods were applied. The inclusion/exclusion type of judgement model was developed with examples of what comparisons would be classified as particular score types. Following the completion of each comparison rating, a second rating was obtained to verify rating reliability. In the event of a judgment discrepancy a third rater alternative was involved. Basic rating scale definitions are as follows:

1. Non-supportive (-2). In this category both the Riley data and CSMP report are oppositional to the PAR statement support material.
2. Partially non-supportive (-1). In this category either the Riley data or the CSMP report are oppositional

to the PAR statement support material and the other data is neutral, i.e., contains no information relating to the PAR statement support material.

3. Neutral (0). In this category either both the Riley data and the CSMP report contain no information relating to the PAR statement support material or one would be non-supporting and the other supportive, i.e., oppositional between data systems.

4. Partially supportive (+1). In this category either the Riley data or the CSMP report are supportive of the PAR statement support material and the other data is neutral, i.e., contains no information relating to the PAR statement support material.

5. Supportive (+2). In this category both the Riley data and the CSMP report are supportive of the PAR statement support material.

#### Rationale for the Analysis and Comparison Model

The rationale for utilizing PAR statement supportive material in the table presentation, is based on the fact that PAR general statements relating to the federal government's assessment of the current state of special education services in California are supported by documented evidence judged to justify stated items. Therefore, this researcher's model of comparison indicates

the data base commonality from which special education is being evaluated in California. Since both state and federal agencies are in fact attempting to determine levels and types of special education services and each has similar physical resources to apply to a common population, their reporting results should be similar.

Most research deals with only the results of various studies and attempts to generalize findings. This study is unique because it provides in-depth and extensive evaluation of the raw data used to develop conclusions proposing to objectively describe the special education services in California.

#### Composite Ratings and Concluding Paragraphs

Following the application of the rating scale to each subset of PAR statement supportive material, a composite rating was determined for each of the two research objectives by combining the scores for the grouped PAR statements. Composites were further developed for each subset reflecting an individual PAR statement rating score. Additionally, concluding paragraphs are used to describe both the individual scoring results and general results of the application of the analysis and comparison model to each group of PAR statements.

### III. Statistical Procedures

The research objectives and the descriptive statistics used to analyze each are listed below.

#### Research Objectives

1. To develop a summary composite of the three response categories for all local educational agencies (LEAs) participating in the Northern California Monitor and Reviewing (MAR) procedures;
2. To develop a summary composite of response categories grouped by compliance and quality item types;
3. To develop a summary description of assessed LEAs when instrument items are organized by the three Northern California geographic subregions in relation to response categories grouped by compliance and quality items;
4. To develop a summary composite of response categories grouped by framework subsections;
5. To develop a summary description of assessed LEAs when instrument items are organized by the three Northern California geographic subregions in relation to response categories grouped by framework subsections;
6. To develop a composite relative percentage ranking of all LEAs organized by framework subsections and group by response categories;



7. To develop response category percentages for each LEA;
8. To develop percentage rankings of LEAs grouped by response categories;
9. To develop LEA response category percentages grouped by framework subsections;
10. To compare the data base for the six items under the General Monitoring Analysis section of the PAR report with support material for the California Master Plan Annual Report and this researcher's MAR data;
11. To compare the data base for the five items under the Issues for In-depth Monitoring Analysis section of the PAR report with support material for the California Master Plan Annual Report and this researcher's MAR data;
12. To assess the feasibility of developing a manageable screening instrument based on item and framework analysis for State Department implementation/compliance full review decisions.

#### Research Design and Statistical Analysis

The research involved a number of descriptive statistical procedures to analyze the various data sources. For research Objectives 1 through 9 and Objective 12, data analysis was completed with the

previously described model developed in conjunction with staff members from the departments of mathematics and statistics at the University of the Pacific. The data from the MAR reports were recorded and analyzed by use of the SPSS design at the University of the Pacific Computer Center. Research Objectives 10 and 11 were analyzed through the application of the described analysis and comparison model rating scale.

#### IV. Summary

The present chapter has presented the description of the design and procedure of the study. The three data sources (PAR Report, California Master Plan Annual Report, and this researcher's MAR data) were described in relation to the procedures used to gather data for reporting purposes. Descriptive statistics and information sources used to support the Program Administrative Review Report and the California Annual Master Plan Report were reviewed. The statistical analysis of the 20 MAR reports was completed using the SPSS to answer 10 of the research objectives. The analysis and comparison model incorporating data from the three sources was explained and provides information to complete research Objectives 10 and 11. The organized findings are presented in Chapter IV.

## Chapter IV

### Findings of the Study

The purpose of this study was to investigate the compliance and implementation level of special education services in California. Three data sources were used to analyze and compare the California Master Plan for Special Education Report for 1979-80 and the Office of Special Education Program Administration Review (PAR) report. These included: (a) an analysis of 20 Northern California MAR reports, (b) the state gathered material contained in Chapters II-VI of the 1979-80 California Master Plan Report (1980), and (c) United States Office of Special Education data incorporated into the text of the PAR report as supporting material for conclusion statements.

This chapter is organized by the restatement of the 12 research objectives and data describing the results. A summary of the findings completes this chapter.

#### Findings

In order to answer research Objectives 1 through 9 and Objective 12, data analysis was completed through the use of the Statistical Package for the Social Sciences

(Nie et al., 1975) to obtain measures of central tendency. Research Objectives 10 and 11 were analyzed through the application of the analysis and comparison model rating scale.

#### Objective 1

To develop a summary composite of the three response categories for all local educational agencies (LEAs) participating in the Northern California Monitor and Review (MAR) procedures.

Table 1 displays data relevant to Objective 1.

These data show that on the state's instrument only 19% of the total number of items (196) were found to be in compliance. Combining the non-compliance and not assessed categories suggests that, on the average, 81% of the items are in question as to the present level of implementation.

#### Objective 2

To develop a summary composite of response categories grouped by compliance and quality item types.

The 196 questions incorporated into the program review instrument evaluate two major aspects of special education services: program quality and compliance with standards based on laws and regulations. Compliance items (145) are interspersed within the instrument and across the framework and represent legal requirements with reference citations. Quality items (51), interspersed

Table 1  
Composite Percentage Results of the Twenty Local  
Education Agencies Grouped by Response Category

Response Category	Percentage	Total N
Item In Compliance	19%	745
Item Non-Compliance	39	1529
Item Not Assessed	<u>42</u>	<u>1646</u>
Total	100%	3920

similarly, represent observations which are distinguishable by the degree of program excellence and do not have reference citations per se. Table 2 displays data relative to Objective 2.

The pattern tends to be similar to the data in Table 1. LEAs do not appear to score differently on either compliance or quality items. Combining the "non-compliance" and "not assessed" categories again indicates significant problems with implementation, i.e., 85% for compliance items and 87% for quality items.

### Objective 3

To develop a summary description of assessed LEAs when instrument items are organized by the three Northern California geographic subregions in relation to response categories grouped by compliance and quality items.

This procedure allows for a more discrete analysis of the data presented in Table 2. It presents the data for observation in relation to the three geographical areas in Northern California.

In the "item in compliance" response category the subregions tended to score in a similar profile. Geographic considerations appear not to be a factor. The "item non-compliance" category suggests a differentiation between rural subregions A and B and urban subregion C. Apparently rural areas had more items (regardless of

Table 2  
 Composite Percentage Results of the Twenty Local  
 Education Agencies Grouped by Response  
 Category and Item Type

Response Category	Compliance	Item Type		Total N
		Total N	Quality	
Item In Compliance	15%	435	13%	133
Item Non-Compliance	41	1189	36	367
Item Not Assessed	<u>44</u>	<u>1276</u>	<u>51</u>	<u>520</u>
Total	100%	2900	100%	1021

Table 3  
 Northern Geographic Subregion Percentage Results  
 Grouped by Response Category and Item Type

Response Category	Subregion	Item Type	
		Compliance	Quality
Item In Compliance	A	16%	20%
	B	14	10
	C	15	10
Item Non-Compliance	A	40	31
	B	47	49
	C	34	26
Item Not Assessed	A	44	49
	B	39	41
	C	51	64

Note. Percentages represent breakdown of Total  
 N = 3920.

Total N each item type: 2900 1020



type) in non-compliance than the urban region. However, in observing the third category of "items not assessed", the urban region in both item types has the largest percentage of items not assessed. This possibly suggests that it is easier to evaluate special education programs in rural rather than urban areas; thus, it is more probable to find non-compliance in a rural region and more difficult in general to assess programs provided for students served in urban areas. This may also suggest the presence of greater service variability present with increasingly larger service areas. That is, within a large urban area there would be such an extensive range of program types that it would be difficult to arrive at a uniform quantifiable decision as to whether an LEA actually was or was not in compliance with legal and legislative mandates. The complexity of the state's monitor and review process may negate it as an appropriate evaluative instrument when applied to urban service regions.

#### Objective 4

To develop a summary composite of response categories grouped by framework subsections.

The data in Table 4 is a more discrete analysis of total composite results in Table 1. For Objective 4, however, the display expands the data across the framework

Table 4  
 Composite Percentage Results of the Twenty Local Education  
 Agencies Grouped by Response Category  
 and Framework Subsections

Response Category	Framework Subsections									Mean
	1	2	3	4	5	6	7	8	9	
Item In Compliance	13%	10%	12%	17%	7%	11%	11%	27%	65%	19%
Item Non-Compliance	55	44	29	30	49	72	47	18	4	39
Item Not Assessed	32	46	59	53	44	17	42	55	31	<u>42</u>
Total										100%

subsections while maintaining response category grouping. The framework subsections were defined in Chapter I (pp. 22-26). For the convenience of the reader and purposes of Table 4 references, the nine framework subsections are listed below:

1. Search
2. Assessment
3. Development and Review of the IEP
4. Implementation of Free Appropriate Education
5. Procedural Safeguards Due Process, Confidentiality and Complaint Procedures
6. Personnel Development
7. Educable Mentally Retarded
8. Non-public Schools
9. Administration

This breakdown indicates the Administration framework subsection nine was found to be the highest compliance area in all LEAs. The analysis of the administrative items in subsection nine may reflect that the compliance requirements are more specific on discrete data of this nature and are one-time organizational procedures which require no additional personnel or substantial change within the LEA.

The highest non-compliance subsections (6, 1, 5, 7 and 2) cluster in areas that are quantifiable through

the evaluative process. All require written procedures for implementation and are easily documented by physical production of forms and supporting staff interviews. The high (55%) non-compliance areas of Search (subsection one) suggests that LEAs have not developed procedures or identified personnel responsible for making the community aware of the services entitled to students with special needs.

In the response category of "items not assessed" subsection three (Development and Review of the IEP) there was substantial omission of assessment (59%). Since the development of the individual education plan (IEP) is the management tool for service delivery, this may indicate that progress has been difficult in implementing the legal requirements. Additionally, the IEP program portion necessitates the greatest demand for organizational change and financial outlay for materials and personnel.

The next highest not-assessed areas of Non-public Schools (55%) may indicate that LEAs are either unable to identify appropriate alternative placements within their geographical areas or simply restrict the placement choices for special education students. In the second case, it violates the legal requirement that a student's needs dictate placement rather than what the LEA has

chosen to provide for services, i.e., the student is shaped to fit the program rather than the program shaped to fit the student's needs.

#### Objective 5

To develop a summary description of assessed LEAs when instrument items are organized by the three Northern California geographic subregions in relation to response categories grouped by framework subsections.

This objective allows for the determination of the variance present when percentages are displayed for the three geographic subregions and represents a further breakdown of data supplied in Table 4.

Table 5 data indicates that in relation to the Administration subsection (nine) both rural areas A and B did substantially better than urban area C in complying with this section. In the Non-public School subsection (eight) the large urban area was at 68% compliance. This suggests that an urban area with a larger child count has more access to alternative programs for special education students. Other percentages in the "item in compliance" category are fairly evenly distributed.

The subregion pattern in the "item non-compliance" category reflects the general display in Table 4, with subsections six, five and two having the highest non-compliance percentages. Additionally, subregion B was

Table 5  
Northern Geographic Subregion Percentage Results Grouped  
by Response Categories and Framework Subsections

Response Category	Subregion	Framework Subsections								
		1	2	3	4	5	6	7	8	9
Item In Compliance	A	26%	20%	16%	17%	11%	8%	3%	15%	76%
	B	5	9	14	18	6	17	15	0	76
	C	9	3	6	16	3	8	16	68	45
Item Non-Compliance	A	46	41	24	32	51	77	47	11	10
	B	82	50	39	28	55	64	64	39	0
	C	37	40	25	29	41	75	30	2	2
Item Not Assessed	A	28	39	60	51	38	15	50	74	14
	B	12	41	47	54	39	19	21	61	24
	C	54	57	69	55	56	17	54	30	53
N per framework subsection		20	15	43	29	43	12	11	16	7
Total N for each LEA--196 items										
Framework subsection N expressed as percentage of Total N (196) per LEA		10.2	7.7	21.9	14.8	21.9	6.1	5.6	8.2	3.6

found to be most out of compliance in six of the nine framework subsections.

The last response category "item not assessed" indicates that in seven of the nine subsections, region C has the highest not assessed percentages. This may indicate the evaluative process problems that occur with large LEAs and the inappropriateness of the present state monitor and review process when applied to urban areas. Difficulties may include the size and composition of MAR teams, large number of schools and programs being evaluated, significant program variation, and inconsistent application of the state's MAR instrument by team members.

#### Objective 6

To develop a composite relative percentage ranking of all LEAs organized by framework subsections and grouped by response categories.

Table 6 indicates that in the compliance category, with the exclusion of the Administration subsection (nine), very few items percentage wise, in any subsection, were judged to be in compliance. This further explains the overall low compliance percentage of 19% in Table 1.

Percentage figures increase on both the "non-compliance" and "not assessed" categories with averages of 39% and 42% respectively (Table 1). Combining these two categories, the average number of items either in non-compliance or not assessed is 81%. Thus, less than

Table 6  
 Composite Percentage Ranking of Framework Subsections  
 Grouped by Response Category

Response Categories		
In Compliance	Non-Compliance	Not Assessed
65% Administration (9)	71% Personnel (6)	58% IEP (3)
28 Non-Public Schools (8)	56 Search (1)	54 Non-Public Schools (8)
17 Implementation (4)	49 Safeguards (5)	53 Implementation (4)
13 Search (1)	47 Mentally Retarded (7)	46 Assessment (2)
12 Mentally Retarded (7)	44 Assessment (2)	45 Safeguards (5)
12 IEP (3)	30 IEP (3)	41 Mentally Retarded (7)
11 Personnel (6)	29 Implementation (4)	32 Search (1)
10 Assessment (2)	18 Non-Public Schools (8)	31 Administration (9)
6 Safeguards (5)	4 Administration (9)	17 Personnel (6)

Note. Bottom of Table 5 provides breakdown of (a) N per framework subsections, (b) Total N for each LEA--196 items, and (c) Framework Subsection N expressed as percentage of Total N (196) per LEA.



one-fifth of the 196 items in the state's evaluative instrument were found to be in compliance. Combining the compliance and non-compliance categories indicates that on the average only 58% of the items on the instrument are evaluated per LEA. The subsections that exceed the 40% not assessed level are IEP, Non-public Schools, Implementation, Assessment, Safeguards, and Mentally Retarded.

#### Objective 7

To develop response category percentages for each LEA.

Table 7 displays in more detail the information provided in Table 1. It elaborates the variation in the response categories in relation to individual LEAs and details the consistent low percentage scores in the "in compliance" category in relation to the high percentage scores of the "not assessed" category.

#### Objective 8

To develop percentage rankings of LEAs grouped by response categories.

Results of this ranking indicate that LEAs are randomly scattered throughout the response categories. Percentage ranges are largest for the "not assessed" category.

Table 7  
Response Category Percentages for Each  
Local Educational Agency

LEA <sup>a</sup>	Response Categories		
	In Compliance	Non-Compliance	Not Assessed
Subregion A			
1	7%	27%	66%
2	5	58	37
3	10	34	56
4	38	40	22
5	29	17	54
6	15	49	36
Subregion B			
7	18	62	20
8	12	30	58
9	6	19	75
10	14	49	37
11	16	57	27
12	16	63	21
13	8	55	37
Subregion C			
14	19	26	55
15	14	31	55
16	18	19	63
17	9	46	45
18	17	38	45
19	14	31	55
20	8	34	58

Note. Total N per LEA = 196.

<sup>a</sup>Refer to Appendix A for LEA identification.

Table 8  
Response Category Percentage Rankings  
for Local Education Agencies

Response Categories					
In Compliance		Non-Compliance		Not Assessed	
LEA <sup>a</sup>		LEA		LEA	
4	38%	12	63%	9	75%
5	29	7	62	1	66
14	19	2	58	16	63
7	18	11	57	20	59
16	18	13	55	8	58
18	17	6	49	3	56
11	16	10	49	15	55
12	16	17	46	19	55
6	15	4	40	14	55
	15 (mean)		39 (mean)		
10	14	18	38	5	54
					46 (mean)
15	14	3	34	17	45
19	14	20	34	18	45
8	12	15	31	13	39
3	10	19	31	2	37
17	9	8	30	10	37
13	8	1	27	6	36
20	8	14	26	11	27
1	7	9	19	4	22
9	6	16	19	12	21
2	5	5	17	7	20

Percentage ranges:

(5-38)

(17-63)

(20-75)

<sup>a</sup>Refer to Appendix A for LEA identification.

### Objective 9

To develop LEA response category percentages grouped by framework subsections.

Data to complete Objective 9 is contained in Tables 9, 10, and 11. These tables display the data contained in Table 5 in an in-depth manner with each table set up by response category and the 20 LEAs rather than the regional clusters of LEAs. The lower section of Table 5 indicates composite information that applies to Tables 9, 10, and 11. This includes: (a) N per framework subsection, (b) total N for each LEA--196 items, and (c) framework subsection N expressed as percentage of total N (196) per LEA. Since framework subsection percentages are most accurately expressed to the tenth of a percentage, Tables 9, 10, and 11 reflect figures to the nearest tenth.

### Objective 10

To compare the data base for the six items under the General Monitoring Analysis section of the PAR report with support material for the California Master Plan Annual Report and this researcher's MAR data.

Data for this objective was obtained through the application of the comparison and analysis model described in Chapter III (pp. 89-91). Objective 10 is answered through the display of six analysis tables (Tables 12-17). Following the application of the model's

Table 9  
 In Compliance Response Category Percentages Grouped  
 by Framework Subsections and Local  
 Education Agencies

LEA <sup>a</sup>	<u>In Compliance</u>								
	Framework Subsections								
	1	2	3	4	5	6	7	8	9
Subregion A									
1	10%	6.7%	0%	10.3%	4.7%	0%	0%	0%	71.4%
2	0	13.3	9.3	13.3	0	0	0	0	0
3	5	13.3	4.7	13.8	0	0	0	18.8	100
4	80	46.7	55.8	24.1	32.6	0	0	0	100
5	60	20	14	20.7	30.2	50	0	31.3	85.7
6	0	20	14	17.2	0	0	18.2	37.5	100
Subregion B									
7	0	13.3	14	27.6	14	0	54.5	0	100
8	5	13.3	7	20.7	2.3	41.7	0	0	71.4
9	0	0	14	17.0	0	0	0	0	0
10	0	6.7	16.3	3.4	18.6	33.3	27.3	0	57.1
11	0	6.7	25.6	27.6	7	0	18.2	0	100
12	20	0	18.6	24.1	2.3	41.7	0	0	100
13	10	20	2.3	3.4	0	0	9.1	0	100
Subregion C									
14	0	0	7.0	27.6	7	0	100	75	0
15	0	0	4.7	6.9	0	0	0	100	100
16	35	20	18.6	20.7	0	25	9.1	0	100
17	0	0	4.7	0	0	0	0	100	0
18	5	0	4.7	0	11.6	25	0	100	100
19	5	0	2.3	27.6	0	8.3	0	100	0
20	20	0	0	27.6	4.7	0	0	0	14.3

<sup>a</sup>Refer to Appendix A for LEA identification.

Table 10  
 Non-Compliance Response Category Percentages Grouped  
 by Framework Subsections and Local  
 Education Agencies

LEA <sup>a</sup>	<u>Non-Compliance</u>								
	Framework Subsections								
	1	2	3	4	5	6	7	8	9
Subregion A									
1	20%	26.7%	25.6%	24.1%	18.6%	41.7%	27.3%	68.8%	0%
2	80	66.7	32.6	51.7	100	100	0	0	57.1
3	95	46.7	11.6	27.6	27.9	100	36.4	0	0
4	20	53.3	27.9	17.2	60.5	100	100	0	0
5	10	20	7	17.2	30.2	16.7	45.5	0	0
6	50	33.3	37.2	55.2	69.8	100	72.7	0	0
Subregion B									
7	100	40	51.2	17.2	18.4	100	45.5	100	0
8	10	33.3	44.2	17.2	32.6	41.7	81.8	0	0
9	100	13.3	9.3	13.8	7	83	36.4	0	0
10	100	80	41.9	37.9	20.9	41.7	45.5	100	0
11	100	40	41.9	44.8	69.8	100	54.5	43.8	0
12	80	73.3	51.2	51.7	83.7	58.3	100	31.3	0
13	90	73.3	34.9	17.2	86	100	81.8	0	0
Subregion C									
14	40	40	18.6	17.2	25.6	100	0	6.3	0
15	50	53.3	25.6	24.1	25.6	100	9.1	0	0
16	0	0	30.2	17.2	39.6	8.3	18.2	0	0
17	45	26.7	39.5	41.4	74.4	83.3	54.5	0	0
18	50	46.7	7	51.7	58.1	66.7	54.5	0	0
19	60	53.3	26.6	17.2	30.2	91.7	0	0	0
20	10	60	30	34.5	30.2	75	72.7	6.3	14.3

<sup>a</sup>Refer to Appendix A for LEA identification.

Table 11  
 Not Assessed Response Category Percentages Grouped  
 by Framework Subsections and Local  
 Education Agencies

LEA <sup>a</sup>	<u>Not Assessed</u>								
	Framework Subsections								
	1	2	3	4	5	6	7	8	9
Subregion A									
1	70%	66.7%	74.4%	65.5%	76.7%	58.3%	72.7%	31.3%	28.6%
2	20	20	58.1	34.5	0	0	100	100	42.9
3	0	40	83.7	58.6	72.1	0	63.6	81.3	0
4	0	0	16.3	58.6	7	0	0	100	0
5	30	60	79.1	62.1	39.5	33.3	54.5	68.8	14.3
6	50	46.7	48.8	27.6	30.2	0	9.1	62.5	0
Subregion B									
7	0	46.7	34.9	55.2	4.7	0	0	0	0
8	85	53.3	48.8	62.1	65.1	16.7	18.2	100	28.6
9	0	86.7	76.7	69	93	91	63.6	100	100
10	0	13.3	41.9	58.6	60.5	25	27.3	0	42.9
11	0	53.3	32.6	27.6	23.3	0	27.3	56.3	0
12	0	36.7	30.2	24.1	14	0	0	68.8	0
13	0	6.7	62.8	79.3	14	0	9.1	100	0
Subregion C									
14	60	60	74.4	55.2	67.4	0	0	18.8	100
15	50	46.7	69.8	69	74.4	0	90.0	0	0
16	65	80	51.2	62.1	60.5	66.7	72.7	100	0
17	55	73.3	55.8	58.6	25.6	16.7	45.5	0	100
18	45	53.3	88.4	48.3	30.2	8.0	45.5	0	0
19	35	46.7	72.1	55.2	69.8	0	100	0	100
20	70	40	70	37.9	65.1	25	27.3	93.7	71.4

<sup>a</sup>Refer to Appendix A for LEA identification.

Table 12

Program Administrative Review (PAR) Statement, "The California Department of Education (DOE) has failed to collect and analyze any off-site data related to important compliance responsibilities" (PAR, p. 9).

PAR Statement Support Material	State Report and Riley Data	Rating Score
1) Describes data collection system for both master plan (MP) and non-master plan (N-MP) local education agencies (LEAs) (PAR, p. 10)	1) Accurate description of system in operation at the time data was collected by both State and Riley	1) +2
2) State inadequacies in collection procedures for the following areas:	2)	2)
a) No data for student placement in least restrictive environment (LRE) for MP and N-MP LEAs (PAR, p. 10)	a) State reports LRE statistics for MP LEAs (State, pp. 5-8, V 6-8); from a review of the master list of the monitor and review questions, the Riley data indicates that LRE data is collected in both MP and N-MP through questions 53, 86, 88, 96-100	a) -2
b) Failure to distinguish between placement in regular school special classroom and separate school classroom facility (PAR, p. 10)	b) State reports statistics on various instructional settings (State, p. II 5); monitor and review questions 174-189 address various aspects of non-public school placement and services as reported in Riley data	b) -2

(Continued)



Table 12 (Continued)

PAR Statement Support Material	State Report and Riley Data	Rating Score
c) In N-MP LEAs no data collected to measure racial/ethnic impact of tests and evaluation procedures on handicapped individuals than educable mentally retarded (PAR, p. 10)	c) N-MP data not reported in State report; monitor and review question 25 provides data in the Assessment framework subsection reported by Riley	c) -1
d) Disproportionate over-representation of Blacks, Hispanics, limited and non-English speaking students in special education programs (PAR, p. 11)	d) According to Table II-3 (State, p. II-5, there is no over-representation; Riley data contains no information on this item	d) -1
e) Students identified but not evaluated and DOE's failure to request information about child identification, location, and evaluation process (PAR, p. 11)	e) Extensive information on student identification and services provided (State, pp. II 1-8, V-3); monitor and review questions 1-35 collect data framework subsections Search and Assessment	e) -1
f) No information requested by DOE on various procedural safeguards requirements (PAR, p. 11)	f) Data not reported in State report; monitor and review questions 108-150 (framework subsection five) are reported by Riley and address all aspects of procedural safeguard requirements	f) -1
Rating Score Average = 1		

Table 13

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Program Administrative Review (PAR) Statement, "The California Department of Education (DOE) has failed to utilize properly data from all sources (including existing data related to important compliance responsibilities) to establish probable compliance/non-compliance of monitored agencies and "target" agencies for on-site investigation (PAR, p. 9).

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PAR Statement Support Material	State Report and Riley Data	Rating Score
1) DOE failed to utilize data from all sources to establish probable compliance/non-compliance (PAR, p. 11)	1) Data not reported in State report; Riley data contains no information on this item	1) 0
2) No standards established for identifying probable non-compliance from off-site data (PAR, pp. 11-12)	2) Data not reported in State report; Riley data contains no information on this item	2) 0
3) Failure to integrate the Office of Civil Rights Survey data (1978) into on-site activities (PAR, pp. 11-12)	3) Data not reported in State report; Riley data contains no information on this item	3) 0

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Rating Score Average = 0

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Table 14

Program Administrative Review (PAR) Statement, "The California Department of Education has failed to conduct on-site reviews in an effective manner" (PAR, p. 9).

PAR Statement Support Material	State Report and Riley Data	Rating Score
1) DOE uses an interview guide which represents a quiz on compliance requirements (PAR, p. 12)	1) State report (pp. III 1-4) extensiveness of monitor and review procedures; Riley data additionally details comprehensive procedures and in-depth instrument	1) -2
2) Inflexibility of evaluation instrument permits no exploration of compliance problems (PAR, p. 12)	2) Data not reported in State report; Riley data contains no information on this item	2) 0
3) Procedures utilized confused valid need for technical assistance (PAR, p. 12)	3) State has set up eight centers for technical assistance to LEA and provides services based on LEA requests, on-going inservice and monitor and review results (State, pp. VI 5-7); Riley data contains no information on this item	3) -1
4) Record Review Guide does not include any review of justifications for placement of children outside the regular classroom environment (PAR, p. 12)	4) Data not reported in State report; questions in the monitor and review procedures (52-55 and 96-107) relating to this item are contained in the Administrative Review Guide rather than the Record Review Guide (Riley data)	4) -1

(Continued)

Table 14 (Continued)

PAR Statement Support Material	State Report and Riley Data	Rating Score
5) EMR Record Guide used by DOE asks a question about the use of IQ tests which doesn't permit DOE to determine compliance with court's orders (PAR, p. 12)	5) PAR support data non-specific as to the Review question being referred to. State report and Riley data unable to substantiate or refute PAR item	5) 0
Rating Score Average = -.8		

Table 15

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Program Administrative Review (PAR) Statement, "The California Department of Education has failed to communicate properly the results of monitoring activities and to secure adequate voluntary plans of corrective action from monitored agencies" (PAR, p. 10).

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PAR Statement Support Material	State Report and Riley Data	Rating Score
1) DOE has responded to clear-cut violations by recommending a preferred practice rather than requiring a corrective action (PAR, p. 12)	1) According to the State report (pp. III 1-4) LEAs are required to submit plans for corrective action within 30 days after receipt of the monitor and review report. The State's procedural manual (1979) clearly states guidelines for differentiating between these two recommendation categories; a review of the Riley data indicates that there are only isolated instances of incorrect recommendations	1) -2
2) In several instances DOE monitoring teams identified violations and neither required corrective action nor recommended a preferred practice (PAR, p. 13)	2) No support for this statement was found in the State report; a review of the Riley data indicates that <u>all</u> identified violations were either recommended for required corrective action or preferred practice	2) -2

(Continued)

Table 15 (Continued)

PAR Statement Support Material	State Report and Riley Data	Rating Score
3) DOE has failed both to require the appropriate corrective action and to obtain agreement to take appropriate corrective action (PAR, p. 13)	3) The state requires LEAs to submit written plans detailing actions to be taken to correct deficiencies and timelines for completion (State, pp. III 1-3); Riley data contains no information on this item	3) -1
4) Compliance plans accepted by DOE rarely specify actions to be taken by the monitored agencies, milestones for completing the corrective actions, an identification of resources required to be utilized and a description of information to be submitted by the monitored agency to document the required corrective actions (PAR, p. 14)	4) Data regarding compliance plans is not reported in the State document; Riley data contains no information on this item.	4) 0
Rating Score Average = -1.25		

Table 16

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Program Administrative Review (PAR) Statement, "The California Department of Education (DOE) has failed to monitor adequately non-public schools providing special education and related services to the handicapped children placed or referred by public agencies" (PAR, p. 10).

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PAR Statement Support Material	State Report and Riley Data	Rating Score
1) DOE has created one year provisional certification (subject to renewal) and five year regular certification but has not subjected non-public schools to its monitoring procedures (PAR, pp. 15-16)	1) No reference is made to non-public schools in the State report; Riley data has no references to the DOE certification procedure	1) 0
2) DOE provides only indirect monitoring of non-public schools and agencies (PAR, p. 16)	2) No reference is made to non-public schools in the State report; questions 174-189 (Non-public Schools framework) indicates only indirect monitoring of non-public schools	2) +1

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Rating Score Average = .5

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Table 17

Program Administrative Review (PAR) Statement, "The California Department of Education has failed to establish general supervision over educational programs for the handicapped children operated by State agencies" (PAR, p. 10).

PAR Statement Support Material	State Report and Riley Data	Rating Score
1) Individuals in the custody of the California Department of Corrections are not provided special education and related services (PAR, p. 17)	1) State report contains no information in this area; Riley data contains no information on this item	1) 0
2) Education programs at two state hospitals have failed to assure an appropriate education, equal to the requirements of the California state education codes (PAR, p. 17)	2) State report contains no information in this area; Riley data contains no information on this item	2) 0
3) DOE has failed to exercise its authority to impose information collection requirements on agencies functioning as direct providers of related services such as the State Crippled Children Service Program (PAR, pp. 18-19)	3) State report contains no information in this area; Riley data contains no information on this item	3) 0

Rating Score Average = 0



rating scale, a composite rating is determined and a concluding paragraph describes both individual and general scoring results of this group of PAR statements.

For the convenience of the reader the basic rating scale definitions are restated:

1. Non-supportive (-2). In this category both the Riley data and CSMP report are oppositional to the PAR statement support material.
2. Partially non-supportive (-1). In this category either the Riley data or the CSMP report are oppositional to the PAR statement support material and the other data is neutral, i.e., contains no information relating to the PAR statement support material.
3. Neutral (0). In this category either both the Riley data and the CSMP report contain no information relating to the PAR statement support material or one would be non-supportive and the other supportive, i.e., oppositional between data systems.
4. Partially supportive (+1). In this category either the Riley data or the CSMP report are supportive of the PAR statement support material and the other data is neutral, i.e., contains no information relating to the PAR statement support material.
5. Supportive (+2). In this category both the Riley data and the CSMP report are supportive of the PAR statement support material.

### Composite Rating

Combining all six summary rating score averages, a composite rating of  $-.425$  is obtained. This places the results of Objective 10 approximately midway between the neutral (0) and partially non-supportive (-1) categories.

### Summary Statement

The results of the application of the analysis and comparison model indicate generally that when state report information and Riley data are available they generally do not support the PAR material used to justify the PAR statement. There were also a number of instances (27) where the neutral category applied to either or both of the state and Riley data indicating a lack of uniformity of data used to develop the three different sources of information describing special education programs in California.

### Objective 11

To compare the data base for the five items under the Issues for In-depth Monitoring Analysis section of the PAR report with support material for the California Master Plan Annual Report and this researcher's MAR data.

Data for this objective was obtained through the application of the comparison and analysis model described in Chapter III (pp. 89-91). Objective 11 is answered through the display of five analysis tables (Tables 18-22). Following the application of the model's rating scale,

Table 18

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Program Administrative Review (PAR) Statement, "Evidence of widespread deficiencies in the program operations of monitored agencies in the placement of handicapped children in the least restrictive environment" (PAR, p. 23).

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PAR Statement Support Material	State Report and Riley Data	Rating Score
1) Education Code Sections 56026(b), 56031, 56302-303 and 56361-364 establish a continuum of alternative placements strongly biased against placement in the regular education environment and in favor of placement in more restrictive settings (PAR, p. 40)	1) State report does not contain data comparing federal and state least restrictive environment interpretations; Riley data has no information on this item	1) 0

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Rating Score Average = 0

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Table 19

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Program Administrative Review (PAR) Statement, "Evidence of widespread deficiencies in the program operations of monitored agencies in the provision of occupational and physical therapy services required to assist a handicapped child to benefit from special education" (PAR, p. 23).

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PAR Statement Support Material	State Report and Riley Data	Rating Score
1) Problems with provisions for providing occupational and physical therapy services for handicapped students (PAR, p. 24)	1) State report contains no information on this item; Riley data has no information on this item	1) 0

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Rating Score Average = 0

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Table 20

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Program Administrative Review (PAR) Statement, "Evidence of widespread deficiencies in the program operations of monitored agencies in the provisions of psychological and counseling services required to assist a handicapped child to benefit from special education" (PAR, p. 23).

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PAR Statement Support Material	State Report and Riley Data	Rating Score
1) California school districts have failed to provide handicapped children psychological services (PAR, p. 30)	1) State report contains no information on this item; Riley data has no information on this item	1) 0

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Rating Score Average = 0

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Table 21

Program Administrative Review (PAR) Statement, "Evidence of widespread deficiencies in the program operations of monitored agencies in the provisions of special education and related services to a handicapped child only after a complete individualized education program is in effect" (PAR, p. 23).

PAR Statement Support Material	State Report and Riley Data	Rating Score
1) Numerous California school districts have failed to meet requirements of IEPs including annual goals, short term instructional objectives and specific special education and related services to be provided (PAR, p. 30)	1) State report data (p. V-5) indicates that IEP requirements are being met; Riley data (questions 41-43, 50-51) indicate that these IEP areas were consistently out of compliance or not assessed	1) 0
2) Nearly all of the IEPs received by the PAR team were incomplete (PAR, p. 32)	2) State data indicates that IEPs were consistently complete (pp. V 3-6); Riley data in framework subsection of IEP (questions 36-78) supports PAR material	2) 0

Rating Score Average = 0

Table 22

Program Administrative Review (PAR) Statement, "Evidence of widespread deficiencies in the program operations of monitored agencies in the use of testing and evaluation materials and procedures for evaluation and placement of handicapped children which are not racially or culturally discriminatory" (PAR, p. 24).

PAR Statement Support Material	State Report and Riley Data	Rating Score
1) DOE did not collect any data regarding the ethnicity of EMR pupils in Master Plan districts (PAR, p. 36)	1) Table II-3 (State, p. II-4) does not indicate ethnic distribution of students in EMR classes; Riley data contains no information on this item	1) +1
2) Information of the participation of Hispanic children in EMR programs was not collected from Master Plan districts (PAR, p. 36)	2) Table II-3 (State, p. II-4) does not indicate participation of Hispanic children in EMR classes; Riley data contains no information on this item	2) +1
3) Continued general use of individualized IQ test scores for the identification and placement of students in EMR programs (PAR, p. 36)	3) State report contains no information on this item; Riley data framework subsection Educable Mentally Retarded (questions 163-173) indicates the presence of a much broader evaluation and placement process for EMR students	3) -1
4) Presence of a disproportionate over-representation of limited and non-English speaking pupils in California special education programs (PAR, p. 37)	4) State report contains no information on this item; Riley data contains no information on this item	4) 0
Rating Score Average = +.25		

a composite rating is determined and a concluding paragraph describes both individual and general scoring results of this group of PAR statements.

#### Composite Rating

Combining all five summary rating score averages, a composite rating of +.05 is obtained. This places the results of Objective 11 in the neutral (0) category.

#### Summary Statement

The results of the application of the analysis and comparison model indicate generally that state report information and Riley data were either not available or, when present, the sources were oppositional. This indicates the lack of uniformity of the data collection systems and creates questions as to the actual services and levels of compliance in special education programs.

#### Objective 12

To assess the feasibility of developing a manageable screening instrument based on item and framework analysis for State Department implementation/compliance full review decisions.

Since complete state monitor and review program evaluations are acknowledged to require a large number of individuals and days to perform, it was anticipated that certain instrument items and framework subsections would have prognostic value in predicting the overall level of program implementation. The results of this study, however,



indicate that some of the state review teams may have already initiated a modified MAR process. This is supported by summary data in Table 1 which suggests that 42% of the items on the instrument are not used in the procedure. Conversely, from Table 1, 58% of the items are included in the process. Additionally, the types of items (compliance and quality--Table 2), and the nine framework subsections analyzed by geographic regions and three responses categories (Table 5), all suggest that state evaluation teams are performing reviews in a similar manner and obtaining a related result profile. Therefore, to develop a screening instrument first requires that a higher percentage of items on the state's instrument be used in the present process. Teams appear to have developed a type of screening instrument by restricting the total number of items and disregarding certain framework subsections. Results from the 20 LEAs suggest that this process is used consistently and generates a significantly related composite profile of special education programs. Within the context of the state's present instrument and program evaluation procedures, a screening devise would be of no recognizable value and would not at the present time be predictive of an LEAs total level of implementation. Until the state's review process is modified to produce an in-depth evaluation

instrument incorporating the element of consistent team application, it will not be feasible or of relevant predictive validity to recommend a useful screening instrument.

Additionally, the California Master Plan Report (1981) reports that one LEA designed a special "mini review" study to evaluate the results of its progress toward compliance. The LEA selected 37 questions from the State Department's master list of 196 questions to give a picture of current compliance. Sub-teams visited 11 school sites and results were reported as generally positive.

#### Summary

The analysis and description of the state provided special education monitor and review results suggests the emergence of certain patterns of implementation and compliance. The traditional difficulties of developing a local program based on federal and state mandates seem not to have escaped the special education field. Additionally, the analysis and comparison model results indicate that the three data sources reporting on California's special education programs reflect different data bases as well as conflicting interpretations in relation to the present compliance status of certain program requirements. These data sources support the

notion that the evaluation process continues to be in flux and that certain changes in procedures and methodology may initiate a sequence designed to ameliorate the current problems present in both special education service delivery systems and appropriate evaluative processes designed to support and develop programs at the local level.

Chapter V offers a summary of the study and the investigator's discussion of the findings reported in this chapter. Conclusions and recommendations for further study are also offered by the investigator.

## Chapter V

### Summary, Conclusions and Recommendations

With the implementation of Public Law 94-142 (Education for All Handicapped Children Act) and California's Master Plan for Special Education (Senate Bill 1870) significant changes are occurring in the state's public and private schools involved in serving students with special education needs. In addition to these legislative mandates, litigation has been and continues to be influential in assisting the handicapped to obtain a free appropriate education in the least restrictive environment.

Though there has been a proliferation of reports from both state and federal agencies relating to present levels of compliance with P.L. 94-142 mandates, questions continue to arise as to the generalizability and accuracy of these documents.

It was the purpose of this study to describe the current implementation level of California special education services through the analysis and comparison of three data sources. This chapter was organized under four headings: (a) a summary of the study, (b) a discussion of the results, (c) the conclusions, and (d) recommendations to improve current educational practices and for further study.

### I. Summary

The purpose of this study was to investigate the compliance and implementation level of special education services in California. Three data sources were used to analyze and compare supportive material for the California Master Plan Report for 1979-80 with statement documentation contained in the Office of Special Education (formerly Bureau of Education for the Handicapped) Program Administrative Review (PAR) Report. These sources included: (a) an analysis of 20 Northern California Monitor and Review (MAR) Reports, (b) the descriptive state material contained in Chapter II-VI of the 1979-80 California Master Plan Report (1980), and (c) the Office of Special Education data incorporated into the text of the PAR report as supporting material for the report's findings.

Research Objectives 1 through 9 and Objective 12 were answered through the material provided from an analysis of the 20 MAR reports. Following analysis model discussions, these data were key punched and processed through the use of the Statistical Package for the Social Sciences (Nie et al., 1975) to obtain measures of central tendency. Research Objectives 10 and 11 were analyzed through the application of the analysis and comparison model rating scale.

The findings in relation to data from the 20 MAR reports showed that on the average only 19% of the 196 items were found to be in the "compliance" category. Furthermore 39% of the items were in "non-compliance" while 42% of the items were "not assessed" (Objective 1). When grouped by item types (compliance and quality) a similar response category pattern was found (Objective 2). When these data were further analyzed by item type and the three represented geographical subregions in Northern California only the response category of "in compliance" presented a similar profile. The "non-compliance" category suggests a differentiation between rural subregions A and B and urban subregion C by suggesting that rural areas had more items (regardless of type) in "non-compliance" than the urban region. Additionally, in observing the third response category of "item not assessed", the urban region in both item types had the largest percentage of items not assessed (Objective 3).

When the composite data were displayed by response categories the MAR Administration framework subsection was found to have the highest compliance average. The highest non-compliance subsections averages were Personnel Development, Search, Procedural Safeguards, Educable Mentally Retarded and Assessment. A further breakdown of this data which included subregion averages (Objective 5) suggests

that rural subregions A and B did substantially better than urban region C in compliance averages for the Administration subsection. Additional analysis indicates that there is extensive variability both between and within composite averages in response categories, subregions, and framework subsections.

The composite percentage ranking of framework subsections (Objective 6) found that in the compliance category, with the exclusion of the Administration subsection, very few items percentage wise in any subsection were "in compliance". Combining the "in compliance" and "non-compliance" categories found that only 58% of the items on the MAR instrument are evaluated in any given local education agency (LEA).

Data from research Objectives 7, 8, and 9 provides individual LEA percentages for response category scores, LEA response category rankings and individual response categories grouped by the nine framework subsections. These data again suggest an extensive variation in both MAR team utilization of the state's 196 item MAR instrument and the reported MAR evaluation results for each LEA.

A MAR screening instrument (Objective 12) was not proposed at this time since the results of this study suggest that MAR review teams have initiated a selective screening process. Additionally the state department is

presently evaluating the application of a "mini review" developed by an LEA during 1979-80 for similar purposes as suggested by this researcher.

The findings of the first application of the analysis and comparison model (Objective 10) suggests that when state report information and Riley data are available they generally do not support the PAR material used to substantiate the PAR reports findings. The results of the second application of the model (Objective 11) found that the summary rating was in the neutral category. This suggests that the state report information and the Riley data were either not available or when present, the sources were oppositional.

## II. Discussion

Historically, services for the handicapped had evolved to the point of categorical delivery models with individuals receiving self-contained classroom isolated services. With the passage of P.L. 94-142 in 1975, certain new elements were mandated which theoretically have a significant impact on the previous service model. These included components of assessment, team placement, IEP development, least restrictive environment, and a free appropriate public education. When successfully implemented, these program components have institutional, personnel, financial and curriculum change implications. At best, these data suggest



that movement in this direction has been slow. This pattern emerged previously with the Great Society programs and was not addressed within the new federal legislation for special education. There is traditionally a lag in the passage of a law and its implementation on the local level. Since district administrators recognize that sufficient funds and trained personnel are not immediately available, a posture was developed to implement the new program at a rate that reflects their perception of reasonableness and service availability. This position appears to be recognized and temporarily supported by the state evaluations teams as evidenced by the 42% level of not assessed items. Furthermore, the highest percentage of items (65%) in compliance was in the Administration framework subsection. This section requires a minimal amount of system change and has been easily implemented. In the area of non-compliance, the Personnel subsection had a number one ranking with 62%. This section may be the least significant area to be in non-compliance since it is questionable that compliance would have any relevant effect on the delivery of service within the legal guidelines of P.L. 94-142 and S.B. 1870.

At the federal level, the Education Advocates Coalition (1980), a nationwide coalition of advocacy groups, recently issued a report which concluded that hundreds of thousands of handicapped children throughout the United States are

being deprived of their rights to an appropriate education. Although the Bureau of Education for the Handicapped (now the Office of Special Education) for six years has had the responsibility for monitoring and enforcing special education laws, the report concluded the Office of Special Education has moved only very slowly from its historical role as a grant-giving agency with limited interest in active assessment. Furthermore, it has repeatedly failed to identify major violations of the law and develop specific remedies, while forcing courts examining the same state practices to issue the necessary remedial orders.

The Educational Advocates Coalition (1980) subsequently pointed out ten major areas of noncompliance and called for the U.S. Department of Education to take swift and strong steps to ensure the effective enforcement of P.L. 94-142. The California state's high rate of non-assessment in conjunction with the role change problems at the federal level may be diminishing the local levels' perceptions as to the importance of implementing current law. This is supported by study data indicating that 58% of the Individualized Education Plan (IEP) subsection items were not assessed. Since the IEP is the management tool for service delivery and incorporates, either philosophically or procedurally all other subsections, it suggests that only limited implementation progress is evident.

Compliance with the IEP component also requires the most significant amount of change, i.e., increased funding, more specialized personnel, and local school system inservices to identify and serve handicapped individuals. Other portions of these survey data suggest that review teams did not discriminate between compliance and quality items since each obtained relatively close category response patterns. Subregion analysis did not appear to identify variance with the exception of urban subregion C having a higher total number of framework subsections in the not assessed category. This suggests that the current evaluation procedures and instrumentation are not appropriate for large scale urban use. Additionally, there may be such a great amount of variance found by a large evaluation team that it is impossible to arrive at consensus which would accurately describe the actual level of special education services.

Tables 7 through 11 display data describing the state's 196 item evaluative instrument in relationship to results obtained by the individual LEAs. This analysis suggests extensive variations of assessment results in relation to response category percentage ranges and geographical characteristics. Tables 9 through 11 provide an in-depth display of the framework subsections for each LEA grouped

by individual response. This provides for a visual analysis of percentage clusterings and the range widths.

The findings from the results of the analysis and comparison of the three data sources further suggest difficulties in generalizing findings of reporting systems describing special education services. The composite rating score obtained for Objective 10 (-.425) is approximately midway between the neutral (0) and partially non-supportive (-1) category. This indicates that when state report information and Riley data are available, they generally do not support the PAR material used to justify the PAR's statements. There were additionally 27 neutral category scores given to the state and Riley data sources. This indicates a lack of uniformity of the data bases and suggests that the material used to support the individual PAR statements refers to isolated incidences of non-compliance rather than state-wide problems. This is supported by study results that found when the three data sources reported on the same compliance area they were not in agreement as to the current state implementation level.

The second application of the analysis and comparison (Objective 11) resulted in a composite score in the neutral category (+.05). This suggests that state report information and Riley data either did not support or negated the PAR support material. It indicates the lack of uniformity and

data base commonality of the three sources and creates further questions as to the actual services and levels of compliance in special education programs.

#### Overview of Discussion

In summary, there is a substantial variation in the results of the MAR reports. On the average only 58% of the MAR instruments items are used to judge implementation and compliance levels. Areas having the least impact on finances, personnel and curriculum are being implemented initially. Comparing MAR report results (Riley data) and the state report information with support material in the PAR document suggests a lack of uniformity in the monitor and review systems developed to evaluate the present level of special education services. When it was possible to compare evaluation results of the same special education program areas, the data sources often provided conflicting information about actual service levels. In some instances the PAR report statements appear to be based on substantiating material representing isolated instances of non-compliance and therefore lack generalizability as to statewide application. These combined data sources suggest that progress is being made toward implementation but substantial problems have occurred in developing an instrument and evaluation methodology to accurately measure the various mandated special education services.

### III. Conclusions

Based on the findings of this study, the investigator concluded that:

1. LEAs are experiencing significant problems in attempting to implement and comply with state and federal mandates relating to special education services.
2. There appears to be a substantial level of acceptable non-compliance that is indirectly perpetuated by state and federal agencies through present monitor and review accountability procedures.
3. A plausible explanation for the present degree of limited implementation includes components of funding deficits, limited personnel training facilities, innate organizational constraints resisting change and conflicting federal, state and local roles.
4. LEAs have been most successful in implementing areas that are least expensive and require no additional personnel while not addressing requirements necessitating organizational change and/or long-term funding commitments.
5. State and federal program evaluation systems lack a common philosophy and practical methodology to complement each other and avoid duplication.
6. A portion of the support material used to justify PAR statements was based on isolated instances of occurrence.

7. A portion of the support material used to justify PAR statements was in conflict with state report and Riley data sources raising questions of PAR report generalizability.

8. Due to differences in reporting objectives and purposes, the three data sources provide a multiplicity of information regarding implementation trends but lack reciprocal confirmation of reported findings.

#### IV. Recommendations

Based on the findings of this study, the investigator proposed the following recommendations:

1. It is recommended that the federal, state and local agencies develop a uniform evaluation philosophy and practical methodology to assess special education services.

2. It is recommended that the state redesign its 196 item MAR instrument to obtain uniform utilization and application by MAR evaluation teams.

3. It is recommended that MAR training procedures be modified to emphasize the need for reliable and consistent data acquisition to accurately measure progress in the implementation of special education services.

4. It is recommended that reliability and validity studies be completed to support continued use of the MAR evaluation instrument.

5. It is recommended that this study be replicated at five-year intervals to plot implementation progress and

document the length of time needed to implement a major educational change mandated by law rather than practice.

6. It is recommended that more consistent and objective guidelines be developed by both the state and federal agencies to verify their reporting systems and to provide functional implementation and compliance information for local educational agencies.

7. It is recommended that a theory of implementation be developed to facilitate mandated substantial educational program changes.



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APPENDIX A

THE TWENTY NORTHERN CALIFORNIA LOCAL EDUCATION  
AGENCIES REVIEWED DURING 1979-80



The twenty local educational agencies (LEAs) scheduled for site review by the California State Department of Special Education for the 1979-80 academic year were as follows:

REGION A--CONSULTANT SERVICES, NORTH

1. Nevada County Office of Education  
(All LEAs)
2. Plumas County Office of Education  
(All LEAs)
3. Sacramento County Office of Education  
(North County Consortium)
  - Center Joint
  - Del Paso Heights
  - Elverta
  - Grant Union
  - Natomas
  - North Sacramento
  - Rio Linda
  - Robla
4. Sierra County Office of Education  
(All LEAs)
5. Solano County Office of Education  
(All LEAs)
6. Sonoma County Office of Education  
(All LEAs except Santa Rosa, Old Adobe,  
Rincor Valley)

REGION B--CONSULTANT SERVICES, NORTH

7. Amador County Office of Education  
(All LEAs)
8. Fresno County Consortium  
(All LEAs except Fresno Unified  
School District)
9. Kings County Office of Education  
(All LEAs)
10. Monterey County Office of Education  
(All LEAs)
11. Tracy Elementary School District  
(San Joaquin County)
12. Santa Cruz Elementary School District  
(Santa Cruz County)
13. Tuolumne County Office of Education  
(All LEAs)

REGION C--CONSULTANT SERVICES, NORTH

14. Berkeley Unified School District  
(Alameda County)
15. Hayward Unified School District  
(Alameda County)
16. Murray School District  
(Alameda County)
17. Mt. Diablo Unified School District  
(Contra Costa County)

18. San Leandro Unified School District  
(Alameda County)
19. Santa Clara County Special Education  
Services Region  
(Zone II)
20. Santa Clara County Special Education  
Services Region  
(Zone V)

APPENDIX B

SUMMARY OF THE CALIFORNIA MASTER PLAN  
FOR SPECIAL EDUCATION 1979-80  
ANNUAL EVALUATION REPORT

Master Plan Report Summary

The major features of the California State Department of Education's report on special education programs are summarized as follows:

1. Availability of Special Education Services to Students Under the California Master Plan for Special Education.

a. The number of Special Education Services Regions was increased from 17 regions in 1978-79 to 21 regions in 1979-80. One established region expanded to include an additional area of the district under the master plan.

b. Students receiving special education services in master plan programs in 21 Special Education Services Regions on December 1, 1979 totaled 102,275 as compared to 77,737 students in 17 regions on February 1, 1979.

2. Special Education Program Costs.

a. Per student costs increased at a rate less than the rate of inflation, but faster than the rate of state and federal aid. Total average per pupil costs increased 12.7% while general indicators of inflation averaged about 14% during the fiscal year.

b. Local support increased, federal support remained at about the same proportion, while state support decreased somewhat.

c. Total expenditures increased from \$177.5 million in 1978-79 to \$294 million in 1979-80. As expected, most of the increase was due to the expansion of master plan programs into four newly established special education services regions.

### 3. Local Program Evaluation.

a. Twelve special education services regions designed and conducted one or more special studies of facets of their own special education programs according to their own "tailor-made" local evaluation plans.

b. Thousands of persons participated in the regions' special studies in a variety of ways: designing, collecting information, interpreting results, and preparing to use the results in refining local special education programs.

c. As part of its technical assistance in local special education programs, the Department of Education prepared, field-tested, and revised a Guide for Special Education Program Evaluation and held workshops for local special education staff conducted in cooperation with the eight Evaluation Improvement Regional Centers.

### 4. Entry and Movement of Students in Special Education Programs.

a. As children's needs were identified, services were provided. There was a continuous process of

referral, assessment and instructional planning before students received special education services. The 17 established regions served more than 29,000 newly identified students in the 10 month period between February 1, 1979, to December 1, 1979.

b. In a special study of students' records and individualized education program (IEP) documents, one region found several instances in which services were being provided without a substantiated need, and others in which a need was demonstrated but no service was provided.

c. Not all children referred were found to need special education services. In one special education services region, a special study found that 20% of the 3,000 children referred and assessed were found not to need special education services.

d. Students moved toward regular classes. Over a 10 month period in the 17 established regions, about 16% of the students no longer needed special education services and were returned to regular education programs full-time. In that same period, about 20% of the students moved to less restricted educational settings. Movement toward a less restrictive setting occurred in about the same proportion from all special education instructional settings.

5. Participation of Special Education Students in Regular School Programs.

a. In the 21 regions, 72% of the special education students were enrolled in regular classes and received special education services on a part-time or pull-out basis. Thirty-five percent were enrolled in regular classes and received resource specialist program services on a part-time basis.

b. In five of the established special education services regions, local program review teams visited school sites and observed classrooms in action and found that the integration which had been planned in children's individual education programs was occurring.

c. A special study conducted by one region found that regular and special education teachers considered the participation of special education students socially and academically, while having a positive or neutral effect on the regular education students.

d. Regular education staff surveyed by six regions expressed their needs for useful materials and techniques for instructing their newly assigned special education students, particularly in secondary school.

e. Parents surveyed by six regions confirmed their children's participation in regular education programs



as planned and considered that participation to have been beneficial.

f. Special education students in special classes considered their participation in regular education classes and activities to have been pleasant and rewarding according to a study by one region.

g. The achievement of regular education elementary school students was not affected by the presence of their special education classmates, whose achievement went up, according to a special study by one region of 428 handicapped students assigned to resource specialist programs.

h. Regular education teachers in secondary schools were found to have had little participation in School Appraisal Team meetings to consider the needs of students assessed for possible special education services, according to a study conducted by one region.

6. In-service Training for Regular Class Teachers.

a. More than 10,000 regular class teachers participated in training programs sponsored by the Department of Education and the regions.

b. Six regions surveyed regular teachers' needs in special studies, finding general areas for planning in-service.

c. A study by one region found that one-third of the regular teachers surveyed did not have the IEPs of their special education students readily available to them.

d. One region decided to continue a large proportion of its in-service on a one-to-one basis, special education teacher with regular teacher, as a result of a special study it designed and conducted.

e. Five regions used the results of their own program reviews as one basis for planning in-service.

f. The Department began a five year comprehensive statewide study of staff development in which the first emphases was special education.

#### 7. Student Performance.

a. The results of special studies conducted by nine regions indicated that most of the students in the studies made positive changes in a wide variety of areas of instruction, including reading, social interactions, work habits, arithmetic, and writing.

b. Parents as well as school staff noticed positive changes in their children, according to special studies conducted by six regions.

c. In a special study conducted by one region, program specialists reported that over 60% of special education students made enough progress to be considered

for a change in placement or instructional setting. A small percentage of students appeared to make little progress. In one region's study, program specialist concluded that the chief factor for less than full attainment of predicted progress was unrealistic annual objectives set in the students' individual education program (IEP).

d. The progress of students was watched by school staff and parents. In one region, a special study found that 6,000 meetings were held to discuss student progress. Of these meetings, about 3,000 were annual review meetings and about 1,000 were called by school staff or parents to discuss particular aspects of individual student progress. The other 2,000 were held to discuss new placements.

e. A Department study of the vocational preparation of special education students found that two-thirds of a sample of former special education students had found jobs and were employed.

#### 8. Attitudes of Parents and School Staff Members

##### Toward Special Education Services.

a. Parents, regular teachers and special education staff expressed general satisfaction with special education programs and services, according to surveys and interviews in special studies conducted by six regions.

b. Special education students in special classes expressed increasingly positive attitudes toward other students and school, in a special study conducted by one region; however, as a group, high school special education students showed no increase in positive attitude toward school.

c. Special and regular education staff and school site administrators interviewed in a study by one region judged all the services and most of the forms to be useful to them.

d. Directors of responsible local agencies in 15 regions expressed both satisfaction with, and recommendations for enhancing, the vocational education opportunities for special education students, in a special study designed and conducted by the Department of Education.

e. Parents expressed some confusion and a desire to learn more about special education programs, in surveys conducted by six regions.

9. Local Compliance with State and Federal Regulations.

a. Five established regions conducted their own special education program reviews, finding substantial compliance with state and federal regulations.

Instances of noncompliance were corrected.

b. One region designed and conducted a special study to examine the actual working out of its own corrective action plan to overcome program deficiencies found in a state review during the previous year. The findings were generally positive. Further corrective action was taken to remove deficiencies.

c. The Department of Education reviews each region and local educational agency in a statewide three-year cycle. The region reviewed during 1979-80 was in substantial compliance with state and federal regulations (California Master Plan Report for 1979-80, 1981, pp. 2-8).

APPENDIX C

BUREAU OF EDUCATION FOR THE HANDICAPPED  
ACTIVITIES DURING ADVANCE PROGRAM  
ADMINISTRATIVE REVIEW VISIT

Advance Visit Activities

During the advance person visit (February 21-29, 1980) which preceded the on-site review, meetings were held by Office of Special Education staff with:

1. Department of Education Staff in both Sacramento and Los Angeles for the following programs:

a. Special Education (Administrative and Consultative)

b. Vocational Education

c. Title I (89-313)

d. Adult Education

2. Local School District Special Education Staffs (Administrative, Teaching, Support) from the following school districts:

a. Los Angeles Unified School District

b. Los Angeles County Office of the Superintendent of Schools

c. Orange County--Placentia

d. Orange County Office of the Superintendent of Schools

e. Sacramento County Office of the Superintendent of Schools

3. Parents and Advocates in:

a. Los Angeles Unified School District

b. Los Angeles County Office of the Superintendent  
of Schools

c. Orange County--Placentia

d. Orange County Office of the Superintendent of  
Schools

e. Sacramento County Office of the Superintendent  
of Schools

4. State Agencies/Organizations:

a. Department of Rehabilitation

b. Department of Mental Health

c. California Children's Services

d. Department of Developmental Disabilities

e. State Advisory Commission for Special Education

5. Private Special Education Schools:

a. Growing Minds

b. St. Georges Homes, Inc.

c. Serendipity

d. Re-Ed West

6. Administrators of Special Education (approximately  
90 California Council of Administrators of Special Education  
(CASE) Southern Section (California Program Administrative  
Review Report, 1980, Appendix A pp. 1-2).



APPENDIX D

BUREAU OF EDUCATION FOR THE HANDICAPPED  
ACTIVITIES DURING THE ON-SITE  
PROGRAM ADMINISTRATIVE REVIEW

### On-Site Review Activities

During the on-site review in April, 1980, the Office of Special Education (OSE) Staff:

1. Held two meetings with 119 parents and advocates (San Francisco (81), Los Angeles County (38)).
2. Distributed OSE-designed questionnaires at the two meetings described above to determine the degree of parent knowledge of P.L. 94-142 and input into their children's program.
3. Made random telephone calls to parents of children whose folders were reviewed to determine the degree of parent satisfaction with and input into their children's programs and their knowledge and understanding of their rights under P.L. 94-142.
4. Made telephone calls to private school representatives.
5. Accompanied by DOE consultant staff, reviewed special education programs and services in the following locations:

#### School Districts in the Northern and Mid-State

#### Regions

- a. Berkeley Unified
- b. Castro Valley Unified
- c. El Dorado Union High

- d. Fresno Unified
- e. Milpitas Unified
- f. Mt. Diablo Unified
- g. Oakland Unified
- h. Richmond Unified
- i. Sacramento City Unified
- j. San Francisco Unified
- k. San Jose Unified
- l. San Juan Unified
- m. Sonoma County Special Education Consortium
- n. Willits Unified (Mendocino County Special Education Consortium)

School Districts in the Southern Region

- a. Bassett Unified
- b. El Monte Elementary
- c. Escondido Union Elementary
- d. Fullerton Joint Union High
- e. Long Beach Unified
- f. Los Angeles Unified
- g. Orange Unified
- h. San Diego City Unified
- i. Simi Valley Unified
- j. West Orange Unified

State Operated/State Supported Programs

- a. Agnews State Hospital

- b. California School for the Deaf/Riverside
  - c. California School for the Blind/Berkeley Campus, and proposed Fremont Campus
  - d. California Youth Authority/Carl Holton
  - e. California Youth Authority/Fred C. Nells
  - f. Diagnostic School for the Neurologically Handicapped/San Francisco
  - g. Fairview State Hospital
6. Interviewed approximately 300 superintendents, principals, regular and special education teachers, support staff, central office administrative/supervisory staff (regular education, vocational education, special education, finance officers).
7. Visited approximately 75 individual school sites.
8. Reviewed approximately 225 folders of individual children.
9. Conducted an Exit Interview with the Superintendent of Public Instruction (California Program Administrative Review Report, 1980, Appendix A pp. 2-3).