

What Your Colleagues Are Saying . . .

James Earley and Robert McArdle have written a book on the administrator's role that reads like an encyclopedia but exudes warmth and passion on almost every page. This impressive book brings the reader inside the important and mercurial world of special education, presenting a wealth of critical information while simultaneously speaking to the reader with unabashed candor and humility. It should be mandatory reading for all new administrators of special education.

—**Charles Appelstein, MSW**

Author, *No Such Thing as a Bad Kid: Understanding and Responding to Kids With Emotional and Behavioral Challenges Using a Positive, Strength-Based Approach*

This book is a professional gem. Grounded in integrity and keeping students at the forefront of their work, James Earley and Robert McArdle have created a practical guide on how to approach and manage the all-encompassing role of administrator of special education. Starting with a refresher on special education law and moving into a myriad of topics that fall under the responsibility of director, this resource is invaluable to all those working in the field of special education.

—**Tamara (Tammy) Barrera, MEd**

Assistant Director of Student Services

What a benefit to the larger community of special education administrators that, through this book, they can now access the collective knowledge and experience that James Earley and Robert McArdle have in the field. The role of the administrator of special education can be a lonely one and singular in its nature—the knowledge and skills required to do this job well are not often shared by anyone else in the district (not principals, nor curriculum directors, nor many superintendents). This book offers insight into all the role entails and how to lead the work.

—**Alison Elmer, MEd**

Special Education Director

It does not take long for the reader to realize that these seasoned special educators have the knowledge, skills, experience, and dispositions to provide a treasure trove of useful information for the novice or veteran whether they are a general education teacher, special education teacher, principal, superintendent, or special education administrator. James Earley and Robert McArdle leave no stone unturned and thoroughly

address such topics as programs and services, discipline, budget development, professional development, supervision, and evaluation. This book is one you will want to keep close at hand.

—**Stephen Gould, EdD**

Program Director and Teacher at Lesley University,
Former Principal, and Former Assistant Superintendent

The special education administrator position is the most difficult job in public education. Challenges abound—conflicts with parents, teachers, and other administrators; changes to department of education regulations and guidance; litigation looming behind every decision—and perhaps the biggest, ever-present challenge is to balance advocacy for students with disabilities and the fiduciary responsibility to the school district. But help is on the way. Based on their extensive experience as special education directors, James Earley and Robert McArdle offer guidance in how to navigate the passage between the Scylla and Charybdis of conflicting demands, including tips and strategies for dealing with both the long-term and day-to-day challenges for special education directors. I highly recommend their book as a text in higher education courses, as an item in the library of special education organizations, and, most important, as a resource by the desk of every special education administrator.

—**Edward McCaul, EdD**

Keene State College, Former Special Education Administrator,
Former Executive Director of a Special Education Collaborative,
and Former Executive Director of Massachusetts
Administrators for Special Education

This succinct guidebook distills many years of practical experience and provides the reader with concrete guidance on the various aspects of the role of an administrator of special education; the authors not only address the anticipated issues associated with the position, but also weave in helpful advice on other potentially overlooked yet essential skills and actions necessary to be a successful administrator in public education. James Earley and Robert McArdle have provided an excellent resource that will help administrators of special education in confidently navigating the myriad issues to be addressed in that role.

—**Thomas Nuttall, Esq.**

Law Firm of Nuttall, MacAvoy, and Joyce PC

While the administering of special education can be a daunting task, authors James Earley and Robert McArdle, with their experience and expansive knowledge in special education administration, offer recommendations on how to work proactively with school administrators, special education and general education teachers, related services staff, parents, advocates, and other stakeholders. They share strategies that result in services that are responsive to student needs and the ever-present decision on placement in the educational setting in which the students can make effective educational progress. I enthusiastically recommend this book for school administrators, principals, and directors of special education schools, and as a text for undergraduate and graduate students in special education courses.

—**Don Ricciato, PhD**

Boston College, Lynch School of Education
and Human Development, Retired Director of the
Campus School at Boston College

There are no better administrators of special education than James Earley and Robert McArdle, and now, drawing on their decades of experience in special education leadership, they have created a thorough and practical guide that provides a wealth of information, useful advice, and, most important, ways to assess difficult situations and arrive at reasonable and equitable solutions. The book is a master class in identifying core issues and applying useful approaches to think about and solve many seemingly intractable problems. It is a book that is long overdue in the field and one that will have significant impact.

—**Joel Ristuccia, MEd, CGS, MBA**

Psychologist, School-Based Consultant, Coauthor,
Helping Traumatized Children Learn

This effort of our professional experiences is dedicated to our wives, Marlene and Maureen, for their support, encouragement, and ongoing willingness to listen to our conversations of stresses, successes, doubts, accomplishments, and desires for positive outcomes for school-age children with special needs.

A Practical Approach to Special Education Administration

Creating Positive Outcomes for
Students With Different Abilities

James B. Earley
Robert J. McArdle

Foreword by Gerald Mazor

 CORWIN

Copyright ©2023 by SAGE Publications, Inc.

This work may not be reproduced or distributed in any form or by any means without express written permission of the publisher.



FOR INFORMATION:

Corwin
A SAGE Company
2455 Teller Road
Thousand Oaks, California 91320
(800) 233-9936
www.corwin.com

SAGE Publications Ltd.
1 Oliver's Yard
55 City Road
London EC1Y 1SP
United Kingdom

SAGE Publications India Pvt. Ltd.
B 1/I 1 Mohan Cooperative Industrial Area
Mathura Road, New Delhi 110 044
India

SAGE Publications Asia-Pacific Pte. Ltd.
18 Cross Street #10-10/11/12
China Square Central
Singapore 048423

President: Mike Soules
Vice President and Editorial Director:
Monica Eckman
Publisher: Jessica Allan
Content Development Editor:
Mia Rodriguez
Editorial Assistant: Natalie Delpino
Production Editor: Melanie Birdsall
Copy Editor: Melinda Masson
Typesetter: Exeter Premedia Services
Proofreader: Dennis Webb
Cover Designer: Candice Harman
Marketing Manager: Olivia Bartlett

Copyright © 2023 by Corwin Press, Inc.

All rights reserved. Except as permitted by U.S. copyright law, no part of this work may be reproduced or distributed in any form or by any means, or stored in a database or retrieval system, without permission in writing from the publisher.

When forms and sample documents appearing in this work are intended for reproduction, they will be marked as such. Reproduction of their use is authorized for educational use by educators, local school sites, and/or noncommercial or nonprofit entities that have purchased the book.

All third-party trademarks referenced or depicted herein are included solely for the purpose of illustration and are the property of their respective owners. Reference to these trademarks in no way indicates any relationship with, or endorsement by, the trademark owner.

Printed in the United States of America

ISBN 978-1-0718-7706-7

This book is printed on acid-free paper.

22 23 24 25 26 10 9 8 7 6 5 4 3 2 1

DISCLAIMER: This book may direct you to access third-party content via web links, QR codes, or other scannable technologies, which are provided for your reference by the author(s). Corwin makes no guarantee that such third-party content will be available for your use and encourages you to review the terms and conditions of such third-party content. Corwin takes no responsibility and assumes no liability for your use of any third-party content, nor does Corwin approve, sponsor, endorse, verify, or certify such third-party content.

Contents

Foreword by Gerald Mazor	xi
Preface	xiii
About the Authors	xix
Introduction	1
Part I. Foundational Elements	7
Chapter 1. Legal Foundation for Providing a Free and Appropriate Education to Students With Disabilities	8
Chapter 2. Defining Your Beliefs	20
Chapter 3. Your Role as Administrator of Special Education	26
Chapter 4. Confidentiality	31
Chapter 5. Section 504 of the Rehabilitation Act of 1973	34
Part II. Program and Service Delivery Considerations	39
Chapter 6. Procedural Manual	40

Chapter 7. Process, Procedures, Practices: Referral, Evaluation, and Determination of Eligibility for Specialized Instruction	49
Chapter 8. Inclusion	76
Chapter 9. Programs and Services: Options and Choices	86
Chapter 10. Professional Development	97
Chapter 11. Discipline and Students With Special Needs	103
Chapter 12. Age of Majority and Transition to Adult Services	108
Chapter 13. Documentation	112
Part III. Working With and Managing Related Stakeholders	115
Chapter 14. Parents	116
Chapter 15. Central Office Administrators	123
Chapter 16. Building Administrators	131
Chapter 17. Role of Various Special Education Personnel	134

Chapter 18. Supervision and Evaluation of Department Staff	136
Chapter 19. Budget Development	141
Part IV. Extraordinary Concerns	149
Chapter 20. Dealing With Difficult Cases	150
Chapter 21. Advocates	154
Chapter 22. Due Process, Appeal Hearings, and Mediation	158
Conclusion	167
Appendices	173
Acknowledgments	193
References	195
Index	197

Do not copy, post, or distribute

Foreword

The special education administrator is one of the most challenging and visible positions in public education. In the mid-1970s, I completed my dissertation about this vital role, and I have watched it grow in importance and in influence ever since. I have seen it change and get more complicated over almost five decades.

James Earley, Robert McArdle, and I began our special education careers prior to the enactment of both the federal and state (Massachusetts) special education statutes in the early 1970s. The federal law (IDEA, formerly PL 94-142) was modeled after the Massachusetts statute. Throughout the past 50 years, special education has seen major modifications and refinements—due to court cases, landmark decisions, parental knowledge, research, amendments to existing legislation, medical breakthroughs, and educational trends—and the special education administrator has had to keep up with them all.

Jim and Bob have participated in and lived through these changes, and they bring to the table a combined century of experience. Since their retirement from public education more than 75 public school districts, educational collaboratives, and private schools for students with special needs have hired them to conduct special education program and district evaluations. In this capacity, they have interviewed, observed, or mentored administrators at every level—special education directors, out-of-district coordinators, building principals, superintendents, parents, teachers, ancillary service providers, and school committee members—and visited programs in public schools, educational collaboratives, and private schools.

A Practical Approach to Special Education Administration walks readers through the history of special education. The authors cover legal and regulatory issues, the importance of due process, and Section 504. They discuss helpful strategies for working not only with building and central office administrators but also parents, advocates, and teaching

and ancillary staff. With a focus on program, budget, and professional development, they highlight techniques they have used with difficult cases, and what has worked for them.

It is fair to say that Jim and Bob have seen it all.

Whether you are new to special education administration or have many years of experience, reading this book will only make you better.

—**Gerald Mazor, PhD**

Retired Executive Director of the Concord Area Special Education (CASE) Collaborative, Concord, Massachusetts; and Former Interim Executive of the Lexington, Arlington, Burlington, Bedford, and Belmont (LABBB) Collaborative and LABBB Collaborative Consultant, Burlington, Massachusetts

Do not copy, post, or distribute

Preface

As two veteran administrators of special education (ASEs) with 100+ years of professional experience in public, private, and nonprofit settings, we thought sharing our experience and experiences in a practical way would benefit current ASEs and those aspiring to the position. Although the position of ASE has seen some changes over the past 47 years, the primary role has not changed. Throughout our writing, we will take a practical approach to address some of the changes and their impacts. Over years of professional conversations supporting each other and our colleagues in various roles, we developed a strong sense that many ASEs were not fully prepared for the roles and expectations of the position. We felt that, even though over the years higher education had developed ASE training programs, the result was many sitting administrators lacking the complete preparedness and understanding required for the position, whose comprehensiveness and complexities can be and are at times overwhelming. Navigating the federal law and aspects of your state law, if you have one that differs from the federal law, can be challenging, to state the obvious. For example, Massachusetts services students through their 22nd birthday while the federal law—the Individuals With Disabilities Education Act (IDEA)—only services students through their 21st birthday. Other aspects of your state law, such as timeline compliance, may differ from the federal law, and you will need to know which standard your district is expected to meet. This book endeavors to equip those wanting to take on the challenge of becoming an ASE with a useful and practical guide to providing for the needs of students with disabilities.

As newly hired ASEs—we recognize the many different titles for this position, but for the purposes of this book, we will use administrator of special education (ASE)—we were given the privilege of overseeing programming and services for students in our school districts with special needs. With a great deal still to learn, we understood that many professionals within our district knew a whole lot more than we did about

our responsibilities. We were also fortunate to learn from some of the pioneers at the state and local level, and like sponges we picked up every bit of advice, no matter how insignificant, to bring back to our districts.

So, we set out to meet every department member by visiting every school in the district and spending time in each classroom and specialist environment. We quickly learned that when we entered a school building, we came as outsiders, and that each school had its own culture, some more favorable to servicing students with special needs than others. We also realized that, to achieve success, we needed to prove ourselves to the staff and to the building administrator(s). Because building principals each led their school in a unique way, we needed to establish an individual relationship with each one, so we made sure, at every school, to stop first at the principal's office. In some schools, we found the principal in their office every time, and in other schools, we found the principal only after walking all around the school.

When one school had to close for several weeks due to mold, the fifth-grade students were placed at a middle school that happened to have one of those principals who never stayed in the office—to find this principal, you needed to traverse the school. One day, while walking down the corridor past the displaced class of fifth graders, the principal stopped to converse with the students, calling each by their name. When the class moved on, he was asked how he could possibly know all their names when they had only attended the school for a few weeks, and he responded, simply, “That’s my job!” We came to understand that building principals, too, had a difficult job, and our job was not only to educate them on the new requirements of the laws but also to reveal ourselves as partners in the education of all students.

Some building administrators responded very positively while others did not. Convincing them to embrace our efforts and goals often proved difficult. So, after thinking a great deal about how to gain the staff's trust, we developed some not-so-earth-shattering routines.

Visibility

First, we cultivated *visibility*—not an easy task given the 24 schools in our respective districts serviced roughly 13,000 students, with 2,100 receiving special education services through an individualized education plan (IEP). In our first year, and throughout our tenure in various districts, we each read and signed every IEP, whether initial, annual review, or reevaluation, to see the writing style. If either of us had a question, we went to the school to discuss it with the liaison or team

chairperson, and we made it a practice to visit with each special education staff member and building principal. These classroom visits also provided us a reminder of why we do this work: the students. Visiting their classrooms allowed us to meet the students and see their hard work as well as their teachers'. Without making time for these walk-throughs, you can very easily forget that each IEP you review or sign represents one student!

(As a point of observation, we realize that not all school districts are the same size, and you may not be able to connect with all your staff and building principals on a one-to-one and/or scheduled basis. We acknowledge that the size of the district will determine your ability to accomplish this direct contact. In larger districts with an organizational structure that includes middle managers for your department, you are responsible for delegating and establishing the visibility of these middle-level managers, assistant ASEs, program supervisors, and so on. In larger districts, delegation becomes an added skill that requires constant attention to ensure that the individuals charged with managerial responsibilities are fulfilling them as outlined in their job description.)

Listening

We also worked extremely hard to assure staff that we listened to their needs and wants. If we could not address them immediately, we made it a strict practice to tell the staff that we were not sure or did not know; however, we always got back to them within a day or two. So, we were becoming "visible," we were listening, and we were responding. If a staff member brought a sensitive issue to our attention, we took responsibility to address their concern without compromising them. This meant developing a strategy to achieve what we needed before presenting it to their school leader(s). We always felt that sharing our "strategy" with the building principal in a positive way would produce a positive outcome. In our separate roles, we attempted this throughout our careers as we also knew that if we did not "strategize" properly, then the special education students and staff could potentially take the brunt of our error.

Respect

Staff, district administrators, parents, and community leaders will observe you and scrutinize your approach. When we began in the position many years ago, two of our bosses shared with us their divergent advice on how to treat our staff and others. One advised us to respect everyone and treat your staff as professionals until they show

you otherwise. The other advised us not to treat anyone with respect until they show you that they have earned it. Obviously, we are not aware of your leadership style or your approach to your staff and others. We can only tell you that we chose to treat everyone as a professional as we believed they had earned it through their training, experience, and dedication to the profession. We refrained from having anyone earn our respect. On some occasions, however, as we were advised, we did take responsibility to address someone whose actions were less than professional.

Responding

Years ago, a colleague advised us to wait 24 hours before reacting to a significant matter. We always attempted to follow that advice and give ourselves a day before addressing the individual or the correspondence. Though challenging, this step was critical for us to learn and practice throughout our careers. Especially for those “difficult conversations,” we needed to bring our message forward as proactively as possible. Our approach? To look forward and refrain from looking back and asking the “why” questions. The best and simplest advice we can offer is to always use the five Ps: Prior Preparation Prevents Poor Performance.

ALWAYS REMEMBER

- Prior
- Preparation
- Prevents
- Poor
- Performance

Allowing ourselves time and remembering to prepare inevitably made the conversation or correspondence more proactive and productive. Following this process will prevent having to retract or modify what you may have stated otherwise. As a leader, you must always exhibit positive leadership, especially in difficult conversations with your staff, other school or district-based personnel, administrators, or parents.

We also believed that responding to parents was significantly important. If a parent contacted us, we were sure to get back to them as soon as possible, and we shared that same message with our staff—do not wait to respond to parents. For us, delaying a response to a parent is the same as delaying a response to a staff member; it sends the message that you do not believe their inquiry is important. That’s why, as new ASEs, we always responded in a timely manner to let parents know we were interested in their concerns.

To this day, we are amazed that some (obviously very few) special education leaders view their staff as the enemy. We could never quite understand that. We always felt the staff were, in a way, our voice to students and parents as well as to their general education colleagues. We met with staff at least monthly as a group, and if we got a call from a staff member or a principal, in our respective district, we made sure to visit their building that day or the following morning on the way into work. In our role as a staff resource, we wanted to ensure that all staff felt comfortable in their own roles and knew and fully understood the requirements and our expectations for their jobs. For many years, we shared with staff the Leadership Lessons From Geese (Appendix I) at the beginning of the school year and let them know that together, we could rely on and learn from each other, and at any given time any one of us could take the lead on an issue or a project. We wanted our staff to know as much as if not more than we did, and that we too expected to learn from them.

We quickly realized that we also needed to learn a great deal about our districts and the people therein. This included school committee representatives, central office staff, building principals, the government of the community, and all the various special education staff within the district.

For example, one of us got a lesson in community and local government at a meeting in the mayor's office. When the mayor indicated that he had \$100,000 for additional technology equipment, he was thanked, but informed that those funds could be better allocated to other, more pressing areas. He went on with the meeting but asked that I stay afterward, and proceeded to inform me that when the mayor offers you \$100,000 for technology, you say thank you and move on—just one of the many political lessons that we learned.

To give you another example, years later, in the process of hiring a teaching assistant for a class, the final candidate was brought in front of the school committee for confirmation. One member began to react to the appointment of this individual, talking about nepotism, which surprised everyone, since the presence of such an issue was not previously indicated or disclosed, until the committee member revealed the individual's relation to one of the assistant superintendents. At that moment, we had an unpopular political decision to make. The committee was informed that this individual's relationship to the administrator was not previously disclosed, and that while our practice was to hire the best person for every position, we never asked about their relatives during interviews. When the committee confirmed the appointment

with one vote opposed, it was obvious that “politically” a member of the committee was alienated. The process, however, reaffirmed the belief in hiring the individual who would best benefit the service to students within the district.

Like it or not, politics plays a role, and part of your job is to keep that in perspective. You work after all with the children of your community, and the funds to service these students come for the most part from local tax dollars, so you can expect to become immersed in politics at various times. As indicated, hold true to your beliefs, and if compromise is required on your part, ensure that your students and staff continue to receive what they require.

We have known a number of Superintendents that have said that the job of the Administrator of Special Education is the most difficult job in the school district. We tend to agree and when we have asked these Superintendents why, they explain that the job requires an aspect of every administrative job in the district budget, human resources, curriculum, assessment, transportation, interactions with staff, parents, students, all administrators, human service agencies, the department of education, legal (attorneys, advocates and hearing officers), school committee, and town/city leaders.

We learned early on that our biggest ally was allowing ourselves to *listen*. Most often staff and administrators had their own concerns, and note-taking allowed us to synthesize information so that when we did speak we were well informed. People need to be heard, and neither talking over them nor pushing our own agenda would give either of us the opportunity to listen. Keep in mind that listening requires comprehension and retention of the material presented while hearing merely implies that sounds have been received. It does not indicate comprehension or retention. One of us kept a saying on our desk—“I can explain it to you, but I can’t understand it for you”—as a constant reminder that not everyone was going to fully understand our intentions and expectations. We would also remind ourselves that, according to research, people need to hear or do something 25 to 30 times before it becomes routine. Some will comply with your expectations right away, and others may need you to repeat them many times before they can internalize what you expect. Have you ever moved something, say from one drawer to another, only to repeatedly look for it in the old drawer before making a habit of finding it in the new drawer? When you change their expectations, staff, too, will keep going back to the old drawer! For some of the more important aspects of developing good listening skills, refer to Appendix II.

About the Authors



James B. Earley, EdD, is an independent special education consultant, contracted for the LABBB Collaborative, the SEEM Collaborative, the Northshore Education Consortium, and Seaside Educational Consultants. He has 52 years of public education experience as a teacher, teaching assistant principal, and Massachusetts Department of Education supervisor and acting regional special education director; nearly 30 years as administrator of special education and interim superintendent of schools for the Watertown Public Schools; and 12 years as managing director of Walker Partnerships prior to assuming his current consulting activities. Dr. Earley has been a senior lecturer at Lesley University and Wheelock College, an adjunct professor at the University of Massachusetts Boston, and a student teacher supervisor for Salem State University. Dr. Earley has consulted for numerous educational organizations, has participated in a variety of special education task forces and committees, and was a member of the Executive Board of the Massachusetts Administrators for Special Education for 24 years. He has conducted over 125 independent program reviews and evaluations for public schools, private special education schools, and charter schools. He has conducted numerous professional development trainings for school districts within Massachusetts and several other states. He has been recognized for his contributions to the field of special education and received several awards, culminating with being named the 2003 Outstanding Administrator of Special Education by the Council of Administrators of Special Education. He received his bachelor's in education and his master's in education, social rehabilitation administration, from Northeastern University in Boston; his Certificate of Advanced Graduate Study (CAGS) in organizational and

administrative theory at Boston University; and his doctorate in education, with an emphasis on educational leadership, from the University of Massachusetts Amherst.



Robert J. McArdle, MEd, is an independent special education consultant with over 47 years in public education as a mediator and educational specialist for the Office of Elementary and Secondary Education, administrator of special education for Woburn Public Schools, pupil personnel administrator for the Greater Lawrence Technical School and Stoneham

Public Schools, executive director of the Greater Lawrence Educational Collaborative and the Gifford School, and Northeast associate manager of Walker Partnerships. Mr. McArdle has been a visiting faculty member at Salem State University, Fitchburg State University, the University of Massachusetts Boston, and Endicott College. He has served in several interim positions and has mentored both public and private school administrators. Mr. McArdle has conducted over 70 public school special education program evaluations and has served on numerous advisory boards, task forces, and special committees. He has presented at numerous conferences and conducted professional training sessions for school personnel for over 40 years. Mr. McArdle has served in several executive board positions, including president of the Massachusetts Administrators for Special Education. He is also a past recipient of the Massachusetts Special Education Administrator of the Year Award.