

INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps. Each original is also photographed in one exposure and is included in reduced form at the back of the book.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6" x 9" black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.



University Microfilms International
A Bell & Howell Information Company
300 North Zeeb Road, Ann Arbor, MI 48106-1346 USA
313/761-4700 800/521-0600

Order Number 9425303

**Nebraska school districts: Coming into compliance with the
Americans with Disabilities Act**

Reinert, Joseph Vincent, Ed.D.

The University of Nebraska - Lincoln, 1994

Copyright ©1994 by Reinert, Joseph Vincent. All rights reserved.

U·M·I

300 N. Zeeb Rd.
Ann Arbor, MI 48106

NEBRASKA SCHOOL DISTRICTS:
COMING INTO COMPLIANCE WITH
THE AMERICANS WITH DISABILITIES ACT

by

Joseph V. Reinert

A DISSERTATION

Presented to the Faculty of
The Graduate College at the University of Nebraska
In Partial Fulfillment of Requirements
For the Degree of Doctor of Education

Major: Interdepartmental Area of
Administration, Curriculum, and Instruction

Under the Supervision of Professor Donald F. Uerling

Lincoln, Nebraska

May 1994

DISSERTATION TITLE

Nebraska School Districts: Coming Into Compliance With The

Americans With Disabilities Act

BY

Joseph Vincent Reinert

SUPERVISORY COMMITTEE:

APPROVED

DATE

Donald F. Uerling
Signature

April 20, 1994

Donald F. Uerling
Typed Name

Frederick C. Wendel
Signature

April 20, 1994

Frederick C. Wendel
Typed Name

G. Gordon Greene
Signature

April 20, 1994

G. Gordon Greene
Typed Name

Niel Edmunds
Signature

April 20, 1994

Niel Edmunds
Typed Name

Signature

Typed Name

Signature

Typed Name



GRADUATE COLLEGE
UNIVERSITY OF NEBRASKA

NEBRASKA SCHOOL DISTRICTS: COMING INTO COMPLIANCE WITH
THE AMERICANS WITH DISABILITIES ACT

by

Joseph V. Reinert, Ed.D.

University of Nebraska, 1994

Adviser: Donald F. Uerling

The Americans with Disabilities Act (ADA) extends federal protection to all disabled persons who face barriers to their full participation in daily life by reason of disability. Little has been written about the impact of the ADA on public schools.

The ADA includes five titles: Title I "Employment," Title II "Public Services," Title III "Public Accommodations," Title Four "Telecommunication," and Title Five "Miscellaneous Provisions." This study focused on Title I, Title II, and Title III, which are the titles that affect school districts.

The primary purpose for this study was to identify the extent to which Nebraska Class II and Class III school districts have achieved compliance with Title I, Title II, and Title III of the Americans with Disabilities Act. To accomplish this purpose, a survey instrument was mailed to randomly selected superintendents

of schools in Class II and III Nebraska school districts. Three sections of the ADA (Title I "Employment," Title II "Public Services," and Title III "Public Accommodations") were examined. Descriptive statistics were used to describe the item-by-item results.

The second purpose for conducting this study was to find whether there were any significant differences in the extent of compliance with Title I, with Title II, and with Title III of the ADA among Class II and III small-enrollment school districts, medium-enrollment school districts, and large-enrollment school districts.

To determine a significant difference among three titles, a univariate analysis of variance (ANOVA) was conducted for each of the titles. A significant difference was found in Title III ($p=.048$). However, when a post hoc Hotelings Multivariate Test of Significance (MANOVA) was conducted, no significant difference was found between the dependent variables--Title I, Title II, and Title III.

A third purpose for this study was to determine the extent to which the ADA had actually had an actual impact on Nebraska Class II and Class III school districts. The results of the survey

instrument were reviewed, and it was determined that every school district had to make some changes to come into compliance with each of the three pertinent titles of the ADA.

ACKNOWLEDGMENTS

I am grateful for my family, friends, and colleagues who have supported and encouraged me through my studies.

To Glenda my wife for her love and support.

To each of our children Keely, Adam, and our yet unborn child for supporting me in my many hours of absence.

To my parents Vince and Lorene Reinert for instilling in me the drive and commitment to finish.

To the parents of my wife Vern and Wilma Steinman, for their acceptance, trust, and support over the years.

To my brothers and sisters Nick (Rae), Bob, Jim, George, Jeanne (Jon), John, Gerard and Glenda's siblings Cheryl and Vern for their love and support.

To Dr. Donald Uerling my advisor and graduate committee chair who has represented an ideal to me in scholarship, writing, and integrity since I first had the good fortune to meet him over a decade ago.

To my graduate committee Dr. Donald Uerling, Dr. Frederick C. Wendel, Dr. G. Gordon Greene, and Dr. Niel Edmunds for challenging and inspiring me.

TABLE OF CONTENTS

CHAPTER		PAGE
I	Introduction	1
	Context of the Problem	1
	Purpose of the Study	3
	Research Design	4
	Data Collection	4
	Variables	5
	Research Questions	6
	Definition of Terms	7
	Delimitation of the Study	9
	Limitations of the Study	9
	Assumptions	9
	Significance of the Study	10
II	Review of the Literature	12
	Introduction	12
	Previous Disability Legislation	12
	The Americans with Disabilities Act	14
	Provisions of the ADA in Business	15
	Introduction	15
	Title I, Employment Provisions	15
	Employment Functions	19
	Association with the Disabled ..	21
	Illegal Drugs	21
	Exemption of the ADA Legislation	21
	Effective Date	22
	Enforcement	22
	Title II, Public Services	23
	Aids, Benefits, and Services	23
	Effective Date	24
	Enforcement	24
	Title III, Public Accommodations	24
	Facilities.	25
	Self-Study	27
	Effective Date.	27
	Enforcement	27

	Summary	28
	Provisions of the ADA Pertaining To Education	28
	Introduction	28
	Title I, Employment Provisions	28
	Employment Functions	29
	Title II, Public Services	29
	Aids, Benefits, and Services.....	29
	Title III, Public Accommodations	30
	Summary	30
	Impact Studies	31
	Introduction	31
	Background of Impact Studies	31
	For Management and Administrative	
	Purposes	32
	To Assess the Delivery of	
	Interventions	33
	To Meet the Accountability	
	Requirements of Funding	32
	Summary of Impact Studies	33
	Impact Studies Across Nebraska	33
	Impact Studies Across the Nation	33
	The Need For Research	34
III	Method	36
	Introduction	36
	Purpose of the Study.....	36
	Data Collection	36
	Design	36
	Instrumentation	37
	Validity	39
	Population and Sample	39
	Procedures	41
	Data Analysis	45
IV	Presentation and Analysis of the Data	51
	Introduction	51
	Procedure	51
	Finding	52
	Research Question 1	53
	Compliance with Title I	56

Research Question 2	57
Compliance with Title II	58
Research Question 3	60
Compliance with Title III	63
Research Question 4	64
Compliance with Title I	65
Compliance with Title II	66
Compliance with Title III	72
Univariate Analysis of Variance .	76
Compliance with Title I ...	78
Compliance with Title II ..	78
Compliance with Title III .	78
Multivariate Analysis of Variance	78
Research Question 5	79
Impact Title I	80
Impact Title II	81
Impact Title III	82
V Summary, Findings, and Recommendations	85
Introduction	85
Summary	85
Procedures	86
Findings	87
Compliance with the ADA	87
Research Question 1	87
Research Question 2	88
Research Question 3	89
Overview of Research	
Question 1, 2, and 3	89
Significant Difference Between Small,	
Medium, and Large School Districts .	90
Research Question 4	90
Impact of Legislation on School Districts	92
Research Question 5	92
Recommendation	93
Practical Recommendation	93
Research Recommendation	94
References	102

LIST OF TABLES

TABLE		PAGE
1	Class II and III School District Size Relationship	42
2	Population Versus Sample	43
3	Timeline for Mailed Survey	44
4	Analysis of Status of Compliance of Nebraska Class II & III School Districts with Title I of The Americans with Disabilities Act	54
5	Analysis of Status of Compliance of Nebraska Class II & III School Districts with Title II of The Americans with Disabilities Act	59
6	Analysis of Status of Compliance of Nebraska Class II & III School Districts with Title III of The Americans with Disabilities Act	61
7	Analysis of the Status of Compliance With Title I 'Employment' In Regard To The Entire Population, Small, Medium, and Large Enrollment Size School Districts	67
8	Analysis of the Status of Compliance With Title II 'Public Services' In Regard To The Entire Population, Small, Medium, and Large Enrollment Size School Districts	70

9	Analysis of the Status of Compliance	73
	With Title II 'Public Accommodations'	
	In Regard To The Entire Population,	
	Small, Medium, and Large	
	Enrollment Size School Districts	
10	Univariate Analysis of Variance	77
	Between Small and Medium-Large	
	Nebraska Class II and III School	
	Districts	
11	Analysis of the Impact of The American with	82
	Disabilities Act On Small, Medium,	
	and Large Enrollment Size School	
	Districts By The Identification of	
	Responses Other Than "Changes Not	
	Needed"	

LIST OF APPENDICES

APPENDIX		PAGE
A	SURVEY INSTRUMENT	95
B	FIRST COVER LETTER	99
C	SECOND COVER LETTER	100
D	INSTITUTIONAL REVIEW BOARD (IRB)	101

CHAPTER I

Introduction

Context of the Problem

On July 26, 1990, President Bush signed into law the "Americans with Disabilities Act" (ADA), Public Law 101-336 (42 U.S.C. §§ 12101-12213). The new legislation had many supporters, such as Attorney General Richard Thornburgh (1991), who stated that forty-three million Americans, representing 17 percent of our nation's population, have one or more physical or mental disabilities.

The new law was designed to protect people with physical, mental, and emotional disabilities, as well as those individuals who associate with a disabled person. Both groups are protected against discrimination by being assured equal employment opportunities, the right to use public transportation, and the right of ready access to all public buildings (Beziat, 1990). According to Thornburgh (1990), the mandate of the Americans with Disabilities Act (ADA) provides civil rights protections for the disabled comparable to those protecting individuals against discrimination because of race, color, national origin, sex, and religion.

The Americans with Disabilities Act (ADA) has five major

sections--Title I "Employment" (prohibits employment discrimination against qualified disabled individuals), Title II "Public Services" (prohibits discrimination against qualified disabled individuals in public services provided by state and local governments and in transportation systems provided by public agencies), Title III "Public Accommodations" (applies to public accommodations and prohibits discrimination by service entities in places of public accommodation), Title IV "Telecommunication" (requires telephone companies to provide relay services that enable persons with hearing impairments to communicate freely), and Title V "Miscellaneous Provisions" (contains miscellaneous provisions, including requirements for technical assistance, and makes certain changes in the Rehabilitation Act). This research dealt with the Employment, Public Services, and Public Accommodations sections of the ADA, which are the areas that most impact a public school district.

For employers with 25 or more employees, Title I "Employment" of the ADA became effective on July 26, 1993. For employers with 15 to 24 employees (§ 108 of the ADA), Title I "Employment" of the ADA becomes effective on July 26, 1994.

After an 18-month phase-in, Title II “Public Services” (§ 246) and Title III “Public Accommodations” (§ 310) provisions of the ADA became effective as of January 26, 1993.

Discussion about the Americans with Disabilities Act is common in the literature. Much has been written about the history of disability legislation and how the ADA interacts with other legislation. Authors have analyzed and written extensively about each of the titles of the ADA. Although there is much literature about the impact of the ADA on business, little has been written about the impact of the ADA on public school districts.

Purpose of the Study

The primary purpose for this study was to identify the extent to which Nebraska Class II and Class III school districts have achieved compliance with Title I, Title II, and Title III of the Americans with Disabilities Act.

A second purpose for conducting this study was to find whether there were any significant differences in the extent of compliance with Title I, with Title II, and with Title III of the ADA among Class II and III small-enrollment school districts, medium-enrollment school districts, and large-enrollment school

districts.

A third purpose for this study was to determine the extent to which the ADA had actually had an actual impact on Nebraska Class II and Class III school districts.

Research Design

Data Collection

To accomplish the purposes of this study, a survey was mailed to randomly selected superintendents of schools in Class II and III Nebraska school districts that were in operation during the 1992-93 school year. The survey instrument addresses three sections of the ADA (Title I "Employment," Title II "Public Services," and Title III "Public Accommodations"). The survey instrument used in this study is based on the major components of the ADA that were identified by the researcher after a review of the ADA legislation and the legislative committee hearing records.

Superintendents of the Nebraska school districts studied were asked to rate the level of compliance for each of the 44 items on the survey instrument. Each item was to be rated on a Likert-type scale, with levels of compliance indicated as follows: Changes Not Needed, 1; Changes Needed, but Not Discussed, 2; Changes Discussed

but Not Planned, 3; Changes Planned and Implementation Begun, 4: Changes Begun but Not Completed, 5; and Changes Completed, 6.

Variables

The independent variable for the study was the enrollment size of the school district. Class II and III Nebraska school districts were stratified, by student population, into three groups: small districts having 1 to 349 students, medium districts having 350 to 1049 students, and large districts having 1050 or more students.

The dependent variables for the study were the degree of school district compliance with each of the three pertinent titles of the ADA and with a composite of the three titles. Title I (Employment) includes but is not limited to job application procedures, hiring, advancement, discharge of employees, employee compensation, job training, conditions and privileges of employment; Title II (Public Services) includes but is not limited to services, programs, or activities that are provided by a public entity; Title III (Public Accommodations) includes but is not limited to structural changes in existing buildings, the architectural requirements for new buildings, transportation, and in the delivery of services which will provide full access for all. The dependent variables were

measured by superintendents' responses on a Likert-type scale to a set of items related to each title.

Research Questions

To accomplish the primary purpose of this study the following research questions were explored;

1. What is the status of compliance of Nebraska Class II and Class III school districts with Title I, "Employment," of the Americans with Disabilities Act (ADA), in the subsections of employing for wages that includes but is not limited to job application, hiring, advancement, discharge, compensation, job training, conditions and privileges of employment?

2. What is the status of compliance of Nebraska Class II and Class III school districts with Title II, "Public Services," of the Americans with Disabilities Act (ADA), in the subsections of activities, services, and programs that are provided by public entities?

3. What is the status of compliance of Nebraska Class II and Class III school districts with Title III, "Public Accommodations," of the Americans with Disabilities Act (ADA), in the subsections of grounds and facilities that provide full access for

the delivery of services?

To accomplish the second purpose of this study the following research question was explored;

4. Is there a significant difference between Nebraska Class II and III school districts with small enrollments, school districts with medium enrollments, and school districts with large enrollments concerning the extent to which they have come into compliance with the three pertinent sections of the Americans with Disabilities Act (ADA)--Title I "Employment," Title II "Public Services," and Title III "Public Accommodations"?

To accomplish the third purpose of this study the following research question was explored;

5. To what extent were the responses, other than the "Changes Not Needed" grouping, selected on the individual survey instruments?

Definition of Terms

The following terms are defined for the purpose of this study.

Americans with Disabilities Act of 1990 (ADA)- -
Enacted as Public Law 101-336, 104 Statute 327, July 26, 1990, the Americans with Disabilities Act extended federal protection to

disabled persons who presently face barriers to their full participation in daily life by reason of disability.

Class II--A Class II Nebraska school district is one embracing territory having a population of one thousand inhabitants or less that maintains both elementary and high school grades under the direction of a single school board (Neb. Rev. Stat. § 79-102).

Class III--A Class III Nebraska school district is one embracing territory having a population of more than one thousand and less than one hundred thousand inhabitants that maintains both elementary and high school grades under the direction of a single school board (Neb. Rev. Stat. § 79-102).

Disability--An individual with a disability is one who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual, has a record of such an impairment, or is regarded as having such an impairment (P.L. 101-336, § 3(2)).

Discriminate--Discrimination means to limit, segregate, or classify a job applicant or employee because of the disability of such applicant or employee (P.L. 101-336, § 102(b)(1)).

Size of School District--Class II and III Nebraska school

districts were stratified, by student population, into three categories: small districts having 1 to 349 students, medium districts having 350 to 1049 students, and large districts having 1050 or more students.

Delimitation of the Study

1. The population studied consisted of Class II and III public Nebraska school districts.
2. The data collected were for the 1993-94 school year.
3. The data used in the study were collected by a researcher-designed instrument.

Limitations of the Study

1. The results were valid only for Class II and III Nebraska school districts.
2. The data collected reflects an instant in time and is not intended to be longitudinal.
3. The results are only as accurate as the superintendent's responses to the items on the survey instrument.

Assumptions

For purposes of this study the following assumptions were made:

1. The requirements of the ADA for business, obtained through a review of literature, also apply to public school districts.

2. The data collected by the survey instrument were provided by a representative sample and can be generalized to the population.

3. The superintendent of schools can accurately assess the level of compliance of his or her school district with the requirements of the ADA.

4. Because of the ADA, changes have taken place in Nebraska school districts. There have been changes in employment processes, there have been changes in the activities, services, and programs provided, and there have been changes in the access to grounds and facilities. There is a difference in the degree of compliance with Title I, Title II, and Title III of the ADA among small, medium, and large Class II and III Nebraska school districts.

Significance of the Study

The Americans with Disabilities Act (ADA) was enacted to provide persons with disabilities additional protection against unjustified discrimination. Of the five titles in the ADA, Titles I, II, III are especially relevant to public schools. A review of the literature indicated that there has been little research done on the

extent to which public school districts have come into compliance with these three titles.

This study, by measuring the extent to which Nebraska school districts have come into compliance with the ADA, provides some insight into the response of local school systems to federal requirements. Furthermore, the results of the study enable local school officials to ascertain the relative status of their school district in regard to compliance with the ADA. Finally, by measuring the impact of the ADA has had on Nebraska school districts, the findings will enable interest groups and policy makers to determine whether their efforts have led to the results they sought.

CHAPTER II

Review of Literature

Introduction

The Americans with Disabilities Act (ADA) extends the coverage of the 1964 Civil Rights Act to persons with disabilities and incorporates the non-discrimination principles established in § 504 of the Rehabilitation Act of 1973 (Beezer, 1991). The ADA establishes a conflict between overcoming barriers to meet the law's requirements and the cost associated with the changes (Berdini & McCann, 1992).

Previous Disability Legislation

According to Thornburgh (1991), the ADA extends to "persons with disabilities" protection similar to those found in three other federal acts: the Civil Rights Act of 1964, § 504 of the Rehabilitation Act of 1973, and the Fair Housing Act of 1968. University and public school leaders have been among those expressing the greatest concern about the requirements of the ADA (Megivern, 1992). This concern is difficult to understand because, according to Kohl & Greenlaw (1990) and Levin (1991), organizations that were recipients of federal financial assistance have been

covered by § 504 of the Rehabilitation Act of 1973 for nearly 20 years. Thus, the requirements for dealing with disabled persons are nothing new, and changes to meet the requirements should have been completed many years ago.

Probably the most significant relationship between the ADA and § 504 of the Rehabilitation Act are the terms, concepts, and definitions common to both. The ADA borrowed such terms as “physical or mental impairment,” “substantial limits,” and “major life activities” from § 504 of the Rehabilitation Act and included them in ADA statutes (Wenkart, 1991, p. 11).

Another close relationship between the ADA and § 504 of the Rehabilitation Act is found in the definition of a “disabled person.” § 3 of the ADA defines the term as “anyone with a physical or mental impairment that substantially limits major life functions, anyone who has a record of an impairment, or anyone perceived as having an impairment.” According to Baker (1992), the ADA definition of a disabled person covers over 900 different physical and mental conditions. § 504 of the Rehabilitation Act of 1973 defined a disabled person as “any person who has a physical or mental impairment that substantially limits one or more of such

person's major life activities, has a record of such an impairment, or is regarded as having such an impairment" (Wenkart 1990).

An interesting twist to the relationship of the ADA to other disability legislation is § 107(a) of ADA that provides that the "powers, remedies, and procedures" under Title VII of the Civil Rights Act of 1964 shall be the powers, remedies, and procedures under the ADA. Title VII of the Civil Rights Act of 1964 allows compensatory and punitive damages as remedy for violation of the law. Thus the ADA also provides for compensatory and punitive damages as remedies for violation of the law and specifies amounts of damages that can be awarded.

The Americans with Disabilities Act

Miles, Russo, and Gorden (1991) reported that President Reagan created the National Council on Disability, an independent federal agency responsible for directing recommendations to Congress, to counteract the inequities confronting Americans with disabilities. In 1988 the Council forwarded recommendations for new legislation to Congress. The final legislation was signed into law by President Bush on July 26, 1990. At the signing the President said:

Today's legislation brings us closer to that day when no

American will ever again be deprived of their basic guarantee of life, liberty, and the pursuit of happiness (Miles, Russo, and Gorden, 1991, p. 1).

Senator Harkin, chief sponsor of the bill, called the ADA “a 20th century Emancipation Proclamation for people with disabilities” (Horvath, 1989, p. 2). Chapman (1989) referred to its date of enactment of the ADA as the “Liberation Day for the Disabled” (§ 4, p. 3).

Provisions of the ADA as Related to Business

Introduction

The Americans with Disabilities Act relates to business in a number of different ways. The discussion that follows has to do with Title I through Title III.

Title I, Employment Provisions

Title I of ADA prohibits discrimination by the employer against otherwise qualified persons concerning job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment (P.L. 101-336, § 102a).

For employers who have complied with the disability

provisions of the Federal Rehabilitation Act, as many school systems have, the terms and obligations of ADA are familiar. Title I prohibits employers from entering into contracts with parties or entities that would have the effect of discriminating against disabled people (P.L. 101-336, § 102(b)(2)). The law also prohibits the adoption of administrative procedures that have a discriminatory effect against disabled persons (P.L. 101-336, § 102(b)(3)(A)). The ADA prohibits an employer from refusing to hire a disabled person because the employer's insurance does not cover accidents or injuries to disabled people (House Report 101-485, 1990). Title I prohibits employment actions that perpetuate discrimination against disabled persons (P.L. 101-336, § 102(b)(3)(A)).

According to Gerber (1990) and Friksen (1992), the ADA specifies that reasonable accommodations must be provided only for employees who, with such reasonable accommodations, can perform the essential functions of the job. Allred (1991) recognized that the ADA does not require employers to hire an individual who is incapable of performing the essential functions of the job, with or without accommodations.

McKee (1992) said that some examples of reasonable accommodation are “restructuring jobs or reassigning tasks, changing work schedules, providing qualified readers or interpreters, or letting the employee bring equipment into the workplace that the employer is not required to provide.” Rothwell (1991) said that legal observers called the ADA “the law that requires employees to individualize employment decisions” (p. 45). Once the reasonable accommodations are provided, the disabled workers should be treated just like non-disabled workers (Friersen, 1992, Vol. 43).

Thornburgh (1991) stated that the ADA does not require reasonable accommodation that would cause undue hardship to the employer. Undue hardship is defined as a “significant difficulty or expense” to the employer (P.L. 101-336, § 101(10)). For example, a computer programmer who had a personality disorder that resulted in chronic lateness for work would not require reasonable accommodation in deviating from attendance requirements because this would be an “undue hardship” on the employer (28 C.F.R., § 36.303). According to Noel (1990) and Gerber (1990), reasonable accommodation need not always be costly, for example, inexpensive

alternatives could include parking stalls close to the door or providing a map to show the shortest routes within a building. Couch (1992) disagreed; he predicted that for business the cost of the ADA will increase over the next five years and could reach as high as 5 % of the revenues of business.

Friersen (1992, Vol. 43) and Thiesen (1991) expressed concern about the conflict between the confidentiality (P.L. 101-336, § 102(c)(3)(B)) and the reasonable accommodation (P.L. 101-336, § 101(9)) provisions of the ADA. Both authors believed conflict and lawsuits could arise because of misunderstandings over accommodations that were provided for disabled employees that non-disabled employees did not get (example: a disabled employee is allowed to transfer certain job duties to a non-disabled employee). Reynolds (1991) stated that the vagueness of the ADA makes lawsuits inevitable. According to Harty (1992), litigation will decide the exact meaning of the ADA regulations. Smith (1992) said that the ADA is vague concerning reasonable accommodation and undue hardship that could result in litigation. Harty (1992) suggested that employers wait, before beginning expensive changes to accommodate employees and patrons, until the ADA regulations

can be clarified.

Employment Functions. Barr (1992) stated that the ADA is very specific about hiring procedures, and he suggested that employers should closely review the relationship between the job and the person with the disability. She emphasized that if the disability is not relevant to the “essential functions” of the job, then the disabled individual should be equal to the non-disabled person in the job selection process. § 101(8) of the ADA states that “consideration shall be given to an employer’s judgment as to what functions of a job are essential.” According to Barlow & Hane (1992), the hiring official should prepare a written job description that includes the essential job function before advertising and interviewing applicants for a vacant position. § 102(c)(2)(a) of the ADA prohibits pre-employment questions about the nature and extent of the person’s disability, even if the impairment is obvious. McKee (1992) stated that employers may not make any pre-employment inquiry about disabilities, absenteeism, illness, or workers’ compensation history. It is legal, however, to ask about the applicant’s ability to perform the essential functions of the job (P.L. 101-336, § 102(c)(4)(B)).

According to Horwitz (1991), § 102(c), the ADA limits the use of medical exams in pre-employment checks. McKee (1992) stated that the doctor conducting the medical exam must center the examination only on the ability to perform the essential job tasks. Other problems identified during the examination should have no bearing on the hiring of the individual as long as the essential job functions can be performed. § 102(c)(4) of the ADA states that no medical examination or inquiry into medical records is allowed unless these are job related and consistent with business necessity (Harty, 1992). After a job offer has been made, an employer may require a medical exam before the individual, whether disabled or not, is given the position (P.L. 101-336, § 102(c)(3)).

Richardson (1992) and Friersen (1992) concurred that § 103(b) of the ADA follows § 504 of the Rehabilitation Act in providing employers with a “safety” defense against hiring a worker who is a threat to the health of other employees. The ADA also allows that “a covered entity may refuse to assign or continue to assign such individual to a job involving food handling” (P.L. 101-336, § 103(d)(2)) if the ailment is such that reasonable accommodation cannot be made.

Association with the Disabled. McKee (1992) described the protection, under the ADA, against discrimination for an individual who has a relationship or an association with a disabled individual. This protection is found in the employment (P.L. 101-336, § 102(b)(4)) and the public accommodation (P.L. 101-336, § 302(b)(1)(E)) sections of the ADA. It offers relatives or those individuals who provide care for a disabled individual protection similar to that provided to a disabled individual.

Illegal Drugs. The ADA denotes that the term “individual with a disability” includes an individual who “has successfully completed a supervised drug rehabilitation program . . . is participating in a supervised drug rehabilitation program . . . [or] is erroneously regarded as engaging in illegal drug use” (P.L. 101-336, § 512(a)(ii)(I, II, III)). The ADA does not cover an individual who currently uses drugs illegally or is an alcoholic (P.L. 101-336, § 512(a)(iii)). According to Crow (1992), a pre-employment drug test can be used to look for illegal drug use.

Exemption of the ADA Legislation. The Americans with Disabilities Act (ADA) extends federal protection to all disabled persons who face barriers to their full participation in daily life by

reason of disability. § 511(a) of the ADA provides that the term “disability” as used in the ADA “does not include homosexuality, or bisexuality, transvestism, transsexualism or other sexual orientations or disorders, compulsive gambling, kleptomania, pyromania or psycho active substance use disorders resulting from the current use of illegal drugs” (P.L. 101-336, § 511).

Effective Date. Title I of the ADA is being phased in over a 2-year period. For employers with 25 or more employees, Title I “Employment” of the ADA became effective on July 26, 1993. For employers with 15 to 24 employees Title I becomes effective on July 26, 1994. Employers with 14 or fewer employees are not covered by the ADA (P.L. 101-336, § 108).

Enforcement. Title I of the ADA provides that any person who alleges discrimination on the basis of disability is afforded the same “remedies, procedures, and rights set forth in § 705, 706, 707, 709, and 710 of the Civil Rights Act of 1964” and § 504 of the Rehabilitation Act of 1973 (P.L. 101-336, § 107). § 505 of the Rehabilitation Act of 1973 allows the awarding of attorney’s fees, litigation expense, and costs, which are identical to awards specified under § 107 of the ADA.

Title II, Public Services

Title II of ADA prohibits discrimination by local governmental entities in the provision of services, programs, or activities (P.L. 101-336, § 201). The purpose of this provision is to ensure that individuals with disabilities have the same access to the same programs and services as those without disabilities. The ADA specifies that the disabled must be allowed to participate and can not be denied benefits of services, programs, or activities of a public entity (P.L. 101-336, § 202).

Aids, Benefits, and Services. Public agencies must offer disabled individuals appropriate auxiliary aids and services, if doing so would not create an undue burden or cause a fundamental alteration of program (P.L. 101-336, § 302(b)(2)(A)(iii)). This includes accessible seating that must be scattered throughout auditoriums and meeting halls and telecommunication devices for the deaf (TDD) (28 C.F.R., § 36.303). Wheelchair accessible seating must also enable disabled persons' companions to sit with them (28 C.F.R., § 36.308).

§ 36.303 of the ADA specify that aids, benefits, and services provided to disabled persons, must be as effective as those provided

to non-disabled persons. This section is intended to afford equal opportunity to the disabled.

Effective Date. After an 18-month phase-in, Title II “Public Services” of the ADA (§ 246) became effective on January 26, 1993.

Enforcement. Title II of the ADA provides that any person who alleges discrimination on the basis of disability is afforded the same “remedies, procedures, and rights set forth in § 505 of the Rehabilitation Act of 1973” (P.L. 101-336, § 203). P.L. 101-336, § 308(b)(1)(A) specifies that, depending on with which agency a complaint is filed, the Equal Opportunity Commission or Department of Justice is assigned to investigate the complaints. § 505 of the Rehabilitation Act of 1973 and § 308(b)(2) of the ADA allow for the awarding of attorney’s fees, litigation expense, and costs. Additional damages can be awarded for violation of the ADA.

Title III, Public Accommodations

Title III of the ADA prohibits any organization that provides public accommodations from discriminating “on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases, or operates a

place of public accommodations” (P.L. 101-336, § 302(a)).

Facilities. Under the ADA public school districts can not discriminate in the areas of policy and building accommodations. All public agencies must provide “reasonable modification in policies, practices, and procedures” needed “to afford any goods, services, facilities, privileges, advantages, or accommodation” (28 C.F.R., § 36.20(c)(1)).

Gibbens (1992) states that under § 302 of the ADA organizations that provide public accommodation, which includes schools, are required to remove building and communications barriers in existing facilities. If removal of such barriers is not readily achievable, alternative methods of providing service must be used (P.L. 101-336, § 302(b)(2)(ii)).

Alterations of existing facilities must also incorporate accessibility features to the “maximum extent feasible” (P.L. 101-336, § 303(a)(2)). According to Gibbens (1992) and Baker (1992), the ADA specifies that changes to building accessibility should be accomplished in the following order of priority:

1. building access (sidewalks, parking lots, doors)
2. restroom facilities

3. goods and services access (adjusting the layout of classroom or office furniture, rearranging tables, widening doors, or lowering shelves)

4. other necessary changes.

The ADA does not specify an amount of additional cost, needed to meet the accessibility requirements, that would be considered excessive. The House Committee on Education and Labor and the House Committee on the Judiciary, however, indicated that if the additional cost exceeds 20% of the total cost of the project, that would be excessive (28 C.F.R., § 36.403). A small exception to the alteration requirements of Title III provides that elevators need not be furnished for two-story buildings, or for buildings with less than 3,000 square feet per floor (P.L. 101-336, § 303(b)).

§ 310 of the ADA specifies that new construction, begun after 26, January 1993, must be totally accessible to disabled persons. The accessibility provisions do not apply to private clubs or to religious organizations, including places to worship (P.L. 101-336, § 307).

§ 308 of the ADA is also unique in that the provisions in this title generally became effective January 1992, but the legislation

also allows other provision to be phased in over the next two years. Businesses with 25 or fewer employees and \$1,000,000 or less in annual gross receipts have an additional six months to comply. An additional one year beyond the deadline is given for businesses with 10 or fewer employees and \$500,000 or less in annual gross receipts.

Self-Study. According to § 305 the ADA (28 C.F.R., § 35.150(d)(3)), by January 26, 1992, public school systems must undertake a self-study that was to be completed by January 26, 1993. As a minimum, the evaluation must identify obstacles that limit accessibility of its programs or activities, describe how to make facilities accessible, develop a schedule to meet the plan by January 1995, and indicate the office that is responsible to implement the plan.

Effective Date. After an 18-month phase-in, Title III "Public Accommodations" of the ADA (§ 310) became effective for all employers on January 26, 1993.

Enforcement. Title III of the ADA allows the United States Attorney General to enforce the law both privately and publicly (P.L. 101-336, § 308(a)(1)(b)). § 513 of the ADA make it clear that

disputes should be solved, if possible, without litigation, but § 308 of the ADA allows any person to file lawsuits if that person believes discrimination has taken place in the sections of construction or alteration of places of public accommodation (P.L. 101-336, § 308(b)(1)(B)(ii). § 310 of the ADA specifies that penalties for violation could be as high as \$50,000 for the first violation and up to \$100,000 for addition violations (P.L. 101-336, § 310(b)(2)(c)(i,ii)).

Summary

This section dealt with the number of ways the Americans with Disabilities Act relates to business. The discussion dealt with Title I "Employment," Title II "Public Services," and Title III "Public Accommodations" of the ADA, which are the three titles that pertain to public education.

Provisions of the ADA Pertaining to Education

Introduction

The Americans with Disabilities Act relates to education in a number of different ways. The discussion that follows will deal with Title I through Title III.

Title I, Employment Provisions

Employment Function. Allred (1991) addressed employment considerations covered in Title I (Employment) of the ADA and the need to educate the public about the mandates of the legislation. He stressed that each accommodation must be looked at on a case-by-case basis and that disabled workers should be involved in the decision-making process. Miles, Russo, and Gorden (1991) explained that because public schools and colleges fit in the all-inclusive term “public entity” they must comply with the provisions of Title I and II. He suggested that the institutions review their retention policies and hiring procedures.

Title II, Public Services

Title II of ADA prohibits discrimination by local governmental entities (including public school districts) in the provision of services, programs, or activities (P.L. 101-336, § 201). Gunde (1991)(1992) provided guidance for library services and materials and discussed ways a librarian could make a library accessible.

Aids, Benefits, and Services. Cunconan-Lahr (1991) discussed the need for updated policies that reflect a full range of services, diverse enough to meet the needs of all individuals (audio tapes, audiovisual, large print). ADA specifies that any educational

facility or place where licensing takes place must be accessible (P.L. 101-336, § 309). Auxiliary aids may include taped texts or exams, interpreters, modified classroom equipment, or other effective methods (28 C.F.R., § 36.303(b)).

Title III, Public Accommodations.

Natale (1991) described changes libraries needed to make to be in compliance with the ADA. He provided a self-evaluation instrument that could be used to assess facilities and stressed that making alterations to a facility is the first priority when developing a plan. Arrowsmith (1992) discussed accessibility considerations, resulting from the ADA, for colleges and universities. Meers (1992) explained the use of technology and work site modifications that could be accomplished for vocational students with little cost.

Public school districts must comply with ADA in all programs, including those that are open to parents or the public, such as graduation exercises, school plays, adult education courses, or board of education meetings (McKee, 1992) (Marczely, 1993).

Summary

This section dealt with the number of ways the Americans with Disabilities Act relates to education. Much of the literature

dealing with education parallels that dealing with business. The discussion focused on Title I "Employment," Title II "Public Services," and Title III "Public Accommodations" of the ADA.

Impact Studies

Introduction

When federal or state legislation is intended to cause changes, the impact of such enactment should be studied. A search of the literature revealed that very few studies have been conducted to determine the impact of legislation on public schools.

Background of Impact Studies

The theoretical basis for educational impact studies has developed slowly. According to Houston (1972), in 1763 the Rev. Thomas Bayes first discussed the problem of drawing causal inference from impact studies in terms of mathematical probabilities. Between 1919 and 1930, a Dublin research chemist, W. S. Fisher, established the methodological tenet of impact research in agricultural field trials, at the Rothamsted Experiment Station in Ireland.

According to Rossi and Freeman (1993), an impact assessment is a relevant process of evaluation for social programs. Chelimsky

(1978) suggested that educational impact studies may be undertaken for a variety of reasons: to accomplish management and administrative purposes, to assess the delivery of interventions, or to meet the accountability requirements of funding.

During the 1980s, several authors studied the impact of legislation on educational institutions. The work of these authors followed two ideas of Chelimsky (1978).

To Assess the Delivery of Interventions

Goldsamt (1983) investigated the impact of the Indian Education Act Title IV, Part A programs, on the Indian communities. The study included descriptive data about the project operations and impact data on students, parents, Indian communities, and school districts.

Smith (1983) conducted a study about the enactment of Public Law 94-142, the Education of All Handicapped Children Act. The study used a survey and interviews to gain insight into what effect the legislation had upon private special education schools in twelve western states.

To Meet the Accountability Requirements of Funding

Hadley and Johnson (1980) studied the impact of P.L. 94-142

(The Education for all Handicapped Children Act) on spending in South Dakota in 1980. The study used data collected from state and local documents and from interviews with school personnel.

Summary of Impact Studies

These studies reflect federal or state legislation that were intended to have an impact on delivery of interventions or accountability requirements of funding. The legislation represented did have an impact on the individual target populations.

Impact Studies Across Nebraska

In Nebraska, only a few studies have dealt with the impact of legislation on education. O'Reilly and Squires (1985) studied the impact of Public Law 94-142 on Omaha area school administrators. Farrell (1988) studied the impact of the educational reform movement and the revised state standards in Nebraska Class II and Class III school districts. Grahm and Ruhl (1991) discussed the impact of state legislation dealing with school choice; provisions of state statutes from Arkansas, Iowa, Minnesota, and Nebraska were reviewed.

Impact Studies Across the Nation

Across the nation, only a few studies have dealt with the

impact of legislation on education. Even in this small body of literature there seems to be disagreement from one study to another about factors such as school size. The impact of school district size on compliance with legislative mandates was described by Silver (1987). She suggested that size does make a difference in the delivery of services mandated by P. L. 94-142, in the southern and Midwestern regions of the country. In a study by Koenecke and Clark (1986) they agreed with Silver that school district size does make a difference in complying with P.L. 94-142 mandates in Illinois. Nwanne (1987) disagreed with the other researchers. He indicated that school district size does not make a difference in meeting the mandates of desegregation legislation in Texas. Nwanne suggested that additional study is needed in this area.

The Need for Research

The impact that legislation, like the ADA, has had on school districts in Nebraska, has yet to be determined. As new legislation is proposed educators wonder what the effect will be. Yodof (1979) noted, "Many lawyers appear to view a Supreme Court decisions or federal statutes as the end of the reform or change process and do not attend to their actual implementation in the schools" (p. 10). He

went on to state that, "Research offers no guidance to educators who are charged with observing the legal rules . . . For them (lawyers) it is enough to describe legal obligations and leave it to those in the trenches to work things out for themselves" (p. 15).

Because of the many legal rules coming from the state and federal administrative courts and legislation, there is a need to study whether the objectives of the laws have been met (Yodof, 1979). The ADA is a major piece of federal legislation, and its impact on public school districts is yet unknown. This dissertation research addresses that problem.

CHAPTER III

Method

Introduction

Purpose of the Study

The primary purpose for this study was to identify the extent to which Nebraska Class II and Class III school districts have achieved compliance with Title I, Title II, and Title III of the Americans with Disabilities Act.

A second purpose for conducting this study was to find whether there were any significant differences in the extent of compliance with Title I, with Title II, and with Title III of the ADA among Class II and III small-enrollment school districts, medium-enrollment school districts, and large-enrollment school districts.

A third purpose for this study was to determine the extent to which the ADA had actually had an actual impact on Nebraska Class II and Class III school districts.

Data Collection

Design

A mailed survey was the type of data collection procedure

used in this study. The survey-based method is the preferred type of data collection procedure for this study because it is suitable for “confirmatory analysis.” The confirmatory role of the survey is derived from the assumption that, by using a representative sample and to evaluate research questions, the probability of the observed relationships occurring through chance can be assessed and the results generalized to the population at large (Moser & Kalton 1971). Mailed surveys are relatively low cost to administer (Fowler, 1988). Surveys have the advantage of collecting data for a wide scope or a large population in an economical manner, compared to conducting interviews over a large geographic area (Best & Kahn 1986). Surveys also have the advantage of standardizing the data by requiring the same question to be asked to all respondents that insures the same intent for all. This process goes a long way toward eliminating unreliability of observations made by the researcher (Babbie 1979).

Instrumentation

From the literature search several survey instruments were identified for examinations (Pierce 1991, Dickey & Stacher 1991, Smith 1983, and Berens-Tate 1992). Because the reviewed material

did not meet the requirements for this study, an instrument was designed by the researcher. The survey instrument used in this study is based on the major components of the ADA that were identified by the researcher after a review of the ADA legislation and the legislative committee hearing records.

The title of the survey instrument that was used in this study is "The Americans with Disabilities Act and Nebraska Public School Districts." The survey instrument is included as Appendix A. The 44-item survey instrument addressed three sections of the ADA: 16 items related to Title I, "Employment;" 11 items related to Title II, "Public Services;" and 17 items related to Title III, "Public Accommodations."

Superintendents of the Nebraska school districts studied were asked to rate the level of compliance for each of the 44 items on the survey instrument. Each item was to be rated on a Likert-type scale, with levels of compliance indicated as follows: Changes Not Needed, 1; Changes Needed, but Not Discussed, 2; Changes Discussed but Not Planned, 3; Changes Planned and Implementation Begun, 4; Changes Begun but Not Completed, 5; and Changes Completed, 6.

Validity

To insure the instrument's validity, the researcher submitted the survey, in March 1993, to lawyers and architects who have studied the ADA legislation extensively and asked for their input. The researcher also used the instrument in two pilot studies. The first pilot study was completed in conjunction with the survey research class (ED 900D) at the University of Nebraska-Lincoln. This pilot involved students in the course who evaluated the first drafts of the survey and offered suggestions. The second pilot study involved ten superintendents of schools who were selected randomly and to whom the survey was administered by mail. The survey instrument (see Appendix 1) that was used in the final study was revised to reflect on comments and recommendations from the last pilot study.

Population and Sample

Nebraska school districts are classified according to the population of the residents within the school district borders and the organization of grades maintained. During the 1992-93 school year, there was a total of 729 Class I through VI Nebraska public school districts. The population for this study was the 272 school

districts classified as Class II and Class III and that were in operation during 1992-93. Class II and III school districts were chosen for this study because they reflected size categories that ranged from small to large sizes and offer programs for kindergarten through twelfth grade. Class IV (the Lincoln school district) and V (the Omaha school district) were not included in the study because their enrollments were so much larger than most other K-12 school districts. Class I and VI public school districts were not included in the study because they do not have a kindergarten through twelfth grade program.

The Class II and III school districts were stratified, by student population, into three groups--small districts having 1 to 349 students, medium districts having 350 to 1049 students, and large districts having 1050 or more students. This stratification is intended to reduce to a minimum the sampling variance due to different school district size (Bradburn & Sudman 1988).

The divisions of the 272 districts into small, medium, and large districts were accomplished by determining the percentages of the total number of students and the number of districts in each of the size divisions. The upper and lower limits of the student number

in each category were adjusted to reflect an inverse relationship between the number of students and district size. A randomly selected, stratified sample of forty subjects was drawn from 272 Class II and III public school districts of small, medium, and large enrollment sizes. The random sample mirrored the percentages of school districts in each of the size divisions (Table 1). The resulting sample consisted of 22 small, 12 medium, and 6 large school districts (Table 2). The sample represents 15 percent of the population which, according to Backstrom and Hursh-Cesar (1981), is adequate for survey research. Through this process the sample was determined to be representative of the population so the findings could be generalized to the entire population ($N=272$).

Procedures

The survey was mailed to superintendents of the forty randomly selected Class II and III Nebraska school districts. Two weeks after the first mailing, a second mailing was sent to the nonrespondents. After an additional two weeks, nonrespondents were telephoned (Table 3).

Superintendents of the stratified random sample of 40 school districts were asked to assess the level of compliance for each item

Table 1

Class II and III School District Size

District Type	Students	%	Districts	%	Survey Sample	%
Small						
0-34	31231	16%	148	54%	22	55%
Medium						
350-1049	48847	26%	90	33%	12	30%
Large						
1050 -Up	110387	58%	34	13%	6	15%
Total	190465	100%	272	100%	40	100%

Table 2

Population Versus Sample

	District Size			
	Large	Medium	Small	Total
Population	34	90	148	272
Sample	6	12	22	40

Percentage

of Sample to	18%	13%	15%	15%
Population				

Table 3

Timeline for Mailed ADA Survey

Event	Oct. 11	Oct. 25	Nov. 8	Nov. 22
First Survey Mailed	XXXXXX			
Second Survey Mailed		XXXXXX		
Telephone Non-Respondents			XXXXXX	
Data Collection Complete				XXXXXX

of the 44-item survey instrument. Each individual answer was assigned a corresponding value (Changes Not Needed = 1, Changes Needed, but Not Discussed = 2, Changes Discussed, but Not Planned = 3, Changes Planned, but Not Begun = 4, Changes Begun, but Not Completed = 5, and Changes Completed = 6).

Of the 40 superintendents surveyed, 39 completed and returned the instrument, for a response rate of 97.5%. Of those, thirty-one (31) survey instruments (77.5 percent) were returned after the initial mailing, and an additional eight (8) survey instruments (20.0 percent) were returned after the follow-up mailing.

Data Analysis

The primary purpose for this study is to identify the extent to which Nebraska Class II and Class III school districts have achieved compliance with Title I, Title II, and Title III of the Americans with Disabilities Act.

To accomplish the primary purpose of this study the following research questions were explored;

1. What is the status of compliance of Nebraska Class II and Class III school districts with Title I, "Employment," of the Americans with Disabilities Act (ADA), in the subsections of

employing for wages that includes but is not limited to job application, hiring, advancement, discharge, compensation, job training, conditions and privileges of employment?

2. What is the status of compliance of Nebraska Class II and Class III school districts with Title II, "Public Services," of the Americans with Disabilities Act (ADA), in the subsections of activities, services, and programs that are provided by public entities?

3. What is the status of compliance of Nebraska Class II and Class III school districts with Title III, "Public Accommodations," of the Americans with Disabilities Act (ADA), in the subsections of grounds and facilities that provide full access for the delivery of services?

These data were analyzed by determining the mean, the median, and the standard deviation for each of the items without regard to school district size. A total mean was also determined for all the items within each of the three titles (Title I, Title II, and Title III). To calculate a total mean for each title, the means of the responses of all the items within that title were averaged. Because the survey represents a continuum of scores, inferences about the

degree of compliance (whether one question is in greater compliance than another simply because it has a higher or lower mean) are allowable. The researcher is aware that as each survey question is evaluated, the chance of making a Type One error, somewhere within the total survey instrument, also increases.

The second purpose for conducting this study was to find whether there were any significant differences in the extent of compliance with Title I, with Title II, and with Title III of the ADA among Class II and III small-enrollment school districts, medium-enrollment school districts, and large-enrollment school districts.

To accomplish the second purpose of this study the following research question was explored;

4. Is there a significant difference between Nebraska Class II and III school districts with small enrollments, school districts with medium enrollments, and school districts with large enrollments concerning the extent to which they have come into compliance with the three pertinent sections of the Americans with Disabilities Act (ADA)--Title I "Employment," Title II "Public Services," and Title III "Public Accommodations"?

To determine if there is any significant differences among different categories of school districts in the extent of compliance with Title I, with Title II, and with Title III, three separate univariate analysis of variance (ANOVA) were conducted, one for each Title. Because of the possibility of problems with homogeneity of variance, due to the small number of large school districts in the sample, and the need to balance sample sizes, it was decided to combine the medium and large districts, to produce a sample size of eighteen (18) large districts that was comparable to the sample of twenty-one (21) small districts. For this analysis, the level of significance was set at $p < .05$.

Following the ANOVA, a multivariate analysis of variance (MANOVA) was conducted. The MANOVA (because it takes into account the correlation between measures) integrates information that is not obtainable when univariate tests are carried out as though they are separate from each other. A Hotelling's Multivariate Test was the particular multivariate analysis of variance (MANOVA) that was used as a followup to the ANOVA because it can easily test three or more dependent variable. According to O'Connell (1989), the Hotelling's test was used to determine if there were any

significant difference between the three dependent variables by evaluating the vector of means of the three dependent variables Title 1, Title 2, and Title 3. For this analysis, the level of significance was set at $p < .05$.

A third purpose for this study was to determine the extent to which the ADA had actually had an actual impact on Nebraska Class II and Class III school districts.

To accomplish the third purpose of this study the following research question was explored;

5. To what extent were the responses, other than the "Changes Not Needed" grouping, selected on the individual survey instruments?

The survey instrument contained six different possible responses for each item, if any response other than Changes Not Needed = 1, was chosen the ADA had an impact on school districts.

Therefore, the results of the 44-item survey instrument were evaluated to determine if any of the other ratings--the Changes Needed, but Not Discussed = 2, Changes Discussed, but Not Planned = 3, Changes Begun, but Not Completed = 5, and Changes Completed = 6 --were chosen.

An item-by-item number of responses, other than the “Changes Not Needed” rating, was determined for the entire population, for small school districts, for medium school districts, and for large school districts for each of the three titles--Title I, Title II, and Title III. Additionally an item-by-item percentage of responses, other than the “Changes Not Needed” rating, was determined for the entire population, for small school districts, for medium school districts, and for large school districts for each of the three titles--Title I, Title II, and Title III.

CHAPTER IV

Presentation and Analysis of the Data

Introduction

The Americans with Disabilities Act (ADA) includes five titles: Title I "Employment," Title II "Public Services," Title III "Public Accommodations," Title Four "Telecommunication," and Title Five "Miscellaneous Provisions." This study focused on the Title I, Title II, and Title III, which are the titles that affect school districts. The purpose of the study was to determine: (1) the extent to which Nebraska school districts are coming into compliance with the three pertinent titles of the ADA; (2) whether the extent of compliance differs by enrollment size; and (3) if the ADA did in fact have an impact on Nebraska school districts.

Procedure

To accomplish the purpose of this study, a stratified random sample of 40 Nebraska Class II and Class III school districts was selected, and information about the status of compliance was obtained by surveying through the mail the superintendent of each school district in the sample. Each superintendent was asked to respond to a 44-item survey instrument that had a 6-point

Likert-type scale on which to indicate the status of school district compliance in regard to each item. The survey instrument is included as Appendix 1.

The survey results were analyzed using both descriptive and inferential statistics. Data were analyzed by computer at the University of Nebraska-Lincoln NEAR Center, using the Statistical Package for the Social Sciences (SPSSX). For two missing items on one survey and one missing item on another survey, a mean-value imputation was used to provide a substitution in values for those items. The imputation was made using the mean of all the responses to the items for that section and assigning the title mean value to all records in the title with missing data for the item. According to Kalton (1983) this procedure is good for estimation of missing items but due to its distortion of the distribution of values the procedure should not be used for many other forms of analysis.

The study was designed to answer a number of specific research questions, and the findings reported below are organized according to the set of research questions.

Findings

The first three research questions addressed the extent to

which the school districts studied had come into compliance with Title I, Title II, and Title III of the ADA. The results of the statistical analysis for these three questions are presented in Tables 4, 5, and 6. For each item, the mean, the median, and the standard deviation are shown. Within each table, the items are shown in descending order of the means of the responses.

Research Question 1

The primary purpose for this study was to identify the extent to which Nebraska Class II and Class III school districts have achieved compliance with Title I, Title II and Title III of the Americans with Disabilities Act. The specific research questions follows.

What is the status of compliance of Nebraska Class II and Class III school districts with Title I, "Employment," of the Americans with Disabilities Act (ADA), in the subsections of employing for wages that includes but is not limited to job application, hiring, advancement, discharge, compensation, job training, conditions and privileges of employment?

Title I of the survey instrument included sixteen (16) items that pertained to "Employment." In Table 4 the mean, median, and

Table 4
 Analysis of the Status of Compliance of
 Nebraska Class II & III School Districts with
 Title I of The Americans with Disabilities Act

Employment	Mean	Median	Standard Deviation
1) To what extent has the Americans with Disabilities Act (ADA) changed the way members of the school district:			
L) Publishes ADA notices.	4.410	5.000	1.745
P) Deals with employees with infections and/or communicable disease.	3.667	4.000	1.883
C) Changes the job application process.	3.105	3.000	1.875
N) Modifies equipment used on the job by employees with disabilities.	3.051	3.000	1.669
D) Interviews job applicants.	2.949	3.000	1.891
A) Recruits prospective employees.	2.872	3.000	1.689
H) Restructures job responsibilities.	2.846	3.000	1.740
B) Tests applicants for job skills.	2.588	2.000	1.740
M) Deals with applicants or employees that have an association with a person who has a disability.	2.487	2.000	1.684
G) Deals with applicant or employees who previously used illegal drugs but have since had rehabilitation.	2.487	2.000	1.254
F) Requirements for pre-employment medical exams.	2.462	2.000	1.335

Table 4 (page continued)

Employment	Mean	Median	Standard Deviation
1) To what extent has the Americans with Disabilities Act (ADA) changed the way members of the school district:			
I) Discharges' employees with disabilities.	2.308	2.000	1.592
K) Trains employees.	2.038	2.000	1.398
E) Tests for drugs.	2.231	2.000	1.266
J) Promotes employees with disabilities.	2.205	2.000	1.436
O) Handles employee medical records.	2.128	1.000	1.542
TOTAL FOR TITLE I	2.753		

Note: Weights assigned to ratings were 1 = Changes Not Needed, 2 = Changes Needed, but Not Discussed, 3 = Changes Discussed, but Not Planned, 4 = Changes Planned, but Not Begun, 5 = Changes Begun, but Not Completed and 6 = Changes Completed; therefore, the larger the mean, the higher perception of

effectiveness.

standard deviation for each of the eleven items are shown, with items organized by descending order of the mean of all responses, without regard to school district size. The mean at the top of Table 4 represents the item for which there was the greatest level of compliance in the area of employment.

Compliance with Title I. The total mean for the Title I “Employment” section of the survey instrument was 2.753. A score of 2.753 is nearest to the statement “Changes Discussed but Not Planned.” Seven of the items on the survey have scores above the total mean, and nine of the items on the survey have scores below the total mean.

The item with the highest mean, which was also the only item that was above a 4 (Changes Planned, but Not Begun) on the survey instrument scale was #1L ‘Publishes ADA notice’ at 4.410. The item with the lowest mean, with just above a 2.0 (Changes Needed, but Not Discussed) on the survey instrument scale, was #1O ‘Handles employee medical records’ at 2.128. With the exception of item #1L, ‘Publishes ADA notice,’ all of the item mean scores were within 1.0 point of the total mean for Title I. Item #1L, ‘Publishes

ADA notice,' was 1.7 points from the total mean for Title I, which was 2.753. Seven of the items on the survey were above the total mean for Title I and nine of the items on the survey were below the total mean for Title I.

Standard deviations, the extent to which the scores deviated from the mean, provided some further insight into status of compliance of school districts to Title I employment. Two questions that dealt with drugs had the lowest standard deviation in Title I; these were #1E 'Tests for drugs' at 1.266 and #1G 'Deals with applicants or employees who previously used drugs' at 1.254. All of the items had a standard deviation well over 1.0, which would indicate that among Class II and Class III school districts there was a relatively large difference in the status of compliance with the employment section of the ADA.

Research Question 2

What is the status of compliance of Nebraska Class II and Class III school districts with Title II, "Public Services," of the Americans with Disabilities Act (ADA), in the subsections of activities, services, and programs that are provided for public entities?

Title II of the survey instrument included eleven (11) items that pertained to “Public Service.” In Table 5 the mean, median, and standard deviation for each of the eleven items are shown, with items organized by descending order of the mean of all responses, without regard to school district size. The mean at the top of Table 5 represents the item for which there was the greatest level of compliance in the area of public services.

Compliance with Title II. The total mean for the Title II, “Public Services” section of the survey instrument was 3.030. Six of the items on the survey had scores above the total mean for Title II, and five of the items on the survey had scores below the total mean for Title II. Eight of the eleven item mean scores were within 1.0 point of the total mean for Title II. Seven of the eleven item mean scores were within 0.6 point of the 3.03 total mean for Title II. The item with the highest mean, which was also the only item that was above a 4.0 (Changes Planned, but Not Begun) on the survey instrument scale, was #2E ‘Provides signs to direct patrons’ at 4.333. Two items with the lowest means, falling between 2.0 (Changes Needed, but Not Discussed) and 1.0 (Changes not needed) on the survey instrument scale, were #2C ‘Administrative services’ at

Table 5
 Analysis of the Status of Compliance of Nebraska Class II & III School Districts with Title II of The Americans with Disabilities Act

Public Services	Mean	Median	Standard Deviation
2) To what extent has the Americans with Disabilities Act (ADA) changed the way members of the school district:			
E) Provides signs to direct patrons to information or accessible facilities.	4.333	5.000	1.475
H) Provides seating in assembly areas.	4.000	5.000	1.806
G) Furnishes educational services.	3.667	4.000	1.752
K) Communicates with district patrons.	3.590	4.000	1.802
D) Provides auxiliary aids for public meetings or sporting events.	3.538	4.000	1.587
J) Establishes transportation policies.	3.205	3.000	1.780
F) Gives student activities.	2.953	3.000	1.660
I) Purchases or leases new buses.	2.641	2.000	1.678
A) Transports students.	2.513	2.000	1.760
C) Furnishes administrative services.	1.513	1.000	1.048
B) Delivers transportation for employees.	1.410	1.000	1.019
TOTAL FOR TITLE II	3.030		

Note: Weights assigned to ratings were 1 = Changes Not Needed, 2 = Changes Needed, but Not Discussed, 3 = Changes Discussed, but Not Planned, 4 = Changes Planned, but Not Begun, 5 = Changes Begun, but Not Completed and 6 = Changes Completed; the larger the mean, the higher perception of effectiveness.

1.513 and #2B 'Transportation for employees' at 1.410.

Standard deviations, the extent to which the scores on the average deviated from the mean, provided some further insight into status of compliance of school districts to Title II public accommodations. Item #2H 'Provides seating' had the highest standard deviation at 1.806. Two items that had the lowest mean also had the lowest standard deviation in Title II--#2C 'Administrative services' at 1.048 and #2B 'Transportation for employees' at 1.019. With the exceptions of items #2C and #2B, all of the items had a standard deviation over 1.0. This would indicate that among Class II and Class III school districts, without regard to size, there was a relatively large difference in the status of compliance with the public service section of the ADA.

Research Question 3

What is the status of compliance of Nebraska Class II and Class III school districts with Title III, "Public Accommodations," of the Americans with Disabilities Act (ADA), in the subsections of grounds and facilities that provide full access for the delivery of services?

In Table 6 the mean, median, and standard deviation for each of

Table 6
 Analysis of the Status of Compliance of Nebraska Class II & III School Districts with Title III of The Americans with Disabilities Act

Public Accommodations	Mean	Median	Standard Deviation
3) To what extent has the Americans with Disabilities Act (ADA) caused members of the school district to make physical changes:			
M) To parking spaces.	5.154	5.000	1.065
I) To parking areas.	4.821	5.000	1.430
H) To building entrances.	4.795	5.000	1.218
N) To access routes leading to the building.	4.744	5.000	1.371
C) To accommodate students with disabilities.	4.718	5.000	1.123
B) To accommodate the members of the public with disabilities.	4.615	5.000	1.269
D) To any building in the school district.	4.538	5.000	1.144
G) To rest rooms.	4.513	5.000	1.295
K) To water fountains.	4.462	5.000	1.484
F) To remove barriers.	4.436	5.000	1.429
L) To alarm systems.	4.256	4.000	1.371
J) To door signs in the buildings.	4.025	5.000	1.436
P) To programs conducted within the building.	3.897	4.000	1.683
A) To accommodate employees with disabilities.	3.821	5.000	1.848
O) To playground access.	3.744	4.000	1.568

TABLE 6 (page continued)

Public Accommodation	Mean	Median	Standard Deviation
3) To what extent has the Americans with Disabilities Act (ADA) caused members of the school district to make physical changes:			
E) To the grounds or athletic fields.	3.718	4.000	1.654
Q) To programs conducted outside the building (but on the school grounds).	3.410	4.000	1.697
TOTAL FOR TITLE III	4.344		

Note: Weights assigned to ratings were 1 = Changes Not Needed, 2 = Changes Needed, but Not Discussed, 3 = Changes Discussed, but Not Planned, 4 = Changes Planned, but Not Begun, 5 = Changes Begun, but Not Completed and 6 = Changes Completed; therefore, the larger the mean, the higher perception of effectiveness.

the seventeen (17) items are shown with items organized by descending order of the mean of all responses, without regard to school district size. The mean at the top of Table 6 represents the item for which there was the greatest level of compliance in the area of public accommodation.

Compliance with Title III. The total mean for the Title III, “Public Accommodations” section of the survey instrument was 4.344. Ten of the items on the survey had scores above the total mean, and seven of the items on the survey had scores below the total mean. The item with the highest mean, which was also the only item that was above a 5.0 (Changes Begun, but Not Completed) on the survey instrument scale, was #3M ‘To parking areas’ at 5.154. The item with the lowest mean fell below 4.0 (Changes Planned, but Not Begun) on the survey instrument scale; this was #3Q ‘Programs outside’ at 3.410. The total mean for Title III, at 4.344, was higher than the total means of either Title I, at 2.753, or Title II, at 3.030.

Standard deviations, the extent to which the scores on the average deviated from the mean, provided some further insight into status of compliance of school districts to Title III public accommodations. Item #3A ‘Accommodate employees’ at 1.848, had

the highest standard deviation. Item #3M 'Parking spaces' at 1.065 had the lowest standard deviation and the highest mean in Title III. The standard deviations of the other items varied widely between the high and the low. This would indicate that among Class II and Class III school districts, without regard to size, there was a relatively large difference in the status of compliance with the public accommodations section of the ADA.

Research Question 4

The second purpose for conducting this study was to find whether there were any significant differences in the extent of compliance with each of the three titles of the ADA among Class II and III school districts of different enrollment categories. The specific research question follows.

Is there a significant difference between Nebraska Class II and III school districts with small enrollments, school districts with medium enrollments, and school districts with large enrollments concerning the extent to which they have come into compliance with the three pertinent sections of the Americans with Disabilities Act (ADA)--Title I "Employment," Title II "Public Services," and Title III "Public Accommodations"?

To accomplish this purpose, the Class II and III school districts were stratified into three size categories. Inferential statistics, three ANOVA tests and one MANOVA test, were used to analyze the data collected.

To answer the fourth research question, all forty-four (44) survey items from Title I, Title II, and Title III were used. Within each title, an item-by-item mean and standard deviation was calculated for all the subject Class II and Class III school districts and for the individual categories of small school districts, medium school districts, and large school districts. The results expressed as descriptive statistics are shown in Table 7, Table 8, and Table 9 for Title I (employment), Title II (public services), and Title III (public accommodations), respectively.

The mean and standard deviation are reported for all school districts, for small school districts, for medium school districts, and for large school districts. Within each table, the categories are listed in the same order as they were in the survey instrument. In the text discussing Table 7, 8, and 9, some of the item descriptions have been abbreviated for clarity.

Compliance with Title i. The data for Title I are shown in

Table 7. The survey instrument included sixteen (16) items that pertained to Title I the employment section of the ADA. The total means calculated for Title I indicate that large school districts are in greater compliance than either small or medium school districts.

The means for nine of the sixteen individual items had a mean difference greater than 1.0 between two size categories of school districts. The greatest difference between two means for a particular item was item #1P 'Employees disease,' with the large school district mean at 4.5000 and the medium school district mean at 2.7500, for a difference of 1.75.

Only two items had a standard deviation below 1.0--#1E 'Tests for drugs' for large school districts at .9882 and #1F 'Requirements for medical exams' for large school districts at .9882. As a whole, standard deviations were greater than one and varied greatly from item to item.

Compliance with Title II. The data for Title II are shown in Table 8. The survey instrument included eleven (11) items that pertained to Title II, the public services section of the ADA. The total means calculated for Title II shows that the status of compliance among small, medium, and large school districts ranged from 3.0779 for

Table 7
 Analysis of the Status of Compliance with Title I 'Employment' In
 Regard To The Entire Population, Small, Medium, and Large
 Enrollment Size School Districts

Employment	Mean	Standard Deviation
1) To what extent has the Americans with Disabilities Act (ADA) changed the way members of the school district:		
A) Recruits prospective employees.		
Entire Population	2.8718	1.6887
Small	2.7619	1.5781
Medium	2.6667	1.7233
Large	3.6667	2.0656
B) Tests applicants for job skills.		
Entire Population	2.5385	1.6359
Small	2.8095	1.6619
Medium	2.0000	1.4142
Large	2.6667	1.9664
C) Changes the job application process.		
Entire Population	3.1026	1.8750
Small	2.5238	1.8335
Medium	3.7500	1.5448
Large	3.8988	2.2286
D) Interviews job applicants.		
Entire Population	2.9487	1.8911
Small	2.5238	1.7210
Medium	3.2500	1.9598
Large	3.8333	2.2286
E) Tests for drugs.		
Entire Population	2.2308	1.2662
Small	2.1905	1.2498
Medium	2.5000	1.4460
Large	1.8938	.9882

TABLE 7 (page continued)

Employment	Mean	Standard Deviation
1) To what extent has the Americans with Disabilities Act (ADA) changed the way members of the school district:		
F) Requirements for pre-employment medical exams.		
Entire Population	2.4615	1.3347
Small	2.3810	1.2032
Medium	2.9167	1.6214
Large	1.8983	.9832
G) Deals with applicant or employees who previously used illegal drugs but have since had rehabilitation.		
Entire Population	2.4872	1.2539
Small	2.3810	1.0235
Medium	2.7500	1.5448
Large	2.3833	1.5055
H) Restructures job responsibilities.		
Entire Population	2.8462	1.7402
Small	2.5238	1.6619
Medium	3.0833	1.7816
Large	3.5000	1.9748
I) Discharges' employees with disabilities.		
Entire Population	2.3077	1.5920
Small	2.0952	1.4458
Medium	2.5833	1.5052
Large	2.5000	2.3452
J) Promotes employees with disabilities.		
Entire Population	2.2051	1.4360
Small	2.2857	1.3836
Medium	2.1667	1.5275
Large	2.0000	1.6738
K) Trains employees.		
Entire Population	2.3077	1.3984
Small	2.0952	1.0911
Medium	2.5000	1.6237
Large	2.6667	1.9664

TABLE 7 (page continued)

Employment	Mean	Standard Deviation
1) To what extent has the Americans with Disabilities Act (ADA) changed the way members of the school district:		
L) Publishes ADA notices.		
Entire Population	4.4108	1.7429
Small	4.4762	1.4359
Medium	4.0000	2.1320
Large	5.0000	2.0000
M) Deals with applicants or employees that have an association with a person who has a disability.		
Entire Population	2.4872	1.6839
Small	2.2857	1.5213
Medium	3.1667	1.6967
Large	1.8933	2.0412
N) Modifies equipment used on the job by employees with disabilities.		
Entire Population	3.0513	1.6694
Small	3.0952	1.7293
Medium	2.9167	1.6214
Large	3.1667	1.8948
O) Handles employee medical records.		
Entire Population	2.1282	1.5420
Small	2.0952	1.4458
Medium	1.7500	1.2154
Large	3.0000	2.2804
P) Deals with employees with infections and/or communicable disease.		
Entire Population	3.6667	1.8825
Small	3.9524	1.8568
Medium	2.7500	1.7123
Large	4.5000	1.8708
TOTAL MEAN FOR TITLE I		
Entire Population	2.7532	
Small	2.6519	
Medium	2.7968	
Large	3.0141	

Note: Weights assigned to ratings were 1 = Changes Not Needed, 2 = Changes Needed, but Not Discussed, 3 = Changes Discussed, but Not Planned, 4 = Changes Planned, but Not Begun, 5 = Changes Begun, but Not Completed and 6 = Changes Completed; the larger the mean, the higher perception of effectiveness.

Table 8
 Analysis of the Status of Compliance In Regard To Title II 'Public Services' with Regard to the Entire Population, Small, Medium, and Large Enrollment Size School Districts

Public Services	Mean	Standard Deviation
2) To what extent has the Americans with Disabilities Act (ADA) changed the way members of the school district:		
A) Transports students.		
Entire Population	2.5128	1.7603
Small	2.7619	1.8949
Medium	2.0833	1.5643
Large	2.5000	1.7607
B) Delivers transportation for employees.		
Entire Population	1.4103	1.0487
Small	1.1905	.5118
Medium	2.0000	1.5954
Large	1.0000	.0000
C) Furnishes administrative services.		
Entire Population	1.5128	1.0481
Small	1.7143	1.3093
Medium	1.3333	.6513
Large	1.1667	.4082
D) Provides auxiliary aids for public meetings or sporting events.		
Entire Population	3.5385	1.5869
Small	3.0952	1.6095
Medium	4.1667	1.4035
Large	3.8333	1.6021
E) Provides signs to direct patrons to information or accessible facilities.		
Entire Population	4.3333	1.4749
Small	4.1429	1.6213
Medium	4.7500	1.1382
Large	4.1667	1.6021
F) Gives student activities.		
Entire Population	2.9231	1.6604
Small	2.9048	1.4800
Medium	3.0000	1.9069
Large	2.8993	2.0412

TABLE 8 (page continued)

Public Services	Mean	Standard Deviation
2) To what extent has the Americans with Disabilities Act (ADA) changed the way members of the school district:		
G) Furnishes educational services.		
Entire Population	3.6667	1.7522
Small	4.0476	1.6272
Medium	3.0833	1.8320
Large	3.5000	1.9748
H) Provides seating in assembly areas.		
Entire Population	4.0000	1.8064
Small	4.1429	1.7688
Medium	3.8333	1.8007
Large	3.8338	2.2286
I) Purchases or leases new buses.		
Entire Population	2.6410	1.6778
Small	2.7143	1.5856
Medium	2.5000	1.6787
Large	2.6667	2.2509
J) Establishes transportation policies.		
Entire Population	3.2051	1.7797
Small	3.4286	1.6903
Medium	2.8333	1.6967
Large	3.1667	2.4014
K) Communicates with district patrons.		
Entire Population	3.5897	1.8023
Small	3.7143	1.7647
Medium	3.5000	1.9771
Large	3.3333	1.8619
TOTAL MEAN FOR TITLE II		
Entire Population	3.0303	
Small	3.0779	
Medium	3.0075	
Large	2.9545	

Note: Weights assigned to ratings were 1 = Changes Not Needed, 2 = Changes Needed, but Not Discussed, 3 = Changes Discussed, but Not Planned, 4 = Changes Planned, but Not Begun, 5 = Changes Begun, but Not Completed and 6 = Changes Completed; the larger the mean, the higher perception of effectiveness.

small school districts to 2.9545 for large school districts.

Eight of the eleven items had a mean difference less than 1.0 between any two size categories of school districts. Item #2F 'Student activities' was the item with the smallest mean differences between any two size categories of school districts at 0.11. As a whole, the standard deviations were greater than 1.0 and varied from a high of 2.4014 to a low of .5118. Only two items had standard deviation below 1.0: item #2B 'Transportation for employees,' with small school districts at .5118 and large school districts at .0000; and item #2C 'Administrative services,' with medium school districts at .9882 and large school districts at .4082.

Compliance with Title III. The data for Title III are shown in Table 9. The survey instrument included seventeen (17) items that pertained to Title III, the public accommodations section of the ADA. The total means calculated for Title III indicate that the level of compliance for small districts is lower than for either medium or large school districts.

Seven of the seventeen items had a mean difference greater than 1.0 between two size categories of school districts. The greatest difference between two means for a particular item was

Table 9
 Analysis of the Status of Compliance In Regard To Title III 'Public Accommodations' for the Entire Population, Small, Medium, and Large Enrollment Size School Districts

Public Accommodations	Mean	Standard Deviation
3) To what extent has the Americans with Disabilities Act (ADA) caused members of the school district to make physical changes:		
A) To accommodate employees with disabilities.		
Entire Population	3.8205	1.8478
Small	3.1905	1.9905
Medium	4.6667	1.3027
Large	4.3333	1.6330
B) To accommodate the members of the public with disabilities.		
Entire Population	4.6154	1.2694
Small	4.4762	1.4359
Medium	5.0000	.6030
Large	4.3333	1.6330
C) To accommodate students with disabilities.		
Entire Population	4.7179	1.1227
Small	4.6667	1.1972
Medium	5.0000	.6030
Large	4.3333	1.6330
D) To any building in the school district.		
Entire Population	4.5385	1.1435
Small	4.5714	1.2479
Medium	4.5833	.6686
Large	4.3333	1.6330
E) To the grounds or athletic fields.		
Entire Population	3.7179	1.6535
Small	3.0952	1.7862
Medium	4.5000	.9045
Large	4.3333	1.6330
F) To remove barriers.		
Entire Population	4.4359	1.4289
Small	4.3810	1.5322
Medium	4.5833	1.2401
Large	4.3333	1.6980

TABLE 9 (page continued)

Public Accommodations	Mean	Standard Deviation
3) To what extent has the Americans with Disabilities Act (ADA) caused members of the school district to make physical changes:		
G) To rest rooms.		
Entire Population	4.5128	1.2952
Small	4.2857	1.4541
Medium	4.5833	1.2401
Large	5.1667	.4082
H) To building entrances.		
Entire Population	4.7949	1.2178
Small	4.4762	1.5040
Medium	5.1667	.7177
Large	5.667	.4082
I) To parking areas.		
Entire Population	4.8205	1.4303
Small	4.7619	1.5134
Medium	5.0833	1.1645
Large	4.5000	1.7607
J) To door signs in the buildings.		
Entire Population	4.2051	1.4360
Small	3.9524	1.5961
Medium	4.5833	.9962
Large	4.3333	1.6330
K) To water fountains.		
Entire Population	4.4615	1.4841
Small	4.2857	1.6475
Medium	4.8333	1.1146
Large	4.3338	1.6330
L) To alarm systems.		
Entire Population	4.2564	1.3711
Small	4.0476	1.4310
Medium	4.1667	1.4668
Large	5.1667	.4082
M) To parking spaces.		
Entire Population	5.1538	1.0647
Small	4.8571	1.2762
Medium	5.4167	.6686
Large	5.6667	.5164

TABLE 9 (page continued)

Public Accommodations	Mean	Standard Deviation
3) To what extent has the Americans with Disabilities Act (ADA) caused members of the school district to make physical changes:		
N) To access routes leading to the building.		
Entire Population	4.7436	1.3711
Small	4.3810	1.7169
Medium	5.1667	.7177
Large	5.1667	.4082
O) To playground access.		
Entire Population	3.7436	1.5681
Small	3.1905	1.6315
Medium	4.0000	1.3484
Large	5.1667	.4082
P) To programs conducted within the building.		
Entire Population	3.8974	1.6826
Small	3.4762	1.7210
Medium	4.2500	1.4222
Large	4.6667	1.8619
Q) To programs conducted outside the building (but on the school grounds).		
Entire Population	3.4103	1.6970
Small	2.9048	1.6408
Medium	3.7500	1.5448
Large	4.5000	1.7607
TOTAL MEAN FOR TITLE III		
Entire Population	4.3438	
Small	4.0588	
Medium	4.6666	
Large	4.6960	

Note: Weights assigned to ratings were 1 = Changes Not Needed, 2 = Changes Needed, but Not Discussed, 3 = Changes Discussed, but Not Planned, 4 = Changes Planned, but Not Begun, 5 = Changes Begun, but Not Completed and 6 = Changes Completed; therefore, the larger the mean, the higher perception of effectiveness.

for item #3O 'Playground access,' with the large school district mean at 5.1667 and the small school district mean at 3.1905, for a difference of 1.9762. The two items with the least difference between two means was item #3F 'Barriers,' with the medium school district mean at 4.5833 and the large school district mean at 4.3333, for a difference of 0.25, and item #3D 'Building,' with the medium school district mean at 4.5833 and large school district mean at 4.3333, for a difference of 0.25. Eight of the 17 items had a mean equal to 4.333 for the large school districts. Five of the 17 items had a mean equal to 5.1667 for large school districts.

Ten of the seventeen items had a mean difference less than 1.0 between two size categories of school districts. Item #3Q 'Programs outside' was the item with the smallest mean difference between any two size categories of school districts at 0.22. Generally, standard deviations were greater than 1.0 and varied from a high of 1.8619 to a low of .4082.

Univariate Analysis of Variance. To test whether there were actual differences in compliance among the different sized school districts, three separate ANOVAs were conducted, one for Title I, one for Title II, and one for Title III. These ANOVA tests were used

on combined samples of the medium and large school districts to produce a sample size of eighteen (18), which was similar in size to the small school district category of twenty-one (21). According to Gravetter and Wallnau (1988) the "ANOVA procedure is most accurate when used to examine . . . data with equal sample sizes" (p. 209). Although the sample sizes are not equal, the ANOVA is a valid test if the sample sizes are close to the same size.

The results of the ANOVA tests for Title I, Title II, and Title III are shown in Table 10. The ANOVA tests were conducted by

Table 10

Univariate Analysis of Variance Between Small and Medium-Large
Nebraska Class II & III School Districts

ANOVA TEST	SIGNIFICANT
<u>OF THE ADA</u>	<u>DIFFERENCE</u>
Title I	.475
Title II	.743
Title III	.048*

* Significant if $p < .05$

enrollment and across Title I, across Title II, and across Title III. For this analysis, the level of significance was set at $p < .05$.

Compliance with Title I. The ANOVA test conducted for Title I of the ADA found a $p = .475$, which represented no significant difference between the small and medium-large enrollment size categories.

Compliance with Title II. The ANOVA test conducted for Title II of the ADA found a $p = .743$, which represented no significant difference between the small and medium-large enrollment size categories.

Compliance with Title III. The ANOVA test conducted for Title III of the ADA found a $p = .048$, which represents a significant difference between the small and medium-large size categories.

The level of significance of $p = .048$, although significant, is very close to the .05 threshold.

Multivariate Analysis of Variance. The Hotelings Multivariate Test of Significance was the particular multivariate analysis of variance that was used in this research. As the ANOVA test for Title III produced a significant difference of .048, the Hotelings Multivariate Test of Significance (MANOVA) was used to determine

if a significant difference really existed. A multivariate test statistic takes into account the correlations between measures. The univariate test, which were conducted separately, could not account for the correlation between measures.

The Hotelings test examined the three dependent variables used in this study--compliance scores for Title I, Title II, and Title III of the ADA. For the Hotelings test, each of the variable scores made up a series of vector scores that are evaluated both independently and together with the other vectors. To be significant the Hotelings Test must have a $p < .05$. The Hotelings test reported a $p = .121$, which was not significant. Therefore, there was no significant difference between the status of compliance with Title 1, Title 2, and Title 3 of the ADA.

Research Question 5

A third purpose for this study was to determine the extent to which the ADA had actually had an actual impact on Nebraska Class II and Class III school districts. The specific research question follows.

To what extent were the responses, other than the "Changes Not Needed" grouping, selected on the individual survey

instruments?

To accomplish this purpose the results of each individual survey instruments were reviewed to determine if responses other than “Changes Not Needed” were identified.

The data demonstrating the impact of the ADA on Nebraska Class II and Class III school districts are shown in Table 11. An item-by-item number of responses, other than the “Changes Not Needed” grouping, was determined the entire population, for small school districts, for medium school districts, and for large school districts for Title I, Title II, and Title III. The data show that all of the school districts have identified some items as needing change in every title. Additionally an item-by-item percentage of responses to choices other than the “Changes Not Needed” grouping was determined for the entire population, for small school districts, for medium school districts, and for large school districts for Title I, for Title II, and for Title III. The results showed that no school district was in complete compliance with the ADA.

Impact Title I. In Table 11, the data for Title I shows that twenty-six of the thirty-nine school districts reported that changes were needed on more than 50% of the items in Title I. Seven school

district reported that some changes were needed for 100% of the items in Title I. Only two school districts reported that changes were not needed in any item in Title I.

Table 11 shows that, for all small school districts, 69% of the items in Title I were identified as needing changes. For all large school districts, 12% of the items in Title I were identified as needing changes.

Impact Title II. In Table 11, the findings for Title II demonstrates that thirty-six of the thirty-nine school districts reported that changes were needed on more than 50% of the items in Title II. Two school district reported that some changes were needed for 100% of the items in Title II. No school district reported that changes were not needed in any item in Title II.

Table 11 describes that, for all medium school districts, 86% of the items in Title II were identified as needing changes. For all large school districts, 72% of the items in Title II were identified as needing changes.

Impact Title III. In Table 11, the information for Title III explains that thirty-seven of the thirty-nine school districts reported that changes were needed on more than 50% of the items in

Table 11

Analysis of the Impact of The American with Disabilities Act On
Small, Medium, and Large Enrollment Size School Districts By The
Identification of Responses Other Than "Changes Not Needed"

Sample of Class II and III Nebraska School District Survey #-Size	Title I Selection of 'Changes Not Needed'		Title II Selection of 'Changes Not Needed'		Title III Selection of 'Changes Not Needed'		Total Selection of 'Changes Not Needed'	
	Instants	%	Instants	%	Instants	%	Instants	%
1-Small	11	69%	14	88%	16	100%	41	85%
2-Small	16	100%	12	75%	16	100%	44	92%
3-Small	7	44%	13	81%	14	88%	34	71%
4-Small	14	88%	15	94%	16	100%	45	94%
5-Small	12	75%	14	88%	16	100%	42	88%
6-Small	5	31%	12	75%	11	69%	28	58%
7-Small	11	69%	13	81%	14	88%	38	79%
8-Small	7	44%	12	75%	16	100%	35	73%
9-Small	4	25%	11	69%	13	81%	28	58%
10-Small	13	81%	14	88%	16	100%	43	90%
11-Small	15	94%	12	75%	15	94%	42	88%
12-Small	16	100%	16	100%	16	100%	48	100%
13-Small	3	19%	5	31%	9	56%	17	35%
14-Small	9	56%	15	94%	14	88%	38	79%
15-Small	8	50%	11	69%	1	6%	20	42%
16-Small	11	69%	13	81%	16	100%	40	83%
17-Small	9	56%	11	69%	14	88%	34	71%
18-Small	13	81%	15	94%	12	75%	40	83%
19-Small	16	100%	16	100%	16	100%	48	100%
20-Small	15	94%	13	81%	16	100%	44	92%
21-Small	16	100%	15	94%	16	100%	47	98%
Overall Small Total	231	69%	272	81%	293	87%	796	79%

Table 11 (page continued)

Sample of Class II and III Nebraska School District Survey #-Size	Title I Selection of 'Changes Not Needed' Instants %		Title II Selection of 'Changes Not Needed' Instants %		Title III Selection of 'Changes Not Needed' Instants %		Total Selection of 'Changes Not Needed' Instants %	
22-Medium	1	9%	7	64%	10	91%	18	55%
23-Medium	9	82%	6	55%	10	91%	25	76%
24-Medium	7	64%	2	18%	6	55%	15	45%
25-Medium	3	27%	6	55%	11	100%	20	61%
26-Medium	2	18%	8	73%	11	100%	21	64%
27-Medium	2	18%	10	91%	11	100%	23	70%
28-Medium	0	0%	7	64%	11	100%	18	55%
29-Medium	11	100%	10	91%	11	100%	32	97%
30-Medium	9	82%	3	27%	11	100%	23	70%
31-Medium	9	82%	7	64%	10	91%	26	79%
32-Medium	11	100%	10	91%	11	100%	32	97%
33-Medium	11	100%	10	91%	11	100%	32	97%
Overall Medium Total	75	57%	86	65%	124	94%	285	72%
34-Large	12	75%	6	35%	6	35%	17	33%
35-Large	1	6%	15	88%	17	100%	48	94%
36-Large	0	0%	16	94%	17	100%	50	98%
37-Large	9	56%	8	47%	17	100%	33	65%
38-Large	6	38%	15	88%	17	100%	43	84%
39-Large	13	81%	12	71%	17	100%	33	65%
Overall Large Total	41	12%	72	71%	91	89%	224	73%

Title III. Nineteen school district reported that some changes were needed for 100% of the items in Title III. No school districts reported that changes were not needed in any item in Title III.

Table 11 shows that, for all medium school districts, 94% of the items in Title III were identified as needing changes. For all small school districts, 94% of the items in Title III were identified as needing changes.

CHAPTER V

Summary, Findings, and Recommendations

Introduction

On July 26, 1990, President Bush signed into law the "Americans with Disabilities Act" (ADA), Public Law 101-336 (42 U.S.C. §§ 12101-12213). The Americans with Disabilities Act (ADA) extends federal protection to all disabled persons who face barriers to their full participation in daily life by reason of disability. Little has been written about the impact of the ADA on public schools.

The ADA includes five titles: Title I "Employment," Title II "Public Services," Title III "Public Accommodations," Title IV "Telecommunication," and Title V "Miscellaneous Provisions." This study focused on the Title I, Title II, and Title III, which are the titles that affect school districts.

Summary

The primary purpose for this study was to identify the extent to which Nebraska Class II and Class III school districts have achieved compliance with Title I, Title II, and Title III of the Americans with Disabilities Act. The second purpose for conducting this study was to find whether there were any significant

differences in the extent of compliance with each of the three titles of the ADA among Class II and III school districts of different enrollment categories. The third purpose for this study was to determine the extent to which the ADA had actually had an actual impact on Nebraska Class II and Class III school districts.

Procedures

To complete the study, the following steps were followed:

1. A review of the literature was conducted to review the impact of the ADA on public school districts.
2. A survey instrument was mailed to forty randomly selected superintendents of Class II and III Nebraska school districts that were in operation during the 1992-93 school year. The sample for this research was forty Class II and III Nebraska school districts which was drawn from a population of 272 Class II and III Nebraska school districts (see Appendix 1). The superintendents were asked to assess the level of compliance for each item of the forty-four item survey instrument. Each individual answer was assigned a corresponding value (Changes Not Needed = 1, Changes Needed, but Not Discussed = 2, Changes Discussed, but Not Planned = 3, Changes Planned, but Not Begun = 4, Changes Begun, but

Not Completed = 5, and Changes Completed = 6). The survey was conducted during October and November 1993.

A total of 39 of the 40 (97.5 percent) survey instruments were returned. Of those, thirty-one survey instruments (77.5 percent) were returned after the initial mailing, and an additional eight survey instruments (20 percent) were returned after the follow-up mailing. Only one superintendent failed to complete the questionnaire.

Findings

Compliance with the ADA

Research Question 1. What is the status of compliance of Nebraska Class II and Class III school districts with Title I, "Employment," of the Americans with Disabilities Act (ADA), in the subsections of employing for wages that includes but is not limited to job application, hiring, advancement, discharge, compensation, job training, conditions and privileges of employment?

The literature suggested that many of the requirements of the ADA are based on the Civil Rights Act of 1964 and § 504 of the Rehabilitation Act of 1973. As recipients of federal funds, school districts should have been in compliance with many of the

requirements of the ADA for nearly 20 years.

Generally, Nebraska Class II and III school districts have discussed changes needed, have developed plans, but have not implemented those plans to come into compliance with Title I, “Employment,” of the of the ADA. There was a large variance in the level of compliance among school districts across the items in the employment section of the ADA.

Research Question 2. What is the status of compliance of Nebraska Class II and Class III school districts with Title II, “Public Services,” of the Americans with Disabilities Act (ADA), in the subsections of activities, services, and programs that are provided by public entities?

Generally, Nebraska Class II and III school districts have developed plans and have begun implementation of those plans to come into compliance with Title II, “Public Services,” of the ADA. There was a large variance in the level of compliance among school districts across the items in the public service section of the ADA, from a high of 4.333 for #2E ‘Provides signs to direct patrons’ to the lowest means for #2C ‘Administrative services’ at 1.513 and #2B ‘Transportation for employees’ at 1.410.

Research Question 3. What is the status of compliance of Nebraska Class II and Class III school districts with Title III, “Public Accommodations,” of the Americans with Disabilities Act (ADA), in the subsections of grounds and facilities that provide full access for the delivery of services?

Generally, Nebraska Class II and III school districts have developed plans and have completed implementation of those plans to come into compliance with Title III, “Public Accommodations,” of the ADA. There was a large variance in the level of compliance among school districts across the items in public accommodations section of the ADA, from 5.154 for #3M ‘To parking areas’ to 3.410 for #3Q ‘Programs outside’.

Overview of Research Question 1, 2, and 3. Generally, Nebraska Class II and III school districts are most in compliance with Title III “Public Accommodations,” followed by Title II “Public Services,” and least with Title I “Employment” of the ADA. Generally, the large size Nebraska Class II and III school districts were more consistent in their status of compliance with the ADA than either the small or medium size school districts. Within each separate enrollment categories, Nebraska Class II and III school

districts were consistent in their status of compliance with the ADA.

Significant Difference Between Small, Medium, and Large School Districts

Research Question 4. Is there a significant difference between Nebraska Class II and III school districts with small enrollments, school districts with medium enrollments, and school districts with large enrollments concerning the extent to which they have come into compliance with the three pertinent sections of the Americans with Disabilities Act (ADA)--Title I "Employment," Title II "Public Services," and Title III "Public Accommodations"?

The literature suggested that school district size does have an effect on compliance with legislative mandates. Larger school districts have additional people to plan and implement compliance requirements. Other authors suggest that school district size makes no difference in coming into compliance with legislative mandates.

To determine if there is any significant differences among different categories of school districts in the extent of compliance with Title I, with Title II, and with Title III three separate univariate analysis of variance (ANOVA) were conducted, one for

each Title. The ANOVA tests were conducted by enrollment and across Title I, across Title II, and across Title III. No significant differences were found in either the Title I ANOVA test or the Title II ANOVA test. A significant difference was found from an ANOVA test that was conducted for Title III of the ADA ($p=.048$). For this analysis, the level of significance was set at $p<.05$. Although significant by definition, the level of significance for Title III ($p=.48$) was very close to the threshold .05.

However, additional testing that used the Hotelings Multivariate test (MANOVA) for the three dependent variables (Title I, Title II and Title III of the ADA) resulted in no significant difference being found.

The ANOVA tests were conducted by enrollment and across Title I, across Title II, and across Title III. The Hotelings Multivariate test took into account the correlation between measures by evaluating enrollment and across Title I, across Title II, and across Title III and by evaluating the vector of means of the three dependent variables together. The ANOVA tested the dependent variables as though they are separate from each other. The MANOVA tested the enrollment categories and the dependent

variables together in one evaluation.

The results of the ANOVA tests and the Hotelings Multivariate test suggest that although probably not significant, there was a difference between the small school districts, the medium school districts or the large size school districts in regard to the status of compliance with the ADA.

Impact of the Legislation on School Districts

Research Question 5.

To what extent were the responses, other than the “Changes Not Needed” grouping, selected on the individual survey instruments?

The literature suggested the impact of legislation on school districts has not been determined. Yodof noted, “Many lawyers appear to view Supreme Court decisions or federal statutes as the end of the reform or change process and do not attend to their actual implementation in the schools” (p. 10). He stated that, “Research offers no guidance to educators who are charged with observing the legal rules . . . For them (lawyers) it is enough to describe legal obligations and leave it to those in the trenches to work things out for themselves” (p. 15).

The results of this study indicated that the introduction of the Americans with Disabilities Act had an actual impact on Nebraska Class II and Class III school districts. It is interesting that the ADA is viewed generally as new legislation that provides protection for the disabled. In reality school districts, as organizations that were recipients of federal financial assistance, have been obliged to provide protection for the disabled by § 504 of the Rehabilitation Act of 1973 for nearly 20 years.

The impact of legislation is evident in Title I, Title II, and Title III of the ADA. All school districts needed to and have made changes in meeting the requirements of the ADA.

Recommendations

Based on the preceding conclusions and findings, the following recommendations are set forth:

Practical Recommendation

School officials should realize that no school district studied is in complete compliance with the ADA. School district compliance ranges from meeting most of the mandates of the ADA to meeting very few of the mandates of the ADA. School officials must understand that non-compliance with the mandates of the ADA could

result in substantial dollar fines. School officials should evaluate where their school districts are in meeting the mandates of the ADA and develop a plan to meet the requirements.

By measuring the impact the ADA has had on Nebraska school districts, the results will enable legislators, interest groups and policy makers to determine if this legislation has been the driving force for public policy.

Research Recommendation

In terms of level of compliance with the ADA, a nationwide study should be conducted to determine if the findings of this study, which dealt only with Nebraska school districts, would be consistent throughout the nation.

PLEASE GO ON TO THE NEXT PAGE.

<p>Employment-----continued</p> <p>1. To what extent has the Americans with Disabilities Act (ADA) changed the way members of the school district:</p> <p>O) Handles employee medical records.</p> <p>P) Deals with employees with infections and/or communicable disease.</p> <p><u>Public Services</u>--The activities, services, and programs that provided by public entities.</p> <p>PUBLIC SERVICES</p> <p>2) To what extent has the Americans with Disabilities Act (ADA) changed the way members of the school district:</p> <p>A) Transports students.</p> <p>B) Delivers transportation for employees.</p> <p>C) Furnishes administrative services.</p> <p>D) Provides auxiliary aids for public meetings or sporting events.</p> <p>E) Provides signs to direct patrons to information or accessible facilities.</p> <p>F) Gives student activities.</p> <p>G) Furnishes educational services.</p> <p>H) Provides seating in assembly areas.</p> <p>I) Purchases or leases new buses.</p> <p>J) Establishes transportation policies.</p> <p>K) Communicates with district patrons.</p>	<p>(Please circle the number that most accurately reflects your response to the statement.)</p> <p>1. Changes Not Needed 2. Changes Needed, but Not Discussed 3. Changes Discussed, but Not Planned 4. Changes Planned and, but Not Begun 5. Changes Begun, but Not Completed 6. Changes Completed</p> <table border="0"> <tr> <td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td> </tr> <tr> <td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td> </tr> <tr> <td colspan="6"> </td> </tr> <tr> <td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td> </tr> <tr> <td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td> </tr> <tr> <td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td> </tr> <tr> <td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td> </tr> <tr> <td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td> </tr> <tr> <td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td> </tr> <tr> <td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td> </tr> <tr> <td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td> </tr> <tr> <td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td> </tr> <tr> <td colspan="6">PLEASE GO ON TO THE NEXT PAGE.</td> </tr> </table>	1	2	3	4	5	6	1	2	3	4	5	6							1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	PLEASE GO ON TO THE NEXT PAGE.					
1	2	3	4	5	6																																																																										
1	2	3	4	5	6																																																																										
1	2	3	4	5	6																																																																										
1	2	3	4	5	6																																																																										
1	2	3	4	5	6																																																																										
1	2	3	4	5	6																																																																										
1	2	3	4	5	6																																																																										
1	2	3	4	5	6																																																																										
1	2	3	4	5	6																																																																										
1	2	3	4	5	6																																																																										
1	2	3	4	5	6																																																																										
PLEASE GO ON TO THE NEXT PAGE.																																																																															

Public Accommodations-Grounds and facilities which provide full access for the delivery of services.

PUBLIC ACCOMMODATIONS

3) To what extent has the Americans with Disabilities Act (ADA) caused members of the school district to make physical changes:

A) To accommodate employees with disabilities.

B) To accommodate the members of the public with disabilities.

C) To accommodate students with disabilities.

D) To any building in the school district.

E) To the grounds or athletic fields.

F) To remove barriers.

G) To rest rooms.

H) To building entrances.

I) To parking areas.

J) To door signs in the buildings.

K) To water fountains.

L) To alarm systems.

M) To parking spaces.

N) To access routes leading to the building.

O) To playground access.

P) To programs conducted within the building.

Q) To programs conducted outside the building (but on the school grounds).

(Please circle the number that most accurately reflects your response to the statement.)

1. Changes Not Needed
2. Changes Needed, but Not Discussed
3. Changes Discussed, but Not Planned
4. Changes Planned, but Not Begun
5. Changes Begun, but Not Completed
6. Changes Completed

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

1 2 3 4 5 6

PLEASE GO ON TO THE NEXT PAGE.

4) If you would like a summary of the results of this research enter your name and address in the space below.

THIS IS THE LAST PAGE, THANK YOU FOR YOUR HELP

Appendix B

First Cover Letter

October 11, 1993

Dear Colleague,

This study about "The American with Disabilities Act" will complete the research for my Doctoral Dissertation in Educational Administration at the University of Nebraska-Lincoln.

As you know The American with Disabilities Act of 1990 (ADA) is designed to extend federal protection to disabled persons who presently face barriers to their full participation in daily life by reason of disability. Little is known about the immediate impact of this type of legislation on school systems.

This study is designed to determine the impact of the ADA on Nebraska school districts. Your help is vital to the success of this project. Please take about 10 minutes to complete the attached survey and return it by October 18, 1993.

In the right corner of your survey instrument is a number that will be used to organize the results. The responses will be compiled and statistically analyzed. The final report will include only the combined results. No individual responses will be reported and only the researcher will have access to the survey instrument used in this project.

If you would like a summary of the findings of this report place your name and address in the space provided on the survey form. Thanks for your help.

Sincerely,

Joe Reinert
Superintendent of Schools
Exeter Public Schools
Box 139
Exeter, NE 68351

Appendix C

Second Cover Letter

October 25, 1993

Dear Colleague,

I need your help to complete this study about "The American with Disabilities Act." This study is designed to determine the impact of the ADA on Class II and III Nebraska school districts. Your help is vital to the success of this project. Please take a few minutes to complete the attached survey and return it by November 1.

In the right corner of your survey instrument is a number that will be used to organize the results. The responses will be compiled and statistically analyzed. The final report will include only the combined results. No individual responses will be reported and only the researcher will have access to the survey instrument used in this project.

If you would like a summary of the findings of this report place your name and address in the space provided on the survey form.

Thanks for your help.

Sincerely,

Joe Reinert
Superintendent of Schools
Exeter Public Schools
Box 139
Exeter, NE 68351



Institutional Review Board
For the Protection of
Human Subjects

University
of Nebraska

University of Nebraska Medical Center
Eppley Science Hall 3018
600 South 42nd Street
Omaha, NE 68198-6810
402/559-6463
Fax 402/559-7845

August 30, 1993

Joseph Reinert
Educational Administration
211 East Cheyenne
Exeter, NE 68351

IRB # 038-94-EX

TITLE OF PROTOCOL: Coming Into Compliance with the Americans with Disabilities Act in the Areas of Employment, Public Services, and Public Accommodations for Nebraska Public School Districts

Dear Mr. Reinert:

The IRB has reviewed your Exemption Information Form for the above-titled research project. According to the information provided this project is exempt under 45 CFR 46:101B. You are therefore authorized to begin the research.

It is understood this project will be conducted in full accordance with all applicable sections of the IRB Guidelines. It is also understood that the IRB will be immediately notified of any proposed changes that may affect the exempt status of your research project.

Sincerely,

A handwritten signature in cursive script, reading "E Prentice/abk".

Ernest D. Prentice, Ph.D.
Vice Chairman, IRB

EDP/abk

Reference

- Allred, Stephen. (1991). The Americans with Disabilities Act: Some questions and answers, School Law Review, Winter, 6-9.
- Arrowsmith (1992). ADA deadlines approach. An overview of the Disabilities Act's requirements. Business Officer, 26(1), 26-28.
- Babbie, Earl R. (1979). The practice of social research. Belmont, CA: Wadsworth Publish Company, Inc.
- Backstrom, Charles & Hursh-Cesar, Gerald. (1982). Survey research (2nd ed.). New York: John Wiley & Sons Inc.
- Barlow, Wayne E. & Hane, Edward Z. (1992). Practical guide to the Americans With Disabilities Act. Personnel Journal, 71, 54-79.
- Barr, Dorothea. (1992). The Americans With Disabilities Act: What every accountant should know. Nation's Business, 37, 10-13.
- Baker, Kelly. (1992, March 26, 27). The uncharted area of disabilities under the ADA. A paper presented at the Nebraska Rural Community Schools Association 1992 Spring Conference, Kearney, NE.
- Beezer, Bruce. (1991). Employment discrimination against handicapped school employees: 504. West Education Law Reporter, 65(3), 693-712.
- Berdini, Leadra. & McCann, Carrie A. (1992, April). Tearing down the shameful wall of exclusion, Park and Recreation, pp. 40-44.
- Berens-Tate Consulting Group, Inc. (1992). The Americans with Disabilities Act: Self-evaluation form for public entities. Omaha: Berens-Tate Consulting Group.

- Best, John W. & Kahn, James V. (1986). Research in education, Englewood Cliffs, NJ: Prentice-Hall.
- Beziat, Chip. (1990). "Educating America's last minority: Adult education's role in The Americans With Disabilities Act." Adult Learning, 2, 21-23.
- Chapman, S. (1989, September 24). Waving a magic wand at the needs of the handicapped. Chicago Tribune, §4, p. 3.
- Chelimsky, E. (1978, Vol. 11). Differing perspectives of evaluation. In C. C. Rentz and R. R. Rentz (Eds.), Evaluating Federally Sponsored Programs: New Directions for Program Evaluation 2 (pp. 19-38). New York: Seminar Press.
- Couch, Robin L. (1992). Beyond ramps and restrooms: What's due the disabled (Americans With Disabilities Act). Financial Executive, 8, 5-6.
- Crow, Stephen M. (1992). Anti-drug programs under the ADA: Business as usual or harassment of a protected class? (Americans With Disabilities Act). Labor Law Journal, 43, 117-24.
- Cunconan-Lahr, Robin. (1991, April 1-5). The Americans with Disabilities Act: Educational implications and policy considerations. A paper presented at the Annual Conference of Council for Exceptional Children, Atlanta, GA.
- Farrell, Darlene Joyce. (1988). An investigation of the impact of the education reform movement and the revised state standards for approval and accreditation on program offerings and program enrollments in selected Nebraska high schools. (Doctoral dissertation, University of Nebraska, Lincoln, 1987).
- Fowler, Floyd J. (1988). Survey research methods. Newbery Park, CA: Sage Publications.

- Friersen, James G. (1992). Employer's guide to the Americans With Disabilities Act. Washington D.C.: The Bureau of National Affairs, Inc.
- Friersen, James G. (1992). An employer's dilemma: The ADA's provisions on reasonable accommodation and confidentiality (may appear discriminatory to other employees; Americans with Disabilities Act), Labor Law Journal, 43, 308-12.
- Gerber, Beverly. (1990). The disabled: Ready, willing and able. Training, 27, 29-36.
- Gibbens, Michael P. (1992, Summer). The long reach of the ADA. Real Estate Review, pp. 60-65.
- Goldsamt, Milton R. (1983). The evaluation of the impact of the part 'A' entitlement program funded under Title IV of the Indians Education Act. A study design and methods. Arlington VA: Development Associates Inc.
- Grahm, Michael W. & Ruhl, Max. (1991, February). Superintendents respond to school choice. Paper presented at the Annual Meeting of the American Association of College Teachers of Education, Atlanta, GA.
- Gravetter, Frederick J., and Wallnau Larry B. (1988). Statistics for the behavioral sciences (2nd ed.). St. Paul, MN: West Publishing Company P. 309.
- Gunde, Michael G. (1991, September). What every librarian should know about the Americans with Disabilities Act. American Libraries, 806-809.
- Gunde, Michael G. (1992). Working with the Americans with Disabilities Act. Library Journal, 117, 41-42.

- Hadley, Marilyn and Johnson, Eugene. (1980). An impact study of PL 94-142 spending in South Dakota. Vermilion: South Dakota University, Educational Research and Service Center. (ERIC Document Reproduction Service No. ED 256 138).
- Harty, Sara J. (1992). Anticipating the impact of ADA requirement: Advice on minimizing risk that employment practices will run afoul of the law (Americans With Disabilities Act). Business Insurance, 26, 3, 6-7.
- Horvath, A.Z. (1989, September 9). Disabled-rights bill praised and eared. Newsday, p. 2.
- Horwitz, Harry A. (1991, Fall). New guidelines for medical examination. H.R. Focus, p. 3.
- Houston, Tom R. (1972). The behavioral science impact-effectiveness model. In Rossi, Peter (Ed.), Evaluating social programs (pp. 5-1-59. New York: Seminar Press.
- Kalton, Graham. (1983). Compensating for missing survey data (ISR Code No. 9016). Ann Arbor : The University of Michigan.
- Koenecke, William H., Clark, Elmer J. (1986). A study of Public Law 94-142 as viewed by school superintendents in Illinois. (ERIC Document Reproduction Service No. ED 268 697).
- Kohl, John P. & Greenlaw, Paul S. (1990). The Americans With Disabilities Act of 1990: Opportunities or problems for small business managers? Journal of Small Business Management, 30, 11-14.
- Levin, Michael I. (1991, July). Inquiry & analysis, Americans with Disabilities Act: How school districts should "accommodate" the new civil rights statute protecting the disabled. Lincoln, NE: NSBA Council of School Attorneys.

- Marczely, Bernadette. (1993). The Americans With Disabilities Act confronting the shortcomings of Section 504 in public education. Education Law Reporter, 78(2), 199-207.
- McKee, Bradford. (1992). Disability rules target job bias (Americans with Disabilities Act). Nation's Business, 80, 29-33.
- Meers, Gary D. (1992). Getting ready for the next century: Vocational preparation of students with disabilities. Teaching Exceptional Children, 24 (4), 36-39.
- Megivern, Kathleen. (1992, Winter Quarter). ADA calls on business to adhere to the same rules as schools. The Nebraska School Leader, pp. 8-9.
- Miles Albert S., Russo, Charles J., & Gorden, & William M. (1991). The reasonable accommodation provisions of the Americans with Disabilities Act. West's Education Law Reporter, 69, 1-8.
- Moser, Claus Adolf and Kalton, Graham. (1971). Survey methods in social investigation (2nd ed.). New York: New York Basic Book.
- Natale, Joe. (1991). Library building issues. Illinois Libraries, 73(7), 588-651.
- Koenecke, William H., Clark, Elmer J. (1986). A study of Public Law 94-142 as viewed by school superintendents in Illinois. (ERIC Document Reproduction Service No. ED 268 697).
- Noel, Rita Thomas. (1990). Employing the disabled: A how and why approach. Training and Development Journal, 44, 26-28.
- Nwanne, Andrew I. (1987). The perceptions of public school principals in the state of Texas toward selected United States supreme court decisions concerning desegregation issues. (ERIC Document Reproduction Service No. ED 301 921).

- O'Connell, Richard T., (Ed.). (1989). Educational research: An introduction (5th ed.). White Plains, NY: Longman Inc.
- O'Reilly, Robert C. and Squires, S. K. (1985). Special Education in-service for metro area school administrators. Lincoln NE: Nebraska University, Omaha, College of Education, and Nebraska State Department of Education.
- Pierce, Patricia A. (1991). ADA self-evaluation. The Journal of Intergroup Relations, 17(4), 56-62.
- Reynolds, Larry. (1991). Vague ADA rules could trigger lawsuit landslide (Americans with Disabilities Act). HR Focus, 69, 1,8.
- Richardson, Gerald M. (1992, July). Applicants and employees with mental disabilities. HR Focus, pp. 8-11.
- Rossi, Peter H. and Freeman, Howard E. (1993). Evaluation a systematic approach (5th ed.). Newberry Park, CA: Sage Publications.
- Rothwell, William J. (1991). HRD and the Americans With Disabilities Act. Training and Development, 45(8), 45.
- Silver, Sandra. (1987, March 17-21). Compliance with Public Law 94-142 mandates: Policy implications. Paper presented at the Annual Meeting of the National Rural Special Education Conference. Asheville, NC. Atlanta, GA.
- Smith, Bob. (1992). Outlook "92: Critical issues for the new year. HR Focus, 69, 4,5.
- Smith, Theresa Catherine. (1983). Public Law 94-142 and the private special education school (Doctoral dissertation, University of Nevada, 1982). ERIC No. ED 227 644.

Thornburgh, Richard. (1991). The Americans With Disabilities Act and the future for children. Exceptional Parent, 21, W8, W10, W12.

Thornburgh, Richard. (1990, Vol. 17). "The Americans With Disabilities Act: What it means to all Americans." Journal of Intergroup Relations, 17, 35-41.

Wenkart, Ronald D. (1991). Providing a free appropriate public education under 504. West's Education Law Report, 65, 1021-29.

Wenkart, Ronald D. (1990). The reasonable accommodation requirements of § 504 of the Rehabilitation Act. West's Education Law Report, 63, 11-21.

Yodof, M. G. (1979). "Law and education research: Past and future," New York University Education Quarterly, 11, 10-15.

Legislation

56 Federal Register 144, July 20,1991.

56 Federal Register 8579, February 28,1991.

Department of Justice Regulation on the Americans with Disabilities Act, 56 Fed. Reg. 35 (1991)(to be codified at 28 C.F.R. § 36).

H.R. Rep. No. 101-485 (I), 101st Cong., Sess. May 14, 1990.

Nebraska Revised Statutes, § 79-102.

§ 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.

The Americans with Disabilities Act of 1991, 42 U.S.C. § 12101 et. seq.