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## Burning Out: the Effect of Burnout on Special Education

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# BURNING OUT: THE EFFECT OF BURNOUT ON SPECIAL EDUCATION

The challenge . . . for both parents and professionals will be to find ways to carry out the legislative mandates for collaborative efforts to help children. Legislation alone cannot achieve this process. It is a human, psychological and educational process that must begin with people learning about one another. We must learn to appreciate the perspectives of others, learn to share with one another and learn how to learn from one another.<sup>1</sup>

## I. INTRODUCTION

As early as 1898, Alexander Graham Bell said before the National Education Association that children with disabilities have a right to education in public schools.<sup>2</sup> However, it was not until 1975, when Congress passed the predecessor to the Individuals with Disabilities Education Act (IDEA), that this right was actually mandated.<sup>3</sup> Until this point, special education in public schools was shaky, at best. In 1975 Congress found that one million children with disabilities were being completely excluded from public education in the United States.<sup>4</sup>

The IDEA now mandates that all children with disabilities are entitled to a free appropriate public education (FAPE) under the law and that any state receiving federal funding must provide FAPE or face losing that funding.<sup>5</sup> Unfortunately, though all states agree to provide FAPE, many children with

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<sup>1</sup> JANE B. SCHULZ, PARENTS AND PROFESSIONALS IN SPECIAL EDUCATION 137–38 (1987) (citing a study by Klein and Schleifer. Though this quote specifically refers to the challenge of parents and professionals in the 1980s, it seems to be equally relevant now).

<sup>2</sup> JAMES J. CREMINS, LEGAL AND POLITICAL ISSUES IN SPECIAL EDUCATION 5–6 (1983).

<sup>3</sup> *Id.* at 5–6, 14.

<sup>4</sup> Education for All Handicapped Children Act, Pub. L. No. 94-142, § 3(b)(4), Stat., 1975.

<sup>5</sup> Individuals with Disabilities Education Act, 20 U.S.C. § 1400, 1412(a)(1)(A) (2004).

disabilities slip through the cracks and are inadvertently denied FAPE.<sup>6</sup>

One factor that contributes to this denial is a pervasive phenomenon called “burnout” in special education teachers.<sup>7</sup> Burnout occurs when special education teachers experience “emotional exhaustion, depersonalization, and lack of personal accomplishment” as a result of long-term stress.<sup>8</sup> This exhaustion causes a chain reaction—it leads to lower quality in Individualized Education Programs (IEPs), which in turn can prevent a student from attaining his or her IEP goals.<sup>9</sup> Students who cannot attain their IEP goals are denied FAPE.

Although there is no “one size fits all” solution to burnout, help in the form of support groups that involve parents and other school personnel has been shown to offset burnout.<sup>10</sup> If schools and parents can come together to better support special education teachers, then students with disabilities in public school systems will have better access to FAPE.

This Comment argues that preventing burnout is necessary for providing FAPE to children with disabilities in compliance with the IDEA and explains how to do so. It will discuss the history of discrimination against individuals with disabilities to demonstrate why the IDEA is important, and how the requirements of the IDEA make it possible for children with disabilities to access their right to a FAPE. This Comment will focus on how burnout in special educators makes it difficult for students with disabilities to access FAPE, thus violating their rights under the IDEA.

## II. HISTORY OF DISCRIMINATION AGAINST CHILDREN WITH DISABILITIES

When the IDEA was passed in 1975, less than half of

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<sup>6</sup> Jennifer R. Rowe, *High School Exit Exams Meet IDEA—An Examination of the History, Legal Ramifications, and Implications for Local School Administration and Teachers*, 2004 BYU EDUC. & L.J. 75, 119 (2004) (“In no state does the passage rate [on high school exit exams] for disabled students equal that of all students. This makes disabled students ineligible for a high school diploma at a greater rate than most students.”).

<sup>7</sup> Nelson C. Brunsting, Melissa A. Sreckovic & Kathleen Lynne Lane, *Special Education Teacher Burnout: A Synthesis of Research from 1979 to 2013*, 37 EDUC. & TREATMENT OF CHILD. 681, 697 (2014).

<sup>8</sup> *Id.* at 681.

<sup>9</sup> *Id.* at 697.

<sup>10</sup> *Id.* at 696.

America's students with disabilities at the time were receiving an appropriate education.<sup>11</sup> One million were excluded altogether.<sup>12</sup> Though this number is shocking, the treatment of individuals with disabilities was much worse. For much of history, individuals with disabilities were considered useless, non-productive members of society.<sup>13</sup> Briefly reflecting on past discriminations demonstrates the need to ensure that children with disabilities in society today are not denied FAPE, which can occur when special education teachers suffer from burnout.<sup>14</sup>

### A. Pre-Twentieth Century

Through the 1700s and the 1800s, there was an easy solution for dealing with individuals with disabilities—asylums and prisons.<sup>15</sup> Most members of the public believed scholars who claimed that individuals with disabilities were preordained criminals who had an innate tendency to break the law.<sup>16</sup> Judges, wardens, and law enforcement personnel were particularly interested in such theories.<sup>17</sup> They listened closely to behavioral scientists who recommended lifetime sentences for individuals with disabilities who had committed crimes<sup>18</sup> and some judges even proposed segregating those individuals with disabilities who were law-abiding, just in case.<sup>19</sup> One scholar claimed that “‘every feebleminded child is a potential criminal,’ and that ‘the majority of criminals are mentally defective.’”<sup>20</sup> Referring to “‘moral imbeciles,’” other scholars wrote that a feebleminded child was the “‘despair of his parents, the *bête noir* of the institution, the perplexing puzzle of the jurist,’ and ‘the ill-fated product of inherited nervous instability and ancestral criminal instincts.’”<sup>21</sup>

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<sup>11</sup> Education for All Handicapped Children Act, Pub. L. No. 94-142, § 3(b)(3), Stat., 1975.

<sup>12</sup> *Id.* at § 3(b)(4).

<sup>13</sup> CREMINS, *supra* note 2, at 5.

<sup>14</sup> See *infra* Section IV.

<sup>15</sup> GERARD GIORDANO, AMERICAN SPECIAL EDUCATION 49 (2007).

<sup>16</sup> *Id.* at 55–56.

<sup>17</sup> *Id.* at 55.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 56 (quoting J.E.W. Wallin, *Feeblemindedness and Delinquency*, 1 MENTAL HYGIENE, 585–90, 1917, at 585).

<sup>21</sup> *Id.* at 56–57 (quoting G.E. SHUTTLEWORTH & W.A. POTTS, MENTALLY

Daniel Tuke, a scholar and observer of British asylums in the 1800s,<sup>22</sup> disagreed with these sentiments, and was horrified by the treatment of individuals with disabilities through the ages.<sup>23</sup> In his efforts to demonstrate the brutal way in which they were treated, Tuke quotes a poem written by an asylum visitor from the 1700s who had “cast his chilling observations into verse”:<sup>24</sup>

For other views than these within appear,  
And Woe and Horror dwell for ever here;  
For ever from the echoing roofs rebounds  
A dreadful Din of heterogeneous sounds:  
From this, from that, from every quarter rise  
Loud shouts, and sullen groans, and doleful cries;  
With the chambers which this Dome contains,  
In all her “frantic” forms, Distraction reigns:  
Rattling his chains, the wretch all raving lies,  
And roars and foams, and Earth and Heaven defies.<sup>25</sup>

Institutionalized individuals with disabilities were mostly secluded and ignored.<sup>26</sup> But fortunately, in the late 1800s in the United States, Americans began to look for alternatives to the brutal conditions of asylums.<sup>27</sup>

### *B. Twentieth Century and Forward*

For children with disabilities, public schools became more and more attractive.<sup>28</sup> They were plentiful, affordable, and accessible within the community.<sup>29</sup> Schools were cheap to build and had a higher holding capacity than asylums, and they already had staff members trained to work with children who had physical and emotional problems.<sup>30</sup> Parents were especially enticed by them because most of them did not want their

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DEFECTIVE CHILDREN, THEIR TREATMENT AND TRAINING 241 (1922)).

<sup>22</sup> *Id.* at 49, 161.

<sup>23</sup> *Id.* at 69.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* (quoting Anonymous, 1776).

<sup>26</sup> CREMINS, *supra* note 2, at 5.

<sup>27</sup> GIORDANO, *supra* note 15, at 71.

<sup>28</sup> *Id.* at 81.

<sup>29</sup> *Id.* at 57.

<sup>30</sup> *Id.* at 81.

children separated from them, locked away in some distant asylum or hospital.<sup>31</sup> They found public school programs to be much preferable to any other option.<sup>32</sup> Because of all these benefits, “American public schools became the sites for experimental initiatives to help disabled children,”<sup>33</sup> and at the end of the nineteenth century, many schools began offering special education services to disabled children.<sup>34</sup>

Scholars and schools began to turn their attention to selection, training, and recruitment of special education teachers.<sup>35</sup> Though teachers already knew how to work with children, scholars debated about what kinds of special skills special education teachers needed.<sup>36</sup> Because skilled, qualified special educators were difficult to find, some schools began to hire unskilled teachers as special educators.<sup>37</sup> By 1915 special education had been expanding quite rapidly, but there was a severe shortage in special educators.<sup>38</sup> Many schools had now implemented special education programs, but many schools had not. Parents were dissatisfied with both schools that did not offer special education and schools that had hired untrained special education teachers.<sup>39</sup> These parents continued to press for better special education in schools.<sup>40</sup>

With the onset of World War I, vocational education as a part of special education received particular emphasis because it was perceived as being efficient and as a contribution to the war effort.<sup>41</sup> The government began to pay more attention to rehabilitating the disabled because of the number of disabled veterans returning from the war.<sup>42</sup> These veterans returned from the war with physical and emotional disabilities, and people quickly drew the connection between rehabilitating soldiers and special education.<sup>43</sup> Soldiers were referred to

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<sup>31</sup> *Id.* at 57–58.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 72.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 82–90.

<sup>36</sup> *Id.* at 82–85.

<sup>37</sup> *Id.* at 87.

<sup>38</sup> *Id.* at 93.

<sup>39</sup> *Id.* at 90–91.

<sup>40</sup> *Id.* at 90.

<sup>41</sup> *Id.* at 143, 182.

<sup>42</sup> CREMINS, *supra* note 2, at 6.

<sup>43</sup> GIORDANO, *supra* note 15, at 182.

vocational rehabilitation, and this “predisposed the public toward special education.”<sup>44</sup> The situation was similar in World War II. “As wounded men returned to their communities, disabilities became more visible, the problems of families were recognizable, and rehabilitation became a national responsibility. Acceptance and education of [children with disabilities] began to follow.”<sup>45</sup> Teachers slowly started to receive special training that allowed them to teach students with disabilities,<sup>46</sup> and fortunately, by the 1950s, 122 universities around the country offered classes that prepared teachers to instruct students with disabilities.<sup>47</sup>

During much of this time, many state laws were enacted in the United States that affected individuals with disabilities, but the laws varied drastically from state to state, some progressive and some stubbornly set in their ways.<sup>48</sup> Regarding special education particularly, only seven states passed laws, and though some of these were also very progressive, they failed to bring about any drastic changes in the lives of children with disabilities because most of these laws did not penalize districts for not immediately complying.<sup>49</sup> This meant that implementation was a slow process.<sup>50</sup> Students with disabilities were sometimes barred from school when their presences “impair[ed] [the school’s] efficiency or interfer[ed] with the rights of the other pupils.”<sup>51</sup> In cases like these, judges tended to rule in favor of the district.<sup>52</sup>

Though special education saw progress in the United States over the next few decades, no unified political agenda seemed to be surfacing.<sup>53</sup> Fortunately, this did not mean no one was making any effort. When President John F. Kennedy came into office, he appointed a panel on mental disability, and a year later, this panel reported that mental disability was a matter of

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<sup>44</sup> *Id.*

<sup>45</sup> SCHULZ, *supra* note 1, at 90.

<sup>46</sup> CREMINS, *supra* note 2, at 6–7.

<sup>47</sup> *Id.* at 7.

<sup>48</sup> GIORDANO, *supra* note 15, at 188–93.

<sup>49</sup> Among other reasons irrelevant to this discussion. *Id.* at 193–95.

<sup>50</sup> *Id.* at 194.

<sup>51</sup> *Id.* at 196 (quoting NEWTON EDWARDS, *THE COURTS AND THE PUBLIC SCHOOLS* 506 (1933)).

<sup>52</sup> *Id.*

<sup>53</sup> GIORDANO, *supra* note 15, at 199–200.

national concern.<sup>54</sup> During his administration, interest in helping individuals with disabilities grew, and President Kennedy called for a “bold new approach” in caring for them.<sup>55</sup> Parents also made enormous efforts, as they had been doing for some time now. “The 1950s were the years of parent organizations, public awareness, demonstration programs, and legislative action . . . . The development of [the National Association for Retarded Children] helped parents to find each other . . . .”<sup>56</sup>

Political turmoil was rampant through the 1960s and 1970s, and special education was no exception to the climate. Scholars estimated that in 1967 only four hundred thousand children with disabilities had attended public school,<sup>57</sup> and through the 1960s and 1970s, critics claimed that many of the children who were in special education had been misdiagnosed.<sup>58</sup>

Though many political factors led to the enactment of the Education for All Handicapped Children Act (the precursor to the Individuals with Disabilities Education Act), the extensive and intense efforts of parents and other advocates had a huge effect on the course of special education.<sup>59</sup> These parents were fed up—their demands had been ignored long enough.<sup>60</sup> The treatment that their children had been receiving was unacceptable:

The parents of children with disabilities did not confine their protestations to educational issues. They were angry about mandatory institutionalization and coerced sexual sterilization. They fumed over inadequate healthcare, occupational training, and social services. They objected to the ways in which governmental policies, procedures, and programs had compromised the lives of all disabled persons. Through their sustained advocacy, they changed the attitudes of professionals in healthcare, social services, and education. They eventually changed the attitudes of government

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<sup>54</sup> CREMINS, *supra* note 2, at 8.

<sup>55</sup> SCHULZ, *supra* note 1, at 93 (quoting NAT'L ASS'N OF RETARDED CITIZENS, THE RIGHT TO EDUCATION 6 (1977)).

<sup>56</sup> CREMINS, *supra* note 2, at 7.

<sup>57</sup> GIORDANO, *supra* note 15, at 200.

<sup>58</sup> *Id.* at 202.

<sup>59</sup> *Id.* at 205.

<sup>60</sup> *Id.* at 207.

leaders.<sup>61</sup>

At last, in 1975, Congress passed the Education for All Handicapped Children Act, and it was implemented in 1977.<sup>62</sup> Under the Education for All Handicapped Children Act, each state was required to offer comprehensive services to students with disabilities,<sup>63</sup> and though it also provided funding, it further

defin[ed] the educational rights of persons with disabilities and the services to which they were entitled. It would assure that all public school districts were providing free and appropriate special education. It would guarantee that state and local educators were respecting due process, developing individualized education programs, and employing uniform procedures, . . . [and] specify the acceptable ways to identify, evaluate, and instruct children with disabilities.<sup>64</sup>

It affected every state differently because each state had implemented different special education laws, but it was implemented with surprising speed.<sup>65</sup>

It would later be known as the Individuals with Disabilities Education Act, or the IDEA, and its effects have gone on to permeate special education through the decades until today.

### III. REQUIREMENTS OF THE IDEA

Today, students with disabilities have many more rights than they ever have before. Several important pieces of legislation have come forth as a result of the nation recognizing equal rights for people with disabilities. Three of these have stood out above the rest: the Rehabilitation Act (passed in 1973),<sup>66</sup> the Individuals with Disabilities Education Act (most recently reauthorized in 2004),<sup>67</sup> and the Americans with Disabilities Act (passed in 1990).<sup>68</sup> Though the Rehabilitation

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<sup>61</sup> *Id.*

<sup>62</sup> *Id.* at 208.

<sup>63</sup> *Id.* at 204.

<sup>64</sup> *Id.* at 203.

<sup>65</sup> *Id.*

<sup>66</sup> 29 U.S.C. § 794 (1973) (prohibiting discrimination against individuals with disabilities in any program or activity that receives federal assistance). *See also* ROY L. BROOKS, GILBERT PAUL CARRASCO & MICHAEL SELMI, *THE LAW OF DISCRIMINATION: CASES AND PERSPECTIVES* 1186 (2011).

<sup>67</sup> 20 U.S.C. §§ 1400–1487 (2004); BROOKS, CARRASCO, & SELMI, *supra* note 66.

Act and the Americans with Disabilities Act both play a part in special education today, the IDEA is truly at its heart.

The IDEA is unlike the Rehabilitation Act and the Americans with Disabilities Act because it does not simply prohibit discrimination on the basis of disability.<sup>69</sup> Rather, it prevents discrimination by “impos[ing] obligations on the states and requir[ing] them to comply with IDEA procedures as a condition of receiving federal funds.”<sup>70</sup> In particular, this requires that states have a policy that guarantees FAPE for children with disabilities.<sup>71</sup> The IDEA mandates that part of guaranteeing FAPE includes the evaluation of students suspected to have a disability,<sup>72</sup> and the creation of an IEP.<sup>73</sup> IEPs are created for students with disabilities who need a specially tailored plan to help them access their education.<sup>74</sup> The idea is that IEPs set up a plan for the students and the teachers, giving students the tools they need to receive FAPE. When this plan is not followed (i.e., when the students’ goals are not met and the students are not given the tools they need), the students do not receive FAPE, and have been denied their rights under the IDEA. Burnout in special educators is a barrier to fully implementing IEPs, which prevents students with disabilities from accessing their rightful education.

### A. *Evaluation*

Without exception, every eligible child is entitled to a FAPE.<sup>75</sup> Regardless of the severity, or even the danger, of the

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<sup>68</sup> 42 U.S.C. §§ 12101 *et seq.* (providing more federal protection for individuals with disabilities by extending them beyond just federally funded programs). See in particular the findings and purpose listed in §12101, as well as BROOKS, CARRASCO, & SELMI, *supra* note 66, at 1187.

<sup>69</sup> CENTER FOR EDUCATION AND EMPLOYMENT LAW, STUDENTS WITH DISABILITIES AND SPECIAL EDUCATION LAW 1 (31st ed. 2014).

<sup>70</sup> *Id.*

<sup>71</sup> 20 U.S.C. § 1412(A)(1)(A). Though states are the ones at risk of losing federal funding, schools are the institutions with the burden of implementing these state policies.

<sup>72</sup> Individuals with Disabilities Education Act 20 U.S.C. § 1414(a)–(c) (2005).

<sup>73</sup> § 1414(d).

<sup>74</sup> Not every student with a disability has an IEP—only students with disabilities in need of special education to access FAPE get an IEP. Individuals with Disabilities Education Act 20 U.S.C. § 1401(3) (2005). Students with disabilities who do not need special education to access FAPE may still need certain accommodations, which are assured under Section 504 of the Rehabilitation Act. Section 504, however, goes beyond the scope of this paper and will not be discussed in detail here.

<sup>75</sup> ALLAN G. OSBORNE, JR. & CHARLES J. RUSSO, SPECIAL EDUCATION AND THE

disability, disabled children are eligible for special education services as long as their disabilities adversely affect their educational performances.<sup>76</sup> But before schools can offer special education services to students with disabilities, they have to figure out which students have disabilities. This presents a challenge because disabilities are not always obviously manifested. Though many students have physical, outwardly visible disabilities, many students also have mental and emotional disabilities, which can be extremely difficult to identify. Thus, the IDEA mandates the “child find” obligation, which requires states and school districts to “identify, locate, and evaluate children with disabilities residing within their boundaries.”<sup>77</sup> The obligation is triggered when a school “has knowledge” of a child’s disability,<sup>78</sup> and a school is required to conduct “full and individual evaluations” before providing special education to a student with a disability.<sup>79</sup> Once a child has been found eligible for special education and related services, the IDEA requires that he or she be reevaluated every three years.<sup>80</sup> As long as the child’s disability adversely affects his or her education, the student remains eligible for special education.<sup>81</sup>

### B. IEPs

Once a child has been determined eligible for special education services, schools are required to develop an IEP for that child. It includes a written statement of the student’s present levels of educational performance, how the disability affects the child’s involvement and progress in the general curriculum, annual goals, a description of how the child is progressing toward those goals, and a statement of the special education and related services that will be provided to the student.<sup>82</sup> An IEP team puts together an IEP and meets at

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LAW: A GUIDE FOR PRACTITIONERS 27 (2003).

<sup>76</sup> *Id.* at 27–28.

<sup>77</sup> CENTER FOR EDUCATION AND EMPLOYMENT LAW, *supra* note 69, at 92. *See also* § 1412(a)(3)(A); 34 C.F.R. § 300.111.

<sup>78</sup> CENTER FOR EDUCATION AND EMPLOYMENT LAW, *supra* note 69, at 21.

<sup>79</sup> § 1414(a)(1)(A).

<sup>80</sup> 34 C.F.R. § 300.303.

<sup>81</sup> OSBORNE & RUSSO, *supra* note 75, at 28.

<sup>82</sup> CENTER FOR EDUCATION AND EMPLOYMENT LAW, *supra* note 69, at 4; § 1414(d).

least annually to modify the IEP and review the student's progress.<sup>83</sup>

1. *IEP team and its purpose*

The IEP team is an essential cog in the special education machine. The team's job is to put together an IEP and ensure that it is properly implemented so that the child accesses his or her FAPE. An IEP team comprises the student's parents, at least one regular education teacher and one special education teacher, a representative of the school district, a person who can interpret the evaluation results, the student (when appropriate), and others that the team deems appropriate to help create the IEP.<sup>84</sup> Such individuals often include doctors, therapists, and social workers who have worked with or treated the student.<sup>85</sup>

In designing the IEP, the team must consider the child and the child's education. Under the IDEA, this includes considering the child's strengths, as well as any concerns the parent may have regarding the child's education.<sup>86</sup> Though the IEP team does not need to design an IEP in exact accordance with the parent's wishes, they do need to consider the parent's concerns.<sup>87</sup> They must also consider the results of the student's initial or most recent evaluation.<sup>88</sup> Again, however, this does not mean they must implement the recommendations of the evaluator. The IDEA mandates only that they consider the evaluations. If the team disagrees with the evaluator's recommendations, they do not need to implement them. The IEP team must also consider the student's academic, developmental, and functional needs.<sup>89</sup> A student's IEP must include his or her current levels of academic performance. For a typical student in special education, this focuses mostly on how the student's disability affects the child's involvement and

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<sup>83</sup> § 1414(d).

<sup>84</sup> § 1414(d)(1)(B).

<sup>85</sup> *Id.*

<sup>86</sup> § 1414(d)(3)(A)(i)(ii). The parent's role in creating the IEP is only one of many reasons why special educators should develop good relationships with parents and vice versa. See *infra* discussion of developing good relationships with parents in Section V, Subpart C.

<sup>87</sup> § 1414(d)(3)(A)(ii).

<sup>88</sup> § 1414(d)(3)(A)(iii).

<sup>89</sup> § 1414(d)(3)(A).

progress in general education.<sup>90</sup>

## 2. *IEP meetings*

Once a child has been found eligible for special education services and an IEP has been formed, the IEP team is required by the IDEA to convene at least annually.<sup>91</sup> When they meet, they are charged with reviewing the IEP to “determine whether the annual goals for the child are being achieved.”<sup>92</sup> They must also revise the IEP to address any lack of progress, any reevaluations that have been conducted between meetings, any new information about the child, the child’s anticipated needs, and any other matters that need to be reviewed.<sup>93</sup> IEP meetings can serve as a “communication vehicle”<sup>94</sup> for parents and the school to help them decide what the child needs, how those needs should be met, and what outcomes to expect.<sup>95</sup>

## 3. *Related services*

Once an IEP has been developed, the school is charged with implementing it. By this point, depending on the struggles of the child, a wide variety of “related services” may have been added to the IEP to help the child overcome his or her disability. These services can include transportation, speech-language pathology services, physical and recreational therapy, social work, and counseling, among others.<sup>96</sup> These services must be made available to the student at public expense (or in other words, out of the school’s pocket) to count toward the child’s FAPE.<sup>97</sup> When the IEP team meets, it must consider whether the student is making progress in school and reaching his or her goals.<sup>98</sup> If not, then the team must adjust the IEP to try other methods of helping the student reach his or her goals.<sup>99</sup>

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<sup>90</sup> § 1414(d)(1)(A)(i)(I).

<sup>91</sup> § 1414(d)(4)(A).

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> SCHULZ, *supra* note 1, at 99.

<sup>95</sup> *Id.*

<sup>96</sup> Individuals with Disabilities Education Act 20 U.S.C. § 1401(26)(A) (2004).

<sup>97</sup> § 1401(9).

<sup>98</sup> § 1414(d)(4)(A).

<sup>99</sup> *Id.*

### C. Implementation

Theoretically, the IEP process can be a great tool for ensuring that no student falls through the cracks of the education system. With teachers, parents, and other concerned individuals keeping a close eye on the student's progress, it can be hard to imagine how a student's access to FAPE could ever be obstructed. But the fact of the matter is that many students with disabilities are still unable to access FAPE.

Many explanations have bearing on the reason for this tragedy. Schools often have only shallow funding, which prevents them from providing all the services that could help the student. This poor funding also contributes to the lack of manpower schools face—it is not difficult to visualize the struggles a teacher has when he or she must individualize the education of one student in a classroom of thirty, much less the struggle when there are many students in the class who need a personalized education. Parents can also be problematic. They may not make efforts to go to IEP meetings or stay in contact with teachers at school. Sometimes parents have unreasonable expectations, and they may not support the decisions of the IEP team as a whole. In some situations, the school's administration may become an obstacle when it does not take seriously the suggestions of its teachers, or when it is simply indifferent to the situation. Burnout, or the emotional exhaustion that occurs for special education teachers as a result of long-term stress,<sup>100</sup> can also be a major factor that prevents students with disabilities from accessing their FAPE.<sup>101</sup>

Though all of these problems affect a student's access to FAPE, and not all of them can be solved in the near future,<sup>102</sup> taking steps to alleviate burnout will eventually lead to removing many of these other burdens. By preventing burnout of special education teachers, schools make it possible for students with disabilities to access FAPE, thus fulfilling the requirements of the IDEA.

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<sup>100</sup> Brunsting, Sreckovic & Lane, *supra* note 7, at 681.

<sup>101</sup> *Id.* at 697.

<sup>102</sup> Elizabeth Cooley & Paul Yovanoff, *Supporting Professionals-At-Risk: Evaluating Interventions to Reduce Burnout and Improve Retention of Special Educators*, 62 EXCEPTIONAL CHILD. 336, 338 (1996).

#### IV. THE EFFECT OF BURNOUT ON IDEA REQUIREMENTS

Up until 2013, most researchers studied burnout as a dependent variable, meaning that they studied how special education affected special educators instead of how special educators affected special education.<sup>103</sup> Then in 2013, two studies investigated how burnout in special education teachers affects student outcomes.<sup>104</sup> One of these studies in particular found that special education teacher burnout correlates with low IEP quality and low IEP goal attainment.<sup>105</sup>

Special education teachers are not at fault for this phenomenon. It seems unlikely that they are aware that their emotional exhaustion can have a harmful effect on their students. Ironically, it is their commitment to their students that often keeps them from caring for their own emotional well-being.<sup>106</sup> “Many teachers experiencing emotional exhaustion report they exhaust themselves for the better of their students and plan to continue to do so.”<sup>107</sup> Some teachers think of burnout as simply “a by-product to be endured” as they put their students first.<sup>108</sup> They can be unwilling to make their own emotional needs a priority.<sup>109</sup>

While it is very noble of these selfless teachers to work so hard for their students, it is a shame for any of their effort to go to waste, especially when their efforts are such a valuable resource. Special education teachers should be made aware of the negative effect their emotional exhaustion has on their students and taught how to combat it so that they will take better care of themselves emotionally, and thus better serve their students.<sup>110</sup>

#### V. PREVENTING BURNOUT

Though it is clear from these studies that burnout has an

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<sup>103</sup> Brunsting, Sreckovic & Lane, *supra* note 7.

<sup>104</sup> *Id.*

<sup>105</sup> *Id.* The other study found that burnout inversely correlated with the number of adult words used in the classroom, which can also lead to poor student outcomes, but which will not be discussed in this paper.

<sup>106</sup> *Id.* at 701.

<sup>107</sup> *Id.*

<sup>108</sup> *Id.* at 700.

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

effect on the success of students in special education, it is less clear how to prevent burnout, which would improve the quality of IEPs and the attainment of IEP goals. Many of the factors that lead to burnout in special education teachers, such as resource shortages, increasing caseloads, low salaries, and more, cannot be improved in the near future without substantial financial assistance.<sup>111</sup> Because the purpose of this paper is to suggest solutions to preventing burnout in the near future, it will not focus on such long-term goals. Instead, burnout can be prevented in the near future by equipping special education teachers with coping strategies,<sup>112</sup> by reducing collegial isolation,<sup>113</sup> and by improving relationships with parents of children with disabilities.<sup>114</sup>

### A. *Coping Strategies*

Many of the stresses that accompany special education are either inherent to it or are difficult to change.<sup>115</sup> When these stresses are the cause of the burnout, it seems like an impossible problem to solve. But providing special educators with good coping strategies will enable them to overcome burnout and better equip them to help their students meet their IEP goals, thus providing them access to FAPE.

“Coping” means “the attempts a person makes to master challenging or difficult circumstances.”<sup>116</sup> Four different coping approaches exist that can be used to combat burnout: direct, indirect, active, and inactive approaches.<sup>117</sup> (Inactive approaches, however, have proven to be less effective<sup>118</sup> and will not be discussed in this paper.) Direct coping involves “changing the source of stress.”<sup>119</sup> Indirect coping involves “changing the way one thinks about or physically responds to the stress to reduce its impact.”<sup>120</sup> Active coping requires

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<sup>111</sup> Cooley & Yovanoff, *supra* note 102.

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> SCHULZ, *supra* note 1, at 133.

<sup>115</sup> Cooley & Yovanoff, *supra* note 102, at 344.

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

“taking some action to change oneself or the situation.”<sup>121</sup>

In a study performed by Elizabeth Cooley and Paul Yovanoff in 1996, special educators were taught “repertoires of effective coping strategies”<sup>122</sup> in conjunction with peer support workshops.<sup>123</sup> Special educators participated in five weekly two-hour workshops that focused on these three different forms of coping (direct, indirect, and active).<sup>124</sup> After undergoing these workshops, participants reported they felt more satisfied and committed to their jobs, and less burned out.<sup>125</sup> In contrast, special educators who were part of the control group that did not participate in the workshops felt less satisfied, less committed, and more burned out.<sup>126</sup> This study demonstrates the effectiveness of teaching educators how to cope with the stress of their jobs.

The workshops that taught effective coping strategies were informal, supportive, and interactive.<sup>127</sup> They involved both small- and large-group discussions, “applications during sessions, and practice between sessions.”<sup>128</sup> To empower the participants with direct coping skills, the researchers taught special educators how to identify the changeable aspects of what was causing them stress, and then how to create and implement a plan of action for creating a solution.<sup>129</sup> These plans of action involved enlisting the cooperation of others and both setting and keeping appropriate limits for themselves.<sup>130</sup>

The researchers also taught the special educators physiological coping skills to enable indirect coping.<sup>131</sup> Keeping in mind that “stress is fundamentally a form of wear and tear on the body,” the participants were taught muscle relaxation techniques as forms of self-renewal for everyday work situations.<sup>132</sup> They also talked about nutrition and stretching as

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<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> *Id.* at 339. See *infra* discussion of collegial support in Section V, Subpart B.

<sup>124</sup> Cooley & Yovanoff, *supra* note 102, at 344.

<sup>125</sup> *Id.* at 351.

<sup>126</sup> *Id.*

<sup>127</sup> *Id.* at 344.

<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

<sup>132</sup> *Id.* at 345.

part of physiological approaches to counter stress.<sup>133</sup>

Finally, participants were taught about cognitive coping skills as a form of active coping. In their description of this focus, the researchers wrote that “[s]imply put, much stress happens ‘between the ears’ as a result of our thoughts and beliefs, or cognitions.”<sup>134</sup> Sessions devoted to cognitive coping skills involved teaching the participants how to “replace self-defeating, self-limiting beliefs with beliefs that [were] more constructive, realistic, and empowering.”<sup>135</sup> They learned how to let go of distorted, unrealistic, tyrannical views and expectations of themselves, and how to coach themselves and each other to think differently of themselves or the situation.<sup>136</sup> Recognizing the limitations and realities of the situations in which they found themselves, they were taught how to see their best efforts as being enough.<sup>137</sup>

### *B. Collegial Support*

Collegial support is also an important part of preventing burnout in special education teachers. Special educators often find themselves isolated from their colleagues.<sup>138</sup> Their interactions with their general education colleagues tend to be limited, which cuts off access to school resources,<sup>139</sup> which in turn creates high levels of stress and anxiety, leading to decreased levels of commitment.<sup>140</sup> In their study, Cooley and Yovanoff examine a method of communication designed to increase problem-solving efforts and help special educators connect with other parts of the school. Schools can also assist their special educators simply by helping them find a mentor.<sup>141</sup> Administrators can do a lot to help just by offering a few words

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<sup>133</sup> *Id.*

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

<sup>136</sup> *Id.*

<sup>137</sup> *Id.*

<sup>138</sup> *Id.* at 338.

<sup>139</sup> Nathan D. Jones, Peter Youngs & Kenneth A. Frank, *The Role of School-Based Colleagues in Shaping the Commitment of Novice Special and General Education Teachers*, 79 *EXCEPTIONAL CHLD.* 365, 368 (2013).

<sup>140</sup> *Id.*

<sup>141</sup> *Id.* at 367; ALLAN G. OSBORNE, JR., PHILIP DIMATTIA & FRANCIS X. CURRAN, *EFFECTIVE MANAGEMENT OF SPECIAL EDUCATION PROGRAMS: A HANDBOOK FOR SCHOOL ADMINISTRATORS* 43–44 (1993).

of encouragement to special education teachers.<sup>142</sup> When schools use a combination of these approaches targeted toward supporting special education teachers, teachers can feel a great deal of support.

Cooley and Yovanoff also examined the effects of isolation as part of the peer collaboration segment of their study and found that collegial support groups helped special education teachers to avoid burnout.<sup>143</sup> In tandem with the coping strategies workshops, participants worked in pairs of teachers to use a four-step collegial dialog to assist each other in identifying and solving student-related problems.<sup>144</sup> These four steps were clarification, summarization, intervention and prediction, and evaluation.<sup>145</sup>

Clarifying the problem is the most time-consuming part of the process.<sup>146</sup> It involves the teacher with the problem (the initiator) writing a brief description of the problem and then responding to clarifying questions asked by the peer teacher (the facilitator) until all relevant issues have been discussed.<sup>147</sup> Summarizing then requires the initiator to describe three facets to the problem: specific patterns in the problematic behavior, the initiator's typical response to the behavior, and parts of the problem that the initiator can control.<sup>148</sup> As part of the intervention and prediction step, the teachers then take the time to generate three possible action plans, and the initiator considers the positive and negative outcomes to each plan before choosing one.<sup>149</sup> Finally, the initiator comes up with a plan to evaluate whether the solution was effective by asking themselves whether they used the solution and whether it worked for them.<sup>150</sup> To practice using these steps, participants spent two hours a week for four weeks at workshops where they discussed their work-related problems.<sup>151</sup>

The results of the study were positive. Special educators who learned coping skills and who were taught how to solve

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<sup>142</sup> OSBORNE, DIMATTIA & CURRAN, *supra* note 141, at 44.

<sup>143</sup> Cooley & Yovanoff, *supra* note 102, at 351.

<sup>144</sup> *Id.* at 345.

<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

<sup>147</sup> *Id.*

<sup>148</sup> *Id.*

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> *Id.* at 345–46.

problems with their peers viewed the overall experience as being helpful to keeping burnout at bay.<sup>152</sup> One participant wrote, “The last couple of weeks have been crazy, but my peer collaborator helped me look at the situation with new eyes. I feel this will help me be a better teacher, as well as a less frustrated one.”<sup>153</sup> This participant is correct—by preventing burnout in their lives, special educators are more capable of helping their students meet their IEP goals in accordance with the IDEA.<sup>154</sup> Meeting their IEP goals makes access to FAPE a reality, and prevents inadvertent discrimination.

Having someone to turn to can make all the difference in the world. Some school districts have set up a buddy system of sorts to help new teachers get the hang of things<sup>155</sup>—a similar program could also be implemented for special education teachers to help them feel connected to the rest of the school.<sup>156</sup> Because special education teachers often have a hard time knowing who to turn to in school settings (they may have more than one administrator over their department), having an assigned mentor to go to can help teachers feel like they have an anchor in the school system.<sup>157</sup> This in turn can lead to feeling more like they belong in the system and have the support they need to do their jobs. Keeping feelings of isolation at bay will lead to less burnout in special education teachers and make them more able to help their students with disabilities reach their IEP goals and access FAPE.

Administrators also play a very important role in helping special educators feel like they are part of the school.<sup>158</sup> Though administrators may not have control over things like salary and benefits, they can make an enormous difference in the overall work environment for their teachers.<sup>159</sup>

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<sup>152</sup> *Id.* at 351.

<sup>153</sup> *Id.*

<sup>154</sup> Brunsting, Sreckovic & Lane, *supra* note 7, at 683.

<sup>155</sup> OSBORNE, DIMATTIA & CURRAN, *supra* note 141, at 43.

<sup>156</sup> The program described calls for mentor teachers who are experienced in the school and who are also in the same program as the new teacher. OSBORNE, DIMATTIA & CURRAN, *supra* note 141. Having a teacher in the same program as the new teacher would probably not be effective here because it would not allow the new teacher, or, in this case, the special education teacher, to connect with the rest of the school outside of special education. I suggest simply pairing a special education teacher with another teacher in another part of the school.

<sup>157</sup> OSBORNE, DIMATTIA & CURRAN, *supra* note 141, at 43–44.

<sup>158</sup> *Id.* at 43.

<sup>159</sup> *Id.* at 43–44.

Special education teachers have a difficult job and often become overwhelmed. They need moral support and a few words of encouragement when the going gets tough. It does not take much effort to tell a teacher that he or she is doing a great job and that his or her efforts are appreciated, yet this will go a long way in terms of morale building.<sup>160</sup>

Interestingly enough, words of encouragement like those described here do not require any kind of a special program. They just require a little thoughtfulness on the part of the administrator. All the programs in the world will not help anyone unless the people participating in the program are willing to put themselves forward and show some kindness.

Many routes will lead to helping special education teachers feel more supported at school, not the least of which are the workshops that Cooley and Yovanoff studied, a system of mentorship, and administrators who demonstrate appreciation for their special education teachers. By implementing these methods and making special educators feel supported, they will be able to stave off burnout, and help their students access FAPE.

### *C. Improving Relationships with Parents of Children with Disabilities*

Parents, teachers, and administrators in the special education system often find themselves at odds with each other. Parents sometimes expect the schools to provide their student with the very best education. When schools do not provide this, parents get frustrated and can become embittered toward the school.

Schools can often be frustrated with parents for either being too pushy or too uninvolved with their children's education. Parents do not always understand the obstacles that schools face in their attempts to provide a good education. Schools have to deal with a lack of funding, a lack of manpower, and a lack of resources, and when it comes to providing special education children with personalized treatment, schools are often spread too thin. Such misunderstandings can lead to schools and parents villainizing each other. They begin to refuse to cooperate with each other. Ironically and unfortunately, in this war of words, the students

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<sup>160</sup> *Id.* at 44.

are the casualties.

Cooperation between special education teachers and parents of children with disabilities is essential when working towards a child's well-being,<sup>161</sup> but it is also important for the well-being of the special educator.<sup>162</sup> Support from parents is associated with less burnout.<sup>163</sup>

It takes two to tango—both teachers and parents need to put forth the effort to improve their relationship with each other in order to make life a little easier for the teacher, thus making a child's educational rights accessible. Foremost, parents and teachers both need to recognize each other as partners in the special education process.

Partnerships are formed by people who have common goals. They are fostered and developed through communication, mutual understanding, knowledge, and skills. A positive parent-professional relationship—a partnership—is both necessary and challenging. . . . Empathy and respect are starting points toward meeting the challenge of parent-professional collaboration.<sup>164</sup>

Both parents and teachers have the interest of the child at heart. This common goal should lead parents and special educators to see each other as partners. When they do, they will develop new, improved perceptions of each other, which will lead to an improvement in their relationship.<sup>165</sup>

### *1. How teachers can see parents as their partners in helping students access FAPE*

Teachers can view parents as their partners in special education when they recognize that parents know more about their child than anyone else. Teachers should never fall into the trap of forgetting that parents truly are experts on their own children, because doing so will shatter chances of a good relationship with parents. "Perhaps the most demeaning and devastating trait of professional people is the tendency to deny parents' expertise and knowledge about their own child."<sup>166</sup>

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<sup>161</sup> SCHULZ, *supra* note 1, at 122.

<sup>162</sup> Brunsting, Sreckovic & Lane, *supra* note 7, at 696.

<sup>163</sup> *Id.*

<sup>164</sup> SCHULZ, *supra* note 1, at 137–38.

<sup>165</sup> *Id.* at 137.

<sup>166</sup> *Id.* at 117–18.

Parents have reported that professionals do not take their impressions into serious consideration.<sup>167</sup> Because the parents do not have a professional degree in child-care, their insights are often not given appropriate attention. Such an oversight can make it difficult to give children the assistance they need to access their education. Unlike medical health providers and even special educators, parents that are actively engaged in their child's life know that child's entire medical history, as well as what is and isn't working for their child in the special education system. It was, after all, "a smouldering [sic] volcano of outraged parenthood" which pushed for the passage of the IDEA.<sup>168</sup> Parents should be strong partners in the process of helping children access their education.

Communication is an essential part of any partnership, and in order to establish good communication with parents, teachers should be genuinely empathetic to the parent's and child's situation.<sup>169</sup> One parent has said:

Please do not believe that we want sympathy, particularly the maudlin kind of sympathy which is damaging to the professional person as well as the parent. But we do need the kind of understanding personality which enables the professional person to put himself in the place of the parent.<sup>170</sup>

When it comes to emotion in special education, an inherent dilemma exists between parents and professionals who work with children with disabilities.<sup>171</sup> Parents hope that their child will manage to do well despite his or her disability, whereas professionals look at their clients objectively.<sup>172</sup> Special educators may even cling to objectivity and avoid emotion to prevent themselves from getting too wrapped up in a situation they consider to be hopeless. But "there is danger in turning objectivity into a roadblock that refuses passage to a child who may, after all, exceed our expectations."<sup>173</sup> If professionals, special education teachers in particular, can keep an open-

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<sup>167</sup> *Id.* at 118.

<sup>168</sup> *Id.* at 93 (citing the report of the President's Committee on Mental Retardation (1977)).

<sup>169</sup> *Id.* at 136.

<sup>170</sup> *Id.*

<sup>171</sup> *Id.* at 121.

<sup>172</sup> *Id.*

<sup>173</sup> *Id.*

ended picture of their goals for a child, they are more likely to work well with that child's parent.<sup>174</sup> This open-ended picture will help special educators to demonstrate the understanding that parents need in order to feel like partners. When parents feel like partners, they will act like partners. In theory, this has two benefits: special educators will be more equipped to escape burnout, and the children with disabilities will have more help accessing their education.

## *2. How parents can see teachers as their partners in helping students access FAPE*

Teachers should not be the only ones putting forth any effort to improve the parent-teacher relationship. No partnership can be one-sided. In order to prevent resentment towards parents and the compromise of a child's education, parents need to cooperate with teachers and be involved with their children's school programs.

Though parents should not be expected to simply step aside when they disagree with the implementation of a curriculum for their child, they should be cooperative with their student's teacher. Working with uncooperative parents is a major source of teacher dissatisfaction.<sup>175</sup> If a parent is uninterested or overprotective, then programs that have already been established for a child with disabilities can be thwarted.<sup>176</sup> Such a lack of cooperation will also add to the stress of a special educator, leading to faster burnout.

Parents also need to be involved in programs for their children at school. Parents who do not attend meetings or who demonstrate passivity toward their child's education are often seen by teachers as being uninterested, which can "lead to resentment of the parents and the child and ultimately may compromise the student's therapeutic or educational program."<sup>177</sup>

There are five levels of parent participation:

- (1) parents who avoid schools at all times,
- (2) parents who need encouragement to come to school,

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<sup>174</sup> *Id.*

<sup>175</sup> *Id.* at 133.

<sup>176</sup> *Id.*

<sup>177</sup> *Id.* at 134.

- (3) parents who readily respond when invited,
- (4) parents who are comfortable about coming to school and enjoy some involvement in the educational process, and
- (5) parents who are overactive and enjoy their power and influence within the school.<sup>178</sup>

Parents in categories one, two, and five are difficult to partner with in the educational process. Parents in categories one and two are seen by teachers as being uninterested, regardless of whether this is actually the case. Passivity or nonattendance at meetings can happen for a variety of reasons, including inability to find child-care for other children, or the inability to take time off work.<sup>179</sup> In situations such as this, parents need to be as communicative with teachers as possible so as to combat an interpretation of indifference towards a child's education. With such modern technology as email and cell phones, parents should be able to explain their situation to teachers and thereby express interest in their child's schooling.

Parents in category five may be overprotective or demanding of a teacher's time. Just as much as parents who are seen as indifferent, parents who are overactive in children's schools can wear out special educators. These parents might call or email teachers too frequently and take too much of their time, and this can also be a major stressor for special educators.

Parents in categories three and four are the ideal partners for special education teachers because they do not make too much, if any, extra work for special education teachers, and they are available when teachers need a hand in the classroom. They do not try to be over-domineering or controlling in the classroom. Neither do they need to be coaxed into participation. This level of involvement is the model for a working teacher-parent relationship.

Again, parents should not give up if they feel that their student is not receiving a FAPE. A working relationship that is based on open-mindedness and cooperation will be the most effective way for parents to help teachers understand what their children need, and will also be the best way for teachers to perform their jobs in helping a student to access FAPE. When teachers and parents have mutual respect for each other,

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<sup>178</sup> *Id.* at 133–34.

<sup>179</sup> *Id.*

empathy for each other's situations, and are willing to cooperate with one another, children with disabilities are more likely to thrive at school and access FAPE.

## VI. CONCLUSION

Discrimination against, and mistreatment of, individuals with disabilities is an unfortunate part of American history. Fortunately, legislators were persuaded by parents and many other advocates of children with disabilities, along with the political climate, to pass the IDEA, thus guaranteeing children with disabilities the right to a free and appropriate public education. The IDEA mandates that, as part of assuring this right, public schools provide IEPs to eligible children. But too often, the special education teachers who are charged with creating and implementing IEPs are burned out, and are therefore unable to help these children access FAPE. Learning how to cope with stress, along with receiving collegial and parental support, will help special education teachers avoid burnout. If special education teachers can avoid burnout, they will be better prepared to create quality IEPs and help their students meet their IEP goals, thus allowing their students to access FAPE.

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