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ABSTRACT

This report details progress in providing education in the least restrictive environment to students with disabilities, based on hearings held by the National Council on Disabilities. Examples of successful inclusion education programs at the early childhood, elementary, and secondary levels are described. Strategies for promoting inclusive education are discussed, including enacting instructional and curricular changes, changing grading procedures, creative use of resources and personnel, collaborative planning, and staff training. The value of individual student plans, assistive technology, personal assistance services, and social support is addressed. The numerous barriers to inclusion at the federal, state, and local levels are considered, along with particular barriers faced by minority students with disabilities. The system of financing inclusive education and especially state financing rules are identified as major barriers to inclusion. Funding approaches that have facilitated inclusion in Pennsylvania and those that have encouraged segregation of students with disabilities in Illinois are discussed. Ways to improve teacher preparation and parent training to promote inclusion are considered, along with benefits of inclusion for the total school. Suggestions are also offered for improving student supports; removing administrative, policy, and financial barriers; and improving consumer and professional training. Appended is information on the hearings and on the participants. (SW)

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Inclusionary Education for Students with Disabilities: Keeping the Promise

National Council on Disability

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National Council on Disability

Inclusionary Education for
Students with Disabilities:
Keeping the Promise

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NATIONAL COUNCIL ON DISABILITY

An independent federal agency working with the President and the Congress to increase the inclusion, independence, and empowerment of all Americans with disabilities.

LETTER OF TRANSMITTAL

December 30, 1994

The President
The White House
Washington, DC 20500

Dear Mr. President:

The National Council on Disability is pleased to submit to you this report entitled, *Inclusionary Education for Students with Disabilities: Keeping the Promise*. This report details progress to date in achieving the goal of education in the least restrictive environment for students with disabilities in the Nation's schools, continuing barriers to meeting the letter and spirit of the law, and recommendations for increasing opportunities for students with disabilities to be educated alongside their non-disabled peers in regular neighborhood schools.

As you know, the right of students with disabilities to receive a free and appropriate education in the least restrictive environment is solidly rooted in the provisions of the United States Constitution, particularly the guarantee of equal protection under the law granted to all citizens. This fact was recognized in 1975, when the federal Education for All Handicapped Children Act was enacted in response to a growing number of State-level court decisions which mandated this protection in the States. This federal law was intended to provide financial assistance to the States in meeting their obligations under the United States Constitution and guidance in the delivery of special education and related services. Since this time, the federal government has invested billions of dollars in this area and has substantially improved opportunities for millions of Americans with disabilities to become self-sufficient, tax-paying citizens.

We are confident that this report will enable policy makers at all levels of government as well as practitioners, parents, and students with disabilities themselves in reducing barriers which continue to impede more inclusive educational opportunities. In addition, the report will serve as a vehicle for the dissemination of strategies for making inclusive education work. We believe that this will serve to further your goal *...to shift disability policy in America away from exclusion, towards inclusion; away from dependence, towards independence; and away from paternalism, and towards empowerment*. It remains an honor to serve you and to serve America in this vital work.

Sincerely,

Marca Bristo
Chairperson

(The same letter of transmittal was sent to the Senate President Pro Tempore and the Speaker of the House of Representatives).

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MEMBERS OF THE EDUCATION COMMITTEE AS OF AUGUST 1993

Mary M. Raether, Chairperson
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By eliminating segregation in our schools, we are teaching kids that it is okay to be different and, in fact, there is beauty in diversity. They will see that we all have individual gifts and talents that we bring to life's table and that this country's founding principles of life, liberty, and pursuit of happiness apply to all of its citizens.

- Debbie Rodriguez

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EXECUTIVE SUMMARY

When Congress passed the Education for All Handicapped Children Act (P.L. 94-142) in 1975, it sought to bring students with disabilities into our educational system who had previously been excluded, segregated, and underserved.

It is the purpose of this Act ... to assess and assure the effectiveness of efforts to educate handicapped children.¹

The right of students with disabilities to receive a free and appropriate education in the least restrictive environment is solidly rooted in the provisions of the United States Constitution, particularly the guarantee of equal protection under the law granted to all citizens. This fact was recognized in 1975 when P.L. 94-142 was enacted in response to a growing number of State-level court decisions which mandated this protection in the States. This Federal law was intended to provide financial assistance to the States in meeting their obligations under the United States Constitution and guidance in the delivery of special education and related services. Since that time, the Federal government has invested billions of dollars in this area and has substantially improved opportunities for millions of Americans with disabilities to become self-sufficient, tax-paying citizens.

P.L. 94-142 clearly required States to ensure that children with disabilities be educated with children who were not disabled and that other educational placements be considered only when the nature of the disability was such that education in regular classes with the use of supplementary aids and services could not be achieved satisfactorily. P.L. 94-142's successor, the Individuals with Disabilities Education Act (IDEA, P.L. 102-119), contains similar provisions. However, after nearly twenty years of requiring that students with disabilities be considered for removal from regular classrooms only after every resource has been considered to support them in these classrooms, it is still the case that extremely high numbers of students with disabilities are placed in segregated environments, often with minimal (if any) consideration of how they might be supported in the regular classroom.

One possible explanation for this is that these students are "too handicapped" to be served in regular classrooms. Such an explanation may have had some currency in 1975. However, since this time there has been a vast increase in knowledge regarding inclusive educational practices, an explosion of technology, and a vast expansion of civil rights afforded to persons with disabilities. People who might have been considered "too handicapped" for an education twenty years ago are today working, living independently, and raising families.

¹ 20 U.S.C. 1401.

The notion that some students are "too handicapped" to be served in a regular classroom with supports is also belied by the wide variation in placement data from State to State or even from school district to school district. Why is it that 60% of the students with the label of mental retardation are served in regular classes in Massachusetts while only 1/4 of 1% do so in the neighboring state of New York? Unless there is evidence of the fact that mental retardation is more serious in New York (and there is not), one must conclude that factors other than the nature and severity of the disability are involved here. A more fundamental question, however, is how—after so many years—can the government continue to allow Indiana, Louisiana, Florida, California, New York, Rhode Island, Illinois, and New Jersey to serve more than 90% of their students with mental retardation in separate classes and schools?

It is clear that since 1975, the law of the land has been that students with disabilities should be provided with the opportunity to be educated "to the maximum extent appropriate" with non-disabled students, yet high levels of unnecessary and unwanted segregation persist. In recognition of this disturbing fact, the National Council on Disability decided to explore this issue through direct hearings and a review of documents. In August 1993, members of the National Council on Disability convened hearings in Chicago on the subject of "*Making Inclusionary Education Work: Overcoming Barriers to Quality*." John Gannon, the Council's Acting Chairperson, was clear about the goals of the hearing in his opening remarks:

Our purpose ... is not to debate whether inclusion is a good idea. It is to discover that for students and families who want inclusive education whether they can receive what they want and how we might ensure that the education they receive is of the highest possible quality.

On August 4th and 5th, 1993, thirty witnesses presented information on a variety of complex topics relating to inclusionary education. Numerous others concerned about the issue shared their thoughts and experiences during the open microphone sessions that followed each panel of witnesses. The testimony was thoughtful, substantive, and useful in the Council's continuing deliberations about the implementation of inclusionary education. This report presents our findings. From the outset, it should be noted that this report is concerned with barriers to—and opportunities for—inclusive education for those students and families who wish to access the promise and provisions of the Individuals with Disabilities Act regarding the opportunity to be educated in the least restrictive environment with appropriate and individualized supplementary aids and services. A survey of each chapter follows.

Examples of Successful Inclusion Across the Age Span. Students with disabilities are being included at every level of the education system as a result of efforts by all of those concerned about them: parents, advocates, teachers, and administrators. In addition, the effectiveness of inclusive education is increasingly being evaluated by including children with disabilities in assessments of school performance.

Specific Strategies for Making Inclusion Work. Much has been learned about the strategies that make inclusion work from the experience of others. School staff that focus on changes in the school as a whole—curricular, grading policy, instructional strategies, use of resources—have been successful when given time for training and collaborative planning and opportunities to celebrate their achievements.

Supports for Inclusion: The Role of Individual Plans, Assistive Technology, Personal Assistance Services, and Other Supports. Some students with disabilities require additional supports in class—assistive technology, related services, and personal assistance providers—to receive an appropriate education. In order for these supports to complement classroom activities, planning for students should include the scheduling of supports at appropriate times. Students who will need assistance in later life will benefit greatly from learning to manage support services early in life.

Continuing Barriers Experienced by Parents and Students Seeking Inclusion. The fact that students with disabilities are included in some schools is all the more remarkable given the vast number of barriers that exist from the Federal government on down. In addition to the barriers faced by most students with disabilities, minority students with disabilities face even greater barriers to inclusion.

Financing Inclusive Education: Barriers and Opportunities. Of all of the barriers to inclusion, *the single greatest factor seems to be the system of financing special education.* While Federal policy contributes to the problem, the real obstacles lie in State financing rules. States vary in their approaches to it, though, and some formulas have resulted in increased inclusion of students with disabilities in regular schools.

Professional and Consumer Training in Inclusionary Education. The traditional division of teacher education programs between "special" and "regular" education perpetuates the segregation of student populations in schools. New teacher education programs need to prepare teachers who are skilled in working with all kinds of students, knowledgeable of effective teaching strategies, and competent in the content matter they will teach. Such programs would be of great benefit to the Nation in view of the ever-changing diversity of our culture.

The Effect of Inclusion on the Total School. One of the most striking effects of the implementation of inclusionary education is the contribution it makes to the education of all students. Inclusionary schools improve the academic performance of all students because of improved teaching methods, a focus on meeting the individual needs of all students, and a redeployment of skilled personnel throughout the building where they are available to assist students who need their help. Furthermore, students without disabilities are better prepared for their future in an inclusive world.

Given the above, the National Council on Disability has developed the following findings and recommendations for making inclusionary education work.

Implement Strategies for Success

When properly planned and implemented, inclusionary education improves the academic performance of all students, those with and those without disabilities. In addition, it can provide benefits to children that go beyond the academic skills they acquire, preparing them to live and work in a diverse world. As schools implement inclusion, they should use the process as an impetus for school-wide changes that benefit all students. Schools should:

1. Adopt a school-wide curriculum and make modifications for all children who need them;
2. Employ experiential, interactive educational methods proven to facilitate the learning of all students;
3. Redeploy personnel as needed to meet the needs of the entire student population, and engage all staff in working to ensure the success of all students;
4. Engage in collaborative planning with all of the stakeholders in the education of children with disabilities;
5. Provide time for training, team-building, and planning so that staff and parents can work together for the changes that will benefit students;
6. Treat students with disabilities as much the same as other students as possible (for example, having all students begin school on the same day);
7. Enroll children with disabilities in educational programs with their non-disabled peers at the earliest point possible, preferably in preschool;
8. With the provision of reasonable accommodations, include students with disabilities in *all* system-wide assessments of educational performance and public reporting of the results, at the same time ensuring that their scores can be disaggregated; and
9. Publicly celebrate accomplishments.

Improve and Expand Student Supports

The successful inclusion of students with disabilities requires careful *individualized* planning regarding services and supports. These may include assistive technology, peer preparation, personal assistance services, paraprofessional support, or social integration planning. Schools should:

1. Create plans which include:
 - a. needed adaptations of curricula;
 - b. the provision of supports and other accommodations such as sign language interpreters, accessible formats, etc.; and
 - c. the careful scheduling of the above in order to enhance, not disrupt, the educational program of all students in the classroom;
2. Identify and develop/acquire assistive technology for those students who need it, making it available for their use at home and in school;
3. Prepare peers for the inclusion of a student with disabilities carefully, on an individual basis. (Note: Sometimes, such "preparation" may actually hamper integration);
4. Plan the roles of necessary support personnel so that they do not foster dependence or segregation, and, where possible, assign the service provider to the classroom or the teacher, not to individual students;
5. Engage the families of students with disabilities in planning to facilitate the social integration of their children inside and outside of the classroom; and,
6. Teach students with disabilities to manage their support services so they can achieve independence.

Remove Administrative and Policy Barriers

In spite of the legal requirements that students be educated in the least restrictive environment, major barriers to the inclusion of students with disabilities in classrooms with their non-disabled peers still exist.

In order to reduce these barriers, the Federal government should:

1. Significantly increase the monitoring and enforcement of current laws and regulations through State plan reviews, consumer-oriented monitoring visits and reports, issuance of appropriate sanctions for non-compliance, Annual Reports to Congress, and the establishment of a fair and effective parental appeal process to the Secretary of the Department of Education;
2. Disallow joint grant applications from multiple education agencies, a policy which tacitly endorses segregated special education programs;

3. Modify current accounting requirements in order to eliminate incentives to place children in segregated educational placements because of the ease of compliance with current reporting requirements;
4. Clarify and publicize IDEA regulations which require school districts to pay the legal expenses of parents who exercise their due process rights to secure an appropriate education for their children with disabilities and prevail at the due process hearings;
5. Require districts to pay all related costs for surrogate parents who exercise due process rights to secure an appropriate education for a child with a disability;
6. Review the results of all due process hearing decisions related to inclusion and use these results as a guide to improving and enhancing inclusionary education policies and practices;
7. Develop standards and procedures for processing appeals by parents to the Secretary of the Department of Education.

State governments should:

1. Alter school finance policies to eliminate provisions which encourage segregation;
2. Amend their laws and regulations governing teacher certification to require that all teacher candidates be qualified and competent to teach all students at their certification level; and
3. Prohibit local school districts from entering into collective bargaining agreements which result, *de facto*, in violations of the rights of students with disabilities provided by Federal law.

School districts should:

1. Rescind policies and practices that place and keep students in unwanted segregated placements;
2. Provide parents information about their rights to inclusive placements for students with disabilities;
3. Eliminate the disproportionate identification of minority children as needing special education and rectify the disproportionate segregation of these children by race and disability classification; and

4. Provide educational support services to children with disabilities who need them without requiring them to be labeled and placed in special education programs to obtain services.

Remove Financial Barriers

Perhaps the single greatest barrier to the implementation of inclusionary education is the financing practices and policies of the various States. Because States distribute both State and Federal dollars for special education, they have a great impact on the practices of local educational agencies. Through a variety of funding mechanisms, they create disincentives to the inclusion of students with disabilities in regular classrooms and, in fact, often create incentives for districts to place students with disabilities in segregated educational programs. With changes in laws and regulations States can reverse those incentives in order to facilitate inclusion. States should:

1. Send funding directly to the local school district, not to intermediate level educational agencies where it is often used to support segregated education;
2. Require the involvement of parents and persons with disabilities in local decision making;
3. Eliminate all requirements that funding be tied to particular kinds of placements, expenditures, or categories of personnel;
4. Remove discrepancies in funding allotted to local educational agencies for children with disabilities based on the educational placement—neighborhood school, segregated special education facility, or residential school;
5. Require districts to provide the neighborhood school that enrolls a child with a disability the same amount of money that would otherwise have been spent in a segregated placement;
6. Ensure that principals have the discretion to use funding as needed to improve educational programs in their school and are held accountable for the educational outcomes the child achieves, not just the expenditures they have made; and
7. Allocate funding according to a "placement-neutral" process, whereby funding is tied directly to a student's needs, not to specific placements. For example, the option of a funding model based on a presumption of a proportionate incidence of children with disabilities in a school population rather than on the labeling and counting of individual children with disabilities might be appropriate in many districts.

The Federal government should:

1. Consider allowing States the option of allocating funds according to a "placement-neutral" process, whereby funding is tied directly to a student's needs, not to specific placements. For example, the option of a funding model based on a presumption of a proportionate incidence of children with disabilities in a school population rather than on the labeling and counting of individual children with disabilities might be appropriate in many districts.

Improve Consumer and Professional Training

Inclusion requires parents, teachers, and other school staff to work together in new ways. Parents need to change their expectations for their children, both in terms of goals and individual programming, when they enter an inclusive classroom. Teachers need to work with a more diverse population, relying on support from parents and others to assist them and all their students. Additional school staff, previously accustomed to others being responsible for students with disabilities, need to learn how to assist and support them.

Unfortunately, existing preservice teacher preparation programs are most often divided into special and regular education sections. They perpetuate teacher attitudes, skills, and confidence which make inclusion difficult at best. In order to change this situation:

The Federal government should:

1. Modify regulations relating to a Comprehensive System of Personnel Development in order to require plans for preparing teachers and related service personnel for work in inclusive educational environments; and
2. Condition its grants to institutions of higher education for personnel development on the elimination of the division between special and regular education teacher preparation programs and, instead, support the preparation of all teachers for inclusive classrooms.

States should:

1. Change bureaucratic teacher certification requirements which make it difficult and, in some cases, illegal for some teachers to work with students with different (dis)abilities;
2. Eliminate the linkages between funding allocations and teacher certification; and
3. Monitor and reward colleges and universities for the quality of the training they provide to teachers and administrators in the area of inclusion.

Professional training programs should:

1. Require all teacher candidates to demonstrate competency in teaching in inclusive classrooms.
2. Prepare all teacher candidates to:
 - a. Use instructional methods which enable children with and without disabilities to learn efficiently and effectively;
 - b. Understand when to use particular methods with children with disabilities;
 - c. Engender a high level of respect and safeguard the human and civil rights of all children;
 - d. Be skilled in communicating and collaborating with parents; and
 - e. Be knowledgeable of the subject matter they are expected to teach.
3. Eliminate the division between regular and special education preparation programs.

Parent training programs should:

1. Assist parents in learning how to be effective advocates for their children in seeking inclusive placements and skilled collaborators when planning with educators for their children;
2. Educate parents about the advantages of inclusion and how it relates to their child; and
3. Familiarize parents with the instructional methods available to assist their children.

With the passage of P.L. 94-142 in 1975, a new era of opportunity dawned for students with disabilities. In response to the exclusion and abuse of children with disabilities, Congress promised quality education provided to the maximum extent possible in the presence of other non-disabled children, from their neighborhoods, from their families. This promise has been broken in far too many instances. It is our hope that the information contained in this report will assist Congress, as well as Federal, State, and local education officials, teachers, parents, and students with disabilities themselves in ensuring that the promises of quality inclusionary education can and will be kept.

INTRODUCTION

We have to look around and see that there are no "special needs" McDonald's, no "special needs" malls, no "special needs" hotels. In fact, there are fewer and fewer "special needs" work sites and institutions. It is an integrated world in terms of ethnicity, language, and also ability. What better place to start than when children are young and in schools?

- Dr. William Henderson

In 1990, Congress declared that *"the Nation's proper goals regarding individuals with disabilities" were "full equality of opportunity, full participation, independent living, and economic self-sufficiency."*² In so doing, it affirmed its commitment to full equality of opportunity made almost twenty years ago when it found that

*More than half of the [eight million] handicapped children in the United States do not receive appropriate educational services which would enable them to have full equality of opportunity.*³

To ensure the achievement of full equality, Congress in 1975 enacted the Education for All Handicapped Children Act (EHA),⁴ creating a new Federal guarantee of "a free appropriate public education" to every child with a disability in need of special education. To accomplish this end, it allocated and appropriated hundreds of millions of dollars, required integrated educational settings *"to the maximum extent appropriate,"* created a preference in the law for integrated educational settings, prescribed a mechanism for planning each child's educational program, gave parents extraordinary powers to advocate for their children, and directed what is now the U.S. Department of Education to monitor the implementation of the law, to enforce it when it was violated, and to report back annually to Congress on its status.

Almost twenty years have passed since the EHA was passed and an entire generation of children with disabilities, entitled to the *"free appropriate public education"* Congress promised, has completed school. In spite of the law's existence, the goal of *"full equality of opportunity"* is far from being achieved.

- ◆ Students with disabilities graduate at lower rates than students without disabilities:

² The Americans with Disabilities Act, 42 U.S.C. 12101.

³ 20 U.S.C. 1401

⁴ The Education for All Handicapped Children Act (EHA) is now known as the Individuals with Disabilities Education Act (IDEA). The provisions relating to the education of children "to the maximum extent appropriate" with non-disabled students have remained the same.

83% of all students complete school; 56% of students with disabilities do so;⁵

- ◆ students with disabilities leave school with skills that are inferior to their non-disabled peers:

*Even those students with disabilities who took the Scholastic Aptitude Test for college admission consistently scored below students without disabilities; similarly, students with disabilities who took the National Assessment of Education Performance State Math Test consistently scored below students without disabilities;*⁶

- ◆ and, not surprisingly, students with disabilities are far less likely to find a job:

*The unemployment rate of people with disabilities remains at 67%.*⁷

The improvement of special education policy has been a long-standing priority for the National Council on Disability. In 1991, the Council initiated the study, *Serving the Nation's Students with Disabilities: Progress and Prospects*, to assess the status of special education. Among its findings was irrefutable evidence of the failure of America's schools to educate children with disabilities "to the maximum extent appropriate ... with children who are not disabled," a requirement which has been in the law for more than fifteen years.

*In [the Office of Special Education Programs'] monitoring of 26 states for the period April 1989 to February 1992, 143 of 165 local education agencies visited were cited to be in varying degrees of noncompliance with Federal and State least restrictive environment⁸ mandates.*⁹

⁵ SRI International (1992). *The Transition Experiences of Young People with Disabilities: Implications for Policy and Programs*. (Contract No. 300-87-0054). Washington, DC: Office of Special Education Programs, U.S. Department of Education.

⁶ National Council on Disability (1993). *Serving the Nation's Students with Disabilities: Progress and Prospects*. Washington, DC: Author. See pp. 74, 78-79.

⁷ Lou Harris and Associates, Inc. (1994). *National Organization on Disability/Harris Survey of Americans with Disabilities*. New York: Author.

⁸ IDEA, the legislation governing special education, requires that children be placed in integrated classrooms "to the maximum extent appropriate." In the implementing regulations, the Department of Education rephrased the requirement, calling for the placement of students with disabilities "in the least restrictive environment."

⁹ National Council on Disability (1993). *Serving the Nation's Students with Disabilities: Progress and Prospects*. Washington, DC: Author.

Consistent with the original intent of Congress, the National Council on Disability believes that students with disabilities must have every opportunity to be educated with non-disabled students in order to achieve full equality in education and throughout life. Thus, the Council undertook two additional efforts to study inclusive education.¹⁰ First, it conducted public hearings regarding inclusionary education. Second, in conjunction with the Pathways Awareness Foundation, it funded a study by the Education Development Center to explore in-depth the policies and practices of two states, Massachusetts and Illinois, as they relate to inclusion.¹¹

In August 1993, members of the National Council on Disability convened hearings in Chicago on the subject of *"Making Inclusionary Education Work: Overcoming Barriers to Quality."* John Gannon, the Council's Acting Chairperson, was clear about the goals of the hearing in his opening remarks:

Our purpose ... is not to debate whether inclusion is a good idea. It is to discover that for students and families who want inclusive education whether they can receive what they want and how we might ensure that the education they receive is of the highest possible quality.

On August 4th and 5th, 1993, thirty witnesses presented information on a variety of complex topics relating to inclusionary education. Numerous others concerned about the issue shared their thoughts and experiences during the open microphone sessions that followed each panel of witnesses. The testimony was thoughtful, substantive, and useful in the Council's continuing deliberations about the implementation of inclusionary education.

It should be noted that this report is concerned with barriers to—and opportunities for—inclusive education for those students and families who wish to access the promise and provisions of the Individuals with Disabilities Education Act regarding the opportunity to be educated in the least restrictive environment with appropriate and individualized supplementary aids and services. There continue to be individuals and groups who feel that the least restrictive environment for them is a separate placement. For example, some

¹⁰ In this report, the terms "mainstreaming," "integration," and "inclusion" are used interchangeably to mean that the primary placement of students with disabilities is in the regular classroom, although some instruction may also be provided in other parts of the school building based on student needs. Supports and performance expectations vary based upon the students' individualized needs and goals. Students may be engaged in the same activity with or without modifications, or may be engaged in parallel activities (i.e., same content area but different activity).

¹¹ Richardson, N., Rogers, J., and Verre, J. (1994). *A System Apart: A Study of the Implementation of the Least Restrictive Environment Provisions of IDEA in Massachusetts and Illinois*. Newton, MA: Education Development Center, Inc.

students who are deaf and their families believe that separate placements are preferable due to communication and cultural barriers that might exist in regular classrooms for deaf students. However, even within the deaf community there are those who would prefer an inclusionary education. All too often, these individuals have difficulty in obtaining inclusive placements because of the failure of school districts to provide the supplementary aids and services that might make an inclusive education an option. Insensitive and inflexible school district practices can result in the practice of "dumping," whereby districts refuse to provide appropriate and individualized aids and services to students with disabilities within regular classroom environments. This is a grave disservice to students, families, teachers, and other professionals. While this report details the widespread and continued ignorance regarding the rights of students with disabilities to be educated in the "least restrictive environment" and calls for a vast increase in inclusionary educational opportunities for students with disabilities, it in no way supports the elimination of services and supports which are both appropriate and individualized and result in the highest level of achievement for students with disabilities in the Nation's schools.

The National Council on Disability supports the principles embodied in the IDEA which create a positive presumption that students with disabilities should be educated in regular education classrooms in their neighborhood schools. Unfortunately, inclusionary education as envisioned in the law remains an elusive option for a great number of students with disabilities. The present report reflects the findings of its hearings, additional research it has commissioned, and its commitment to full implementation of the laws of this country consistent with the national policy goals articulated in both the IDEA and the Americans with Disabilities Act.

The current administrative, financial, and political pressures which result in the unnecessary segregation of children with disabilities in the country's schools represent both an unintended distortion of the law and an unacceptable substitute for the provision of a free appropriate public education required by law. The National Council on Disability strongly urges the Administration and Congress as well as Federal, State, and local officials, parents and students to implement the many recommendations made in this report in order to promote full equality of opportunity in America.

Why Inclusion?

I don't want to leave this school. It is not a good feeling to know that you don't learn right.... Other people will know because you have to ride that bus with the other children who don't learn right or can't walk right. That tells everyone you are an empty moonhead. It hurts to be called names.

- Shawn, as quoted by Carol Melnick

Witness after witness testified to the pain and shame that segregation has caused people with disabilities over the years.

We need to understand, as a society, the tragedy that goes on every day in our country when we segregate people through our educational systems and through institutionalization, just because they have disabilities. We cut people's lives short because they believe they have nothing to live for.

- Max Starkloff

For some, the above statements provide sufficient reason to end the practice of segregated education for students with disabilities. However, there are other reasons as well:

The system of segregating children with disabilities from others in their school-age years perpetuates barriers throughout life.

Each day I experience what exclusion has done. People my age see my wheelchair and cannot relate to me as another human being. The wheelchair is an assistive device that increases my mobility, yet strangers who are otherwise very intelligent and personable people panic and become dumbfounded if they have to interact with me. I'm seen as special, exceptional, brave, and courageous just by existing.

- Kathleen Winter

And when examined in terms of its value as an educational practice, segregated special education is extremely limited in its contribution to the achievement of our national policy goals.

Kids with disabilities are expected to have upon graduating from high school ... these three things: a job, friends, and a place to live.

When we looked at the seven special ed schools [in Vermont], we found that most of those kids ... "dropped off the cliff" after graduation and became non-participatory in their communities, where they did not have any friends, where they did not have a job.

- Rick Douglas

Could those students have achieved more? Larry Gorski from the Mayor's Office for People with Disabilities in Chicago explained the difference education in a regular school made for him.

In my graduating class of 1965 [from Lane Tech High School in Chicago], there were 973 graduates. Ninety percent of us went to college and a lot of us graduated.

Now when I went to Lane Tech, I did not have a disability. I became disabled a few years later in college. Had I been disabled at birth or early in life in the '60s, there was only one high school in Chicago that I could have gone to

[a segregated high school].... If you go back, you'll look at their graduation records.... Out of about 90 or 100 graduates in 1965, one graduated from the University of Illinois and one went one semester to the University of Illinois, and that was it.

What's the difference? It was only by virtue of the difference in the opportunity available to them and the choices that they had and the options they had for their education and their future. I wouldn't be sitting here today, quite frankly, in this position were it not for the choices and opportunities I had in my educational background. Unfortunately, many of my age cohorts who have disabilities do not have those options because they were disabled earlier in life. That is blatantly unfair and that's the reason why inclusionary education has to be the primary goal of our educational system.

What Is Inclusionary Education?

Inclusionary education is the name given to the implementation of the requirement that children with disabilities be educated with children who are not disabled "to the maximum extent appropriate," as stated in the Individuals with Disabilities Education Act.¹²

In practice it means that the discussion of every child's education should begin with the assumption that the child should attend the neighborhood school he or she would attend if he or she were not disabled.

What should happen is that you look at this kid and you say, "You are in the intended zone for the Booker T. Washington School. That is where you are going to go. What do you need to be able to make that successful?"

- Mark Partin

Only if "education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily,"¹³ may a placement outside of the child's regular class be considered. And then more questions need to be asked in order to ensure that the decision made about the child's place of education is truly the appropriate one for him or her and not merely based on past practice and habit. Finally, parental and/or student involvement is critical. The decision to place a student in any setting other than a regular classroom needs to be based on an informed choice and non-prejudicial information.

¹² 20 U.S.C. 1412(5)(B).

¹³ 34 CFR 300.550(b)(2).

How would [the child] better be served in another setting? What are the problems? What are we not doing to make that child succeed in the way you want?

- Catherine Bushbacher

Congress was wise in its formulation of the law. Children are well served by focusing an individualized inquiry on the provision of specific *supports and services* needed to ensure each child's success in the regular classroom, rather than on the identification of an existing location which claims to have the services the child needs, necessitating his or her subsequent move to a segregated placement.

When we sit down at the table to develop the IEP, we develop an IEP with the child as a regular ed child first. Then we decide what specialized services they need outside of that regular curriculum or whether somebody needs to come in and assist this child to stay in that environment. That is inclusion!

- Charlene Green

EXAMPLES OF SUCCESSFUL INCLUSION ACROSS THE AGE SPAN

A friend of mine has a child with Down syndrome. It was difficult for her to have the child go into an inclusive classroom. She was very nervous and concerned about it. The first day that her Jennifer came home, she came in just bubbling and said, "Mommy, I'm a real second grader now!" That's the whole point: to let children like Jennifer know they're regular kids, too.

- Margaret C. Daley

Throughout the two days of hearings in Chicago conducted by the National Council on Disability, witnesses told stories about the successful inclusion of individual children with disabilities in their neighborhood schools, cited statistics measuring inclusion, and described successful programs which schools, districts, States, and the Federal government are implementing to ensure inclusion.

One of the most remarkable discoveries concerning the implementation of inclusion at this time is the remarkable variety of ways in which inclusion is being achieved. In some situations, individual parents and educators are pressing individual schools to change to enroll a single child with a disability. In others, educators are working together to make comprehensive changes in their individual schools to welcome and educate all children. State and Federal governments and nonprofit organizations are also making major contributions to bring about systemic change. All of these approaches to inclusion are occurring at every level in public education.

Success in Early Childhood Inclusion

One of the most striking aspects of the brief story about Jennifer [above] is the fact that even by the beginning of second grade, she already believed that she was not a "real" student. Throughout the hearings, witnesses repeatedly stressed the importance of early childhood programs to ensure later successful integration. Young children accept differences easily:

You can put a kid with a disability in with a group of other kids when they are all three or four [years old], and the other kids will just think he's another kid.

- Mark Partin

When children with disabilities receive the supports they need from a very young age in inclusive classrooms, their potential to develop the physical, psychological and social skills required to be full participants in their communities is greatly enhanced.

When I first met Joseph, he was a charming preschooler with an exceptional vocabulary and an inquisitive mind that needed nurturing. Like any child, Joseph needed an opportunity to explore his environment. His mom fought and won the battle to secure a motorized wheelchair for Joe at a very young age.

A means of independent mobility not only has practical aspects: it can go a long way in fostering self-esteem and promoting socialization. His ability to keep up with the gang and, of course, his wonderful personality helped him to form friendships and prompted his first grade sweetheart to write a wonderful story about "the magic wheelchair."

- Mary Beth Gahan

The significance of early preparation for integration was reinforced by one mother's testimony about her child's educational experiences from an early intervention program through sixth grade.

My own daughter was born to Dave and I on March 3, 1980, with Down syndrome and congenital heart disease. She was lucky to be born in the early 1980s because she is the first product of infant stimulation and early intervention programs. It is Vicki's generation of students with disabilities who will be the benchmark for how successful good quality educational experiences can and should be.

When she was seven years old, Vicki was socially integrated into kindergarten, yet based in a special education classroom. For the past six years Vicki has been a regular education student using special education supports. The success of this venture shows in Vicki's strong social skills and in her academic needs continually being challenged and met. She is going to be in the sixth grade this fall with the same students who have known her since first grade. She is part of their class and they are a part of her class.

Successful integration for Vicki has come rather easily ... due to having open-minded and creative elementary school principals in our neighborhood school who have embraced the philosophy of doing what is best for every student. Vicki's academic and personal needs have the same value as every other student enrolled in her school. The integrated educational opportunities that she experiences today will lead to Vicki being included into an integrated community for the rest of her life.

- Carol Reedstrom

In recognition of the importance of inclusion in the early years, one State has funded a nonprofit organization to facilitate inclusion in the preschool years.

In Arkansas, a firm commitment to least restrictive environment mandates and the spirit of collaboration have taken root. In 1987, Project KIDS was initiated by the Association for Retarded Citizens (ARC) through a Developmental Disabilities Planning Council grant focusing on providing integrated preschool experiences for children with developmental disabilities,

birth through five years old. The project provides placements into cooperating day care centers and offers ongoing technical assistance to these Center staff.

- Dr. Martin Gould

Elementary School Success

A four-year-old girl became disabled when a bicycle she was on hit a pot hole on the street and overturned, causing her to sustain a spinal cord injury. The administration and faculty were excited about this young girl coming to their school. Their enthusiasm was based on the added diversity they will have in their student population, the opportunity to make their physical facilities accessible, and the opportunity to be a leader in inclusionary education.

- Max Starkloff

Inclusion at the elementary school level occurs for a variety of reasons. Sometimes the presence of a single child with a disability may cause school personnel to change their policies and practices in order to include him or her. In other situations, outside organizations may help many students with disabilities gain admission to their neighborhood schools. In St. Louis, Missouri, a nonprofit organization is facilitating the inclusion of students with disabilities in school and out of school.

For about seven years, Paraquad has operated a youth and family program for both disabled and non-disabled children as a transition program to inclusionary education. This program has grown to serve more than 75 families, the vast majority being families of children with disabilities. The philosophy is built around leadership development, which includes career exploration, boat trips, systems advocacy, dog sled trips, and testifying before legislative bodies. A majority of the children who are disabled were in special schools prior to entering the program. They have now been successfully mainstreamed.

- Max Starkloff

In some cases inclusion does not come through changes in an existing school, but is incorporated into the initial design of a school.

In Frederick, Maryland, a bold new step was taken in 1992 with the opening of Twinridge Elementary School. Following its initial design plans, Twinridge staff included neighborhood children with special education needs in regular classrooms with necessary aids and supports. Twinridge's inclusionary education program serves children with a diverse range of needs from kindergarten to grade five. Twinridge is gearing up for its next year of operation during 1993-94, and there is every sign that the program's momentum and the school's staff are fueled for a second year of success.

- Dr. Martin Gould

Individual principals with a commitment to inclusion can lead staff to transform schools which previously segregated students with disabilities. Two such principals described the effect of inclusion in their elementary schools. Dr. William Henderson of the O'Hearn Elementary School in Boston shared the effects inclusion has had on his school's student population:

We serve students from the age of three up through grade five. Our school reflects the ethnic and linguistic diversity of Boston and we also have a diversity in terms of ability. Approximately 25% of our students are considered to have moderate to severe disabilities.

Most of our students have done very well in terms of looking at indicators of whether they have obtained the goals listed in their IEPs, whether we are talking about standardized test scores or looking at students' portfolios.

Before O'Hearn became a full inclusion school in September of 1989, we had vacancies at every grade level. Now going into the school year, we are fully enrolled at every grade level and some of our waiting lists are five times our capacity. We are clearly one of the most popular schools in Boston, one of the schools with the lowest transfer rates.

Inclusion has been advantageous for all of the children in the school and is recognized as such by the community of people who have chosen to send their children—with and without disabilities—to O'Hearn Elementary School.

Another principal, Catherine Bushbacher, spoke of the strategies used at her Chicago elementary school to implement inclusion and the benefits students have received:

The Peter A. Reinberg School has 727 students. Of these students, 290 have some special needs.... Almost every level you can imagine as labeled, we serve. Our class size in Chicago is 28 in the primary grades and 32 in the upper grades.... I can't change those numbers. So when we looked at our large number of special education children and our large number of children that we would call the typical program, we knew that something had to give. What we came up with is to teach cooperatively. We use the class size that's mandated by our contract. We use the demands that we have upon us to make our situation work, and I feel it works very successfully.... Children are totally included from kindergarten on up.

Many of our teachers will tell you stories where children who have a disability would help someone else. We also have a very large Polish bilingual population. We have one girl specifically who is Polish bilingual and deaf. She would automatically translate for a new Polish immigrant the teacher's lesson for another child next to her into Polish. So it became a matter of one

child helping another.... We started realizing that we were the ones arbitrarily stopping these children from dealing with each other.

In both instances, these principals worked with their staff and communities to transform their schools. They moved from practices which segregated students with disabilities to full inclusion. Information concerning the strategies they used to accomplish this is included in later chapters.

Private schools, too, are including children with disabilities and, like O'Hearn, are finding that inclusion does not discourage parents from sending their children with and without disabilities to them:

In St. Louis, there is an example of a successful program in inclusive education. The Bell School has had a program of inclusion for several years which has drawn a great deal of attention. It is in great demand by parents with both non-disabled and disabled children. It has a diverse student population which has done an excellent job of ensuring that disability is included within this diverse school.

- Max Starkloff

While many children with and without disabilities benefit from the successful implementation of inclusion in individual schools, the impact of those successes goes beyond the individual school. Frequently, successful implementation of inclusion in one school results in its adoption in others.

In Forest Lake, Minnesota, a collaborative university-school district relationship established the Achieving Membership Program. The program began by returning three students with disabilities to their home school, Scandia Elementary, beginning in the 1990-91 school year. In the 1992-93 school year, five other elementary schools in the Forest Lake District are now welcoming students with severe disabilities into general education classes. Annual activities which support this growing collaborative relationship include: integration and social network checklists for each student; peer observations; peer, parent, and support staff interviews; stages-of-concern questionnaires, ongoing training opportunities; and monthly updates about achievements from the program.

- Dr. Martin Gould

Secondary School Success

Some critics suggest that inclusion is more feasible in the early years than at the secondary school level. Although inclusion at the earliest stages of education is desirable, it

can also be very successful when the child is integrated in the later school years. One parent described her daughter's experience:

My daughter has just finished her freshman year [in high school]. This is the fifth year that she has been in an inclusive educational environment. She is the first child at our high school with significant multiple disabilities who has been totally included. I can only tell you it's gone beautifully because I come from a district and a co-op that honors the individual program for my child.

-Linda Effner

As students reach secondary school, the issues related to their education broaden to include planning for life after high school. Some students with disabilities require more services in adult life than their peers without disabilities and, thus, more careful coordination with adult service providers. In Nashua, New Hampshire, the school district has worked with State and private agencies to facilitate the transition of students from inclusive classrooms to integrated work and life within the community:

In Nashua, New Hampshire, the public school system has demonstrated a progressive commitment to an inclusionary educational system—at the secondary level—which is paired with the notion of natural supports in the workplace. Like their counterparts at the State level, Nashua-based agencies in general and special education, vocational education, and vocational rehabilitation have developed interagency agreements regarding youth transitioning from school to work. These agencies are developing common administrative procedures, a common data base, and a common vision for quality jobs for all graduates. In addition, generic community organizations such as the Rotary, Chamber of Commerce, Family Support Council, and Town Council are all working with a local transition/employment consortium to support the district-wide commitment to inclusionary education at the secondary level.

- Dr. Martin Gould

Systemic Success

*Alaska serves 99.83% of all its students in neighborhood public schools....
New Mexico serves 91.5% of its students with multiple disabilities in neighborhood public schools.*

- Dr. Martin Gould

Although many of the examples cited above describe inclusion in individual schools, it is important to note that they are not merely isolated local examples. Children with disabilities are included in large numbers in neighborhood public schools throughout some States. In those instances in which the Federal and State governments are supporting inclusion on a system-wide basis, it is successfully being implemented.

The Federal government has awarded Systems Change Grants to foster inclusion in a number of States. In California, a grant to the California Research Institute supported the creation of the Peers Project.

The Peers Project assisted more than 3,000 students with severe disabilities to transition from segregated special education centers to either age appropriate general education campuses or classrooms. The Peers Project developed and disseminated project products, including collaborative manuals with the California Research Institute, to the 250 local education agencies receiving Peers training and technical assistance as well as to the 200 LEAs that did not receive direct assistance.

- Amy Bennett

Dr. Barbara LeRoy, the Project Coordinator for Michigan's federally funded Systems Change Grant for Inclusive Education, described the progress the grant has fostered through its four years.

To date, over 1,500 students with moderate and severe disabilities have been supported in moving from segregated, special education-only schools and classrooms to full-time placement in same age regular education classrooms as a result of the project's outreach training activities. In addition to that, another 3,000 to 4,000 students [with disabilities] have moved into regular classrooms as a result of the inservice training we have been providing to teachers. Twenty school districts throughout the State serve as model demonstration sites, while an additional 35 districts have implemented inclusive education on a limited basis. More importantly, the project has been instrumental in assisting the State Board of Education and the State Department of Education in establishing policies and rule changes that support one system of education for all children.

- Dr. Barbara LeRoy

The State of Indiana has demonstrated its commitment to inclusion by offering small grants to support pilot programs. The response to the initiative suggests that interest in inclusion is growing.

Indiana inclusion pilot sites have been in operation for this past year. In the 1992 session of the Indiana General Assembly, \$200,000 was appropriated for up to 10 special education inclusion pilot sites. We had over 30 applications for the 10 sites, and these initiatives involved single buildings to initiatives for up to 24 buildings in two adjoining school corporations.

- Paul Ash

Inclusion in Assessment

Although the inclusion of children with disabilities in classrooms with their non-disabled peers is a necessary and significant step forward, more is needed. For many years, the educational achievements of students with disabilities have neither been assessed nor reported in State and Federal evaluations. Such information would be useful in a variety of ways, just as it is for students without disabilities.

One use of standardized assessment results would be found in measuring the effect of inclusion on students with disabilities. One statistical measure of the impact of inclusion on students with disabilities is the relationship between the rate that students with disabilities are included in regular education programs and the graduation rates of students with disabilities in the same state.

How can we tell if inclusionary education is working well in terms of student outcomes? One way is by examining reported inclusion rates and graduation rates for all 50 States and Puerto Rico and the District of Columbia. The most striking detail about the information is the comparison between the six States with the lowest rates of inclusion and the nine States with the highest rates of inclusion. The percentage increase in graduation rates between the two groups is proportionate to the percentage increase in inclusion rates.

- Dr. Martin Gould

Another use for assessment results is in the evaluation of school performance. Over the last decade many of the efforts focused on improving schools in order to improve student outcomes have included strong assessment components, yet some States and districts have excluded students with disabilities from those assessments. The State of Kentucky has found a way to include them:

Kentucky has demonstrated that it can include students with disabilities in its statewide system of assessments and reports. Of all students with disabilities, 98% participate in the assessments provided to non-disabled students. The remaining students participate in alternative portfolio assessments which allow students to demonstrate their educational competence through real life activities such as using community supports, maintaining friendships with non-disabled peers, demonstrating actual work experiences, and communicating with peers.

- Dr. Martin Gould

In addition, some districts are including students with disabilities so that the effect on students with disabilities resulting from the restructuring of schools can be assessed, just as it is for students without disabilities, and needed changes can be made to improve their success.

Of the many school districts trying to include students who receive special education into statewide assessments and progress reports, a few are notable:

Pittsburgh, Pennsylvania; Johnson City, New York; and San Diego, California. These districts are noteworthy because they are developing standards for all students at each grade level. The standards include a clear vision of the types of knowledge, abilities and skills students need when they graduate. This vision provides a clear direction for decisions about curriculum and instruction, professional development, and assessment. Pittsburgh, Johnson City, and San Diego possess a clear focus on learning and a desire to make changes, either in individual teacher approaches or in district policies, to help all students achieve.

- Dr. Martin Gould

The inclusion of students with disabilities in assessment will enable schools to document the success of inclusionary education and to enable students with disabilities to increase their success in the future. In addition, such inclusion will provide a valuable bridge to ensuring the participation of students with disabilities in school reform initiatives such as *Goals 2000*.

Findings

1. Inclusionary early intervention programs and other integrated supports provided at a young age facilitate the development and inclusion of children with disabilities throughout their school years.
2. Children with disabilities who begin school with their non-disabled peers are more easily integrated and accepted.
3. Inclusion can also be successful in the upper grades.
4. Families of typical children are not reluctant to enroll their children in successful inclusive schools.
5. Inclusionary education may be introduced at the initial planning stages of a school or at any later date and still be successful.
6. Schools build on the inclusion of students with disabilities as they assist them in planning their adult lives as workers and participants in integrated communities.
7. Inclusion may be accomplished one student at a time, one school at a time, or simultaneously at many sites.
8. Inclusion has been achieved through the efforts of many different organizations and individuals. The impetus for inclusion in particular sites has come from nonprofit organizations, individual parents and educators, State agencies, and the Federal government. Its successful implementation requires the efforts of all of those whose actions and attitudes affect children.
9. Assessments and reports of student performance are frequently used to monitor and alter the activities of educators and schools, yet students with disabilities are frequently not included in them. This omission suggests that their achievements are not considered to be significant. The improvement of their educational outcomes, frequently achieved by changes in response to assessment, does not have the same priority as it does for other students. Fortunately, some States and districts now include students with disabilities in their assessment and reporting of educational achievement.

SPECIFIC STRATEGIES FOR MAKING INCLUSION WORK

The best introduction to inclusion is ... a model that works.

- Charlene Green

In inclusionary education models, students from segregated special education programs and regular education programs are brought together in classrooms in typical neighborhood schools. Prior to inclusion, students, staff, and parents in the separate systems are oriented to differing approaches in curriculum, grading, instructional methods, personnel responsibilities, etc. Because the existence of separate systems has been justified as "necessary" to ensure the success of all students, many questions can arise about how the two systems can be blended in such a way that all students will benefit.

Fortunately, there are models that work to learn from. Educators, parents, and staff at these schools have already begun to identify areas requiring change and have found some solutions to meet their needs. While the witnesses who testified at the hearings had different frames of reference for their remarks about inclusionary education, many of their recommendations had common elements.

One common element was a vision of inclusionary education that went beyond the mere physical integration of students in a classroom. Ruth Usilton shared strategies that have been used by many districts to ensure that *"all students are welcomed and valued learners in the schools and classes they would attend if not identified as disabled."*

As schools begin to include students who have historically been excluded, planning frequently focuses on changes needed to accommodate individual students. While some components of the planning process must be individualized, many of the changes needed to enable students to succeed are not. *"Although many districts begin development of inclusive education one student at a time, it is, in fact, a building-level commitment to all students"* (Ruth Usilton).

The content of needed changes and the processes used to arrive at these changes go far beyond the practices of an individual teacher in a single classroom working to accommodate a new student with a disability.

Focus on the Whole School

In considering current concerns about the quality of regular education programs in America, witnesses argued that inclusion must be used as a vehicle for bringing about whole school reform. Dr. Donald Moore offered an approach to school improvement through inclusion, premised on the existence of a *"school-level decision making mechanism ... through which parents have a major voice in setting school improvement priorities."*

[One approach] is to eliminate the classification and labeling procedure entirely for children with mild disabilities.... Each school would be granted an allocation of funds based on a presumed incidence of mild disabilities. Safeguards would be needed to ensure that these funds reached the school in the form of dollars that are supplementary to a fair allocation of basic funds. The school would then be free to use these funds to help implement their overall school improvement plan, which would have as its overriding goal providing high-quality education to all the school's children. However, the school would not need to show that they were targeting the funds generated by the presumed-incidence formula to particular children.

- Dr. Donald Moore

While the adoption of many of the changes described below would benefit students with disabilities, they would also result in changes beneficial to the whole school population.

Curricular Changes

Perhaps the most fundamental issue in education for all children is what they learn. Parents of children with disabilities and those without disabilities are rightfully concerned about the curricula used in classrooms. When children with disabilities are educated separately from their non-disabled peers, school systems frequently create two different curricula. Catherine Bushbacher, principal at Peter A. Reinberg School in Chicago, discussed the need to change those practices and to use a different approach to meet student needs:

We had a special ed curriculum and a regular ed curriculum. Our special ed curriculum at times tried to model the regular ed curriculum and put it on a small scale. What we had to do is to say we needed one curriculum and we needed to support that curriculum and modify that curriculum for each child on an individual level, whether the child had an IEP or not. We modified the curriculum according to what each child needs.

Grading Policy Changes

When two previously separated groups of children are placed in a single classroom, working from a single curriculum, questions arise about how students should be graded. Schools have previously used different approaches to grading students in special and regular education classrooms. In an inclusionary school environment an examination of the disparities in judging student performance levels is needed.

Grades were a major problem for us. How do we grade children? We used to believe that a child with a disability shouldn't be failed; a child with a disability shouldn't be given a bad grade. We started saying, "Wait.... If we're including these children and truly expecting them to do certain things,

we need to demand of them some things, realizing what is in the IEP." If a child with a disability at Reinberg chooses not to do his or her homework, like any other child they need to suffer the consequences. The consequence of not doing your work should be having your mother called, if that's appropriate; maybe earning an "F." That's a major change for many of our parents.

The parents were used to good grades, but those grades in many cases were gifts. The parents changed their thinking into saying, "I know my child earned that." They started developing a sense of pride in what their child could do and started realizing what their child could do and where they could fit in to help. Then we had to educate the parents about what we were doing and every parent bought it.

- Catherine Bushbacher

Instructional Changes

As all students begin to work from the same curriculum, educators must decide how they will assist all students in achieving the goals and objectives embodied in the curriculum. While one of the prior justifications for separate educational systems was the presumed differences in how students with and without disabilities learn (and, therefore, how they need to be taught), research now shows that the best practices for all students are more similar than different.

We know that you cannot take the student who has Down syndrome, tell him to sit in row 5, to open up the book to page 33, to listen to the lecture, to fill out the worksheets, to answer the questions in the textbook. That is going to be a bust. It is questionable whether that kind of education is good for any student.

- Dr. William Henderson

Dr. Henderson, a principal in the Boston Public Schools, explained that techniques which work for students with disabilities are more often used in regular education classrooms than in special education programs and are viewed as best practices by general educators:

Some of the changes in curriculum and instruction that work particularly well in inclusive programs are the following: whole language and literature techniques; hands-on instruction (particularly in math and science); active learning vs. passive (not just sitting back and listening, but getting involved in projects); multi-cultural content and processes (exposing children to a range of diversity, people from different ethnic backgrounds, people from different linguistic backgrounds, people from different ability backgrounds in literature and the role models they see), as well as in our sensitivity as to how we approach our learners. There needs to be much more thematic or integrated curriculum where we are not taking 7, 8, 9, or 10 different subject areas, but we are looking at a subject and we are trying to look at it much more

holistically, with much more in-depth instruction and a lot more cooperative learning.

There are aspects found in some special education programs that are proving beneficial to regular education students. One of those is the special education practice of providing students with learning opportunities in the community.

For over a decade now, those of us who are involved in the preparation of professionals to work with students with moderate and severe intellectual and multiple disabilities and autism have sought to provide our teacher trainees an understanding of the importance of instruction in natural environments, such as grocery stores, restaurants, and competitive employment businesses and agencies.... Because of the increased competence and understanding some of us observed in children with the most significant challenges who had received instruction in natural environments, we recommended that not only should children who have disabilities receive instruction within the community, but so, too, should children who are not labeled.

In the DeKalb schools, some general and special educators collaborated in providing all children in particular classrooms with instruction in natural environments. Parents with children not labeled reported that the time spent learning in the community with children with disabilities were the school days their children favored most. Parents instinctively understood how important that was to the education of their children.

- Dr. Sharon Freagon

All students can benefit from changes in the instructional methods occasioned by the implementation of inclusionary education.

Creative Use of Resources and Personnel

Whatever decisions are made about curriculum and instructional strategies, new ways of deploying existing resources and personnel are needed to meet the varied needs of children in the classroom. The adoption of inclusionary education may be seen as an opportunity to review the current use of all resources. Ruth Usilton suggested consolidating all of the resources available in the building and looking at how they can be used most effectively for all students.

Nowhere is this approach more evident than in the area of personnel. When neighborhood schools include children who have previously been excluded, some States provide these schools with resources that previously were dedicated to segregated settings. These additional resources may be used to lower the adult-student ratio in the neighborhood school.

We have taken the monies from the private placements that we've pulled back and we have used that for staffing. The \$80,000 we saved for transportation out-of-district, we have used that.

- Dr. William Henderson

An expanded discussion of the use of financial resources appears in the chapter entitled, *Financing Inclusive Education: Barriers and Opportunities*.

While the addition of previously unavailable resources to increase student-staff ratios is an appropriate policy decision, some schools have found other ways to redeploy resources. Cooperative teaching is one approach taken at the Reinberg School in Chicago:

We have two teachers who constantly teach for the full day in the same room. We have been able to achieve that through opening up cross-categorical programs, so the range of disabilities is in most of the rooms, and letting the teachers work many things out.

- Catherine Bushbacher

Dr. Barbara LeRoy echoed this finding.

By establishing classrooms in which a regular education teacher and a special education teacher share equally the planning, instruction, and evaluation of students, we have found that a diverse group of students can be accommodated.

In addition to the instruction provided by the classroom teachers, some students with disabilities also receive assistance from other professionals. Traditionally, these professionals have removed students from their classrooms to meet with them. Several witnesses specifically warned against the use of "pull-out" programs as a way to educate children with disabilities who are otherwise included in regular education programs. One described the way the programs operate and the problems they may create:

We start at a very young age pulling kids out from the general education curriculum for repeated-type practice things which they are very bored with in the first place. Then what happens is they keep getting further and further behind because they are not hearing the same things that the kids in general ed are hearing, so they have no alternative but to come up short on all of those tests.

- Patricia McGill Smith

Dr. Donald Moore used the following example to call for a clear definition of inclusion that would protect children with disabilities from such programs:

We know that pull-out programs in Federal Chapter 1 [projects] have marginal effects, unless they are aggressive, time-limited efforts to give students specific skills for returning to the mainstream. Thus, it is critical that inclusion advocates should not simply move children labeled as having mild to moderate learning problems from self-contained classrooms to part-time resource rooms and call this inclusion. [Such students should be] educated entirely in the regular classroom, with extra staff available to assist teachers, mildly disabled children, and other children with learning problems in the regular classroom setting. Any pull-out program for such children must be aimed at returning the child to the mainstream within a designated period or must be justified based on particular needs of that child that are sufficient to overcome the presumption of full-time attendance in the regular classroom.

Some educators have been successful in "moving both consultative and direct related services into the regular education classroom" (Ruth Usilton). The chapter, *Supports for Inclusion*, provides several examples of how related service providers can be used to support student success in regular classroom activities.

The introduction of related services personnel into the regular education classroom has additional benefits that result from the teacher's ability to observe the specialist:

Our therapists, our speech pathologist, and our occupational therapist work in the classroom. One of our teachers commented that it was one of the most marvelous things that could occur because the mystery of what a therapist does has been solved in many ways. She now knows how to get the child to say the letter, the sound of "s," and recognize the letter "s." Because she is seeing a specialist do it, she now is beginning to feel confident in working with the child in the classroom. They can then talk about it later when someone can look at the speech pathologist and say, "You worked with that child. How can I work with this child?" And they begin to build their communication.

- Catherine Bushbacher

As important as the decisions are about curriculum, instructional strategies, and use of resources, the key to the success of inclusionary education is the process for making those decisions, according to many witnesses.

Collaborative Planning

The most commonly mentioned requirement for successful inclusion is collaborative planning. Although much is already known about changes needed to make inclusionary education successful, much is still being discovered. Collaborative planning teams are making the greatest gains.

Teams must include regular education teachers and parents as well as administrators, special education teachers, and related services professionals. The most creative strategies to support students with disabilities in regular classes and other natural settings have been developed by teams of professionals and parents working in concert to solve problems and craft effective supports.

- Ruth Usilton

The actual steps in planning for individual students is described in the chapter, *Supports for Inclusion*.

Changes in Relationships

In order for collaborative planning to be successful, educators, school support staff, and parents, who may never have worked together in the past, need to develop new relationships. Some schools have recognized the need to reach out to all of the adults with whom students interact.

No longer can we talk about special education teachers or professionals who work with "those students over there" and regular education teachers who work with "these students over here." People need to collaborate to pull their expertise together to serve all students. And it's not just the teachers. The principal, the custodian, the secretary, the lunch monitors all have to demonstrate a commitment to having students learn and succeed together.

I remember the first year I was at this school. The biggest problem we had was in the cafeteria because when the teachers were on break and we went down there, the lunch monitors told me, "We don't have to serve the handicapped." And they were right. In the forty years this woman had worked in the Boston Public Schools, she had never had to serve "the handicapped" because they always came with an aide or they always came with a teacher. They were always "taken care of." That relationship means a change for the entire school staff.

- Dr. William Henderson

Inclusion also requires changes in the attitudes of staff toward parents. Dr. Barbara LeRoy argues that the family is the key to inclusionary planning:

In inclusive education, the family is central to the entire process, as the team recognizes and affirms that the family is the one entity that has a sustained relationship with and knowledge of the student and his/her needs.

Because of that recognition, parents have a different role in the IEP meeting:

We've looked at our parents differently from a staff point of view, too. We include them much more in our planning simply because they really are part of the team. We've had to look at ourselves as educators and say, "Yes, we do have the training, but that's the parent." That parent knows that child better than anyone else could. That is the person that has to assist us in setting our goals. So many times at an IEP conference or prior to one, we'll say to a parent, "What do you want this year? If you were to list one thing you want to accomplish more than anything else, what would it be? How can we help you do that?" So, we've included them much more as being almost the decision maker in many cases and we become the facilitator for their goals.

- Catherine Bushbacher

Training and Staff Development

Training and staff development activities need to occur in order to change attitudes and to foster new skills so that inclusionary education can succeed. Changes in long-standing relationships require training and staff development activities. Ruth Usilton reported that *"a great deal of the technical assistance and training provided through our project is focused on this single issue."* In fact, most of the specific strategies described above require changes in the skills and attitudes of staff and parents. Those changes generally occur through training. Paul Ash, of the Indiana Department of Education, described training as one of the two factors that have led to success in Indiana:

Training was provided for all stakeholders and service providers to enable them to have the tools to implement a different way of delivering services and ensuring that services and resources follow a child.

Training has been found to make the difference in some cases in teachers' attitudes and confidence about including children with disabilities in their classrooms:

We have found in working with regular education teachers that they are very willing to implement inclusive education and to support students with diverse needs in their classrooms, if they have had the opportunity to be adequately prepared. In many instances, teachers need to learn about specialized equipment and student positioning. For example, in transitioning a student with severe, multiple disabilities to a third grade classroom, the teaching staff needed just such an inservice training. The occupational therapist and physical therapist trained the staff and provided a set of photographs to

accompany the student which highlighted how Nate should look when he was properly positioned on and in his various pieces of equipment. That set of photos was most beneficial to the regular education staff in the early days of the school year, as they became comfortable with their new responsibilities and learned how to interpret Nate's nonverbal communications to them.

- Dr. Barbara LeRoy

Training is discussed at greater length in the chapter, *Professional and Consumer Training*.

Time

Essential to all of the activities that may result in change—team-building, planning, creating, and training—is the time to do it. Successful inclusionary schools build in time for their teams.

Where teams are functioning effectively, decision-making and problem-solving will also be most effective. Doing this the right way requires that team members have time to develop a team relationship as well as time to get together on some regular basis to problem solve.

- Ruth Usilton

Successful programs are also making time for teachers to plan together:

Part of what makes it work is the planning time that we have set [for the staff] to work together. By cooperatively teaching, they have the same preparation times, so they can sit down for several hours a week and plan and modify and work together and share ideas and whatever it takes.

- Catherine Bushbacher

One of the challenges to changing current educational practices is that of creating adequate blocks of time for educators, parents, related services personnel, and other stakeholders to get to know each other and to work together.

Peer Preparation

One tool that has been used in particular instances to further the social integration of some students with disabilities is the preparation of their non-disabled peers prior to their arrival. Witnesses testified that children are generally accepting of each other, and that peer preparation is needed only in certain circumstances. Dr. LeRoy described one set of circumstances when a student with a disability would benefit from having an adult prepare his peers for his inclusion:

We have found that peers do not generally need any preparation, nor do we believe that this is a good idea. However, in some instances, there is a good

reason to provide some training and education to the peers in the classroom. In all instances we allow this decision of peer preparation to be directed by the wishes and concerns of the family.

To illustrate this I will talk a bit about Chris. Chris is a student with severe cognitive, physical, and behavioral disabilities. He is nonverbal. As he was entering the 5th grade classroom, he did not have any alternative means of communication. Chris has uncontrolled seizures and could have up to 20 seizures during the course of one school day. It was with regard to Chris' seizure condition that his mother wanted to share some information with the typical students in his classroom. She visited the classroom, shared a videotape on epilepsy, shared information about Chris and particularly how his behavior communicates his needs and wishes to her, and answered the students' questions in regard to epilepsy. Of particular importance to Chris' mother was that the students understood that they could not cause Chris to have a seizure and that he was not in pain when one occurred. In other words, she did not want Chris' seizures to serve as a barrier to student interactions.

Dr. LeRoy went on to share the most effective strategy for peer acceptance:

Finally, with regard to peers and preparation, we have found that the best peer support for students with disabilities is to ensure that they begin school on the same day and at the same time as the typical students in the classroom. To do anything else communicates nonverbally the message that this student is different and not like his/her peers.

In addition, preparation and on-going support might be provided through the participation of adults with disabilities from the community (for example, through Centers for Independent Living) who might serve as role models.

Opportunities to Celebrate Accomplishments

Finally, none of these changes comes without effort and commitment. The challenge of change needs to be acknowledged:

When people are experiencing difficulties in developing inclusive education, they [need to be] able to sort out the difference between, "I am feeling down in the dumps because inclusive education is too difficult," or, "I am feeling down in the dumps because I am going through a change process." One of the ways to help people get through that is to help them sit back and realize what they have accomplished, celebrate their accomplishments, and develop a sense of community around their goals and their visions.

- Ruth Usilton

In addition, steps need to be taken in order to ensure the long-term acceptance of the changes necessary for the successful implementation of inclusion. Clearly, achievements in creating and maintaining educational environments in which all students are welcomed and valued need to be recognized and rewarded:

If we are looking at the move to inclusive education as leading us into a future where diversity is valued, and only systems, not students, fail, then we must take some time to celebrate.

- Ruth Usilton

Findings

1. Inclusionary education can lead to a focus on school-wide changes to benefit all students.
2. Inclusionary schools move toward a unified curriculum and make individual modifications for all children who need them.
3. Inclusionary education can provide the impetus to blend the best experiential, interactive instructional strategies currently used in regular and special education to benefit both students with disabilities and their non-disabled peers.
4. Inclusionary education provides an opportunity for the redeployment of personnel in schools to improve the educational experiences of all children in the classroom.
5. Changes necessary to implement inclusionary education will be facilitated through collaborative planning by all of the stakeholders in a child's education.
6. Relationships among educators, school support staff, related service personnel, and parents have to change in order for them to collaborate in planning for children with disabilities.
7. Staff and parents will need training and support to make changes in their attitudes and skills.
8. For inclusionary education to succeed, time should be allocated for training, team-building, and planning.
9. Peer preparation is rarely needed in order to ensure the successful inclusion of a student with disabilities. Instead, students with disabilities should be treated as much the same as other students as possible, such as beginning school on the same day as others do.
10. Accomplishments should be celebrated in order to reinforce successful inclusionary practices.

SUPPORTS FOR INCLUSION: THE ROLE OF INDIVIDUAL PLANS, ASSISTIVE TECHNOLOGY, PERSONAL ASSISTANCE SERVICES, AND OTHER SUPPORTS

Key to the implementation of inclusive education is the underlying philosophy that students remain in the regular education setting while supports move in and out of that setting as dictated by the needs of the student. In essence, special education becomes a support service, not a program.

- Dr. Barbara LeRoy

Central to the successful placement of students with disabilities in regular education classrooms is the provision of appropriate supports. The law itself allows the *"removal of children with disabilities from the regular educational environment ... only when ... education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."*¹⁴ *These aids and services may be different for every student.* The issues related to providing these aids and services will be varied. Supports may include assistive technology, peer preparation, personal assistance services, and social support. Successful inclusion begins, though, with the individualized planning process for each child.

Individual Plans

One of the strategies for making inclusion work is the use of collaborative teams that plan each child's educational program. *"The crux of the IEP meeting must be to determine what needs to be done to support the student in the regular ed environment"* (Rene Leininger). Through a careful examination of the classroom curriculum, the team plans adaptations to the curriculum and the provision of supports and other accommodations (such as an accessible school environment) that are needed to ensure the student's success. Ruth Usilton, director of Project Choices in Illinois, described the sequence of inquiries to be used in planning the child's educational activities:

In each instance, the first question should always be, "Can the student do the same activity with the same materials as all other students?" If this is not the case, there are several examples of the sequence of steps or questions that a team might address in identifying the least obtrusive adaptations and supports for the student: "Can the student do an easier [task] within the same activity?" For example, doing single digit adding instead of double digit, or writing fewer words for the spelling test. If this is not an effective adaptation, the team should ask, "Can the student do the same activity with adapted materials and expectations?" For example, a student might use a calculator to add, or match words to pictures rather than spell, or have identified one or two concepts for

¹⁴ 20 U.S.C. 1412(5)(B).

which he or she will be responsible on the test instead of twelve. If this level of participation is not successful, the team asks, "Can the student do a different task or activity that is similar with adaptations in materials and/or expectations?" For example, spelling functional words from the environment. Or using a highlighter to trace a bus route rather than identifying distances on a map. If this is not successful, the final question asked is, "Can the student do a different task related to a different theme elsewhere in the room, but that is meeting a goal on the student's IEP?"

There has been great progress in creative problem solving to minimize the times of day that any student, regardless of the challenging nature of his/her disability, is engaging in learning that is separate from all other students. In fact, I would state that if "different activity" has no point of convergence with the schedule of activities of the other students in the classroom, the team that is strategizing for that student should look again for an accommodation that allows the student to demonstrate competence to his or her peers, such as handing out the papers or functioning as the time-keeper within a cooperative learning group. Finally, if there is no parallel or convergence activity that can be a meaningful part of the student's educational day, the final question is, "Can the student do a functional activity as part of the school or in the community?"

Identification of the curricular adaptations needed is only one step in the planning process. With a range of children in need of diverse supports in a classroom, the next challenge is the management of services and personnel in a way that does not disrupt the classroom activities, but instead contributes to students' successful participation in them. A comprehensive approach to planning ensures that supports will be in place when needed.

Individual support is not only discussed and identified for each part of the day, but a schedule is written for when those supports will flow in and out of the classroom. Just as we are developing a daily schedule for the student, we also identify what are the inservice training needs, the room adaptations, and the peer preparation supports for the students. These needs are listed separately, and each need is analyzed to determine who should participate, what activities should occur, and who is responsible for ensuring that those needs are addressed. Often the activities and timeline are written into the IEP to ensure that those things occur prior to implementation of the program.

- Dr. Barbara LeRoy

Instead of determining student needs in isolation and scheduling sessions with specialists to address those needs outside of the context of the classroom and its activities, specialists enter the classroom to assist students in those classroom activities which require the skills the specialists teach:

Individual support is provided to students as dictated by the activities of the classroom. For example, the occupational therapist may support a student in art or home economics class; the speech therapist may support a student in language arts or social studies; and the physical therapist may support a student in physical education class.

- Dr. Barbara LeRoy

Careful scheduling becomes critical to the delivery of services:

You have to have the occupational therapist coming into the classroom, not when there is a spelling test, but when children are doing some kind of art or reading activity. The speech therapist needs to come and work with the classroom when it is appropriate for some talking to happen. This is a scheduling issue which has to happen up front, before it has become a problem.

- Dr. William Henderson

Assistive Technology

Developments in technology and its application to meeting the needs of students with disabilities have enabled some students with disabilities to be more successful in school and in life than ever before.

We have found that assistive technology ensures that the student with disabilities can benefit from meaningful participation in activities. Students are utilizing computers to do assignments, touch screens to complete worksheets, and communication devices to share their thoughts and feelings.

- Dr. Barbara LeRoy

That success, however, is dependent on its availability in regular education classrooms, and, unfortunately, districts are sometimes reluctant to move assistive technology from segregated special education classrooms and schools.

One of the first issues related to assistive technology is the identification and/or development of equipment to meet the needs of individual students. One parent discussed the problems.

It's difficult to find it. It's not coordinated, at least in my State. I think our Department of Rehab Services has a grant and that's its part of IDEA. School systems have some money, but, again, it's piecemeal here and piecemeal there.... [If] one agency could take over coordination of all the monies that are coming in for assistive technology, all the vendors that provide it, parents could maybe have access to it and school systems, also.

- Linda Effner

In addition to coordinating information about the available options in new equipment, there is also a need to track used equipment.

There is a need for a mechanism to recycle equipment that is no longer in use as children outgrow that particular piece of equipment or no longer need it. Perhaps there could be a district or a Statewide database that could help professionals keep track of what equipment is available and match it with a student who has those particular needs.

- Mary Beth Gahan

A second issue is its cost, as one parent pointed out:

[My] daughter ... just received a new wheelchair that cost \$17,200, which we call her "Apollo" because it cost more than the sticker price on our car.

- Linda Effner

Once assistive technology has been identified or developed and obtained, its use in the classroom needs to be thoughtfully planned:

Equipment, as with other supports, should follow the student into the regular classroom. Very intentionally, the team focuses on the physical environment of the classroom to ensure that students who need adaptive equipment are not merely inside the classroom door, but are comfortably within the room and the activities of the classroom. We have found that assistive tech ensures that the student with disabilities can benefit from meaningful participation in activities.

- Dr. Barbara LeRoy

Assistive technology can enable students to develop and demonstrate skills that would have otherwise been impossible. The student's progress, though, is dependent on that of the technology available.

When Joe enrolled in one of Chicago's Options for Knowledge programs, he was the first little person with a severe disability to attend that school. Joseph had significant speech articulation difficulties due to cerebral palsy. He happened to be particularly gifted in the area of language. The school he attended was a language academy where the children in that school studied foreign languages. The acquisition of an augmentative communication system that spoke Spanish was a tremendous benefit to Joseph in participating in class activities. As Joseph's academics progress, it is essential that the technology advances with him. To meet his changing needs, he will need a communications system that will be able to expand as his vocabulary increases and his knowledge grows.

- Mary Beth Gahan

Personal Assistance Service Providers and Paraprofessionals

When students with disabilities are placed in regular education classrooms, additional personnel are sometimes assigned to the classroom. They may have a variety of duties, ranging from supporting students with assistive technology to meeting health care needs. Dr. Barbara LeRoy spoke clearly about the need to have such personnel in the classroom in some situations:

For many students with physical needs, a health care paraprofessional is an important individual support that should be provided without question. It is not the intention of inclusive education that regular education teachers assume non-instructional responsibility for their students.

Dr. LeRoy warned, though, that if improperly used, such paraprofessionals can actually impede the inclusion of students with disabilities. She cautioned against the assignment of instructional paraprofessionals to particular students and the assumption that individual students will need their own paraprofessionals to work with them.

The paraprofessional should be assigned to the classroom and not to the student. Assigning the paraprofessional to the student has the potential to foster dependencies, to isolate the student from peer interactions, and to lessen the support for school restructuring. While the paraprofessional may have initial responsibilities indirectly supporting the student with disabilities, it is important that the team identify criteria for when and how that direct support can be reduced. It is extremely dangerous to equate inclusive education with unconditional paraprofessional support. Just to reiterate: financially, it will limit access for all students with disabilities to regular classrooms; socially, it will discourage peer friendships; and educationally, it will minimize regular education's ownership for the students' outcomes.

Certain personnel, such as interpreters, may need to be with students on a continuous basis. However, even in these situations personnel should avoid becoming an unintentional barrier to student-to-student interaction.

Social Support

One of the concerns expressed by opponents of inclusionary education is the fear of the possible social isolation of children with disabilities in regular education classrooms.

We need to make sure that students are included in every aspect of student life in the most natural setting possible. Numerous stories have been told to me that school districts would not permit non-disabled peers to assist disabled students on an elevator, in going to class, by carrying books, and so forth, because of the fear that someone might get hurt, or the insurance prevents the school from allowing this to happen. They would instead assign an adult to walk to class with the students, to assist them on the elevator or with their books. This only separates the student with disabilities from their non-disabled peers.

- Max Starkloff

However, merely removing barriers between students with disabilities and their peers may not be enough. Careful planning is often required to ensure full integration:

A focus on instructional and environmental support without an emphasis on social support may put the student at risk of mere physical integration without ever realizing inclusion in the life and activities of the classroom and community. In Michigan, a collaborative team spends an equal amount of energy addressing the social needs of the student. As with curriculum and instructional support, social support strategies focus on best practices for all students before seeking more intense individualized methods.

- Dr. Barbara LeRoy

A variety of strategies are used to ensure social integration in school, including "cooperative base groups" and student welcoming committees.

A cooperative base group is a heterogeneous mix of students (4-5 students per group) who support each other for a minimum of one year and a maximum of four years. The group, which is facilitated by an adult (teacher or staff), focuses on academic and social problem solving activities.... These cooperative base groups are ideal vehicles for supporting students with diverse needs within the culture of the school and the classroom. They provide individualized assistance to the student with disabilities, without singling out that student based on his/her educational label. In addition, the groups help typical students to understand that the students with disabilities have similar interests and issues and that they are more like typical students than they are different.

- Dr. Barbara LeRoy

Some schools assign students peers to help orient the new students to the school. In others, peers are invited to participate in the planning process:

For example, in planning for Jamie to come to a fourth grade classroom, her peer sponsors were helpful in identifying age-appropriate clothing, the "in" styles of lunch boxes, and the most useful types of backpacks for the program.

- Dr. Barbara LeRoy

While social support activities within the school are important for the in-school life of the student with disabilities, they do not always carry over into the student's integration into the larger community. The family's active participation is needed.

[Our] researchers found that good social networking activities within the school setting did not readily translate into good social networks in the community. We have found that intentional planning and activities are needed to ensure that community peer integration occurs. Central to this process is the family. The family has taken the initiative in creating an environment that encourages friendship building.

- Dr. Barbara LeRoy

Some specific examples were offered:

Marcie's mother enrolled Marcie in Girl Scouts and offered her home for the meetings. In that way the other girls and mothers learned about how Marcie's family interacts with her and became comfortable with her equipment and unique needs. In Tom's family, Tom's parents offered to host the sleep-overs, providing video games which were adaptive for Tom, good snacks, and opportunities for modeling appropriate ways of interacting.

- Dr. Barbara LeRoy

Managing Support Services

While much of the discussion about support services focuses on them as a means for students with disabilities to achieve an appropriate education in a regular education classroom, Mary Beth Gahan argued that they were just as important for other reasons. She explained that the provision of support services and assistive technology in school is necessary so that students can learn to manage them, a prerequisite for achieving their independence.

Ms. Gahan contended that independence for people with disabilities is not always understood and gave some examples to make her point.

Independence is not synonymous with self-sufficiency, but rather it is the ability to control one's own life by making responsible choices from acceptable options.

All of us use technology everyday: garage door openers, microwaves, all sorts of things. We could walk to the grocery store—most of us live within a few blocks away—but what do we do? We jump into our cars and we drive. We consider ourselves self-sufficient. However, a person with a disability who may choose to utilize a motorized wheelchair to conserve energy or to maximize safety might not be considered brave or courageous. If I lived in a neighborhood where the property values were really high and I had someone come in to clean my house, I would be considered affluent. But because I have a disability and someone comes in to do house cleaning for me, some view me as dependent.

Once the management of support services is perceived as a skill necessary for achieving independence, then the importance of providing opportunities for children to learn how to manage them is evident:

Independence is not an event; it's a process. Children develop and grow over time. They need age-appropriate experiences and activities that will help them learn to make decisions and manage their own affairs.

- Mary Beth Gahan

Once again, the participation of adults with disabilities from the community in this effort might prove effective in providing students with disabilities with successful examples of independent living.

Findings

1. Successful implementation of inclusionary education requires individual planning for students with disabilities to determine:
 - a. needed adaptations of curriculum,
 - b. the provision of supports and other accommodations, and
 - c. the careful scheduling of the above in order to enhance the educational program for all students.
2. Inclusionary education requires that assistive technology be identified or developed for those students who need it and thoughtfully introduced into the classroom.
3. Students generally do not need to receive special information or instruction about how to relate to students with disabilities, but it may be helpful in those instances where students might keep from making friends with a new student for fear of hurting him or her.
4. While paraprofessionals and personal assistance services providers must be provided in some instances to facilitate the inclusion of a student with a disability in a regular education classroom, their role in the classroom should be carefully planned so as not to encourage dependency or segregate the student with a disability. Furthermore, they should not be assigned to the individual student, but instead to the classroom or the teacher.
5. The inclusion of students with disabilities in regular education classrooms does not always carry over into the community. Families need to be involved in planning to achieve the full social integration of their children with disabilities.
6. In addition to being a means to achieving an appropriate education, support services must be provided to students so they can learn to manage them, an important step toward achieving independence.

CONTINUING BARRIERS EXPERIENCED BY PARENTS AND STUDENTS SEEKING INCLUSION

I have heard testimony from a number of people today who talked about "This is a long, lengthy process," "We have to study it more," "We cannot rush into...." Frankly, this has been a hot item for me since 1987. It has been for years, and ... while we sit back and study and think about and wait, each year that passes is another year that a child is going to be denied the opportunity to be included with their non-disabled peers.

- Harvey Burkhour

During the hearing sessions, parents, advocates, and educators testified about the wide range of barriers hindering implementation of the Individuals with Disabilities Education Act's requirement that children with disabilities be educated to the greatest extent possible with their non-disabled peers. The problems they encountered ranged from systemic ones, those in which policies and existing organizational and physical structures act as incentives for segregation, to purely human ones, in which administrators, educators, and parents favor segregated placements because of their fears and lack of information. They testified that the obstacles to inclusion are found at every level, from the Federal government to individual attitudes.

The Federal Government¹⁵

Problems exist at the Federal government level both in policy and in practice. Speakers outlined flaws in existing policy and current practice that obstruct the integration of children with disabilities in regular education classrooms. They focused on legal and regulatory requirements that encourage the creation of segregated programs and on the inadequacy or failure of the mechanisms in the law intended to ensure its full implementation.

Legal Incentives to Segregate

Witnesses testified about two areas in the law and the regulations which operate as incentives for districts to create large, segregated special education programs. One is related to the applications that districts must submit to acquire Federal funds and the second to the accounting rules that they must follow once they have received Federal funds.

¹⁵ Please note that the barriers detailed in this section have evolved over the history of the law. No implicit criticism of current leadership at the Department of Education is intended.

Consolidated Applications

The provisions of the law providing for consolidated applications from two or more school districts amount to a tacit endorsement of segregated programs. The requirement that State education agencies (SEAs) make grants to local education agencies (LEAs) only when the LEA is entitled to a "minimum grant" of \$7500 has forced small districts to band together to form larger entities in order to submit consolidated applications.¹⁶ With these shared funds, districts often end up creating and supporting segregated special education facilities where they send students with disabilities.

Furthermore, larger districts are also deemed eligible to submit consolidated applications "if the agency is unable to establish and maintain programs of sufficient size and scope to effectively meet the educational needs of children with disabilities."¹⁷ The language of the regulation itself suggests that programs separate from regular education are necessary to meet the needs of children with disabilities, a presumption in conflict with the law's stated preference for integration. Often districts use the funds from consolidated applications to create cooperatives or other jointly managed programs. The result is segregation.

Generally, if cooperatives are operating programs, ... the cooperatives operate more segregated programming than do individual school districts. What typically happens is that if a district belongs to a cooperative and that cooperative has a segregated program for a certain type of label of disability virtually 100% of the students from that district with that label are sent to that program.

- Mr. William Peters

Accounting Requirements

The accounting requirements of the IDEA induce States and districts to create large, segregated programs. Districts favor the creation of segregated classrooms, schools, and institutions because compliance with the accounting requirements relating to documenting "excess costs" is easier to document if the money funds separate programs than if it supports children with disabilities in regular education classrooms where excess costs are more difficult to attribute solely to those children eligible for special education.¹⁸

¹⁶ 20 U.S.C. 1414(c)(1); 34 CFR 300.190.

¹⁷ 34 CFR 300.190(b)(2).

¹⁸ 20 U.S.C. 1414(a)(1), (a)(2)(B)(i); 34 CFR 300.182.

The Failure of the Law's Enforcement Mechanisms

Congress has traditionally deferred to State and local governments in the area of education policy. When it has legislated requirements, it has done so very respectfully, primarily providing funds to assist specific students or to achieve particular national goals while continuing to honor the primacy of State and local governments in the implementation of new requirements. However, when presented with data in the early 1970s that one million children were "excluded entirely from the public school system,"¹⁹ and more than four million more did "not receive appropriate public educational services because of actual or presumed disabilities,"²⁰ Congress departed from its traditional role.

In the Education for All Handicapped Children Act of 1975, Congress outlined specific aspects of the "free and appropriate public education"²¹ each child should receive, and created an unprecedented series of mechanisms that would enable parents and the Federal government to enforce the rights of those children should States and local school districts violate them. Unfortunately, States and local school districts have resisted including children with disabilities in classrooms with their non-disabled peers and the mechanisms intended to overcome that resistance have largely failed to do so.

The Role of Parents as Enforcers of the Law

Parents of children with disabilities have unique rights to challenge school district decisions about the appropriateness of their child's education. If parents are opposed to their child's placement and are unable to resolve the problem at the school level, they have two options. They may ask for a due process hearing and go to court if they do not prevail at that level. Alternatively, when parents disagree with a school district, they may file a complaint with the SEA. If the parent believes that the SEA has mishandled the complaint, they may request review by the Secretary of the Department of Education. These mechanisms for securing an appropriate education for each child are rooted in the belief that each child has unique needs, that the parents know those needs best, and that they may be trusted to advocate for the best interests of their own child.

Witness after witness testified as to the importance of the due process provisions of the law in assisting parents to obtain a free and appropriate education for students with disabilities. However, many witnesses expressed frustration regarding the exercise of due process provisions for a variety of reasons. While no one supported a weakening of due process provisions, many witnesses offered suggestions for clarifying and strengthening these provisions.

¹⁹ 20 U.S.C. 1401(a)(4).

²⁰ 20 U.S.C. 1401(a)(3).

²¹ 20 U.S.C. 1401(c).

Ironically, when parents are forced to challenge a segregated placement, they are put in the very position the presumption of the law was designed to preclude: having to prove their child's right to be educated with his/her non-disabled peers.

Ultimately, what it comes down to is parents, if they truly want inclusive education opportunities for their children, have to utilize the due process hearing and/or Federal court to accomplish it. What they basically must do is to prove their child has a right to be in their regular school, which is not how I or many other people read IDEA and the least restrictive environment (LRE) provisions of IDEA, but that is, frankly, how it is implemented in reality.

- Harvey Burkhour

In addition to this fundamental inconsistency with the intent of the law, there are other serious problems with reliance on parents' use of their due process rights for implementation of inclusion.

Due Process Hearing Rights. If parents believe that a district's actions related to their child's evaluation, placement, or other educational issue are in violation of the law, they may request a due process hearing to overturn that decision. For a variety of reasons, parents are often unable to exercise their due process rights.

1. Parents often lack knowledge of their due process rights. Reliance on parents to secure inclusive placements for their children presumes knowledge about the law that many do not have.

Another significant barrier, and this is perhaps one of the most significant barriers, is that parents were forced to utilize due process proceedings to get their children included. In order to do this, first parents have to be aware that it is an option and opportunity for them. Most parents were not aware of that. Many are certainly not aware that this is the preferred option under Federal law.

- Harvey Burkhour

A second witness explained that she could not rely on district personnel to make her aware of her rights.

I think the most irritating barrier of all for me was the "silence barrier." These educators know my children's rights and yet never mentioned one to me. I had to get trained on my own, learn about rights, and then quote to them from the law before my rights were recognized or respected.

- Debbie Rodriguez

2. The expense of using due process mechanisms prevents many parents from doing so. Even when examined in terms of its effectiveness in enabling families who are aware of

their right to secure appropriate educational placements for their children, the due process mechanism provided by law is unavailable to many because of the financial costs of using it. There are two principal issues here:

a. It is very costly to challenge educators who oppose the inclusion of a child with a disability in a regular education classroom. The first step is often a relatively informal due process hearing before a hearing officer, but even that can be a very expensive undertaking.

Schools ... are perceived as being the experts in the area of how best to educate any given child. And so, in order to have even a prayer of winning when a parent challenges [a placement decision], they must hire their own attorney, they must purchase independent evaluations, pay for the expert to come in and testify at the hearing, and so forth.

- Harvey Burkhour

If parents do not succeed in securing their child's inclusion in the regular classroom at the due process hearing level, they may end their challenge at this point, paying the costs they have incurred. If they choose to continue, they may proceed to court at even greater expense.

By example, in Michigan it is common for private attorneys to charge a minimum of two to three thousand dollars in retainer just to sit down and talk to the parent and take the case. Then, above that they charge \$120 an hour. A friend of mine who had the financial resources or somehow found them through re-mortgaging his house spent \$90,000 to get his daughter included.

- Harvey Burkhour

Few parents can afford such expenses. While lawmakers took that into consideration and provided that parents may be reimbursed for their costs in certain cases, their efforts have not resulted in the intended elimination of the financial barrier.

b. The law and the regulations require that "Each public agency shall inform parents that in any action or proceeding under section 615 of the Act, courts may award parents reasonable attorneys' fees."²² Although the U.S. Department of Education has issued a letter interpreting this provision to apply to due process hearings,²³ most parents believe this

²² 30 CFR 300.515; 20 U.S.C. 1415(b)(1)(D); 1415(e)(4).

²³ On November 3, 1986, the U.S. Department of Education issued a letter interpreting Section 300.515 of the regulations to apply to due process hearings, an interpretation consistent with IDEA's legislative history. (*Education for the Handicapped Law Report*, 211:425). However, in order for parents to secure reimbursement for their hearing fees if districts do not choose to grant them, they must incur more legal expense to

provision applies only to those instances in which parents prevail at court. They may continue to be unaware of their potential reimbursement for attorneys' fees incurred in due process hearing actions since the Department of Education has informed public agencies that they need only "cross reference the statutory provision at Section 615(e)(4)(A)-(G) in the parent notice" to comply with the law.²⁴

In describing the Michigan case (above), the witness demonstrated the general public understanding that attorneys' fees are available only when parents go to court.

Fortunately, he prevailed by not winning at the due process hearing, but rather at Federal court and was able to recover most of those costs from the school district, who, in the end, spent in excess of \$300,000 between repaying the parent's attorney, paying for their own attorney and all the other costs involved with the hearing.

- Harvey Burkhour

Although the outcome was favorable in this situation, the effectiveness of the safeguards contained in the law must be questioned.

At least one group of parents attempted to address the barrier that legal fees presented to parents' exercise of their due process rights. Rene Leininger reported on this effort and the reaction it provoked:

Recently, the Illinois Planning Council [on Developmental Disabilities] was asked by a group of parents to develop and distribute a request for proposal designed to assist parents who desire inclusion with small stipends for attorneys' retainer fees. It is common practice for schools to retain attorneys to handle due process cases. Parents know they cannot prevail without legal assistance; they don't even try. In many cases, they opt not to exercise due process because of the cost.

The response to this has been absolutely astounding. Complaints have been lodged with the Illinois legislature, Congress, the State Board of Education, the United States Department of Education, the United States Department of Health and Human Services, the Office of Civil Rights, and the Department of

go to court. Many parents never make it that far.

²⁴ Letter from Dr. Thomas Hehir, Director, Office of Special Education Programs, U.S. Department of Education, to Ms. Deborah Barnett, Director, Office of Special Education, South Dakota Department of Education and Cultural Affairs, October 29, 1993, in response to her request for clarification of "the extent of the explanation that public agencies are required to provide parents regarding the attorneys' fees provision."

Justice. The amount of dollars spent to deter this small project to assist parents surely outmeasures the amount set aside for this project itself. Conversely, there is never a question about vast sums of public dollars being spent to keep children with special needs from being included in the schools and classes.

Parents are the customers of our schools. They must be afforded the resources to impact meaningfully on the systems that affect their children.

In addition to the obvious public policy issues raised by the inability of parents to access the rights available to them under the law, Ms. Leininger raises a policy consideration about the way all of these resources are currently used. A significant amount of money is spent annually by parents and educational agencies to bring and oppose lawsuits related to the placement of children in regular education classrooms. As Harvey Burkhour said, "*The dollars, I believe, would be far better spent on educating children than in paying attorney's fees.*"

3. This mechanism provides even less protection to children who are wards of the State. Reliance on individual case advocacy to gain placement for a child with disabilities in a regular education classroom is particularly ineffective for children who are wards of the State. Although for nearly twenty years the law has required that the States assign these students surrogate parents to represent them in all educational matters, many children still lack this critical safeguard provided by Congress.

Unfortunately, in Michigan, here we are eighteen years after the Education for All Handicapped Children Act. For its part, Michigan only recently, in February of 1993, recognized that surrogate parents are a reality and developed a policy. The fact is few, if any, children in Michigan who are State wards have surrogate parents today.

- Harvey Burkhour

Even when children who are wards of the State have surrogate parents to advocate for them in educational matters, they have less protection than other students. Surrogate parents who represent them in educational decision-making are expected to pay the costs themselves to go to due process hearing. Those expenses are a significant barrier to parents with very strong ties to their children and a long-term interest in the outcomes of their education. To surrogate parents, whose relationship to the child is far more limited, this barrier may be insurmountable.

4. While individual children may be helped through the due process mechanisms, large numbers of similarly situated children remain in segregated settings. Paradoxically, the strength of this mechanism—the right of parents to advocate for their individual child—has also been its weakness in terms of the ability of advocates to secure redress of pervasive patterns of segregation in a school or a district.

You can get in there and duke it out with the school district and you can fix it for a particular child. The problem is that you fix it for that kid and there are 400 other kids in that school district who did not have an attorney or could not face the emotional trauma of going through a hearing, so they don't get it.

- Mark Partin

The requirement that families challenge segregated placements on a case-by-case basis has impeded implementation of inclusion because of the real-world barriers that prevent many parents from undertaking the procedural steps available to them.

Once again, it is important to note that the frustrations expressed by witnesses regarding the exercise of their due process rights reflected a need to further clarify and strengthen these rights. One possible vehicle for accomplishing this would be through further supporting the work of the Parent Training and Information Centers currently funded under the law.

The Complaint Process and Appeal to the Secretary. Because of all the barriers to using the due process mechanisms described above, some parents choose to use the other option available to them when they are dissatisfied with a school district's action: they file a complaint with the State education agency. If they are dissatisfied with the SEA's response as well, there is an appeals process available to them. They may request review by the Secretary of the U.S. Department of Education. According to witnesses at the hearings, this procedure has historically been ineffective and frustrating.

In response to a Maryland Coalition for Integrated Education (MCIE) Freedom of Information Act (FOIA) request, DOE provided MCIE with 173 requests for Secretarial Review which it received from 1981-1991. Of these requests, only two were accepted for review (1.2%). Further, DOE revealed that it has no standards, criteria, policies, or procedures for granting or denying Secretarial Review. For that reason, DOE's decisions on these requests are ad hoc, arbitrary, and capricious: the two cases it agreed to review are, in terms of the kind of issues presented, indistinguishable from many of those it declined to review.

- Mark Mlawer

Mlawer went on to describe the damaging consequences of this practice of the Department of Education:

Consider for a moment two requests for review. In one complaint the SEA did not investigate half of the allegations; in the other, the SEA used LRE compliance standards far weaker than those of the IDEA. DOE denied both requests for review without explanation. Hence, DOE has effectively taken one of the two dispute options away from parents: SEAs have no incentive to confront school districts on behalf of the rights of students with disabilities

through the complaint process because there is no sanction if they do not do so.

A second witness described his experience in filing a complaint with the Department of Education about the SEA's failure to fulfill its responsibilities under IDEA. The result was the same.

Six months after I filed the complaint [about the SEA's failure to comply with IDEA], I received a letter back from [the Director of the Office of Special Education Programs], informing me that there was no process for review by her office and that she was reassigning the issue to the State Department of Education to investigate itself. The whole concept strikes me as the fox watching the hen house!

- Harvey Burkhour

Because parents are effectively discouraged from using the procedural mechanisms designed to enable them to enforce the law, the complaint review process by the Department of Education is largely inoperative. Indeed, witnesses described a U.S. Department of Education that is indifferent to violations of the law it is responsible for implementing.

The Role of the Federal Government as Enforcer of the Law

Some of the strongest criticisms made during the hearings concerned the consistent failure of the U.S. Department of Education to enforce the requirement that students with disabilities be educated to the greatest extent possible with non-disabled students. For some speakers, the sheer disproportionality of children with particular disabilities in segregated classrooms was conclusive evidence of the Department's failure to enforce the law. Carol Reedstrom put it this way:

Why is it that sixty percent of the students with the label of mental retardation meet this test of inclusion in Massachusetts when only one-fourth of one percent do so in neighboring New York? ... A more fundamental question is how can the Federal government continue to find the eight States who educate more than 90 percent of their students with mental retardation in separate classes and separate schools in compliance with IDEA?

Speakers argued that the Department's tolerance of high levels of segregation undercuts the force of the law's preference for integrated placements and has undermined the efforts of parents and advocates to obtain education for children in integrated classrooms.

By shielding the extent to which LRE noncompliance accounts for State-to-State variability in placement rates in the Thirteenth and Fourteenth Annual Reports, DOE effectively encourages noncompliance.

- Mark Mlawer

The Department's monitoring and enforcement activities have several components: (1) it reviews and approves each State's plan for special education every three years; (2) it makes monitoring visits to States, issues reports, and takes action on its findings; and (3) it collects data which it shares with Congress in its Annual Report. Speakers testified about the Department's failure to take action in the face of clear violations in each instance.

State Plans. With information concerning the status of segregation and inclusion in individual States and the power to withhold Federal funds if plans are unacceptable, the Department of Education is in a strong position to evaluate plans submitted by States every three years for their likely effectiveness in reducing or eliminating high rates of segregation. The Department can insist on changes that would improve State performance. In fact, it would seem that this provision of the law was intended to be used in just such a manner. However, there is little evidence that the Department of Education has done so, according to Mark Mlawer of the Maryland Coalition for Integrated Education:

Every State education agency is required to submit to the Department of Education a State plan for special education every three years in order to obtain funding under IDEA. Of 21 plans submitted for fiscal year (FY) 1991-1993, 17 did not comply with the IDEA in some respect. Of 14 plans submitted for FY 1992-1994, all 14 did not comply with the IDEA in some respect. Yet SEAs, in theory, have been implementing the Federal special education law for 15 years. Why are the majority of plans still defective?... [The Maryland Coalition for Integrated Education] has been unable to find any evidence that a State plan has ever been disapproved. Where is the incentive for SEAs to have policies and procedures which comply with the IDEA?

The Department's failure to take strong preventive action through its review of State plans would be less harmful if its actions in other enforcement activities compensated. Unfortunately, this does not seem to be the case.

Monitoring. Several speakers discussed the Department of Education's monitoring efforts. While there was some disagreement about the adequacy of the Department's investigative practices, there was absolute agreement about the Department's failure to use the information it has to achieve full implementation of the IDEA.

The Feds have come to Texas twice, and both times we organized a very good public hearing. We were able to turn out 500 or 600 people who gave their testimony into the wee hours of the night. The Feds took it all down, except for one—she fell asleep during the hearing. [They] took it back to Washington and actually wrote a pretty good report. "Here are the problems we found in Texas; here are the things you need to do to fix the problems," telling that to the State education agency. There was no follow-up, there were no changes, not even cosmetic changes the first time.

When the Feds came back the second time, again we organized a public hearing, had the people show up, and again we got a good report from the Feds. There was some give and take between the State education agency and also the special education programs. It was almost like they were cutting a deal. "We found these 29 violations. If you will comply with these 10, we will drop 19." That is bad, and as far as I can tell, that is the way the process works.

- Mark Partin

Another witness described specific failures of the Department's investigation of State practices as they relate to integrated educational placements.

The Department of Education (DOE) does an inadequate job of monitoring for LRE compliance. Several areas of crucial importance for inclusive education are not even probed by DOE in its monitoring of SEAs. For example, compliance with a very important regulatory requirement—that unless a student's IEP requires another arrangement, the student attends his or her neighborhood school (34 CFR 300.552(c))—is not measured by DOE.... Additionally some States have special education funding formulas which encourage segregation.... Yet DOE compliance monitoring does not seem to probe this issue.

Moreover, DOE does not use meaningful sanctions against States found to be in noncompliance. SEAs must agree to corrective action plans, but if the required corrective actions do not correct the violation, all an SEA need fear is the same finding the next time it is monitored. This is not a system destined to produce compliance, and, in fact, all that DOE monitoring practices have produced is endless noncompliance.

- Mark Mlawer

According to the National Council on Disability's report, *Serving the Nation's Students with Disabilities: Progress and Prospects*, from April 1989 to February 1992 DOE monitoring teams found 150 of 165 public agencies visited were found to be in noncompliance with one or more LRE requirements.

It has become a farce in my opinion. The Office of Special Education Programs comes to Michigan to review Michigan's implementation of the Federal law, and they issue reports that say [Michigan is] not doing it. Then they do not do anything to make them implement the law. They continue to send millions of dollars to the State of Michigan to provide special education services, while they know full well that Michigan is violating the law. I have a hard time understanding that.

- Harvey Burkhour

Annual Reports. In its Annual Report to Congress, the Department of Education reports on the implementation of IDEA. Speakers viewed these Annual Reports as documentation of the Department's overall failure to implement the law:

The other thing that I think is uniquely bizarre is the Annual Report to Congress. It's two inches taller every year and it collects just "beaucoup" data from every State: what kind of kids, where they are, what the State is doing with them. They spend a lot of money collecting it and they spend a lot of money publishing it. Anyone who wants it can spend 29 cents to get the Feds to send this thing and nothing is done with it.

One of the things that is clear from the Annual Reports—each one—is that the laws are not being complied with, they are not being implemented, they are not being enforced, and the Feds have done nothing about it.

-Mark Partin

An examination of the Annual Reports revealed both the Department's awareness of the high levels of segregation still practiced and of its changing analyses of the causes of that segregation. In 1992, as Mark Mlawer pointed out, the Department noted the disproportionate rates of segregated placements by disability groupings in its Annual Report and offered the following explanation:

Placement patterns vary considerably across States. This State variability is likely due to a number of factors including actual differences in the populations and needs of students, the roles of private schools and separate facilities in the State, different State reporting practices and interpretations of Federal data collection forms, and State special education funding formulas. (Fourteenth Annual Report to Congress, pp. 22, 24) [emphasis added]

According to witnesses, these explanations were uniformly unacceptable. Some even contradicted explanations made by the Department itself in earlier Annual Reports. As early as 1989, the Department noted that the wide variation in the rates of integrated placements of students with particular disabilities must be due to factors other than differences in student populations.

It is reasonable to assume that the needs of students are broadly similar across States, and that random variation would be rather small in the summary data on the large number of students served by a State. Thus, the extent of variability suggests that factors in addition to the characteristics of students determine educational placements, and that the decision-making power vested in the Individualized Education Program (IEP) process has not been sufficient to overcome these factors. (Eleventh Annual Report, p. 29) [emphasis added]

In addition to its earlier rejection of differences in segregation rates because of differences in student populations, the Department is also on record for having observed similar problems due to "differing State reporting practices and interpretations of Federal data collection forms" as early as 1982. It has been a topic of discussion regularly since then. Mark Mlawer explained the situation as follows:

In 1989, DOE asserted that it had worked extensively with States during the past two years to improve the comparability of data (Eleventh Annual Report, pp. 29-30). In 1990, DOE wrote of its intentions to "provide individualized technical assistance to reduce the incidence of misinterpretation of instructions; clarify reporting instructions by defining terms more precisely; distribute and update a data dictionary to include terms that are subject to alternative interpretations; and develop decision rules that cover a wider range of possible student placement patterns." (Twelfth Annual Report, p. 29).

He then commented,

It is impossible to predict how long DOE will continue to claim that data reporting problems may be involved in the large variation in placement rates across States, and continue to assure Congress that it is working on the problem.

Other explanations offered by the Department were seen as no more valid than the two the Department itself had previously addressed, but the omission of the more likely problem was even more troubling:

In light of the monitoring findings on LRE discussed earlier, it is curious that an obvious possibility—that LRE violations are a major cause of the variation in placement rates across States—is not even mentioned as a possible explanation.

- Mark Mlawer

Mr. Mlawer then explained that the consequences of the Department's failure to act, documented in its own reports, is one of the greatest barriers parents and advocates encounter to the proper implementation of IDEA.

When parents encounter these obvious violations, their most frequent questions to us are, "How is it possible that my school district can violate the law and get away with it?" "Why is it that I have to go through the expense and pain of a due process hearing to win a right granted my child a long time ago?"

They are still waiting for answers.

State Government

Although IDEA creates broad requirements for special education, States have discretion in many of the policies they create to implement the Federal requirements. Some have done so in ways that facilitate integration; others have encouraged segregation.²⁵ The most significant areas of policy relate to State special education funding practices and teacher certification requirements.

Finance Policies

The single most important administrative factor in the decision to place a child in a regular classroom or in a segregated setting seems to be a State's formula for funding the education of a child with a disability. While the witnesses did not claim to present all funding pattern alternatives in use across the country, they provided information about a range of financial policies that created significantly different financial consequences for districts based on their educational placement decisions. Because of the significance of the State finance factor on implementation of the law, this area will be more fully examined in a later chapter.

Teacher Certification Requirements

There was also widespread discussion of the relationship between the preparation and certification of teachers to work with students receiving special education and the successful implementation of the IDEA's preference for integration. The division of teacher preparation programs between "regular" and "special" education in colleges and universities is a reflection of State teacher certification requirements, which prescribe different courses of study for teachers who work with students with disabilities and those who do not. Some States require even greater differentiation in the preparation of teachers of students with disabilities, mandating separate certification requirements for teachers of children with particular disabilities. These policies reinforce the segregation of special education students. One speaker clearly explained the practical consequences of the increasing specialization of certification as it relates to inclusionary education:

If I wanted to add a resource to a general education classroom, and in that classroom I had total diversity in terms of population (I had not categorically removed students so that within that classroom I would find students with learning disabilities, children with different levels of mental retardation, students with physical disabilities, etc.), and I wanted to add a resource that could support all kids with that environment, the teacher would have to have

²⁵ See, for example: Richardson, N., Rogers, J., & Verre, J. (1994). *A System Apart: A Study of the Implementation of the Least Restrictive Environment Provisions of IDEA in Massachusetts and Illinois*. Newton, MA: Education Development Center, Inc.

over a dozen teaching certificates, unless that person had a general education certificate and the services were considered non-special education services. So, in essence, we end up taking the path of least resistance and we create a program for each of those labels. Then we move the child to go off to see the different specialists with the different types of certification.

- Dan Hurd

The logistical barriers to inclusion produced by such complex certification requirements could be greatly reduced by changes in such requirements by State Boards of Education. Those changes would then be reflected in the organization of teacher preparation programs in colleges and universities which currently create additional barriers to inclusion, as discussed in a later chapter.

School Districts

For most parents and students the line between barriers caused by school district policies and practices and those caused by schools and individual educators is unclear. Whether the resistance to inclusion is due to a policy adopted by a local school board, a rule followed by an administrator, or the recommendation of a principal or a teacher, the words and actions of educators and administrators at the school and district level are particularly formidable barriers to parents seeking inclusion for their children.

These individuals are the individuals to whom parents look for expertise and guidance. They are the people who make the decisions and they set the standards and they develop the policies that effect all children. The school and its methods are in their hands. Schools have it in their power to effect change and to overcome the barriers to make it work. Yet parents and students who seek inclusionary education are met in too many cases with resistance and criticism.

- Rene Leininger

The resistance is revealed through a variety of arguments made by school personnel. While some educators argue that there should be no blanket presumption that each child should be placed in the regular education classroom and that, instead, the determination of a child's proper placement must be made on a case-by-case basis, districts often reveal through their policies and practices that their decision-making is not based solely on the needs of the individual child, but on the basis of other considerations. The resulting actions are inconsistent with the requirements of the law and impede the inclusion of students with disabilities in classrooms with their non-disabled peers.

Some Districts²⁶ Require Students with Disabilities
to "Prove" That They Belong in Regular Education Classrooms

Contrary to the law which presumes that students with disabilities should be in regular education classrooms *"unless education in regular classes cannot be achieved satisfactorily,"*²⁷ some districts have written policies that change the inquiry from one of whether a student *can be* educated in the classroom to one of whether he or she *should be* educated there.

One of the things that needs to change to overcome these barriers to obtaining inclusive education is the assumption ... that if a parent who has a kid with a disability wants an inclusive setting, then they have to prove that that can be done.

- Mark Partin

One example of this kind of policy is a special education policy in New York City.

Yet another regulation requires that special education students must have a level of achievement "comparable to the functional level of the mainstream class to which he or she will be assigned and that the special education student shall exhibit socially and emotionally appropriate behavior in order to function successfully in the mainstream" in order to even be considered for inclusion in the general education classroom. This is by regulation, remember.

- Harvey Burkhour

One witness provided a vivid example of the kind of considerations that motivate such policies and articulated the resulting loss to society:

A teacher testified that she was against integrating her severely disabled student because she didn't want him to be fed in front of others. I asked the woman what was wrong with having the need to be assisted with eating, that Chad should not have to be hidden away in order to eat. He need not be ashamed of his need, no more than I should be ashamed of my need to wear eyeglasses. His need for assistance was just that, a need. It is not a measure of his validity or his worth as a person and certainly should be not be used to judge his right to exist as an equal part of the community. That young man

²⁶ In the examples that follow, the term "some districts" is used to refer to districts, schools, elected governing bodies, or individual administrators or educators that may be responsible for the actions described.

²⁷ 20 U.S.C. 1412(5)(B).

could have the cure for AIDS or cancer, but because our society isn't comfortable with his need for assistance, simply because we segregate him, we waste him and do a great disservice to our community by not even considering the value of his input.

- Kathleen Winter

Some Districts Arbitrarily Limit the Number of Children
with Disabilities Assigned to a Regular Education Classroom

Some districts enter into collective bargaining agreements and write policies to arbitrarily limit the number of students with disabilities enrolled in a regular education classroom.

Collective Bargaining Agreements

One of the district actions that most clearly undercuts the likelihood of a child's placement in a regular classroom is the certification of a collective bargaining agreement with a teachers' union that places limits on the presence of children with disabilities in regular classrooms.

School boards and superintendents have relinquished decision-making for students with disabilities. Parents have been told the unions will not allow students to be placed in regular classes.

- Rene Leininger

In some cases the agreements do not specifically prohibit the placement of students with disabilities in regular education classrooms, but *"limit the opportunities for students with disabilities to be included in general education classrooms"* (Harvey Burkhour). One school district in Michigan was cited as an example.

There was a system in the contract language whereby if students who were special education eligible ... spent 10 or more hours a week in a general education setting, they were counted as two students. The contract language also had a limitation on the total class size. As a result, we identified a number of students who were denied the opportunity to attend their neighborhood school because, while they were appropriate perhaps to go into a 5th grade or 3rd grade classroom, there was only room for one student in that particular room. They counted as two and were forced to ride a bus to some other location in some other city.

- Harvey Burkhour

In this case the district's action was challenged and the students won placement in their neighborhood schools.

A complaint was filed on their behalf with the Office of Civil Rights. The complaint was substantiated. The district has been ordered not to take part and not to honor this particular part of the collective bargaining agreement, and I have been told by many other administrators and parents from around the State of Michigan that this is a common language in one form or another in collective bargaining agreements.

- Harvey Burkhour

Many of those other districts, however, are never challenged.

The Council understands that these agreements and policies which limit the number of children with disabilities are often demanded as a result of the lack of support some school districts provide to students with disabilities in regular classrooms and/or a lack of training provided to teachers. The adoption of many of the recommendations contained in the present report would help to enhance supports to students and training for teachers, and, thus, greatly reduce (if not eliminate) these exclusionary practices.

District Policies

Some districts have developed policies with the same restrictions as the collective bargaining agreement described in Michigan. Harvey Burkhour testified that the New York City Public Schools have such a provision in *Special Circular No. 1*: "Among the regulations that are included is one that limits the number of mainstream students per classroom." The specification of limits on the number of students with disability labels allowed in regular classrooms is only one of the policy barriers to inclusion that districts have enacted.

Some Districts Give Teachers the Final Decision About Whether Particular Students with Disabilities Are Placed in Their Classrooms

Although the law is clear that the decision about a child's proper placement should be made by all stakeholders in an individualized education planning meeting, some districts have, in effect, given teachers "veto" power.

Finally, there is a regulation that allows general education teachers to challenge the placement of any special education student in their general education classroom and provides assurances of due process protection for the teacher. This can really lengthen the process and make it very difficult and cumbersome for the child to ever get into an inclusive setting.

- Harvey Burkhour

Some Districts Restrict the Availability of Assistive Technology to Students with Disabilities and Limit Its Use to Segregated Special Education Programs

According to the law, children with disabilities may be removed from a regular education program *"only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."*²⁸ Yet, some districts have restricted the availability of assistive technology that would enable a student to succeed in a regular classroom.

Some fail to acquire or develop the technology students need:

The big problem is that although it works a lot of the time to use something that has already been developed, like an existing communication board, sometimes you have a kid that is so unique you have to come up with something new. Then it really is a battle to get somebody to pick up the tab for it.

- Mark Partin

Some districts intimidate teachers to keep them from recommending assistive equipment that would enable a student to be more successful in the regular classroom:

I am aware of dedicated and caring teachers who are threatened by loss of their job if they recommend equipment for students, equipment that they know their students need in order to successfully compete in their educational programs. Such a practice of threatening teachers, in preventing them from recommending things that are best for their students, has to stop.

- Mary Beth Gahan

Once a student has obtained appropriate technology, the battle may not be over. The district may even make the technology available only in segregated settings.

One of the things that I have seen school districts do is they get that assistive technology money, they get that assistive technology equipment and ... it goes into a separate system and stays there. If you want to come out, the equipment stays there.

- Mark Partin

Even when students have the assistive technology they need and they attend regular education schools, they may not be permitted to use it outside of the segregated classrooms:

²⁸ 20 U.S.C. 1412(5)(B).

I represented a young man, Joshua, in a hearing and a trial. He has severe cerebral palsy which affects his motor involvement just incredibly, but he's a very bright, cute kid. One of the things that the school district did to claim that they had made efforts to place him in "integrated activities," as they called it, was that they put him in the regular lunchroom and they put him in the library and they let him go to one pep rally.... In each of these integrated activities, the first thing they did was take his communication board away from him and sit him in the library or sit him in the lunchroom or sit him at the pep rally so he could not even tell anybody whether he wanted to be there or not.

To me that makes no sense. If you cannot communicate with the people you are there with on some level, especially if you have some assistive technology that allows you to do that, then it ought to go with the kid. "Well," [they say], "you can't do that because it's regular education and that is special education equipment and has to stay in this room." That is a screwed up process. That must change.

- Mark Partin

Finally, districts resist letting students take assistive technology home with them. Because this problem does not arise with children who are educated in segregated residential schools, it creates an additional incentive for parents to accept segregated institutional placements.

Unless parents are sophisticated enough to get goals and objectives written into the IEP that call for consistency in the home and you have to have that piece of equipment to achieve that consistency, then the school district says, "We've spent \$20,000 on this piece of equipment. We're not letting it out of our sight!" Buy insurance, I say. The school could be vandalized. It's safer at home.

- Mark Partin

All of the above policies and practices violate students' rights to placement in a regular education classroom with their non-disabled peers.

Some Districts Limit the Availability of Special Education Services and Supports to Segregated Special Education Settings

Although the law is clear that its goal is to provide "a free and appropriate public education" for students with disabilities, some districts have policies which force parents to choose between various elements of an appropriate education: for example, placement in a regular education classroom or other elements of a quality education. If they choose a regular education setting, they are forced to give up something else, such as assistive technology (discussed above), a teacher aide, appropriate transportation, alternate scheduling, etc.

Another example of a policy that inhibits parents from securing placement of their child in a regular education classroom relates to the use of teacher time. All students in special education are required to have an individualized education program (IEP). It is developed at a meeting between the parents, teachers, and related services providers. A special education teacher must be present. Whether a regular education teacher attends the meeting is dependent upon his or her availability. Mark Partin explained why the teacher's attendance at the meeting is so important:

The regular education teacher needs to be at the IEP meeting. They need to have that interaction with the parent, with the people who have done the assessment, to feel what this kid is like.

Partin then described the problems he has encountered:

One of the things that we keep running into is that you cannot get a regular education teacher at an IEP meeting because they are teaching. We can't pull them out of the class to come in and help you develop your IEP, but we are talking about putting [the student] into this person's class.

One witness cited a regulation from the New York City Public Schools *Special Circular No. 1* that made it even more unlikely that a regular education teacher would be fully apprised of the needs of a student with disabilities in the regular classroom.

Another regulation limits the amount of time that a general education and special education teacher have to consult with each other about the needs of any particular student at the elementary level to three hours per semester. At the junior high level it is also 3 hours per semester, per class, that the student is in.

- Harvey Burkhour

A student with a disability who spends some or all of his or her time in an integrated classroom may receive a less appropriate education if the regular education teacher is limited to three hours of consultation per semester with a special education teacher. Furthermore, any coordination of work going on in the two settings would be virtually precluded by such a policy.

Some Districts Urge Parents to Agree to Segregated Settings Due to a Belief That Children with Disabilities "Will Not Benefit" from a Regular Education Setting

Mark Partin shared an example of the recommendations educators made to one parent about her child's potential and proper educational placement:

A young man lives in Colorado Springs. He is severely physically involved and the school system in the State told [his mother] that she should put her son in

an institution. That was their recommendation. "He will always be dependent. He will never be able to do anything on his own. He will always be in diapers. He will always be a burden. He will tear your family apart. We think you should put your kid into the State institution for the mentally retarded."

Many parents would be unable to reject such a recommendation, given the negative characterization of this child's future and the family's future. However, this parent did, and the boy's outcomes speak for themselves:

Right now, or at least this summer, Scott was a counselor at a camp, not a camp for kids with disabilities, but a regular camp there in Colorado... He can work and he can do whatever he wants, even teaching.

- Mark Partin

Some Districts Refuse to Modify Programs and Practices to Accommodate Students with Disabilities

Perhaps because of their low expectations of students with disabilities, educators resist their placement in regular education settings at the very same time they are attempting to improve the public's view of schools by raising standards and implementing new programs:

One of the greatest barriers toward the inclusion of students is, of course, the whole business of trying to raise the standards of our schools, the whole mindset that we would be world class in these subjects of math, etc. It causes a great problem for students with disabilities if they are not able to achieve those high scores.

- Max Starkloff

The reluctance may be even greater in those districts that have been most successful in improving their programs:

Affluent school districts with model educational programs are not all eager to discuss modifications of their programs to include children with disabilities. In these cases, staff may be so wedded to the "excellence" that they believe that they are offering that any modifications are viewed as signs of weakness and reduction of standards rather than as a strength associated with accommodating diversity.

- Charlene Green

The difficulty of getting school districts to make even minor accommodations for students with disabilities is one indication of the enormity of the barriers that educators' attitudes can create. It also points out the understandable frustration of parents and advocates seeking inclusion by means of enforcement actions on a case-by-case basis.

Driving over here, I had a phone conversation with the mother of one of my clients, a young man in a wheelchair who has been denied entrance into his neighborhood high school this fall because some of the classes meet on the third floor. I suggested that if the English Department is on the third floor, his English class could meet on the second floor in a room set aside normally for math, and the math class for that period could simply meet on the third floor. The school said, "This simply would not work. It would upset their schedules." This is the type of attitudinal barriers that these children still face. I shouldn't have to be litigating that issue. That is plain dumb.

We have got to teach the teachers and we have got to teach the administrators and we have got to teach the school boards, first of all, that if they would take the attitude toward having disabled children in their classes that they would take if this disabled child were their own and they were trying to adapt within the home, we would not have a problem. Because if this were a family member, they would simply figure out how to do it. And if they would simply figure out how to do it for the children who live in their community, in their attendance area, we wouldn't be having these problems.

- Nancy Hablifschel

The barriers that educators' actions and words create are frequently compounded by parents' feelings, fears, and lack of information.

Informational and Emotional Barriers Facing Families

It's very difficult for families. None of us choose to be the parent of a child with a disability, or certainly, very few, ... so you are not trained. When I was brought up through the public school system, all I remember my family's attitude about school and education was you sent your kids to school, they are gone for a few hours, they come home, and it was, "Hi! How was your day?" "Oh, fine!" Maybe they will attend PTA and maybe not, but you had a big trust and a big faith in education and in the public school system.

And when you were forced to be thrown into the world of developmental disability and you have to change your mindset, you have to become a professional parent. For the education system to recognize you in that role is difficult.... It is an overwhelming experience for parents.

- Carol Reedstrom

The statistics on inclusion suggest that large numbers of children with disabilities are not presently included in regular education classrooms. In fact, passionate advocacy by someone is frequently needed to overcome the multiple barriers to inclusion. A variety of factors inhibit many parents from pressing for placement of their child with disabilities in a regular education classroom. A brief summary of factors cited at by witnesses follows:

Parents Have Little Information About the Failure of Segregated Special Education Programs to Educate Their Children

While most parents use their knowledge of their child's potential and reports of their performance on standardized tests to evaluate the quality of the education their child is receiving, parents of children with disabilities rarely receive such information:

The dismal outcomes of special ed are often hidden in special evaluation procedures as special ed students may be denied the opportunity to participate in the school's standard testing programs. Instead, the teachers and psychologists are trained to give the "special" students "special" tests which deprive the parents of the data needed to see the enormous number of areas in which their children are making no progress at all.

- Dr. Joy Jean Rogers

The grading policies applied to students with disabilities in segregated educational programs also mask the quality of the educational outcomes students achieve.

I want you to know that I am a graduate of Spaulding [a special education high school in Chicago].... I had a wonderful time with all of my friends and did not know until I left that I did not get the same education that my sister got in the regular school system. I was in the honor society and I thought I was pretty hot stuff. I wanted to go the University of Illinois and I was told that I would not succeed there because I did not have the skills or the preparation that would be necessary to go to the University of Illinois.

- Barbara Eunique

Without such information parents are less likely to be open to considering any other kind of placement. Even if they did, they are still unlikely to consider inclusive education, given the policy, administrative, and attitudinal barriers cited above.

Parents Have Little Information About the Benefits of Inclusion

Given the tremendous barriers parents face in obtaining inclusive educational placements, they must have great confidence that such a placement is the best placement for their child. Unfortunately, many have never had the opportunity to witness children in inclusive placements nor have they received information about the successes.

Most parents are unaware of the benefits of inclusive education. And, frankly, on the contrary, if parents were told anything by schools, they were told a lot of horror stories, some perhaps with some element of truth and many without. They were told about the children being ridiculed, teased, taken advantage of, and frustrated if they were to attempt to receive their education in the general education setting.

- Harvey Burkhour

Parents Might Believe That Their Children Will Be "Safe" in Segregated Settings

One witness with a disability discussed the inferior quality of the education she received in the only educational setting available to her during her school years, a segregated placement. She went on to hypothesize, though, that had her parents been given the choice of a segregated placement or an integrated one, they would have chosen the segregated one, unable to resist the "safety" and services they believed would be available to her only in such a setting.

My feeling is that when I was a child, had I been able to go to a regular school, because my parents were so overprotective of me and there was this [segregated] special school where I could get physical therapy and be nicely protected, they would not have had me go anyway.

- Barbara Eunique

Many parents share the perception that their children will lose something if they attend an inclusive educational setting. Others—particularly those in the inner city—fear for the physical safety of their children, especially in large urban high schools. While it is natural for all parents to want to protect their children, it is tragic that after nearly twenty years of a national policy presuming access and equality to regular education settings, parents of students with disabilities are made to feel that their children will be ridiculed, marginalized, or even abused in exercising their fundamental legal right of participation.

Parents Often Lack Information About Their Child's Potential

Because many parents know little about the effects of a child's disability on developmental potential, they may have lower expectations for them. Educators can lower expectations further by providing negative information (see above). Without the expectation that a child can benefit from an appropriate education in an inclusive setting, there is little reason to fight for such a placement.

My family had no expectations for me.... A lot of the education, a lot of the teaching has to take place with parents so that parents understand that they need to have expectations for their disabled child. I don't care whether you are talking about someone with an IQ of 20 or someone with an IQ of 120. The expectations are different, but they must be there.

- Barbara Eunique

Parents Might Believe That Children Will Receive Less Services
if They Are in a Regular Education Setting

In some cases, parents believe that they must choose between critical educational and related services versus placement in a regular education setting. They are predisposed to believe that "segregated" means "highly specialized" because of the justifications that have historically been used for segregated special education placements.

One of the biggest things I have run into with parents and parent groups that are less than enthusiastic about inclusion are the ones that fear that they are going to lose something because we have been telling them for years and years and years, "Go to special education and you will get what you need. You will get all of this OT and PT and speech therapy. It would do great and wonderful things for your kid." And now it's that system that we set up, that separate special education system, that isn't very good for kids.

- Mark Partin

Parents May Be Reluctant to Move Their Children from Segregated
Programs to Regular Education Programs Perceived as Having Problems of Their Own

The choice of an inclusive setting becomes more problematic when regular education programs are perceived to be having difficulties in meeting the needs of all children.

As we talk about inclusion, however, we must address the issue of education in general. The concept in the law that children with disabilities are entitled to receive a "free appropriate public education" is based on the presumption that their non-disabled peers receive an appropriate education. When parents and community members perceive that appropriate educational opportunities are lacking in the mainstream and that schools are over-crowded, that teachers are overwhelmed with overflowing classrooms, that the curriculum is out of line with current best practices, special education with its smaller class size and more individualized instruction begins to be more appealing.

- Charlene Green

Dr. Donald Moore used the Chicago Public Schools as an example of the need to improve schools generally in order to make inclusionary education preferable to segregated special education programs.

6,700 students entered these 18 high schools [that serve the largest percentages of low-income children] as ninth graders in the Class of 1984. However, only 300 of them (4% of the original class) both graduated and could read at or above the twelfth grade national average. About 50% dropped out. Another 20% graduated, but were reading below the ninth grade level as graduating seniors. Thus, 70% of the graduates of these schools are unlikely to ever hold

a job that requires a high school diploma and ninth grade reading competency.... These statistics are typical of major urban school systems. And they illustrate the fact that merely including children with disabilities in schools that exhibit this magnitude of failure will do little to increase their life chances, unless these urban schools themselves are radically restructured.

- Dr. Donald Moore

Parents Lack Information to Challenge School District Decisions

Educators and administrators have a variety of responses they can use to justify their decisions to place students in segregated settings: sometimes it is money, sometimes test results. Often it is the fact that such placements are where all students "like your child" are placed. Without an independent source of information, parents have little ability to challenge these reasons.

"Dollars" is always thrown at the parent. They say, "Oh, we can't do that. We don't have the money for it," or "That's Federal money and it's controlled." As a lay person, I have no idea that they might be just twisting me around a pole versus truly understanding what they can do or what I can expect them to do or what they should do.

- Carol Reedstrom

Parents Are Reluctant to Challenge Educators

Even if parents are able to overcome all of the barriers mentioned above, they may still defer to educators.

Parents were oftentimes reluctant to challenge this system because of feelings of inferiority to the professionals. After all, doctors know what people need in the way of medicines; teachers know about education. This is perhaps even more true of poor people who are less educated.

- Harvey Burkhour

Particular Barriers Facing Minority Individuals in Seeking Inclusionary Education

Four decades after Brown v. Board of Education, we continue to address the issue of inclusion. While the Brown decision brought the segregation of African-American students to the forefront, we find ourselves faced with the same issue as it relates to people with disabilities. Segregation in any form is unacceptable and cannot be tolerated.

- Charlene Green

In addition to the lengthy list of barriers to inclusionary placement discussed above, students with disabilities from minority groups face additional hurdles due to their race

and/or ethnicity.²⁹ Experts at the Chicago hearings explained how race relates to segregated special education placements.

Children from Minority Groups Are Disproportionately Identified as "Disabled"

Statistics reveal that children from minority groups are identified as mildly disabled in numbers disproportionate to their representation in the general population.

Nationally, African-Americans represent 41.6% of all students in programs for children with mild cognitive disabilities, although only 21.4% of the total national school population is African-American.

- Charlene Green

Other witnesses went on to point out an array of problems related to the over-identification of children from minority groups as mildly disabled.

The Classification of Children from Minority Groups as "Mildly Disabled" Is Often Erroneous

Recently, researchers examined the classification of children as mildly disabled and came up with some significant conclusions:

The research of James Ysseldyke and his associates has established that diagnosticians cannot reliably distinguish among children who are currently labeled mildly mentally disabled, children who are currently labeled mildly learning disabled, and children who have problems mastering basic skills but never end up in special education.

- Dr. Donald Moore

If there is no difference among these groups of children, then some other factor must be involved in labeling children from minority groups "mildly disabled" at a much greater proportion than others.

One of the factors that contributes to the overidentification of minority children as "mildly disabled" is their behavior in class, which triggers their referral for evaluation.

A typical pattern of misclassification, well documented by past research, is that children who cause behavior problems in regular classrooms are referred for special education evaluation, and that once they are referred, most of them end

²⁹ National Council on Disability (1993). *Meeting the Unique Needs of Minorities with Disabilities*. Washington, DC: Author.

up being labeled. And this pattern of harmful misclassification is particularly likely to impact minority students and boys.

- Dr. Donald Moore

According to Charlene Green, once minority children are referred, they end up disproportionately classified as disabled because of the inadequacy of the instruments used in evaluation:

I believe that some of our youngsters who are labeled emotionally [disturbed] and mentally retarded function [well] in their own households. Some of them can move through the streets better than I can.

I believe that there is biased testing. Our youngsters do not do well, and, therefore, score in a range of mental retardation. There have got to be other measures added so that we can figure out a way to really get a true measurement of a child's ability.

Children from Minority Groups Who Are Misclassified as Mildly Disabled Do Have Problems in Learning and Require Assistance in School

While there is a significant problem in the misclassification of students from minority groups, this is not to say that these students have no problems in school:

Based on my experience, children are not recklessly referred for evaluations. Rather, the referral is triggered because the child is having trouble learning and/or behaving and the teacher knows the child needs additional services to succeed.

- Charlene Green

Thus, while improvements in identification methods are needed, those changes alone will not result in improved educational opportunities for children:

Even if refinements and changes in the evaluation process were to eliminate unreliable or invalid testing so that minority children would never be misclassified as having a disability, the teacher is still left with a child who is having trouble learning or behaving.

- Charlene Green

Children from Minority Groups Who Are Labeled "Mildly Disabled" Are Often Harmed, Not Helped

The goal of special education, the evaluation process, and all of its classification schemes is the provision of an appropriate education for each child with a disability.

However, children from minority groups who are classified as mildly disabled are instead frequently removed from the educational program that can best benefit them.

In Illinois and other States, we have established diagnostic and service systems based on the fiction that these diagnostic distinctions can be made reliably, that each purported disability requires a different treatment, and that only teachers who are specially certified to provide this distinct treatment can teach children with a particular label.

Not only do we lack evidence of the benefits of these distinct treatments for children labeled as having various forms of mild disabilities, we do have concrete evidence that children who currently end up with these labels benefit from ... full participation in a regular classroom that presents challenging instruction and in a school with a climate of high expectations that all students can succeed.

- Dr. Donald Moore

Furthermore, the damage due to the disproportionate identification of children from minority groups as being in need of special education is compounded by the even greater disproportionality of their representation in segregated special education settings. One speaker cited statistics from a report which included information on the New York City schools:³⁰

The percentage of general education students in the City of New York is approximately 20% who are identified as African-American. However, the percentage of African-American students in segregated special education facilities is 35%, while the number in self-contained special education rooms is close to 50%. By comparison with white students in the same population, almost 60% are in the general education population, while 31% of the students placed in segregated and special education facilities are white, and 13% of the students in self-contained special education classrooms are white.

- Harvey Burkhour

Thus, the practices of identifying minority children as having particular disabilities in numbers disproportionate to their incidence in their population, and of placing children with those particular disabilities disproportionately in segregated settings, has led to the segregation of disproportionate numbers of minority children.

³⁰ Autin, D. M. T. K., Dentzer, E., and McNutt, B. (1992). *Segregated and Second Rate Special Education in New York*. New York, NY: Advocates for Children of New York, Inc.

While the consequences of labeling children are very serious in school, some children will be affected throughout their lives by the stigma of the disability label.

I am very concerned as a minority, as an educator, that many of the youngsters who leave school at the level of 12th grade with the label of emotionally disturbed cannot go into the service, cannot get life insurance, cannot get a job.

- Charlene Green

Inclusion may provide a way to meet students' educational needs without needlessly labeling them and segregating them, thus eliminating the apparent racial discrimination inherent in current educational practices:

Inclusion, therefore, offers a mechanism to enhance our effectiveness as teachers and to embrace to the extent possible all children without regard to the particular label or lack of label that they may happen to wear.

- Charlene Green

Findings

1. Provisions of the IDEA and its regulations related to grant applications tacitly endorse segregated educational programs by requiring small districts to submit applications with others and by allowing others to join together for the purposes of creating large, separate programs for students with disabilities.
2. Federal accounting requirements for districts which receive Federal funds serve as incentives for segregation because they are easier to comply with when children are educated in separate programs.
3. The enforcement provisions of IDEA and its regulations have not been effective in securing inclusionary educational placements for vast numbers of children with disabilities.
 - a. The due process rights provided by law for parents
 - provide little protection to the many students whose parents are unaware of their rights;
 - may be prohibitively expensive for parents who will not be reimbursed for expenses incurred in due process hearings or who cannot wait for reimbursement until they have prevailed in court;
 - offer little or no protection to students who are wards of the State and must rely on surrogate parents to represent them; and
 - do not alter the pervasive patterns of segregation in a district even when an individual parent has won inclusion for his/her child;
 - b. Parents have no real recourse to the Federal Department of Education as provided by IDEA when actions by an SEA are in violation of the law.
 - c. The Federal government has failed to use the enforcement mechanisms available to it—state plans, monitoring, and annual reports—to bring about full implementation of the law.
4. The due process and enforcement mechanisms contained in the law need to be clarified and strengthened.
5. Many State governments' policies in finance and teacher certification contribute to the placement of students in segregated educational settings.

6. Many school districts adopt illegal policies and practices to keep students in segregated placements.
7. Parents have too little information about their rights (including possible reimbursement of reasonable attorneys' fees incurred in due process hearings), the possibility of obtaining inclusive placements, successful practices supporting inclusion, and other related issues that would enable them to make informed decisions about appropriate educational options for their children and to challenge educators' recommendations.
8. Children from minority groups are identified as "mildly disabled" in numbers disproportionate to their representation in the general population.
9. The classification of children from minority groups as "mildly disabled" is often erroneous because it is based solely on behavioral issues and questionable evaluation methods.
10. Children from minority groups classified as mildly disabled do have problems which need to be addressed in school.
11. The over-placement of students from minority groups in special education programs is damaging because:
 - a. It often offers an inappropriate educational program,
 - b. It further promotes segregation, and
 - c. It narrows their future life choices.
12. Inclusionary education offers the potential to provide great assistance within the regular education classroom to children with a wide range of educational needs from diverse racial and cultural backgrounds without the use of stigmatizing and, often, life-defining labels.

FINANCING INCLUSIVE EDUCATION: BARRIERS AND OPPORTUNITIES

The dilemma is that if you become inclusionary, some of the dollars disappear.

- William Peters

As speakers identified factors in the persistence of segregation and the changes in policy and practice with the greatest likelihood of achieving the inclusion of children with disabilities in regular education classrooms, again and again testimony centered on the financing of special education. States have Federal and State funds to allocate and make decisions relating to these funds such as who will be funded, what will be funded, and the circumstances that must be present for funding to occur. Each of these decision points provides an opportunity to allow educators to make decisions based on the actual needs of individual children or to constrain them by making particular choices more attractive and others less attractive.

Although States vary in their systems for financing special education, the evaluation of each system as it relates to inclusion must center on the following inquiries:

Is the money tap to ... school districts turned on by the educational needs of the individual child? Is the money tap turned on when a child with disabilities is included in her or his home classroom?

- Dr. Douglas Kane³¹

Too often, witnesses testified, the answers to these questions are negative. Although much of the testimony related to specific practices in Illinois and Pennsylvania, the general points are applicable to many other States which employ similar funding schemes.

A variety of elements in the current pattern of financing special education encourages the segregation of children with disabilities. Federal finance requirements and most State financing systems contribute to high rates of segregation inconsistent with the law.

Federal and State laws governing the education of children with disabilities emphasize that the educational needs of the individual child should drive special education decisions, and that to the extent possible, educational

³¹ Dr. Kane provided extensive testimony at the hearing. Much of his testimony was based on the report prepared by Program Analysis Inc. for which he was a principal investigator with Stephen F. John, Richard W. Bell, and Connie Charlesworth. *The Identification of Financial Disincentives to Educating Children and Youth with Moderate to Severe and Multiple Developmental Disabilities in Their Home Schools* was prepared for the Illinois Planning Council on Developmental Disabilities of the Illinois State Board of Education and completed in May 1993.

services should be delivered in the home classroom of the child with disabilities....

Funding systems, however, have a way of creating priorities that may not be the same as those stated in the law. School districts and administrators respond to the way that dollars flow. Dollars are appropriated to specific entities for specific purposes. Specific circumstances or specific actions turn on the money tap. Whatever dollars are attached to, tends to get done. Whatever dollars are not attached to, tends not to get done.

- Dr. Douglas Kane

All too often State funding systems reflect triggering criteria which reward entities, activities, and circumstances which are inconsistent with inclusion. The Illinois system of funding is one example.

The Creation of Incentives for Segregation in Illinois³²

Decisions Illinois Has Made About Funding Policy

Only Larger Districts Can Get Direct Funding

One of the factors that supports the continuing segregation of special education students is State restrictions on the eligibility of its districts for Federal grants.

Even though the Federal dollars are attached to the number of pupils, the State Board of Education has limited those entities who can apply for grants to get

³² Illinois has several categories for special education funding. According to Dr. Douglas Kane, in 1991, the State's money for special education was divided in the following ways:

- 46% for personnel
- 24% for transportation
- 6% for private sector education
- 9% for orphans
- 14% for students with disabilities in regular school

According to William Peters, Illinois is organized into 11 regions and 950 school districts, 25 of which are largely urban school districts. The remaining 925 districts are members of 66 cooperatives, organized by districts to meet particular needs.

the Federal dollars to the cooperatives³³ and to the regions and to the 25 larger individual school districts in the State who operate their own, again, largely centralized programs. And so the large majority of school districts in the State, the 920 odd school districts in the State who are members of cooperatives, don't have direct access to the Federal dollars because only the cooperatives can apply for those grants, which then makes it difficult for the local school district to engage in inclusive education because the dollars go to the centralized structure rather than to the local school district which runs the local classroom where, by definition, inclusive education has to take place.

- Dr. Douglas Kane

The result of the creation of these cooperatives is high levels of segregation.

What typically happens is that if a district belongs to a cooperative and that cooperative has a segregated program for a certain type of label of disability, virtually 100% of the students from that district with that label are sent to that program.

- William Peters

In this instance, Illinois did not create a new funding stipulation, but merely expanded upon a Federal provision for consolidated applications from school districts. Mr. Peters explained that Illinois is not alone in this arrangement: most States have some form of intermediate districts, like the cooperatives, that exist between the State and local school district levels. This and other barriers present in Federal finance provisions are discussed in the chapter entitled, *Continuing Barriers Experienced by Parents and Students Seeking Inclusion*.

Private Schools Are Guaranteed a Certain Percentage of Federal Funding

State law in Illinois requires that a certain percentage of all Federal special education dollars (12.5%) must be used to pay for the expenses of children in private schools. Even if districts stopped placing as many children in private placements, existing State law would preclude the reallocation of Federal money for other uses.

I don't know of any other State that does it, but what it's doing is really limiting the discretion of the State on how dollars are spent, what kinds of educational programs are best for kids. And I think that the choice should be left up to the local school district and then the dollars should be there, regardless of the choice. The State and the Feds shouldn't say, "If you make this choice, then these dollars are going to be there." There's too much

³³ Cooperatives are "associations of two or more school districts formed for the sole purpose of providing special education," according to Dr. Douglas Kane.

manipulation there, too much incentive, too much disincentive to make other choices. Attach the dollars to kids and then whatever the choice is of the local district, hold the local district accountable for the results.

- Dr. Douglas Kane

Decisions Illinois Has Made About What It Will Fund

State Funding of Special Education Personnel

The single largest category of special education funding is personnel. The State of Illinois reimburses districts for a certain portion of the salaries of some of their personnel, creating a strong incentive to operate segregated programs according to Dr. Kane:

The personnel fund attaches dollars to professional teachers and to non-certified people who are participating in the special education system... In order for a school district or cooperative to be reimbursed by the personnel system, each teacher, each non-certified person who becomes eligible, has to be certified to teach the children with the particular disability label ..., has to have a job description that falls within that certification, teach in the special education full-time setting 50% of the time, be supervised by a credentialed supervisor who devotes 100% of the time to special ed. So, in order really to get personnel dollars, unless you want to have creative accounting on the part of the local school district, you basically have to have a segregated system for educating the child.

Transportation

Some States create incentives for particular placement decisions by paying only for particular costs attached to providing an educational program. For example, the financial incentive in Illinois to retain children in segregated placements is strengthened by the State policies governing the costs of providing transportation.

The State [of Illinois] picks up 80% of all of the costs of special education transportation, regardless of where the education takes place... As you move from a centralized segregated system where transportation costs are high to an integrated education system in which the child is educated in the home school, your educational costs may go up, but transportation costs can go down substantially. Well, what happens in that situation in Illinois is that the local school district loses dollars because they have to pick up the extra educational dollars for an inclusive education and they lose the transportation dollars because the State picks up 80% of the transportation. So the savings go to the State and the increased costs go to the local school district. So there's a real disincentive, a financial disincentive for the school district to move from a centralized segregated system that is based on transportation to an inclusive

system where the educational costs may be higher, but the transportation costs are much less.

- Dr. Douglas Kane

Because the decision-makers involved in an individual child's educational placement are not free to evaluate the best use of those transportation-related funds for meeting a child's needs, the very substantial savings that could be realized from reducing the high transportation costs necessitated by centralized, segregated placements will not occur. In Illinois, "transportation accounted for 24% of the special education State dollars, second only to personnel" (Dr. Douglas Kane). And, again, Illinois is not alone. The amount of money expended annually for the transportation of students with disabilities to segregated settings is enormous. It is the most expensive related service³⁴ and continues to grow. In Baltimore, for example, annual transportation expenses for students assigned to separate schools and programs grew from \$2300 to \$4200 per student between 1986 and 1990. By contrast, the average annual transportation expense for a student in regular education is less than \$100.³⁵ The savings that would be realized in transportation costs alone if students were sent to their neighborhood schools would represent a significant source of new revenue if made available to improve the quality of educational programs, "from half a billion dollars to two billion dollars annually," estimates Dr. Martin Gould.

Policies Which Tie the Portion of Special Education Costs Allowed to the Child's Educational Placement

Some States tie the portion of the costs of educating a child with disabilities that it will pay to his or her educational setting. In Illinois, several financing practices exist that encourage districts to place students in segregated private placements. Dr. Kane explained that if a student with a severe disability is educated within the public education system, "the State contributes \$2,000 of the extra costs" and the district pays all other costs. He then explained that if that student is educated in a segregated program,

The local school district ... is responsible for the first \$4500 of extra costs and then the State picks up everything else. So that if the child is educated in the private sector, the local district's responsibility is capped and the State's responsibility is unlimited.

³⁴ Office of Special Education Programs (1989). *Tenth Annual Report to the U.S. Congress on the Implementation of the Individuals with Disabilities Education Act*. Washington, DC: U.S. Department of Education.

³⁵ *Report of the Vaughn G. Design Team to the Federal District Court of Maryland*, 1993.

Unless the costs of meeting a child's special education needs are minimal, the district will benefit financially from placing the child in a private, segregated setting.

The System of Financing as a Whole Encourages Segregation

Thus, the current system of financing special education in Illinois by directing funds to large districts and private schools, limiting reimbursement to particular expenses, and paying more money or less for particular placements needed by some children causes districts to require children to participate in those programs rather than in ones which might actually be less costly overall but more expensive to the individual district because the State will not pay for the same portion of the costs. As such, it subverts IDEA's fundamental requirement of making educational decisions based solely on each child's individual needs.

The school district doesn't have the opportunity of trading those [State and Federal special education] dollars, because the dollars are attached to the activity rather than to the child or the education program. So, the school district doesn't have the choice or isn't free to make educational choices solely for the benefit of the child. The school district doesn't first make the choice and then have all of the dollars necessary to fulfill the education program that has been chosen for that child. The school district makes the choice and then, depending on whether the choice was right or wrong, the school district and cooperative gets reimbursed for particular kinds of expenditures. It turns the whole individual education plan on its head, because you have to build in certain things into the educational plan in order to get dollars regardless of whether that is good or bad for the child.

- Dr. Douglas Kane

A System of Funding That Facilitates Inclusion in Pennsylvania

Some States use a flat-rate allocation of dollars to districts for the education of children with disabilities, removing incentives for districts to keep students in expensive, segregated placements.

The Pennsylvania system basically says we assume that 17% of the students in the school district require some kind of extra help. "We assume that 1% of the students in the district require a lot of extra help. So, we're going to give you an extra \$525 for 17% of your kids; we're going to give you \$7,000 for 1% of your kids. Go and do a good job. Then we also have a special fund set aside for those who really need a lot of extra help and we're going to deal with those on an individual basis."

- Dr. Douglas Kane

Pennsylvania's System of Funding Special Education Increased the Inclusion Rates of Children with Disabilities

When asked if such a change in the financing system alone would have an impact on inclusion, Dr. William Peters unequivocally stated,

The results in Pennsylvania were that when they changed to this kind of system, inclusion increased. What it does basically is say to the local school district, "Here is money. You have control of the money and it's up to you to make the choice for your individual students. If you want to educate the child in the local school in an inclusive system, you have the money to do that. If you want to contract with a cooperative, you can do that, but you have control of the money." Under the present system, the local school district largely does not control the money and the money and the child do not start off at the same place. And what usually happens when money and children do not start off at the same place? The money stays where it went and the kids move.

When Neighborhood Schools Have Control over Funding, They Choose to Include Students with Disabilities

When examined at the local school level, the effect of giving principals control over the funding spent for the educational expenses of children with disabilities made inclusion a viable choice.

We did have a principal where there were four students [in centralized segregated placements] that really were home school students for that principal and the principal was seemingly our largest barrier [to their inclusion]. For him it was a human resource concern. I asked him if he could serve these students in his home school and he indicated that he couldn't. He didn't have the staff, didn't have the training. I suggested that, if indeed, we shifted the financial resources that we were now spending on those students, could he do that? He said, "No." Then I said, "Well, if those resources for the four students were \$104,000, would you consider it?" He said, "Let's talk."

- Dan Hurd

A Flat-Rate System of Funding Is Not More Expensive Than a Categorical Funding System

A variety of issues have been raised about the affordability of inclusive education. Aware of this dispute, Dr. Douglas Kane applied the formula in use in Pennsylvania to Illinois and compared the difference in total expenditures that would occur if Illinois merely adopted the Pennsylvania formula. In FY 1991, Illinois State Assistance for Special Education was \$529,343,080. Had Illinois used the Pennsylvania formula, it would have reduced its costs to \$292,100,100. While no claim has been made that Pennsylvania's level

of funding for special education is optimal, its model has proved to have significant advantages over the Illinois model in the freedom it gives educators to make placement and service decisions for students with disabilities. Furthermore, as Kane pointed out, *"The Pennsylvania formula could be considerably enhanced before the total cost would exceed the total dollars that Illinois is now spending on special education."*

The wide range of incentives for segregation inherent in current financing policies and practices can and must be reversed to produce broad incentives for inclusion:

Change is difficult because you have to change the structure and the financing at the same time.

- Dr. Douglas Kane

As we have seen, however, change is possible and need not involve a great deal of financial hardship.

Findings

1. Most current State funding systems create barriers to inclusion by financially rewarding school districts for segregated placements.
2. Local decision-makers tend to educate students wherever the greatest amount of State and Federal funding is available to support the costs of their special educational programs.
3. State and Federal funding tends to remain wherever it is first sent.
4. Funding sent to intermediate level educational agencies or cooperatives creates barriers to inclusion because these agencies operate largely segregated educational programs.
5. State funding schemes which fund only certain costs associated with providing education for children with disabilities cause local decision-makers to make educational decisions about children for reasons other than the children's educational needs.
6. State funding schemes which fund certain kinds of educational placements at a higher level than other kinds cause local decision-makers to make educational decisions about children for reasons other than the children's educational needs.
7. The inclusion of children with disabilities in their neighborhood schools may result in an increased amount of money available to those schools for educational program costs that would otherwise be used for their transportation to more distant segregated sites.
8. When neighborhood school principals are allowed to make the decision to spend funds allocated for the education of a child with disabilities to provide services in their school or to pay the costs of education in a segregated site, they are more likely to choose inclusion in their neighborhood school than they do when funding decisions are out of their hands.
9. Inclusion is no more costly than segregation and may be far less costly.
10. Large numbers of children with disabilities will be included only when current disincentives embedded in State funding systems are eradicated.

PROFESSIONAL AND CONSUMER TRAINING IN INCLUSIONARY EDUCATION

When I started teaching in 1970 and 1971, the first two years that I taught, I had children with muscular dystrophy in my classroom. I had children with mental retardation. I also had a little boy who was seriously emotionally disturbed. I didn't think a whole lot of it. I was making adaptations and accommodations every day as a general ed teacher because with 27 students in my classroom, I had such a diverse range of needs in that classroom that I did it instinctively.

By 1977, I began to believe I couldn't do it because now we have this special ed law that said, "Give me your tired, your poor, and your hungry, and I will take them all, and I am special. I know how to do it and you don't." By 1977, I didn't have children with disabilities in my classroom like I had in 1970 and 1971. I had lost the confidence that I could teach children [with disabilities].

- Linda Effner

Professional Training

Almost twenty years since children with disabilities were removed from Linda Effner's classroom, graduates of teacher training programs are still learning the same lesson she did: that they have not been prepared to teach all children.

I think that more than anything else, regular education teachers fear the diversity among the learners in their classrooms. They feel that they do not have the expertise necessary to adapt to a range of learning styles and rates. The attitudes and fears of regular education teachers are partly a result of their training. Universities have not aggressively pursued instilling the values of inclusionary education in future preparation programs. This is true in spite of a growing body of research and promising practices that have emerged over the last decade. Interviews with young teachers just graduating from teacher preparation programs indicate a non-committal orientation to inclusion.

- Rene Leininger

Teacher preparation must change.

Because so many teachers currently in schools must be prepared to educate children with disabilities in their classrooms, inservice training programs have been used as one method of teacher instruction. Unfortunately, this approach is not enough.

Traditional inservice models, alone, do not immerse the trainees sufficiently to produce the change in attitude and strategy to provide inclusive schooling.... Absolutely essential to inclusive schooling are strong preservice programs

which totally immerse the trainee in teaching to, and in collaborative problem solving of, the diverse learning styles of children in the public schools today.

- Dr. Sharon Freagon

Specific Changes Needed in Teacher Preparation Programs

Witnesses were in agreement about the kinds of changes needed in teacher preparation programs.

Needed Structural Changes

Witnesses consistently reported that one of the greatest barriers to inclusionary education is the structure of the system of teacher education. The division of teacher preparation programs into "regular" education curriculum and "special" education tracks reflects the belief that teachers that work with children with disabilities in special education require different preparation than those teachers who work in regular education classrooms. Inherent in this practice is the assumption that teachers in regular education classrooms will *not* teach children with disabilities requiring special education, a clear conflict with inclusionary education policies.

The damage done through the existence of parallel systems of teacher preparation programs is even more insidious than the skills gaps that teachers exit with. By virtue of the structure itself, the present system perpetuates a segregated approach to teaching children that is reflected throughout education systems.

The continuing segregation of special and general ed faculties in colleges and universities preparing professionals for our schools in the future has to stop. Separate faculties and separate departments send clear messages to young undergraduates preparing to be teachers that their roles in the schools are separate and, therefore, the children they teach must be separated. Young general and special ed teachers then participate in ... [placement meetings] that separate children and the cycle continues. The pattern of separating and segregating children has to be interrupted at the professional preparation level in the colleges and universities.

- Dr. Sharon Freagon

Needed Changes in Student Teaching Settings

Because neighborhood school classrooms contain increasing numbers of children with disabilities, all teachers should be trained to teach students with and without disabilities. As a consequence of the placement of teacher candidates in segregated settings for student teaching, regular education teachers often feel unprepared to teach children with disabilities and special education teachers feel unprepared to teach non-disabled children. The result is

that few teachers perceive themselves as qualified to teach in inclusionary education settings. All teacher candidates need to learn to teach in inclusionary settings.

Teachers trained for an era of inclusion would need preservice clinical experience in which they learn the same skills they currently learn but have the opportunity to practice those skills in settings in which disabled and non-disabled learn together.

- Dr. Joy Jean Rogers

Needed Content Changes in Teacher Preparation Programs

In addition to changes in the structure of teacher preparation programs, the content of curricula needs to change, too. Witnesses testified about competencies needed by teachers in instructional methods, subject matter, respect for the human rights of children, and communication skills for their use in interactions with parents.

Instructional Methods. Current research shows that teaching methods that facilitate learning in children without disabilities are the same ones that enable children with disabilities to succeed.

There are many practices promoted within regular education literature for increasing the quantity and quality of learning for all students that should be considered and adapted by any school teacher or administrator who is developing inclusive educational practices. These include, but are not limited to, whole language classrooms, imbedding basic skills learning in content area learning, group instruction, as well as cooperative learning and peer coaching.... In fact, there are few issues in developing effective learning for students with disabilities that are not also issues for all students in the general education realm.

- Ruth Usilton

Fortunately, regular education teachers have generally learned these methods. What they have not learned is when to use particular methods to assist children with disabilities.

Classroom teachers who complain that their university training did not prepare them for the inclusion of children with disabilities have an interesting and partially valid point. General teacher training programs offer regular ed teachers many of the relevant skills, but leave them unaware of how those skills can be used to meet the needs of children with disabilities. They are too frequently even taught that they are not equipped to deal with "special" children and such children should be referred to "special" ed teachers who supposedly have an array of "special" techniques to use with "special" children. Tragically and incredibly training programs for "special" teachers

usually lack training in the techniques which offer the most promise in meeting the needs of "special" children.

- Dr. Joy Jean Rogers

Subject Matter Expertise. All teachers need to be competent in the subject areas they teach. Many preparation programs for special education teachers do not require the same expertise in subject matter as that required for regular education teachers.

The situation in secondary schools is even worse. Teachers in regular classes are required to meet high standards of subject matter knowledge, while special educators may have little or no training to teach the subjects their students need. The results are predictable. Special ed teachers are often employed to teach ... subjects about which they know little or nothing.

- Dr. Joy Jean Rogers

Respect for the Human Rights of Children. Dr. Rogers also testified about the need to instill respect for the human rights of students in special education teachers. She explained some differences in the approaches taken by regular and special education preparation programs.

While regular educators are sensitized through their training to be responsive to the needs of the whole person, special educators are systematically desensitized to the personhood of the children they are being prepared to teach. Common jargon in the field of special education is a dehumanizing jumble of letters and words.... Regular educators are routinely trained to use disciplinary techniques consistent with the civil and human rights of their students. Principals supervising regular schools are trained to respect privacy rights, to issue rudimentary due process, and to avoid unlawful restrictions. Special students, however, are often subjected to especially harsh methods of discipline.

I recently visited one special school where students were locked in 3' by 3' padded "time-out" cells. Some special schools give potent tranquilizers, use forcible take-downs, tie students to desks, tape their mouths with duct tape, ridicule them before their peers, snap them with rubber bands, hit them, subject them to loud noises, force unpleasant tasting substances into their mouths, and zap them with cattle prods. Amnesty International would defend adult political prisoners against the very techniques that special teachers have learned to use on special education students in America today.

This provides another reason that teacher training should be conducted in regular education classrooms where students with and without disabilities are present and subject to the same standards of human respect and decency.

Too often special education has become dehumanizing. Because these special schools are often the clinical training sites, new special education teachers are socialized into this culture of accepted dehumanization.

- Dr. Joy Jean Rogers

Communication Skills. In addition to pedagogical skills, teachers need to learn how to work with parents to achieve an appropriate education for their children. One parent pointed out that general education teachers need to receive the same kind of preparation in collaboration, problem solving, and cooperation that parents do. The critical role that parents play in planning for their children's inclusionary education is discussed in the chapter entitled *Specific Strategies for Making Inclusion Work*.

Proposals for Systemic Change

From the above discussion, it would seem apparent that systemic changes are needed in the way we prepare teachers. Several different approaches were offered by witnesses at the hearings.

Strengthen Special and Regular Education Teacher Preparation

Witnesses agreed that at the very least special and regular education teacher preparation programs need to ensure that all teachers are better prepared to teach in inclusive classrooms. Two changes were proposed, the first of which focused on strengthening the preparation requirements for special education teachers.

Teachers of children with disabilities need to be more skilled than regular education teachers, not merely differently skilled.

The baseline of skills for special ed teachers must at least be qualification to teach the same matter to the same age group of children irrespective of whether those children are "special".... The resulting nature of special education would be to provide services available in addition to what is regularly available to children of that age. Such changes would be consistent with a goal of preparing teachers who are capable of working in inclusive settings.

- Dr. Joy Jean Rogers

Changes also need to be made in programs for regular education teacher candidates. Consistent with the assumption that regular education teachers will not be working with students with disabilities is the approach most teacher preparation programs have taken to orienting them to special education. Regular education teachers frequently are required to take *one* separate introductory course in special education in order to get their teaching certificates, rather than learning about special education throughout their coursework. The recommendations to teacher preparation programs and to States are clear:

Institutions of higher education need to take a close look at teacher training programs for all teachers. They all need information about what does work, what are successful strategies and practices for teaching kids with a diverse range of needs.

I think the States need to look at the basic requirements for teachers to increase the number of courses that are available, to allow the education majors to have important work and content infused into their program, and to make sure that all courses have the relevant material infused into their programs, into their syllabi, and into their daily lessons.

- Dr. Martin Gould

Eliminate Differentiated Training

Another strategy for teacher preparation would be to create a unified approach which combined the best of current teacher preparation methods in regular and special education programs.

Special ed teachers appear much less prepared to serve children in inclusive settings than their regular ed counterparts. Given that there is apparently no effective special ed pedagogy, a persuasive argument can be made for completely eliminating any differentiated preparation for special teachers.

- Dr. Joy Jean Rogers

Create "Master" Teachers

Another expert reviewed the evidence and suggested that instead of creating a separate curriculum for special education teachers, teacher preparation programs should create separate approaches for teachers skilled in enabling *all* students and teachers to succeed.

Since no particular pedagogy for teaching students with disabilities has historically emerged, and since strategies that are successful at accomplishing understanding with children without disabilities will be successful with children with disabilities, colleges and universities need to address whether an undergraduate program preparing special education teachers is warranted. The future will, however, require that we develop graduate teacher education programs for experienced teachers to become "masters" at teaching and supporting students and other classroom teachers who are diverse in race, background, income, gender, disability, and so on.

- Dr. Sharon Freagon

Effecting Change

Although witnesses were in agreement about the structural, logistical, and subject matter changes needed in teacher preparation programs, they did not underestimate the difficulty of bringing about such changes.

The Lack of a Federal Mandate

One of the difficulties is the absence of Federal requirements in this area.

With no mandates ... providing guidelines as to how educators are to be prepared, the required change in educator preparation which is essential to inclusive schooling will be arduous and take a long time.

- Dr. Sharon Freagon

Needed Changes by States

States have the authority to bring about change in several critical areas: teacher certification requirements and financing schemes which tie funding to teacher certification.³⁶ States could also remedy another obstacle to change in teacher preparation programs: the lack of information university professionals provide administrative and teacher candidates about inclusionary education.

To remedy this, program approval sections of State Boards of Education could monitor university programs and courses as to how well they train professionals on the components on which teachers and administrators in the school districts are monitored. There also could be a system of commendations for those universities and colleges doing an extraordinary job in preparing teachers and administrators for inclusive schools of the future.

- Dr. Sharon Freagon

Needed Changes by Universities and Colleges

Teacher training programs themselves have a major role in overcoming internal barriers to preparing teachers for inclusion. In order to ensure that university professionals receive updated training on inclusion, universities should create incentive programs that reward them for acquiring skills needed for the schools of the future.

³⁶ These topics are discussed in the chapter entitled *Continuing Barriers Experienced by Parents and Students Seeking Inclusion*.

Furthermore, there is currently little connection between what occurs in many teacher preparation programs and what happens in schools. But that can change:

The annual personnel evaluation process in universities and colleges most often does not reward a professor's impact in the schools, impact on teacher and administrator preparation or on collaboration and cooperation among faculty members. Consequently, professors do not see their mission as working to improve education in a given State or locale or to provide a collaborative teacher preparation program with general education. To accomplish contributions to better education in a State or in a locale, the personnel evaluation process will have to reflect rewards for impact on improving education and collaboration and cooperation.

- Dr. Sharon Freagon

With their expertise and their access to schools and educators, universities can become leaders in bringing about inclusion in our educational system.

Consumer Training

As teachers and administrators change in order to implement inclusionary education more effectively, so must parents. Inherent in the Individuals with Disabilities Education Act is recognition of parents' unique expertise: their knowledge of their children's learning strengths and needs. As parents absorbed these messages, more confident in the validity of their concerns and observations, many embraced the new role provided for them in the law, that of advocates for their children. Working with educators, they made and continue to make significant improvements in educational programs for children.

All too often, though, parents have had to become adversaries of educators to obtain the educational programs they knew their children needed. As discussed in the chapter *Continuing Barriers Experienced by Parents and Students Seeking Inclusion*, parents are still too often forced to adopt adversarial roles to secure inclusive placements. However, experts testified that once children with disabilities are assigned to inclusionary settings in their neighborhood schools, their parents have new roles to play. They need additional information about regular classroom operations and collaborative interpersonal skills to achieve the quality educational programs they seek. Training programs for parents of children with disabilities need to change to include a range of topics.

The Inclusive Classroom

In order for parents to understand the value and dynamics of the inclusive classroom, parents need to see a successful model and hear from graduates.

Parents will benefit from observation, that is, visiting classes that have successfully included children with disabilities. When in-person visiting is not

possible, video should be used. Observation, especially in real life school rooms, will help parents and educators understand how helpful the other children can be in the education of the child with a disability.

Training workshops should include adults with disabilities who have benefited from inclusionary education and life experience. No one is more eloquent on the subject.

- Patricia McGill Smith

New Instructional Methods

In order for parents to participate effectively in planning their children's educational program, they need to be familiar with the kinds of instructional strategies that are now available to benefit their children:

Parents will also need to learn about new classroom methods: cooperative learning, team teaching, multi-sensory and multi-modal instructional approaches.

- Patricia McGill Smith

The Educational Planning Process for the Inclusive Classroom

The nature of program planning for a child with a disability who goes to an inclusive classroom leads to changes in instructional planning meetings. The inquiry starts with an examination of the planned classroom activity and moves to consideration of the changes needed to enable the child to succeed.³⁷ Parent training programs need to include information about this approach to planning.

Parents may need to learn about new kinds of IEPs, simpler, with more emphasis on supports for both the child and the teacher, and less emphasis on detailed objectives. A regular classroom teacher who has up to 30 children in her classroom cannot teach to one child's 20-page IEP, much less do that for three or four children. Working collaboratively, teams of parents and educators need to put more emphasis on the nature of supports for both the child and the teacher as IEPs are developed. Each annual goal needs to be analyzed with the questions of what supports are needed: 1) adapted methods or materials and 2) personal assistance.

- Patricia McGill Smith

³⁷ See *Specific Strategies for Making Inclusion Work* for a more detailed explanation.

Inclusionary education will require new approaches to planning and problem solving between parents and educators. As never before, parents' success in achieving the assistance and support their children with disabilities may need in learning may now depend on the ability of the parents to secure the assistance and support teachers need to educate the children.

Inclusion has many implications for parent training. Parents need to learn that in an inclusionary classroom, the teacher may need supports as well as the student with special needs. Parent training must now include step-by-step help for parents to ensure that all inclusive placements fully support each student and the professionals teaching that student.

- Patricia McGill Smith

Findings

1. A variety of specific changes are required in professional training programs in order to prepare teachers and administrators for inclusive education:
 - a. The division between preservice regular and special education preparation programs needs to be significantly reduced, if not eliminated.
 - b. All teacher candidates should do their student teaching in integrated classroom settings.
 - c. All teacher preparation programs should ensure that all candidates:
 - learn teaching methods which enable children with and without disabilities to learn;
 - understand when to use particular methods with children with disabilities;
 - acquire expertise in the subject matter that they are expected to teach;
 - possess and maintain a high level of respect for all of the children they teach; and
 - become skilled in communicating and collaborating with parents.
2. Significant systemic changes in preservice teacher preparation programs should be considered:
 - a. If the existing division between the programs is to be maintained, each of the programs must be strengthened in ways that prepare candidates from both certification programs to teach in inclusive classrooms.
 - Special education candidates must have the same level of subject matter expertise as regular education teachers; and
 - Regular education candidates must learn techniques for working with students with disabilities in all of their classes, rather than in a single introductory course.
 - b. Elimination of the division between preservice teacher preparation programs may be justified on the grounds that the evidence shows that children with disabilities benefit from the same methods of instruction as children without disabilities.

- c. Instead of a division between programs on the basis of the population of students served, a distinction may be justified based on the greater skills of "master" teachers in enabling a wide range of students and teachers to succeed.
3. While change may be difficult to effect at the Federal level because of the current absence of a mandate, it can be achieved through efforts at other levels.
 - a. States can address three areas:
 - They can change teacher certification requirements so as to eliminate the division between regular and special education preparation;
 - They can eliminate the linkages between funding allocations and teacher certification; and
 - They can monitor and reward colleges and universities for the quality of the training they provide teacher and administrator candidates about inclusion.
 - b. Universities and colleges can make changes that will advance inclusion in at least two ways:
 - They can create incentive programs that encourage their faculty members to acquire additional information and skills related to inclusion; and
 - They can encourage university faculty leadership in bringing about inclusion by evaluating and rewarding faculty for their impact on schools and teachers as it relates to inclusion.
4. Parent training programs need to assist parents in learning how to be effective advocates to obtain inclusive placements for their children, and help them recognize the need to collaborate with educators in the school for better educational planning.
5. Parent training programs must help parents understand the inclusive classroom and the instructional methods available to assist their children.
6. Parent training programs need to inform parents about how the educational planning process changes when children with disabilities are in inclusive settings and need to familiarize them with their roles in that process.

THE EFFECT OF INCLUSION ON THE TOTAL SCHOOL

What is the effect of inclusive education on students who do not have disabilities? It makes them better students. It not only makes them better students, it makes them better people. I believe that is what our goal for education should be. It's not just reading, writing, and arithmetic, but it is, "Are you a good citizen? Do you value other people?"

- Mark Partin

One of the most persistent charges against inclusive education has been that, whatever its benefit for children with disabilities, inclusion will diminish the quality of education afforded children without disabilities. Witnesses at the Council's hearings consistently testified that the reverse is true: *students without disabilities benefit significantly when inclusionary education is implemented. Their academic performance can improve, and they are better prepared for adult life.*

Inclusion Can Improve the Performance of Students Without Disabilities

In order to serve children with disabilities in regular education classrooms, schools and their faculty members change in a variety of ways. Individual teachers change the instructional methods they use in class. Related services personnel move into the classroom to work with students needing their services. Schools restructure their programs and redeploy their staff in order to meet the needs of students in integrated classrooms throughout the school, instead of in segregated enclaves within it.

Changes in Teaching Methods

Researchers have determined that the educational practices³⁸ that best serve students with disabilities also serve non-disabled students in an exemplary manner.

We have found that the best and most successful curriculum and instructional supports to the student with disabilities are those same strategies that are considered best practices in regular education. Those strategies include cross-age classrooms, experience and hands-on learning activities, authentic assessment, and cooperative learning groups.

- Dr. Barbara LeRoy

Furthermore, the implementation of inclusionary education increases the use of best practices in the classroom.

³⁸ These methods are discussed at greater length in *Specific Strategies for Making Inclusion Work*.

We are finding that in determining what structures will best support individual students with disabilities, our regular education classrooms are utilizing best educational practices more frequently than they did prior to the implementation of inclusive education.

- Dr. Barbara LeRoy

As a result of the greater use of these "best practices," all students benefit academically:

We are finding in many of our classrooms as we implement inclusive education and help teachers to put those best practices in place that the outcomes for all students are improving. In many of our inclusive education classrooms, the typical kids in those classrooms have the highest standardized test scores in their districts.

- Dr. Barbara LeRoy

Delivery of Related Services in the Classroom

In the past children received related services in isolation from the regular classroom. They were pulled out of their classrooms for individualized sessions. Classroom teachers knew little about the services provided, nor how they corresponded to what was going on in the regular classroom. Furthermore, their unfamiliarity with the service meant that teachers were often unable to reinforce a new skill or behavior or correct a child's error in practicing it. In inclusionary classrooms, related service personnel plan with classroom teachers to determine when the skills they address relate to classwork and, when those skills are needed, enter the classroom to support the teacher in his/her instruction and the student in learning the skill.

Our therapist, our speech pathologist, and our occupational therapist work in the classroom. One of our teachers commented that it was one of the most marvelous things that could occur because the mystery of what a therapist does has been solved in some ways. She now knows how to get the child to say the letter, the sound of "s," and recognize the letter "s." Because she is seeing a specialist do it, she now is beginning to feel confident in working with the child in the classroom. They can talk about it later when someone can look at the pathologist and say, "You worked with that child. How can I work with this child?" And they begin and build their communication.

- Catherine Bushbacher

Educators increase their knowledge and children benefit from the support teachers are able to provide and their ability to refer children who need such services more quickly and confidently.

Restructuring Schools to Serve Children as Individuals

One of the greatest changes in schools that include children with disabilities in regular classrooms is restructuring in order to meet the needs of individual children. Staff with particular expertise no longer work in isolation with a "special" population. They work collaboratively with classroom teachers throughout the school building, discussing student goals and their roles in providing the materials and services that are needed to assist students in achieving them. This broader perspective results in greater support for all students:

Since we've begun inclusion, our standardized test scores have gone up. They've gone up because we are now able to look at every child independently and to give them what they need. There's an ownership of all the students. Many of the teachers know the names of everyone in the building, rather than just the 15 children that were assigned to them. We intend to teach everyone, and we work together to help each other.

- Catherine Bushbacher

Some States have funding policies and practices that support inclusion. When the money that formerly supported a student's segregated educational placement is made available to the neighborhood school where she or he is reassigned, there is an impetus for restructuring the way educational programs and services are delivered throughout the school. One witness described the results in a school when three students who were formerly sent to segregated institutions were returned to their neighborhood school along with the resources that were previously diverted to those institutions:

I told the principal he had \$104,000. What has happened for the last two years in that building? Because of our allowing the building to use its dollars more flexibly and then working within the other systems to make sure we did not lose any of it, the other things in that building that used to be categorical, like the Chapter One Reading Programs, like the Bilingual Program, like the private foundation dollars they had to deal with computers, and the special ed money, have been reorganized so that the entire school is now a teacher support team system. Many people are now working in bilingual. Many people are working in special education. Many people are working with the computers. It is a highly educational program for all the students, not just the students with disabilities. And I am positive that would happen if we would give local people more control. They know their needs. They work with the students and the parents every time.

- Dan Hurd

Preparation for Inclusive Adult Life

Many witnesses spoke of the additional non-academic benefits of inclusion to students without disabilities. Their experience with people with disabilities is knowledge that will help them throughout their lives.

If we will be satisfied with graduates [of special education programs] sitting at home and watching television, then a protective and separate program approach will do. If we want higher outcomes in terms of living, learning, working and playing to a high degree of independence in adult life, then we must think in terms of services instead of programs, and we must offer services in the least restrictive environment.

- Paul Ash

I am definitely a believer [in inclusionary education], not only for the benefits to the children [with disabilities], but for ... the benefits to the other persons, because I also believe the condition of being able-bodied is a temporary condition for many people. I think we are preparing children in schools for life, and life includes disability within the family, within the school, and within the work community. People who expect to be successful in work and successful in their family lives need exposure from the beginning and need exposure for the able-bodied to learn how to work effectively with their colleagues and peers who have various disabilities.

- Nancy Hablischel

One parent ended her testimony by eloquently describing the implicit message we are sending all children when we welcome children who were previously excluded by reason of disability into typical neighborhood classrooms:

By eliminating segregation in our schools, we are teaching kids that it is okay to be different and, in fact, there is beauty in diversity. They will see that we all have individual gifts and talents that we bring to life's table and that this country's founding principles of life, liberty, and pursuit of happiness apply to all of its citizens.

- Debbie Rodriguez

Findings

1. Inclusion can improve the academic performance of students without disabilities.
 - a. Teachers increase their use of the most effective instructional methods for all students in order to ensure the success of their students with disabilities.
 - b. The benefits of related services to students are enhanced because classroom teachers are more familiar with these services and more capable of reinforcing progress when the services are provided in the regular classroom.
 - c. Students with special needs no longer "belong" exclusively to one staff person or in one room in the building; they are the responsibility of many staff people and are present throughout the building. No longer in isolation, school staff work more collaboratively with each other and take responsibility for the success of all children, providing services and instruction as needed to each other and to students.

2. Effective inclusion provides benefits to children that go beyond the greater academic skills they acquire:
 - a. Students are better prepared for the possibility of disability in their own lives or those of their family members.
 - b. Students are better prepared to assume their future roles in workplaces and communities that will include supervisors, coworkers, and neighbors with disabilities.
 - c. Students will be more appreciative of human diversity.

RECOMMENDATIONS

Implement Strategies for Success

When properly planned and implemented, inclusionary education improves the academic performance of all students, those with and those without disabilities. In addition, it can provide benefits to children that go beyond the academic skills they acquire, preparing them to live and work in a diverse world. As schools implement inclusion, they should use the process as an impetus for school-wide changes that benefit all students. Schools should:

1. Adopt a school-wide curriculum and make modifications for all children who need them;
2. Employ experiential, interactive educational methods proven to facilitate the learning of all students;
3. Redeploy personnel as needed to meet the needs of the entire student population and engage all staff in working to ensure the success of all students;
4. Engage in collaborative planning with all of the stakeholders in the education of children with disabilities;
5. Provide time for training, team-building, and planning so that staff and parents can work together for the changes that will benefit students;
6. Treat students with disabilities as much the same as other students as possible (for example, having all students begin school on the same day);
7. Enroll children with disabilities in educational programs with their non-disabled peers at the earliest point possible, preferably in preschool;
8. With the provision of reasonable accommodations, include students with disabilities in *all* system-wide assessments of educational performance and public reporting of the results, at the same time ensuring that their scores can be disaggregated; and
9. Publicly celebrate accomplishments.

Improve and Expand Student Supports

The successful inclusion of students with disabilities requires careful *individualized* planning regarding services and supports. These may include assistive technology, peer preparation, personal assistance services, paraprofessional support, or social integration planning. Schools should:

1. Create plans which include:
 - a. needed adaptations of curricula;
 - b. the provision of supports and other accommodations such as sign language interpreters, accessible formats, etc.; and
 - c. the careful scheduling of the above in order to enhance, not disrupt, the educational program of all students in the classroom;
2. Identify and develop/acquire assistive technology for those students who need it, making it available for their use at home and in school;
3. Prepare peers for the inclusion of a student with disabilities carefully, on an individual basis. (Note: Sometimes, such "preparation" may actually hamper integration);
4. Plan the roles of necessary support personnel so that they do not foster dependence or segregation, and, where possible, assign the service provider to the classroom or the teacher, not to individual students;
5. Engage the families of students with disabilities in planning to facilitate the social integration of their children inside and outside of the classroom; and
6. Teach students with disabilities to manage their support services so they can achieve independence.

Remove Administrative and Policy Barriers

In spite of the legal requirements that students be educated in the least restrictive environment, major barriers to the inclusion of students with disabilities in classrooms with their non-disabled peers still exist.

In order to reduce these barriers, the Federal government should:

1. Significantly increase the monitoring and enforcement of current laws and regulations through State plan reviews, consumer-oriented monitoring visits and reports, issuance of appropriate sanctions for non-compliance, Annual Reports to Congress, and the establishment of a fair and effective parental appeal process to the Secretary of the Department of Education;
2. Disallow joint grant applications from multiple education agencies, a policy which tacitly endorses segregated special education programs;

3. Modify current accounting requirements in order to eliminate incentives to place children in segregated educational placements because of the ease of compliance with current reporting requirements;
4. Clarify and publicize IDEA regulations which require school districts to pay the legal expenses of parents who exercise their due process rights to secure an appropriate education for their children with disabilities and prevail at the due process hearings;
5. Require districts to pay all related costs for surrogate parents who exercise due process rights to secure an appropriate education for a child with a disability;
6. Review the results of all due process hearing decisions related to inclusion and use these results as a guide to improving and enhancing inclusionary education policies and practices;
7. Develop standards and procedures for processing appeals by parents to the Secretary of the Department of Education.

State governments should:

1. Alter school finance policies to eliminate provisions which encourage segregation;
2. Amend their laws and regulations governing teacher certification to require that all teacher candidates be qualified and competent to teach all students at their certification level; and
3. Prohibit local school districts from entering into collective bargaining agreements which result, *de facto*, in violations of the rights of students with disabilities provided by Federal law.

School districts should:

1. Rescind policies and practices that place and keep students in unwanted segregated placements;
2. Provide parents information about their rights to inclusive placements for students with disabilities;
3. Eliminate the disproportionate identification of minority children as needing special education and rectify the disproportionate segregation of these children by race and disability classification; and

4. Provide educational support services to children with disabilities who need them without requiring them to be labeled and placed in special education programs to obtain services.

Remove Financial Barriers

Perhaps the single greatest barrier to the implementation of inclusionary education is the financing practices and policies of the various States. Because States distribute both State and Federal dollars for special education, they have a great impact on the practices of local educational agencies. Through a variety of funding mechanisms, they create disincentives to the inclusion of students with disabilities in regular classrooms and, in fact, often create incentives for districts to place students with disabilities in segregated educational programs. With changes in law and regulations States can reverse those incentives in order to facilitate inclusion. States should:

1. Send funding directly to the local school district, not to intermediate level educational agencies, where it is often used to support segregated education;
2. Require the involvement of parents and persons with disabilities in local decision making;
3. Eliminate all requirements that funding be tied to particular kinds of placements, expenditures, or categories of personnel;
4. Remove discrepancies in funding allotted to local educational agencies for children with disabilities based on the educational placement—neighborhood school, segregated special education facility, or residential school;
5. Require districts to provide the neighborhood school that enrolls a child with a disability the same amount of money that would otherwise have been spent in a segregated placement;
6. Ensure that principals have the discretion to use funding as needed to improve educational programs in their school and are held accountable for the educational outcomes the child achieves, not just the expenditures they have made; and
7. Allocate funding according to a "placement-neutral" process, whereby funding is tied directly to a student's needs, not to specific placements. For example, the option of a funding model based on a presumption of a proportionate incidence of children with disabilities in a school population rather than on the labeling and counting of individual children with disabilities might be appropriate in many districts.

The Federal government should:

1. Consider allowing States the option of allocating funds according to a "placement-neutral" process, whereby funding is tied directly to a student's needs, not to specific placements. For example, the option of a funding model based on a presumption of a proportionate incidence of children with disabilities in a school population rather than on the labeling and counting of individual children with disabilities might be appropriate in many districts.

Improve Consumer and Professional Training

Inclusion requires parents, teachers, and other school staff to work together in new ways. Parents need to change their expectations for their children, both in terms of goals and individual programming, when they enter an inclusive classroom. Teachers need to work with a more diverse population, relying on support from parents and others to assist them and all their students. Additional school staff, previously accustomed to others being responsible for students with disabilities, need to learn how to assist and support them.

Unfortunately, existing preservice teacher preparation programs are most often divided into special and regular education sections. They perpetuate teacher attitudes, skills, and confidence which make inclusion difficult at best. In order to change this situation:

The Federal government should:

1. Modify regulations relating to a Comprehensive System of Personnel Development in order to require plans for preparing teachers and related service personnel for work in inclusive educational environments; and
2. Condition its grants to institutions of higher education for personnel development on the elimination of the division between special and regular education teacher preparation programs and, instead, support the preparation of all teachers for inclusive classrooms.

States should:

1. Change bureaucratic teacher certification requirements which make it difficult and, in some cases, illegal for some teachers to work with students with different (dis)abilities;
2. Eliminate the linkages between funding allocations and teacher certification; and
3. Monitor and reward colleges and universities for the quality of the training they provide to teachers and administrators in the area of inclusion.

Professional training programs should:

1. Require all teacher candidates to demonstrate competency in teaching in inclusive classrooms;
2. Prepare all teacher candidates to:
 - a. Use instructional methods which enable children with and without disabilities to learn efficiently and effectively;
 - b. Understand when to use particular methods with children with disabilities;
 - c. Engender a high level of respect and safeguard the human and civil rights of all children;
 - d. Be skilled in communicating and collaborating with parents; and
 - e. Be knowledgeable of the subject matter they are expected to teach.
3. Eliminate the division between regular and special education preparation programs.

Parent training programs should:

1. Assist parents in learning how to be effective advocates for their children in seeking inclusive placements and skilled collaborators when planning with educators for their children;
2. Educate parents about the advantages of inclusion and how it relates to their child; and

3. Familiarize parents with the instructional methods available to assist their children.

With the passage of P.L. 94-142 in 1975, a new era of opportunity dawned for students with disabilities. In response to the exclusion and abuse of children with disabilities, Congress promised quality education provided to the maximum extent possible in the presence of other non-disabled children, from their neighborhoods, from their families. This promise has been broken in far too many instances. It is our hope that the information contained in this report will assist Congress, as well as Federal, State, and local education officials, teachers, parents, and students with disabilities themselves in ensuring that the promises of quality inclusionary education can and will be kept.

APPENDICES

LIST OF WITNESSES

CHICAGO HEARING ON INCLUSIONARY EDUCATION AUGUST 4-5, 1993

The National Council on Disability is grateful to the following individuals and organizations for submitting oral and/or written testimony as part of the hearings. We are also appreciative of many others who spoke at the hearings but submitted no written testimony.

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DEFINITIONS OF ACRONYMS

AIDS	Acquired immune deficiency syndrome
CFR	Code of Federal Regulations
DOE	Department of Education
EHA	Education for All Handicapped Children Act, 20 U.S.C. 1401
FY	Fiscal year
IDEA	Individuals with Disabilities Education Act, 20 U.S.C. 1401 et seq.; the name given the EHA in its 1990 reauthorization.
IEP	Individualized education program
IQ	Intelligence quotient
LEA	Local education agency
LRE	Least restrictive environment
OT	Occupational therapy
PT	Physical therapy
SEA	State education agency
U.S.C.	United States Code

HEARING AGENDA

NATIONAL COUNCIL ON DISABILITY

Making Inclusionary Education Work: Overcoming Barriers to Quality

Public Hearing
Truffles Room, Hyatt Regency Chicago
August 4-5, 1993

- AGENDA -

Wednesday, August 4, 1993

8:30 - 9:00 a.m.

Opening Remarks

John A. Gannon
Acting Chairperson
National Council on Disability

Shirley W. Ryan
Member
National Council on Disability and
Chairperson, Inclusion Subcommittee

Margaret C. Daley
The Chicago Cultural Center Foundation
Chicago, IL

9:00 - 10:30 a.m.

Panel 1 -- *Examples of Successful Inclusion Across the Age Span*

Moderator:

Shirley W. Ryan
Member
National Council on Disability, and
Chairperson, Inclusion Subcommittee
Washington, DC

Panelists:

Martin Gould, Ed.D.
6527 Hillfall Court
Columbia, MD 21045

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Rick Douglas
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of People with Disabilities
1331 F Street NW
Washington, DC 20004-1107

10:30 - 10:45 a.m. Break

10:45 - 12:30 p.m.

Panel 2 -- *Specific Strategies for Making Inclusion Work*

Moderator: *John A. Gannon*
Acting Chairperson
National Council on Disability
Washington, DC

Panelists: *Amy Bennett*
Program Analyst
Office of the Assistant Secretary for
Special Education and Rehabilitative Services
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U.S. Department of Education
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Washington, DC 20202

12:30 - 1:30 p.m. Lunch

1:30 - 3:15 p.m.

Panel 3 -- *Continuing Barriers Experienced by Parents and Students Seeking Inclusion*

Moderator: *Mary M. Raether*
Member
National Council on Disability
Washington, DC

Panelists: *Rene Leininger*
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National Center for Learning Disabilities, Inc.
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New York, NY 10016

3:15 - 4:45 p.m.

Panel 4 -- *The Experience of Individuals Who Are Minorities in Seeking an Inclusionary Education*

Moderator: *John A. Gannon*
Acting Chairperson
National Council on Disability
Washington, DC

Panelists: *Harvey Burkhour*
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Charlene Green
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Chicago, IL 60609

4:45 p.m.

Closing Remarks, Day One

Thursday, August 5, 1993

8:45 - 9:00 a.m.

Opening Remarks *John A. Gannon*
Acting Chairperson
National Council on Disability
Washington, DC

9:00 - 10:45 a.m.

Panel 5 -- *Supports for Inclusion: The Role of Individual Plans, Assistive Technology, Personal Assistance Services, and Other Supports*

Moderator: *Robert S. Muller*
Member
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Panelists: *Mary Beth Gahan*
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Austin, TX 78757

10:45 - 11:00 a.m. **Break**

11:00 - 12:30 p.m.

Panel 6 -- *Financing Inclusive Education: Barriers and Opportunities*

Moderator: *John A. Gannon*
Acting Chairperson
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Washington, DC

Panelists: *Dan S. Hurd*
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William Peters
De Kalb County Special Education Association
2205 Sycamore Road
De Kalb, IL 60115

12:30 - 1:30 p.m. Lunch

1:30 - 2:45 p.m.

Panel 7 -- *Professional and Consumer Training in Inclusionary Education*

Moderator: *Anthony H. Flack*
Member
National Council on Disability
Washington, DC

Panelists: *Sharon Freagon, Ph.D.*
7500 Rich Road
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Alexandria, VA 22314

Max Starkloff
5100 Oakland Avenue
Suite 100
St. Louis, MO 63110

2:45 - 3:00 p.m. Break

3:00 - 4:30 p.m.

Panel 8 -- *The Effect of Inclusion on the Total School*

Moderator: *Shirley W. Ryan*
Member
National Council on Disability and
Chairperson, Inclusion Subcommittee
Washington, DC

Panelists: *Donald R. Moore, Ed.D.*
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Catherine Wells
Principal
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Kathleen Winter
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4:30 p.m.

Closing Remarks

Marca Bristo
President, Access Living of Metropolitan Chicago

Note: After each panel there will be a brief open microphone time during which persons wishing to address the hearing will be given three to five minutes for testimony.

MISSION OF THE NATIONAL COUNCIL ON DISABILITY

Overview and Purpose

The National Council on Disability is an independent Federal agency led by 15 members appointed by the President of the United States and confirmed by the U.S. Senate.

The overall purpose of the National Council is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and to empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

Specific Duties

The current statutory mandate of the National Council includes the following:

- ◆ Reviewing and evaluating, on a continuing basis, policies, programs, practices, and procedures concerning individuals with disabilities conducted or assisted by Federal departments and agencies, including programs established or assisted under the Rehabilitation Act of 1973, as amended, or under the Developmental Disabilities Assistance and Bill of Rights Act; and all statutes and regulations pertaining to Federal programs which assist such individuals with disabilities in order to assess the effectiveness of such policies, programs, practices, procedures, statutes, and regulations in meeting the needs of individuals with disabilities;
- ◆ Reviewing and evaluating, on a continuing basis, new and emerging disability policy issues affecting individuals with disabilities at the Federal, State, and local levels, and in the private sector, including the need for and coordination of adult services, access to personal assistance services, school reform efforts and the impact of such efforts on individuals with disabilities, access for health care, and policies that operate as disincentives for the individuals to seek and retain employment;
- ◆ Making recommendations to the President, Congress, the Secretary of Education, the Director of the National Institute on Disability and Rehabilitation Research, and other officials of Federal agencies, respecting ways to better promote equal opportunity, economic self-sufficiency, independent living, and inclusion and integration into all aspects of society for Americans with disabilities;
- ◆ Providing Congress, on a continuing basis, advice, recommendations, legislative proposals, and any additional information which the Council or Congress deems appropriate;

- ◆ Gathering information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
- ◆ Advising the President, Congress, the Commissioner of the Rehabilitation Services Administration, the Assistant Secretary for Special Education and Rehabilitative Services within the Department of Education, and the Director of the National Institute on Disability and Rehabilitation Research on the development of the programs to be carried out under the Rehabilitation Act of 1973, as amended;
- ◆ Providing advice to the Commissioner with respect to the policies of and conduct of the Rehabilitation Services Administration;
- ◆ Making recommendations to the Director of the National Institute on Disability and Rehabilitation Research on ways to improve research, service, administration, and the collection, dissemination, and implementation of research findings affecting persons with disabilities;
- ◆ Providing advice regarding priorities for the activities of the Interagency Disability Coordinating Council and reviewing the recommendations of such Council for legislative and administrative changes to ensure that such recommendations are consistent with the purposes of the Council to promote the full integration, independence, and productivity of individuals with disabilities;
- ◆ Preparing and submitting to the President and Congress a report entitled *National Disability Policy: A Progress Report* on an annual basis; and
- ◆ Preparing and submitting to Congress and the President a report containing a summary of the activities and accomplishments of the Council on an annual basis.

Population Served and Current Activities

While many government agencies deal with issues and programs affecting people with disabilities, the National Council is the only Federal agency charged with addressing, analyzing, and making recommendations on issues of public policy which affect people with disabilities regardless of age, disability type, perceived employment potential, economic need, specific functional ability, status as a veteran, or other individual circumstance. The National Council recognizes its unique opportunity to facilitate independent living, community integration, and employment opportunities for people with disabilities by ensuring an informed and coordinated approach to addressing the concerns of persons with disabilities and eliminating barriers to their active participation in community and family life.

The National Council plays a major role in developing disability policy in America. In fact, it was the Council that originally proposed what eventually became the Americans with Disabilities Act of 1990. Our present list of key issues includes personal assistance services,

health care reform, the inclusion of students with disabilities in high quality programs in typical neighborhood schools, equal employment opportunity, community housing, monitoring the implementation of the Americans with Disabilities Act, improving assistive technology, and ensuring that persons with disabilities who are members of minority groups fully participate in society.

Statutory History

The National Council was initially established in 1978 as an advisory board within the Department of Education (Public Law 95-602). The Rehabilitation Act Amendments of 1984 (Public Law 98-221) transformed the National Council into an independent agency.

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