

# Restrictiveness and Race in Special Education: Educating All Learners

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*The education of special needs students continues to show a complete disregard for the lack of appropriate services for minority groups. The overrepresentation of African American learners in the more restrictive placement continues. The advent of charter schools have not changed this picture, and in some cases the discrimination of minorities in the less restrictive classes are accepted and tolerated by agencies granting the charter for these schools. General and special educators are feeling the pressure to educate all learners in spite of their abilities, disabilities, socioeconomic backgrounds, racial identities, cultural differences, linguistic differences, and national origins. Charter schools effective denial of access to students with disabilities and their limited enrollment of students of color raise serious misgivings about whether they should continue to operate as they do now. The question of whether a special needs child can and will be served effectively in a charter school should be of great importance to public education.*

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Fierros and Blomberg have indeed looked at a problem that should be of great concern to all school administrators and parents of children with special needs. The question of whether a special needs child can and will be served effectively in a charter school should be of great importance to public education. The implication that minority children will be overrepresented in restrictive settings is noteworthy and disturbing. Dooley and Dooley (2002) suggests that it is ironic that while the early common law, developed through successful litigation in the area of civil rights, led to tremendous progress and strides in the area of special education, there continues to be concerns about inequitable educational practices for African American Learners.

Fierros and Blomberg accurately speak to the attractiveness of the charter school to parents of children with special needs but also point out that “children with more severe needs or emotional disorders that attempt to register in these charter schools are counseled out” (Zollers & Ramanathan, 1998). They further reported that there are fewer students with special needs in charter schools compared with regular public schools. There are numerous reports of outright abuse concerning charter schools and their enrollment and equity practices; charters schools are often granted charters to open their doors even though they only have a limited understanding about the complexity of special education (Rhim & McLaughlin, 2001). The danger

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here is that because charter schools are allowed to teach without being certified or formally trained they are less likely to be knowledgeable about the Individuals with Disabilities Education Act (IDEA), the Least Restrictive Environment (LRE), and Free and Appropriate Education (FAE) requirements of the law. Additionally, Blackburn, Patton and Trainor (2004) have acknowledged that charter schools must operate under the same mandates of IDEA as do regular public schools.

Fierros and Blomberg have certainly provided clear warning signs that all parents and school districts should be cognizant of, as we move towards creating an inclusive society. Since charter schools have to produce satisfactory outcomes in a short period of time, this may make them reluctant to integrate special needs students because of the very real financial expense. When the charter school is part of a school district, the responsibility to provide education to the student with special needs often defaults to the district—freeing the charter school from having to enroll students with special needs.

Moreover, Fierros and Blomberg clearly show the problem special education students and their parents face when dealing with charter schools across the country. Again they clearly speak to the exclusion of special needs students, citing problems of enrollment in Texas, New Hampshire and Massachusetts. They reported that Texas charter schools have the right to exclude children with a history of behavior problems, even if their misconduct is linked to an emotional disorder (Estes, 2000). They further state that Texas charter law status governing campus charters allow charters to factor in academic credentials in their admission process, in direct contradiction to Texas's mandate to avoid discrimination in admissions to charter schools (U.S. Department of Education, 1998). In New Hampshire, their charter law states "Charter Schools may select pupils on the basis of aptitude, academic achievement, or need, provided that such selection is directly related to the academic goals of the school" (U.S. Department of Education, 1998). In Massachusetts, charter schools are excused from providing services to students who are classified as severely disturbed and who spend a majority of time outside of the classroom. Foley, co-chair of the Worcester Advisory Council in Massachusetts, noted that *while it took approximately twenty minutes for most families to get registered at the county's Seven Hills Charter School, special education families were left to sit for more than two hours. Three months later, she testified that at least two special education children were not receiving services prescribed by their Individual Education Plans (IEP)* (McFarlane, 1997, cited in Weil, 2000 p. 153). Fierros and Blomberg reported that the move towards charter schools may be a mistake based on their research that students regardless of race, fare better when they are educated in the regular education setting alongside their non-disabled peers.

In reviewing charter school for-profit and non-profit, the authors points out that charter schools in the United States, and specifically in California, have a larger enrollment, of white students than minority students (U.S. Department of Education, 1998). In California many students take advantage of publicly-funded charter schools. Minority students are less likely than whites to attend charter schools across the country and particularly in California (Estes, 2000; Paul, Lavelly, Cranston-Gingras, & Taylor, 2002). In effect, minority students are systematically segregated from charter schools (Murphy & Shiffman, 2002). Fierros and Blomberg

raised the level of concern because the number of charter schools is growing and the pattern they have demonstrated is one of not serving minority students with special needs. It is therefore, important that we discover if these patterns will continue to exist recognizing that *because of the law and the need of charter schools to show success they often again refuse to integrate children with special needs* (Blackbourn, Patton and Trainor, 2004, p.29).

This study was supported by the data collected from the California Department of Education comparing special education students in regular education with the special education students in charter schools. The authors examined a study using an (N-502) (N-265) in for profit and (N-237) non-profit. The authors went to great lengths to insure the consistency and accuracy of the research and the reporting of their findings. A multilevel analysis was used to examine placement and rates of restrictiveness in California Charter Schools. They examined state level education and special education placement data. Secondly, they developed a descriptive statistical profile of minority students with special needs in for-profit and non-profit charter schools in California. Additionally descriptive charter school data were analyzed to learn how the school restrictive rates compared with each other.

This research was clear in defining and breaking out the areas of disproportionate representation of minorities in special programs as well as being excluded from charter schools. It is apparent that the percentage of students with special needs largely mirrors the trends of regular education students, with an increasing percentage of white students, and small increases in the special education proportion of American Indians and Black students. This research depicts that the racial disproportionality of special education that has been established in regular schools would appear on the surface to be mirrored in charter schools. In a further review of the research data the authors report that a greater number of Asian/Pacific Islanders, Hispanic, and Blacks represented a greater percentage in for-profit compared with non-profits, whites and American Indians had a greater number of students with special needs in non-profit charter schools. The study clearly identifies the inconsistency in placement of minority students as shown that while Whites and Hispanics accounted for the largest percentage of students in all four special education categories, Blacks were overrepresented in classes for the Severely Learning Disabled (SLD) and the Emotionally Disturbed (ED).

Grant and Grant (2002) have also reported that African American students are often excluded from classes for students with learning disabilities and placed in classes for people with mental retardation and emotional disturbance. This would suggest that, again, the poor pays more and we continue to blame the victim for the failure of the system to provide the appropriate education in the appropriate environment. Moreover, African Americans, especially males, who engage in certain behaviors that represent artifacts of their culture such as language (Ebonics), movement patterns (verve), and a certain “ethnic” appearance have been found to be over-referred for special education placement (Obiakor, 1994, 1999).

The overall discussion of the research focuses on the dramatic increase of student enrollment in charter schools in California and that this increase may stem from the fact that they cater to the needs and desires of white students and their parents while American Indians and African American students saw very little increase. The

researchers have pointed out the some of the limitation to the present research. The value of this work and the direction it has taken in identifying the inequality in special education in the Local Education Agency (LEA) and Charter schools is exceptional. School districts must wake up to the realization that we need to look at how education is provided to **all** learners regardless of race, sex or religious beliefs. Moreover, they should begin to look at how funding and services are provided in all areas of our educational system. Charter schools, for-profit or non-profit, should make no difference at least in how they are mandated in serving the learning community

This is a worthy research that should be published, but more importantly, should be read by all educators. Obiakor, Grant and Dooley (2002) inform us that the die is now cast! The paradigm has shifted! General and special educators are feeling the pressure to educate all learners in spite of their abilities, disabilities, socioeconomic backgrounds, racial identities, cultural differences, linguistic differences, and national origins. In direct response to demographic shifts in power, new ways of learning and teaching are now advocated to prevent misidentification, mis-assessment, mis-categorization, mis-placement and mis-instruction. It is now clear that we must educate **all** learners.

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