

Who Are Exceptional Children?

- Exceptional children differ from the norm (either below or above) to such an extent that they require an individualized program of special education
- Four key terms
 - Impairment - The loss or reduced function of a body part or organ
 - Disability - Exists when an impairment limits the ability to perform certain tasks
 - Handicap - A problem encountered when interacting with the environment
 - Not all children with a disability are handicapped
 - At risk - Children who have a greater-than-usual chance of developing a disability

1.2

How Many Exceptional Children Are There?

- Children in special education represent about 9% of the school age population
- Approximately 75% of students with disabilities receive at least part of their education in regular classrooms

1.3

Why Do We Label and Classify Exceptional Children?

- Possible benefits of labeling
 - Recognizing differences in learning and behavior is the first step to responding responsibly to those differences
 - May lead to more acceptance of atypical behavior by peers
 - Helps professionals communicate and disseminate research findings
 - Funding and resources are often based on categories
 - Helps advocacy groups promote more awareness
 - Makes special needs more visible (AUTISM)

1.4

Why Do We Label and Classify Exceptional Children?

- Possible disadvantages of labeling
 - Focuses on what students cannot do
 - May stigmatize the child and lead to peer rejection
 - May negatively affect self-esteem
 - May cause others to have low expectations for the student
 - Disproportionate number of culturally diverse groups are labeled
 - May take the role of fictional explanatory constructs
 - Takes away from the child's individuality
 - Suggest that there is something wrong with the child
 - Labels have permanence
 - Basis for keeping children out of the regular classroom
 - Requires great expenditure that might be better spent on planning and delivering instruction

1.5

Tolerance vs. Respect

- **Person first language**
- **No! “The learning-disabled child.”**
- **Yes! “The child with a learning disability.”**

**THE RIGHT TO EDUCATION:
SPECIAL EDUCATION
LITIGATION AND
LEGISLATION**

**EQUAL OPPORTUNITY
THE RIGHT TO
EDUCATION**

- There is no constitutional guarantee to a free public education.
- The 14th Amendment of the United States Constitution mandates that no citizen shall be denied the right to life, liberty or property without due process.

**EQUAL OPPORTUNITY
THE RIGHT TO EDUCATION**

- Early foundations of universal education... WE EDUCATE EVERYONE.... WELL NOT EVERYONE... and NOT EQUALLY
- History of oppression in the U.S. for children with disabilities
- Changing sense of everyone and equal...

**BROWN v. BOARD OF EDUCATION
IMPLICATIONS FOR SPECIAL
EDUCATION**

- In Brown, the Supreme Court of the U.S, determined that if a state undertakes the provision of free education for its citizenry, then a property right of an education is established.
- In Brown, the 1954 Court was addressing the rights of African American students. However, this decision would in a few years have far reaching implications for students with disabilities. Brown became the basis for almost all of the special education right to education litigation.

**PARC V.
PENNSYLVANIA**

In 1971, the Pennsylvania Association for Retarded Children brought a class action suit against the Commonwealth of Pennsylvania for failure to provide students with mental retardation with a public supported education.

PARC v. Pennsylvania Issues

Attorneys for the plaintiffs argued:

- Education cannot be defined as only the provision of academic experiences for children.
- All students with mental retardation are capable of benefiting from program of education and training.
- Having undertaken a free public education for the children of Pennsylvania, the state could not deny children with mental retardation the same.

FAPE

**PARC v.
PENNSYLVANIA**

- The Federal District Court ruled in favor of the Plaintiffs. All Children between ages 6 and 21 must be provided a free public education.
- Court indicated that it is most desirable to educate children with mental retardation in programs most like those provided for peers without disabilities.

**MILLS v. BOARD OF
EDUCATION**

- Class-action suit was filed in the Federal District Court in the District of Columbia.
- Brought by parents of seven children on behalf of all 18,000 out of school children with disabilities in D.C. including those with behavior problems hyperactivity, epilepsy, mental retardation, and physical impairments.

MILLS DECISION

- Court ruled in favor of the plaintiffs.
- Court mandated that the school district provide all children with disabilities a public supported education.
- Court ordered the district to provide due process safeguards.
- Court clearly outlined due process procedures for labeling, placement and exclusion .
- Procedural safeguards include: right to appeal, right to access to records, written notice of all stages of the process.

LEGISLATION

- Much of the Federal and State right to education laws are based on the litigation in various states (e.g. PARC v. Commonwealth of PA, Mills v. Board of Education) giving educational rights to individuals with disabilities.
- The two earlier and most prominent pieces of legislation include: Section 504 of P. L. 93-112 and P. L. 94-142 (the Education for All Handicapped Children Act).

PUBLIC LAW 94-142

1975 Education for All Handicapped Children Act

P.L. 94-142 provides students age 3-21:

- A free and appropriate education for all children with disabilities.
- Procedural safeguards to protect the rights of the students and their parents.
- Education in the least restrictive environment
- Individualized educational programs.
- Parental involvement in educational decisions related to their children with disabilities.

REI, Mainstreaming, Inclusion

- REI
- Mainstreaming
- Inclusion



Exclusion

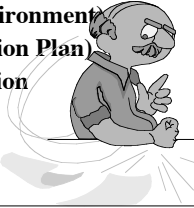


Inclusion



94-142 (Now IDEA)

- Zero Reject/Child Find
- Free and Appropriate Public Education (FAPE)
- LRE (Least Restrictive Environment)
- IEP (Individualized Education Plan)
- Nondiscriminatory Evaluation
- Due Process
- Parental Participation



Change from 94-142 to IDEA in 1990

- Changed the name
- Added TBI and Autism
- Mandated transition plans over the age 16 and possibly at age 14
- Services ages 0-21



Changes in IDEA in 1997

- **Parent as a member of the team**
- **Regular educator must be a member of the team**
- **Parents must receive updates on IEP the same as general education students**
- **Three year re-evaluation is optional**

- **Students with disabilities must be involved in state testing**
- **Students with disabilities are to be taught the same curriculum as their peers**
- **45 day suspensions could be given if**
 - possession of a weapon
 - possession or sale of drugs
 - dangerous behavior (hazing)



I.D.E.A.

- **Revised 2004**
 - Aligned with NCLB
 - Highly qualified
 - Changes in IEP
 - Transition Services
 - Overidentification
 - Student Discipline
 - Due Process
 - Monitoring and Compliance
 - Funding

Related Legislation

- **Section 504 of the Rehabilitation Act of 1973**
 - Extends civil rights to people with disabilities
- **Americans with Disabilities Act**
 - Extends civil rights protection to private sector employment, all public services, public accommodation, and transportation

1.8

SECTION 504 OF P.L. 93-112

- Section 504 enacted as part of the Vocational Rehabilitation Act of 1973.
- Section 504 is a counterpart to the Civil Rights Act of 1964.
- Does for individuals with disabilities what the earlier legislation did for ethnic minorities.
- A basic civil rights provision with respect to prohibiting discrimination against America's individuals with disabilities.

SECTION 504

Section 504 is brief in language, far-reaching in implications.

“No otherwise qualified handicapped individual in the United States.... Shall, solely by reason of his (or her) handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. “



**The Americans with
Disabilities Act**

**What percentage
of the US is
disabled?**

More than 15 %

Individualized Education Program (IEP)

- IDEA requires that an IEP be developed and implemented for every student with disabilities between the ages of 3 and 21
- Individualized family service plans (IFSP) are developed for infants and toddlers from birth to age 3.

The IEP team must include the following members:

- Parents
- Regular education teachers
- Special education teachers
- LEA representative
- An individual who can interpret evaluation results
- Others at the discretion of the parent or school
- The student (age 14 or older must be invited)

IEP Components

- The IEP must include:
 - A statement of present levels of educational performance
 - A statement of annual goals
 - A statement of special education and related services
 - An explanation of the extent to which the student will not participate with nondisabled children
 - Individual modifications
 - The projected date for the beginning and duration of services
 - A statement of how the child will be assessed
 - Beginning at age 14, a statement of transition service needs must be included
 - Beginning at age 16, an individual transition plan must be developed

2.4

IEP Functions and Formats

- IEP formats vary widely across school districts
- Properly including all of the mandated components in an IEP is no guarantee that the document will guide the student's learning and the teachers' teaching
- The purpose is to create a document that goes beyond compliance with the law and actually functions as a meaningful guide

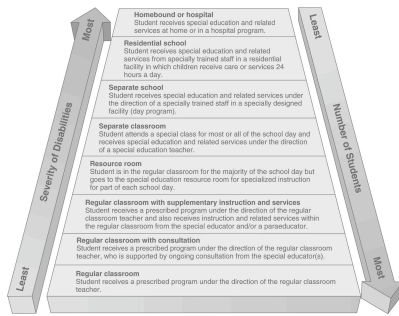
2.5

Least Restrictive Environment

- **LRE is the setting that is closest to a regular school program that meets the child's special educational needs**
- **The IEP team must determine if the annual goals and short-term objectives can be achieved in the regular classroom**
 - Removal from the regular classroom should take place when the severity of the disability is such that an appropriate education cannot be achieved
 - Placement must not be regarded as permanent

2.4

A Continuum of Services



2.7

REI, Mainstreaming, Inclusion

- **REI**
- **Mainstreaming**
- **Inclusion**



Inclusive Education

- **Inclusion means educating students with disabilities in regular classrooms**
 - Studies have shown that well-planned, carefully conducted inclusion can be generally effective with students of all ages, types, and degrees of disability
- **A few special educators believe that the LRE principle should give way to full inclusion, in which all students with disabilities are placed full time in regular classrooms**

Arguments For and Against Full Inclusion

- **Pro**
 - LRE legitimates restrictive environments
 - Confuses segregation and integration with intensity of services
 - Is based on a "readiness model"
 - Supports the primacy of professional decision making
 - Sanctions infringements on people's rights
 - Implies that people must move as they develop and change
 - Directs attention to physical settings rather than to the services and supports people need
- **Con**
 - Placing a child in a general education setting is no guarantee he will learn or be accepted
 - General education teachers are often not sufficiently trained
 - System of supports often not available
 - No clear definition of what inclusion means
