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 benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Section 504, PL 93-112 (Vocational Rehabilitation Act, 1993)
Riley Behler, a third-grade teacher at the Martin Luther King Elementary School, has been asked to see the principal, Erin Wilkerson, after the students leave. Dr. Wilkerson explains that the school is implementing a full inclusion program in which children with severe disabilities will be fully integrated into general education classrooms. Because Behler had been a nominee for the district’s teacher of the year award two years ago and singled out for his outstanding classroom skills, Wilkerson had decided that Behler would be a likely choice to be a part of the school’s first attempt at full inclusion. “What this will involve, Riley, is two students with severe disabilities. One is a child with Down syndrome who has developmental disabilities (characterized by severe delays in the acquisition of cognitive, language, motor, and social skills). He has some severe learning problems. The other child has normal intelligence but is nonambulatory, with limited speech and severe cerebral palsy.” Dr. Wilkerson advises Behler that while the district had mandated the implementation of full inclusion, she is asking for teachers to volunteer in her school.

“If you are willing to be a part of this program, you will have a full-time aide with a special education background. In addition, Bill Gregg, the inclusion specialist, will assist you with instructional plans and strategies. What is important is that you prepare the students in your class and the parents so that a smooth transition can be made when these students come into your class in January, in just two and a half
months. If you agree to do this, I'd like you and Bill to map out a plan of action and
give it to me in two weeks.”

This scenario has been played out in schools across the country in recent years.

1. What should Behler and Gregg’s plan of action include?
2. What are some critical elements in a successful plan to move into full inclusion?
3. When students with severe disabilities are integrated into general education classrooms, do they detract
   from the programming of nondisabled students?
4. Are the students with disabilities potentially a disrupting influence in the classroom?
5. Do general education teachers like Riley Behler have adequate training and background to accommo-
date students with disabilities in their classrooms?
6. Should all children with disabilities be integrated into general education classes?
7. Should they be integrated, regardless of the type of disability?
8. Should they be integrated, regardless of the degree of disability?

To answer these questions online, go to this chapter's Opening Scenario module of the
Companion Website.

Students with Disabilities and Those Who Are
Gifted and Talented

A significant segment of the population in the United States is made up of excep-
tional individuals. Twenty-five million or more individuals from every ethnic and
socioeconomic group fall into one or more of the categories of exceptionality. Nearly every day, educators come into contact with exceptional children and adults. They may be students in our classes, our professional colleagues, our friends and neighbors, or people we meet in our everyday experiences.

Exceptional people include both individuals with disabilities and gifted indi-
viduals. Some, particularly persons with disabilities, have been rejected by society. Because of their unique social and personal needs and special interests, many ex-
ceptional people become part of a cultural group composed of individuals with
similar exceptionalities. For some, this cultural identity is by ascription; they have been labeled and forced into enclaves by virtue of the residential institutions
where they live. Others may live in the same communities or even neighborhood
by their own choosing. This chapter will examine the exceptional individual’s rela-
tionship to society. It will address the struggle for equal rights and the ways the
 treatment of individuals with disabilities often parallels that of oppressed ethnic
minorities.

Definitions for exceptional children vary slightly from one writer to another, but
Heward’s (2003) is typical of most:
Exceptional children differ from the norm (either below or above) to such an extent that an individualized program of adapted specialized education is required to meet their needs. The term exceptional children includes children who experience difficulties in learning and children whose performance is so superior that modifications in curriculum and instruction are necessary to help them fulfill their potential. Thus, exceptional children is an inclusive term that refers to children with learning and/or behavior problems, children with physical disabilities or sensory impairments, and children who are intellectually gifted or have a special talent. (p. 9)

If you completed a public school education within the past ten years, there is a high likelihood that you experienced having a person with a disability in one or more of your classes. Did your teachers do anything to enhance your understanding or acceptance of these fellow students? How did you feel about them being in your classes? Did you make an effort to get to know them? What were they like? Were their needs and hopes for the future any different from your own?

This definition is specific to school-age children who are usually referred, tested to determine eligibility, and then placed in special education programs. Included in the process is the labeling of the child. At one end of the continuum are the gifted and talented children, who have extraordinary abilities in one or more areas. At the other end are children with disabilities (some of whom may also be gifted). Students with disabilities are categorized with labels such as having mental retardation, learning disabilities, speech impairment, visual impairment, hearing impairment, emotional disturbance (or behavioral disorders), or physical and health impairments.

LABELING

The categorizing and labeling process has its share of critics. Opponents characterize the practice as demeaning and stigmatizing to people with disabilities, with the effects often carried through adulthood. Earlier classifications and labels, such as moron, imbecile, and idiot, have become so derogatory that they are no longer used in a professional context. Some individuals, including many with learning disabilities and mild mental retardation (MMR), were never considered to have disabilities prior to entering school. The MMR individuals often have significant problems in intellectual functioning and in socially appropriate behaviors for their age group. The school setting, however, intensifies their academic and cognitive deficits. Many, when they return to their homes and communities, do not seem to function as individuals with disabilities. Instead, they participate in activities with their neighborhood peers until they return to school the following day, where they may attend special classes (sometimes segregated) and resume their role in the academic and social structure of the school as children with disabilities. The problem is so pervasive that it has led to the designation of “the 6-hour retarded child.” These are children who spend 6 hours a day as children with mental retardation in our nation’s schools. During the remaining 18 hours a day away from the school setting, they are not considered retarded by the people with whom they interact (President’s Committee on Mental Retardation, 1969). Heward (2003) suggests that the demands of the school seem to “cause” the mental retardation.
The labels carry with them connotations and stigmas of varying degrees. Some disabilities are socially more acceptable than others. Visual impairment carries with it public empathy and sometimes sympathy. The public has for years given generously to causes for the blind, as evidenced by the financially well-endowed Seeing Eye Institute, which produces the well-known guide dogs. The blind are the only group with a disability who are permitted to claim an additional personal income tax deduction by reason of their disability. Yet, the general public perceives blindness to be one of the worst afflictions imposed on humankind.

In contrast, mental retardation, and to some extent emotional disturbance, is often linked to lower socioeconomic status. Both labels are among the lowest socially acceptable disabilities and perhaps the most stigmatizing. This is, in part, because of the general public's lack of understanding of these disabilities and the sometimes debilitating impact they can bring to the family structure.

Learning disabilities, one of the newest categories of exceptionality, is one of the more socially acceptable disability conditions. Whereas mental retardation is often identified with lower socioeconomic groups, those with learning disabilities often have middle-class backgrounds. Whether these perceptions are accurate or not, middle-class parents more readily accept learning disabilities than mental retardation as a cause of their child's learning deficits. What has been observed is a reclassification of many children from having mental retardation to being learning disabled. It has sometimes been said that one person's mental retardation is another's learning disability and still another's emotional disturbance. The sometimes fine line that distinguishes one of these disabilities from another is at times so difficult to distinguish that an individual could be identified as a student with emotional disturbance by one school psychologist and as a student with learning disabilities by another.

Although the labeling controversy persists, even its critics often concede its necessity. Federal funding for special education is predicated on the identification of individuals in specific disabling conditions. These funds, which totaled nearly $9 billion in 2003, are so significant that many special education programs would all but collapse without them, leaving school districts in severe financial distress. Consequently, the labeling process continues, sometimes even into adulthood, where university students may have to be identified with a disability in order to receive necessary accommodations to their learning needs. Vocational rehabilitation counselors often use labels more indicative of their clients' learning problems than their work skills. If the labels become known to their work peers, it could stigmatize them and lead to social isolation.

**HISTORICAL ANTECEDENTS**

The plight of persons with disabilities has, in many instances, closely paralleled that of oppressed ethnic groups. The history of the treatment of those with disabilities has not shown a society eager to meet its responsibilities. Prior to 1800, with a few exceptions, those with mental retardation, for example, were not considered a major social problem in any society. Those with more severe retardation were killed, or they died early of natural causes (Drew & Hardman, 2004).

The treatment and care of people with mental and physical disabilities have typically been a function of the socioeconomic conditions of the times. In addition to attitudes of fear and disgrace brought on by superstition, early nomadic tribes viewed individu-
als with disabilities as nonproductive and as a burden, draining available resources. As civilization progressed from a less nomadic existence, individuals with disabilities were still often viewed as nonproductive and expendable (Drew & Hardman, 2004).

They were frequently shunted away to institutions designated as hospitals, asylums, and colonies. Many institutions were deliberately built great distances from the population centers, where the residents could be segregated and more easily contained. For decades, American society did not have to deal with its conscience with respect to its citizens with severe disabilities. Society simply sent them far away and forgot about them. Most Americans did not know of the cruel and inhumane treatment that existed in many facilities, and they did not really want to know. Today, due to urban sprawl, many of these institutions are now close to population centers.

Individuals with mild disabilities were generally able to be absorbed into society, sometimes seeming to disappear, sometimes contributing meaningfully to an agrarian society, often not even being identified as having a disability. As society became more industrialized and educational reforms required school attendance, the academic problems of students with disabilities became increasingly more visible. Special schools and special classes were designated to meet the needs of these children. Thus, society segregated these individuals, often in the guise of acting in their best interests.

Society’s treatment of some groups with disabilities, such as those with mental retardation, has frequently been questionable with respect to their civil rights. Although many Americans find the old miscegenation laws prohibiting intermarriage between different ethnic groups abhorrent, few realize that as recently as the latter part of the twentieth century, nearly half of the states had miscegenation laws that prohibited marriage between individuals with mental retardation. Do you feel that individuals with known genetic disorders should be allowed to marry and have children if there is a likelihood that their child would also share the same disability?

In some instances, individuals with mild mental retardation were released from state institutions into society under the condition that they submit themselves to eugenic sterilization (Edgerton, 1967). The issue of marriage prohibitions and eugenic sterilization for persons with mental retardation raises serious social and ethical issues. The nondisabled segment of society, charged with the care and education of individuals with disabilities, apparently views as its right and responsibility those matters dealing with sexual behavior, marriage, and procreation. In a similar way, educators determine the means of communication for the deaf individual, either an oral/aural approach or a manual/total communication approach. Such decisions have profound implications because they determine not only how these individuals will communicate but also, to a great extent, with whom they will be able to communicate. Too often, society seeks to dehumanize people with disabilities by ignoring their personal wishes, making critical decisions for them, and treating them as children throughout their lives.

Litigation

Educational rights of individuals with disabilities were not easily gained. In many respects, the struggle for these rights paralleled the struggles of ethnic minorities for their rights to education. These rights were not handed to children with disabilities
out of the goodness in the hearts of educators. Many educators were reluctant to extend educational rights to children with disabilities and when they finally did so, it was because their rights had been won in the courts and the education community was ordered by the courts to admit these students.

Some of the same court decisions, and many of the arguments that advanced the rights of African Americans and other oppressed groups, were used by the advocates of children with disabilities. However, in reality, the battles and the rights gained by the disability rights advocates followed years after similar rights were won by ethnic minority groups.

CASE LAW

Attorneys for the children with disabilities and their parents utilized case law to fight their court battles. Case law is the published opinions of judges, which interpret statutes, regulations, and Constitutional provisions. The U.S. legal system relies on the value of these decisions and the legal precedents they established. Few cases result in published opinions and those that are published take on great importance.

**BROWN V. BOARD OF EDUCATION**

As was with African American students, the initial struggles for children with disabilities involved the right to, or the access to, a public education. One of the most famous and important court decisions was the Supreme Court decision on *Brown v. Board of Education of Topeka* (1954). Historically, the Supreme Court of the United States had sided with the Louisiana District Court in *Plessy v. Ferguson* in 1896, which upheld the Constitutionality of Louisiana’s Separate Car Act, that provided for separate but equal transportation facilities for African Americans. The *Plessy* verdict became a part of case law, and set a precedent segregating blacks from transportation, public facilities, schools, restaurants, and so on. This decision “legitimized” the establishment and maintenance of racially segregated “Jim Crow” schools, which were supposed to be separate but equal. As history clearly showed us, these schools were inherently unequal. This was the setting for the *Brown* case.

In 1950, Topeka student Linda Brown had to ride the bus to school five miles when a school was located just four blocks from her home. Linda met all of the requirements to attend the nearby school, but was prohibited from doing so because she was African American. Linda Brown’s parents and 13 other black families filed suit against the Topeka Board of Education because of the district’s refusal to admit their children in all-white schools. Linda Brown’s name was the first name listed on the suit and the case became known as *Brown v. Board of Education*. The case eventually found its way to the United States Supreme Court. The rest became a major part of U.S. history.

The U.S. Constitution mandates that all citizens have a right to life, liberty, and property. They cannot be denied these without due process. *Brown* determined that education was a property right. Although there is no Constitutional guarantee of a free public education, in *Brown* the U.S. Supreme Court found that if a state undertakes the provision of free education for its citizenry, a property right of an education is established. The property (education) rights of Linda Brown and the other African American children had been taken without due process, a clear violation of the Fourteenth Amendment to the U.S. Constitution. The *Brown* decision overturned *Plessy* with regard to
education (some of the other rights were not clearly gained until the Civil Rights Act of 1964), and began the integration of all children of color into American schools. Brown did not involve children with disabilities, but as the precedent was set to guarantee equal educational opportunity for ethnic minority children, it too, set a precedent in the argument of guaranteeing the rights of students with disabilities. The Court had essentially ruled that what the Topeka School District had provided Linda Brown and the other African American children was not appropriate. Not only have the courts supported rights of students with disabilities to have a free education, but legislation has also sought to bring them the right to an appropriate education (Chinn, 2004).

The Brown decision found “separate but equal” education to be unequal. Separate education denied African American students an equal education. It mandated a fully integrated education, free from the stigma of segregation. Chief Justice Warren stated that segregation “generates a feeling of inferiority as to their (children) status in the community that may affect their hearts and minds in a way unlikely ever to be undone.” Throughout the history of special education in the United States, children with disabilities have faced a continuous uphill struggle to gain their right to attend public schools. Eventually some programs were instituted, but until the mid-1970s some children, particularly those with moderate to severe disabilities, were routinely excluded from public education. One of the arguments to deny admission to children with moderate and severe mental retardation was that they could not learn to read, write, and do arithmetic in the same manner that nondisabled students learned. Learning these academic skills is education, it was argued. Since they were not educable, they did not belong in schools.

Parents and supporters of these children countered by arguing that learning self-help skills and other important life skills was indeed learning, and this was education. These children, along with children with severe physical disabilities could learn, particularly if support services were provided.

**PARC V. THE COMMONWEALTH OF PENNSYLVANIA**

In 1971, the Pennsylvania Association for Retarded Children (PARC) brought a class action suit against the Commonwealth of Pennsylvania for the failure to provide a public supported education to students with mental retardation. The attorneys for the plaintiffs argued the following:

- Education cannot be defined as only the provision of academic experiences for children.
- All students with mental retardation were capable of benefiting from programs 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 opportunities.
- The earlier the students with mental retardation were provided education, the greater the amount of learning could be predicted.

The Federal District Court ruled in favor of the plaintiffs, and all children ages 6 to 21 were to be provided a free public education. The court stipulated that it was most
desirable to educate children with mental retardation in programs most like those provided to their peers without disabilities (Murdick, Gartin, & Crabtree, 2002; Yell, 1998). Do you think we should equate the educational property right of black children with that of severely mentally retarded children, when black children are of normal intelligence and the children with retardation are not? Is this really a comparable issue?

**MILLS V. BOARD OF EDUCATION**

Following the PARC decision, another class action suit, *Mills v. Board of Education*, was brought before the Federal District Court in the District of Columbia, on behalf of 18,000 out-of-school children with behavior problems, hyperactivity, epilepsy, mental retardation, and physical problems. The court again ruled in favor of the plaintiffs and mandated the District of Columbia schools to provide a public supported education to all children with disabilities. In addition, the court ordered the following:

- The district to provide due process procedural safeguards.
- Clearly outlined due process procedures for labeling, placement, and exclusion.
- Procedural safeguards to include right to appeal, right to access records, and written notice of all stages of the process (Murdick, Gartin, & Crabtree, 2002; Yell, 1998).

While these two high-profile cases were being played out in their respective communities, other states were finding similar challenges. The PARC was a state chapter of the National Association for Retarded Children (NARC, now the Association for Retarded Citizens). The NARC and other national organizations, such as the Council for Exceptional Children, actively supported disability advocates throughout the country in preparing court briefs and in offering other means of support. Armed with their victories and case law favorable to their cause, parent groups in other states began taking on their legislatures and school districts and winning. Fresh with many court victories, disability advocates in the early 1970s were busy preparing for their next battleground, the U.S. Congress.

**Legislation**

**SECTION 504 OF PUBLIC LAW 93-112**

In 1973, Congress enacted Section 504 of Public Law 93-112 as part of the Vocational Rehabilitation Act. Section 504 was the counterpart of Title VI of the Civil Rights Act of 1964. The language was brief, but its implications are far reaching:

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.

Section 504 prohibits the exclusion from programs solely on the basis of an individual’s disability. A football coach, marching band director, or a university admissions officer cannot deny participation solely on the basis of a disability. However, if
CRITICAL INCIDENTS IN TEACHING

Meeting the Mandates and Challenges of Section 504

Larry Gladden is a junior high school social studies teacher and the head football coach for the eighth-grade team. With a poor turnout for his initial recruitment effort, Gladden has received permission from the principal to make another recruitment pitch over the school’s public address system. Making a strong appeal for all interested able-bodied boys to come out, Coach Gladden sets a meeting time immediately after school. As the new prospects arrive, the coach is shocked to see Massey Brunson walk into the room. Recognizing Massey from the special education classroom adjacent to his own, the coach knows that Massey is a student with mild mental retardation. The others in the room know this, too. “Hi, Coach,” says Massey. “You said you need strong, healthy players. That’s me! I work out every day at the Nautilus Fitness Center, and I’m in great shape.”

Massey is indeed a great physical specimen. He is among the tallest of the new recruits and very muscular. When the coach saw the other team prospects shaking their heads as Massey entered, he had serious doubts about how Massey might fit on the team. Would he be accepted by his teammates? Could he learn the plays and follow instructions?

Questions for Discussion

1. Is the coach obligated to allow Massey to try out? Why? Why not?
2. Should he discourage Massey from trying to play?
3. Should he treat Massey differently from other players?
4. Should he make special allowances for Massey?
5. If Massey is good enough to play, how should the coach foster his acceptance by other team members?

To answer these questions online, go to the Critical Incidents in Teaching module for this chapter of the Companion Website.

a learning disability prevents a student from learning marching band formations even with accommodations, if test scores are clearly below the university admissions standards and indicative of likely failure, and if mental retardation inhibits a student’s ability to learn football rules and plays, then exclusion can be justified. If denial of participation is unjustified, the school or agency risks the loss of all federal funds even in other programs in the institution that are not involved in the discriminatory practice (Murdick, Gartin, & Crabtree, 2002; Yell, 1998).

PUBLIC LAW 94-142

In 1975, Public Law 94-142, the Education for All Handicapped Children Act, was signed into law. This comprehensive legislation provided individuals, ages 3 to 21, with the following:

- A free and appropriate education for all children with disabilities
- Procedural safeguards to protect the rights of students and their parents
- Education in the least restrictive environment

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Parents in an IEP meeting with school staff. Parents now have by law, a significant voice in their special education child’s education.

- Individualized Educational Programs
- Parental involvement in educational decisions related to their children with disabilities
- Fair, accurate, and nonbiased evaluations

These provisions forever changed the face of American education. Every child with a disability was entitled to a free public education, which is to be appropriate to his or her needs. The education is to be provided in the least restrictive environment, which means that the student is to be educated in a setting as close to a general or regular education class as is feasible. Parents are now to have an integral role in their child’s education, and are to be involved in the development of the education program for their child and to share in other decisions relating to their child. When appropriate, the student is also to be involved. There are to be procedural safeguards, which the schools must follow to ensure that the rights of the students and parents are observed by the schools. Each student must have an Individualized Education Program (IEP), which is designed to meet the student’s unique needs. The identification and evaluation process is to be nondiscriminatory and unbiased, and multifactored methods used to determine eligibility and placement (Murdick, Gartin, & Crabtree, 2002; Yell, 1998).

Prior to the passage of P.L. 94-142, nearly half of the nation’s 4 million children with disabilities were not receiving a public supported education. Many of the students who were in special education were often isolated in the least desirable locations within the schools (Losen and Orfield, 2002). In the first two special education teaching assignments (both prior to P.L. 94-142), which one of the authors of this text experienced, this was very much the case. In the first school, all three special education classes were located in the basement of the junior high school, isolated from the other students. In the second school, there were two lunch periods to accommodate the large student body. The special education students were required to eat
in the school cafeteria between the two lunch periods, and were expected to leave the facility before any other students entered. When a new school building was completed next to the old, outdated facility, the special education class remained in the old facility, while the rest of the school moved.

**AMERICANS WITH DISABILITIES ACT**

President George H. W. Bush signed Public Law 101-336, the Americans with Disabilities Act (ADA), into law on January 26, 1990. ADA was the most significant civil rights legislation in the United States since the Civil Rights Act of 1964. ADA was designed to end discrimination against individuals with disabilities in private-sector employment, public services, public accommodations, transportation, and telecommunications.

Among the many components of this legislation, the following are a sampling of the efforts to break down barriers for individuals with disabilities:

- Employers cannot discriminate against individuals with disabilities in hiring or promotion if they are otherwise qualified for the job.
- Employers must provide reasonable accommodations for individuals with disabilities, such as attaching an amplifier to the individual’s telephone.
- New buses, bus and train stations, and rail systems must be accessible to persons with disabilities.
- Physical barriers in restaurants, hotels, retail stores, and stadiums must be removed; if not readily achievable, alternative means of offering services must be implemented.
- Companies offering telephone services to the general public must offer telephone relay services to those using telecommunication devices for the deaf (Murdick, Gartin, & Crabtree, 2002; Yell, 1998).

**INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)**

Congress passed Public Law 101-476, the Individuals with Disabilities Education Act (IDEA), in 1990 as amendments to Public Law 94-142. Key components of this amendment act included the addition of students with autism and traumatic brain injury as a separate class entitled to services. A transition plan was an added requirement to be included in every student’s IEP by age 16. The transition plan includes a needs assessment and individual planning to transition the student with a disability successfully into adulthood. A far-reaching change in the new legislation included the change in language to emphasize the person first and the disability second. The title of the legislation included “Individuals with Disabilities,” and not “disabled individuals.” In nearly all of the newer literature you will now see “children with mental retardation, students with learning disabilities, individuals with cerebral palsy, and people with hearing impairments.” Individuals with disabilities are people or individuals first. Their disability is secondary and at times inconsequential in their ability to perform the tasks they undertake. Referring to a person as a spina bifida student calls immediate attention to his or her disability rather than the student’s many assets or abilities (Murdick, Gartin, & Crabtree, 2002; Yell, 1998).

**IDEA Amendments.** In 1997, Congress passed Public Law 105-17, IDEA Amendments. The 1997 Amendments reauthorized and made improvements to the earlier law. It
consolidated the law from eight to four parts and made significant additions, including the following:

- Strengthened the role of parents, ensured access to the general education curriculum, emphasized student progress by changing the IEP process
- Encouraged parents and educators to resolve their differences through non-adversarial mediation
- Gave school officials greater latitude in disciplining students by altering some procedural safeguards
- Set funding formulas (Murdick, Gartin, & Crabtree, 2002; Yell, 1998).

**Post P.L. 94-142 Litigation**

Even with 30 years of legislation, amendments, and refinements, there are many aspects of special education law that remain unclear to the children, their parents and advocates, or to school district personnel. The laws are extremely precise in some areas, and deliberately vague in others. In addition, there are many other variables, which exacerbate the problem of interpreting and implementing the various laws and regulations.

Congress itself is part of the problem. It has mandated specific provisions for children with disabilities. Some of these are time and staff intensive, and expensive to implement. Congress, however, has not come close to funding IDEA as it had obligated itself to do. For example, in fiscal year 2002, the State of Vermont received $13.2 million under IDEA. Had Vermont received the federal government’s full 40% funding commitment, it would have received $32.6 million. In 2003, the government funded the states 18.2% of its special education costs, less than half of funding it had committed in IDEA (IDEA Funding Coalition, 2003; Jeffers, 2002). *Should school districts be required to meet the mandates of IDEA when the federal government has failed to live up to its promises of full funding at the 40% level?*

Yet, school districts are required to implement expensive mandates without the promised fiscal support. Thus when many states and school districts are experiencing budget shortfalls, special education can be a challenge for educators to find the necessary resources. Staffing is another serious problem facing most states. Even when school districts are committed to full compliance of the laws, the acute national shortage of qualified special education and related services personnel may preclude their ability to do so. In their attempt to meet the staffing needs, districts often hire individuals with emergency certification or credentials. Some of these individuals have no special education preparation. In other instances, school districts seek special waivers to allow them to place more students in classes than is appropriate. Parents who are aware of the law’s requirement of an appropriate education, are often angry and may feel that the schools have betrayed the best interests of their children.

Because IDEA does not provide a substantive definition for a “free and appropriate education,” the issue has often been resolved in the courts. Parents, as might be expected, often view an appropriate education as the best possible education for their child. In 1982, *Hendrick Hudson School District v. Rowley* became the first case related to “an appropriate education” for a student with a disability to reach the U.S.
Supreme Court. Amy Rowley was a student with a hearing impairment who was placed in a regular education kindergarten class. Several school personnel learned sign language to enable them to communicate with Amy. A Teletype machine was placed in the school office to facilitate communication with Amy’s parents who were also deaf. Amy was provided with a hearing aid by the school, and a sign language interpreter was assigned to her class. Amy completed kindergarten successfully and was found to be well adjusted and making better than average progress.

Following the kindergarten year, as was required by P.L. 94-142, an IEP was developed for the upcoming school year. The plan specified that Amy was to continue her education in a regular classroom. She was to continue the use of the hearing aid, and would receive speech and language therapy three hours a week. In addition she was to receive instruction an hour daily from a tutor who specialized in working with children with hearing impairments.

The parents disagreed with the IEP, as they believed that Amy should have a qualified sign language interpreter for all academic classes. The school district, however, concluded that a full-time interpreter was unnecessary and denied the request. As was their right under P.L. 94-142, the parents requested and were granted a due process hearing. The parents prevailed, and the case found its way through lower courts until it finally reached the U.S. Supreme Court.

The Court, noting that the absence in the law of any substantive standard for “appropriate,” ruled that Congress’ objective was to make a public education available to students with disabilities. The intent was to guarantee access on appropriate terms, but not to guarantee a particular level of education. The Court ruled that schools were not obligated to provide the best possible education, but a “basic floor of opportunity.” It found that a free and appropriate public education (FAPE) standard could only be determined by a multifactorial evaluation on a case-by-case basis. This case essentially assured continued litigation to resolve “appropriate education” disputes (Murdick, Gartin, & Crabtree, 2002; Yell, 1998).

This case was significant in that it was the first case related to P.L. 94-142 to reach the Supreme Court. It set a standard for “appropriate education” to be more than simple access to education but less than the best possible educational program. It became part of case law, setting a precedent for similar cases that would follow (Murdick, Gartin, & Crabtree, 2002; Yell, 1998). Consequently, when a school can demonstrate that a student is making satisfactory progress (this too is open for debate), the district’s position tends to prevail.

The courts have had to rule on other provisions of the law. For example, the courts have also ruled in favor of the child when parents have sought nonphysician support services necessary to sustain the student’s ability to function in school (e.g., Irving Independent School District v. Tatro). Through the years there is a developing body of case law that provides both parents and advocates and school personnel with a better understanding of how the law should be implemented.

Public Law 94-142 provided students with disabilities their legal educational rights. However, some school districts too often have been found out of compliance, either deliberately, or due to the negligence of personnel. Over the past 30 years there have been numerous court decisions (e.g., Chandra Smith Consent Decree, Los Angeles Unified School District and Felix Consent Decree, Hawaii Department of Education) resulting in massive judgments costing districts far more in legal fees and staff time than if they had initially complied with the law.
Many of us take for granted our ability to come and go as we please. With the exception of a few buildings, which are off-limits to the general public, we are free to enter any building we wish, whenever we wish. During the next week, keep track of the buildings you enter, the streets you cross, and the activities in which you participate.

- How accessible are these to persons who are in wheelchairs, blind, or hearing impaired?
- Are the room numbers in your building labeled in Braille?
- Are the steps ramped or is there an accessible lift or an elevator?
- What areas have not been made accessible to these individuals?
- How does accessibility limit their participation in the activities in which you regularly participate?
- How could these areas be made more accessible to individuals with disabilities?

To answer these questions online, go to the Pause to Reflect module for this chapter of the Companion Website.
More than ever, children and adults with disabilities are becoming an integral part of the nation’s educational system and are finding their rightful place in society. Although the progress that has been made in recent years is indeed encouraging, society’s attitudes toward individuals with disabilities have not always kept pace with their legal rights. As long as people are motivated more by fear of litigation than by a moral ethical response, we cannot consider our efforts in this arena a complete success.

Exceptional Individuals and Society

Even in modern times, the treatment and understanding of any type of deviance has been limited. Society has begun to accept its basic responsibilities for people with disabilities by providing for their education and care, but social equality has yet to become a reality.

Society’s view of people with disabilities can perhaps be illustrated by the way the media portray our population with disabilities. In general, when the media wishes to focus on persons with disabilities, they are portrayed as (a) children, usually with severe mental retardation with obvious physical stigmata, or (b) persons with crippling conditions either in a wheelchair or on crutches. Thus, society has a mind-set about who the people with disabilities are. They are children or childlike, and they have severe disabilities-mentally, physically, or both.

Because society often views those with disabilities as children, they are denied the right to feel and want like nondisabled individuals. Teachers and other professional workers can often be observed talking about individuals with disabilities in their presence, as if the individuals are unable to feel any embarrassment. Their desire to love and be loved is often ignored, and they are often viewed as asexual, without the right to the same sexual desires as the nondisabled.

Contemporary American society places great emphasis on physical beauty and attractiveness. Individuals who deviate significantly from physical norms are subject to possible rejection, even if their physical deviations do not interfere with their day-to-day functioning.

Gliedman and Roth (1980) suggest that nondisabled individuals perceive those with disabilities as individuals who seldom hold good jobs, seldom become heroes in our culture, and are seldom visible members of the community. They further suggest that society systematically discriminates against many capable individuals with disabilities. They indicate that the attitudes of society parallel that of racism, which views disability as incompatible with adult roles. They state that society perceives a “handicapped person as mentally or spiritually inferior because he is physically different or that ‘people like that’ have no business being out on the streets with ‘us regular folks’” (p. 23).

Gliedman and Roth (1980) suggest that, with respect to discrimination, individuals with disabilities are in some ways better off than African Americans in that there is no overt discrimination, no organized brutality, no lynch mob “justice,” and no rallies by supremacist groups. In some ways, however, people with disabilities are worse off. African Americans and other groups have developed ethnic pride. It is unlikely that one has ever heard a “cerebral palsy is beautiful” cry. Society opposes

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racism with the view that blacks are not self-evidently inferior, but at the same time it takes for granted the self-evidently inferior status of those who have disabilities.

As we stereotype individuals with disabilities, we deny them a rightful place in society. The disability dominates society’s perception of the person’s social value, and creates a mind-set of deviance. Individuals with disabilities are viewed as vocationally limited and socially inept.

Persons with disabilities are too often tolerated and even accepted as long as they maintain the roles ascribed to them. They are often denied basic rights and dignity as human beings. They are placed under the perpetual tutelage of those more knowledgeable and more capable than they. They are expected to subordinate their own interests and desires to the goals of a program decreed for them by the professionals who provide services to them.

The general public may be required by law to provide educational and other services for individuals with disabilities. The public is prohibited by law against certain aspects of discrimination against our citizens with disabilities. No one, however, can require the person on the street to like persons with disabilities and to accept them as social equals. Many do not accept a person with a disability. Just as racism leads to discrimination or prejudice against other races because of the belief in one’s racial superiority, handicapism leads to stereotyping of, and discrimination against, individuals with disabilities because of attitudes of superiority held by some nondisabled individuals.

Society tends to place behavioral expectations on both men and women. Males have specific masculine roles they are expected to fulfill. Boys are usually expected to be athletic. Physical impairments, however, may preclude athletic involvement. Unable to fulfill this role, the young paraplegic male may develop devalued feelings of self-worth or a feeling that he is less than a man. Feminine roles are also assigned, and women with physical disabilities who are unable to assume these roles may suffer from feelings of inadequacy. With increased participation of women in athletics, and the success of the American women in the 2004 Olympics, some females may also suffer the frustration of being unable to participate in athletic or other physical programs.

EXCEPTIONAL CULTURAL GROUPS

Because of insensitivity, apathy, or prejudice, many of those responsible for implementing and upholding the laws that protect individuals with disabilities fail to do so. The failure to provide adequate educational and vocational opportunities for individuals with disabilities may preclude the possibility of social and economic equality. These social and economic limitations are often translated into rejection by nondisabled peers and ultimately into social isolation.

Not unlike many ethnic minority groups who are rejected by mainstream society, individuals with disabilities often find comfort and security with each other, and in some instances they may form their own enclaves and social organizational structures. Throughout the country, one can find groups of individuals, such as those who have visual or hearing impairments and those who have mental retardation. In some instances, they congregate in similar jobs, in the same neighborhoods, and at various social settings and activities.
Near Frankfort Avenue in Louisville, Kentucky, three major institutions provide services for individuals who have visual impairments. The American Printing House for the Blind, the Kentucky School for the Blind, and the Kentucky Industries for the Blind are all within close proximity of each other. The American Printing House for the Blind, the leading publisher of materials for individuals with visual impairments, employs a number of individuals who are blind. The Kentucky School for the Blind is a residential school for students with visual impairments, and it also employs a small number of individuals with visual impairments, including teachers. Finally, the Kentucky Industries for the Blind operates as a sheltered workshop for individuals who are blind. With the relatively large number of persons who are blind employed by these three institutions, it is understandable that many individuals with visual impairments live in the surrounding residential area. Living in this area allows them to live close enough to their work to minimize the many transportation problems related to their visual limitations. It also provides a sense of emotional security for the many who, in earlier years, attended the Kentucky School for the Blind and lived on its campus and thus became part of the neighborhood. The neighborhood community can also provide social and emotional security and feelings of acceptance. A few years ago, a mailing was sent from the Kentucky School for the Blind to its alumni; 90% of the mailings had the same zip code as the school.

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Many religious groups now provide interpreters for individuals with deafness and other services for individuals with disabilities.

Individuals with visual impairments and hearing impairments are among the most likely to form their own cultural groups. Both have overriding factors that contribute to the need for individuals in these groups to seek one another and to form cultural groups. Some of the blind have limited mobility. Living in cultural enclaves allows them easier access to one another. They share the same forms of communication—oral language, Braille, and talking books. Social and cultural interests created partly by their physical limitations can often be shared. The hearing impaired may have communication limitations within the hearing world. Their unique means of communication provides them with an emotional as well as a functional bond. Religious programs and churches for individuals with hearing impairments have been formed to provide services in total communication and social activities.

Individuals with physical disabilities may or may not become a part of a cultural group related to the disability. Some function vocationally and socially as part of the mainstream society. With adequate cognitive functioning and adequate communication patterns, normal social interaction is possible. Socialization, however, may depend on the degree of impairment and the individual’s emotional adjustment to the disability. Some individuals with physical disabilities may function in the mainstream world and also maintain social contacts with others with similar disabilities. Social clubs for individuals with physical disabilities have been formed to provide experiences commensurate with functional abilities, as well as a social climate that provides acceptance and security. Athletic leagues for competition in sports, such as wheelchair basketball and tennis, have been formed. Many racing events (e.g., the Boston marathon) now include competition for wheelchair entries.

Many of the individuals with mild retardation live independently or in community-based and community-supported group homes. The group homes pro-
vide a family-like atmosphere, and house parents supervise the homes. Most of the individuals with moderate retardation who do not live in institutions tend to live at home. Many individuals with severe and profound retardation, and some with moderate retardation, are institutionalized and are thus forced into their own cultural group or enclave, isolated from the rest of society.

The gifted and talented usually do not experience the same type of discrimination and social rejection that many individuals with disabilities experience. Yet, like individuals with disabilities, they may suffer isolation from mainstream society and seek others with comparable abilities that may provide a feeling of acceptance as well as intellectual or emotional stimulation. The existence of Mensa, an organization whose only membership prerequisite is a high score on an intelligence test, attests to the apparent need of some gifted individuals to be with others of their own kind.

Rejection of the gifted and talented may differ from that of individuals with disabilities because the roots may stem from a lack of understanding or jealousy, rather than from the stigma that may relate to certain disabilities.

Disproportionate Placements in Special Education

The overrepresentation of students of color in special education classes has been one of the most problematic issues facing educators in recent years. Dunn (1968) reported that one third of the students in special education had been placed in classes for students with mild mental retardation. Dunn stated, “In my judgment, about 60 to 80 percent of the pupils taught by these teachers are children from low status backgrounds—including Afro-Americans, American Indians, Mexicans, and Puerto Rican Americans; those from nonstandard English speaking, broken, disorganized, and inadequate homes; and children from other non-middle class environments.” Dunn has frequently been misquoted as stating that 60 to 80% of students in classes for the mild mentally retarded were students of color. Dunn stated that 60 to 80% of the students in these special education classes included (but were not limited to) students of color. As we do now know, some special education classes then and to some extent today had become a dumping ground for many culturally and linguistically diverse children.

Artiles and Harry (2004) suggest that overrepresentation in special education placement is a problem when children are placed in special education classes when they do not have a disability. They also state that it is a problem if the placement in special education limits their opportunities for positive experiences (e.g., access to the general education curriculum, access to quality programs, obtaining a high school diploma). Similarly, Patton (1998) states that the misplacement of students in special education is problematic in that it is often stigmatizing to the individual and it can deny the student the high quality and life enhancing education to which he or she is entitled.

Overrepresentation in special education is a major problem in education. While overrepresentation in special education does not necessarily translate into inappropriate placement, it is indicative of either problems in the educational system, or society in general. It is possible that in some instances there may actually be more...
Placement of a Student with Epilepsy

Max Laird is a sixth-grade teacher in a middle-class suburban school. After school, Mr. Laird finds a note in his in-box, indicating that the principal and the special education resource room teacher want to meet with him the next day before the students arrive. At the meeting the next day, his principal, Dr. Gattelaro, explains to him that a new student, Chris Erickson, will be placed in his class the following Monday morning. He is informed that Chris is slightly above average in academics and a personable young man. However, Dr. Gattelaro wants Mr. Laird to know that Chris has epilepsy and occasionally has generalized tonic-clonic (previously called grand mal) seizures. Although the seizures are generally under control through medication, there is a good possibility that sometime during the school year Chris will have a seizure in the classroom.

At this time, Ms. Chong, the special education resource room teacher, describes generalized tonic-clonic seizures. She explains that they are the most evident and serious type of epileptic seizure. They can be disturbing and frightening to anyone who has never seen one. Chris would have little or no warning that a seizure was about to occur. During a seizure, Chris’ muscles will stiffen, and he will lose consciousness and fall to the floor. His whole body will shake violently, as his muscles alternately contract and relax. Saliva may be forced from his mouth, his legs and arms may jerk, and his bladder and bowels may empty. After a few minutes, the contractions will diminish, and Chris will either go to sleep or regain consciousness in a confused and drowsy state (Heward, 2003).

Stunned at this information, Mr. Laird sits in silence as Ms. Chong briefs him about the procedures to take if a seizure occurs in the classroom. She also explains to him that he should inform the other students that the seizure is painless to Chris and that it is not contagious.

Max Laird is aware that he has no option as to whether Chris will be in his class. He is determined to do the right thing and to make Chris’ transition into his class as smooth as possible. He is also determined that he will help his class adjust and prepare for the likely seizure. Mr. Laird begins to map out a plan of action.

Questions for Discussion

1. What can Mr. Laird do with regard to his class?
2. What should be his plan of action?
3. Should he discuss Chris with his class?
4. Should he explain what epilepsy is?
5. Should he meet with the parents of his students? Why?
6. What should he say to Chris? What other actions can he take?
7. Who can teachers contact for help and guidance in these situations?

To answer these questions online, go to the Critical Incidents in Teaching module for this chapter of the Companion Website.
do not match. We are addressing the lives and education of children, and wrong decisions can have a lasting impact on their future. There are no doubts that there are inappropriate placements, which result in overrepresentation.

Mercer’s research (1973) supported Dunn’s earlier contentions. She found that Mexican American students in Riverside, California, were placed in classes for students with mild mental retardation at a rate four times that of the general school population. African American students were placed in the same special education classes at a rate three times what should have been expected given their numbers in the general school population. She stated that Mexican American students were ten times more likely to be placed in these classes than white students, while the likelihood of blacks was seven times greater.

In 1968, the Office of Civil Rights (OCR) began their biannual survey of student placement in special education classes. The data also provided racial backgrounds of the students in the broad categories of white, black, Asian/Pacific American, American Indian, and Latino. While the actual percentages have varied from survey to survey, one fact has remained consistent. African American students, particularly males, have been greatly overrepresented in classes for students with mental retardation and serious emotional disturbance. In some states, Latino students are overrepresented in classes for students with mild mental retardation. Another consistent finding is that African American, American Indian, and Latino students are greatly underrepresented in classes for the gifted and talented.

REPORTING BY COMPOSITION AND INDIVIDUAL RISK

There are two valid means of reporting data related to the placement of students of color in special education classes: composition and individual risk (Artiles, Harry,
Reschly, & Chinn, 2002). Composition gives us the percent of a program by group. It gives us the answer to a question: What is the percentage of African American students in classes for students with mental retardation? Of all of the students in classes for students with mental retardation, 33.16% are African Americans (OCR, 1999). The Office of Civil Rights reports special education enrollments by composition.

Individual risk gives us the percent of a group in a program. It provides us the answer to the question: What percent of African American students are in classes for students with mental retardation? In the entire United States, 2.54% of all African American students were placed in classes for students with mental retardation (OCR, 1999).

With 2.54% of black students having been placed in these classes, the figures may appear to be small. However, it is problematic when we realize that the percentage of African Americans who are in classes of students with mental retardation is five times greater than that of Asian/Pacific American students and twice that of white students. Also important is the fact that one third of African American students are not mentally retarded, as one might mistakenly assume from the OCR composition data. Rather, a little less than one third of those in classes for students with mental retardation are African American. This is a very important concept for the reader to understand.

CONTRIBUTING VARIABLES

While the majority of students in special education have most likely been carefully diagnosed and placed, educators and child advocates have raised concerns that it is also highly likely that many children are inappropriately placed in special education. The variables that contribute to the disproportionate special education placement are multifaceted. Some of the problems that contribute to the placement of these students are rooted in the social structure of the country. Other problems may be related to medical and genetic causes, particularly moderate and severe forms of disability, and may be beyond the ability of educators to remediate.

Poverty. Dunn’s 1968 findings that large percentages of students in classes for individuals with mental retardation were from backgrounds of poverty persist to this day. Poverty contributes to a significant number of problems. Pregnant women in poverty are provided less than optimal care during the prenatal period, as well as the period during and after birth. Physicians who provide medical care through government clinics are often burdened with excessive case loads and are unable to provide the quality of care that women are afforded from private physicians and managed care medical facilities. Appropriate nutrition and dietary supplements may be less available both to expectant mothers and to their children. Poverty may necessitate working late into term, even if it would be advisable to stop working and rest.

Children born preterm (those under normal gestation and less than 5 lbs 8 oz [2,500 grams]) may be at risk to develop cognitive and sensory disabilities (Drew & Hardman, 2004; Widerstrom, Mowder, & Sandall, 1991). Though more closely aligned with socioeconomic factors, preterm births have been associated with ethnicity. Younger women having children are more likely to have preterm babies, crack babies, and fetal alcohol syndrome children (Drew & Hardman, 2004), and
teen births are disproportionately higher among the poor. Gelfand and Drew (2003) report that 51% of nonwhite births have complications as opposed to 5% of white upper-class births.

**Lead Poisoning.** Nationally, about 434,000 children between the ages of 1 and 5 have elevated lead levels in their blood, according to the Centers for Disease Control and Prevention (Erickson, 2003). Lead poisoning can create problems for children such as reading and learning disabilities, speech and language disabilities, lowered IQ, neurological deficits, anemia, hearing loss, behavior problems, mental retardation, kidney disease, heart disease, stroke, coma, seizures, and even death (Carolina Environment, Inc., 1999; Erickson, 2003).

The primary sources of lead exposure to children in the United States are house dust contaminated by leaded paint and soil contamination. Both the residue of the leaded paint and decades of industrial and vehicle emissions have contaminated the soil. Leaded paint was in wide use in the 1940s, declined in use in the 1950s and 1960s, and was banned from residential use since 1978. However, older homes built before the ban are potentially a hazard to children. CDC reports that in a study, the children at greatest risk of lead poisoning are those living in pre-1946 homes with a prevalence of 8.6% with elevated lead levels. The high lead prevalence rate for children living in homes built between 1946 to 1973 was 4.6%, and dropped to 1.6% for children in homes built after 1973. The study found that the prevalence among low-income children was 16.4% as compared to children from middle-income (4.1%) and high-income families (0.9%) (Meyer et al., 2003). The latter finding is plausible given the fact that many of America’s poor live in older homes.

**Overreferrals.** The individuals who are placed in classes for students with mild mental retardation and severe emotional disturbance are disproportionately male, African American, and from lower socioeconomic backgrounds. The first step in special education placement is referrals. Anyone (parents, doctors, educators) can make referrals. Most referrals are made by teachers in the elementary school years. These teachers are overwhelmingly female, white, and middle class. There is often incongruence between educators and culturally diverse students with respect to cultural values, acceptable behaviors in the school, and educational expectations. This may result in overreferrals to classes for students with disabilities and underreferrals to classes for the gifted and talented. In overreferrals, teachers tend to make excessive referrals of students of color for placement in special education classes for students with disabilities. In underreferrals educators fail to recognize potential giftedness and do not make referrals for placement in classes for gifted students. Ysseldyke, Thurlow, Graden, Wesson, Algozzine, and Deno (1983) suggest that a very large percentage of students who are referred to special education are eventually placed in special education programs.

**Racial Bias.** Losen and Orfield (2002) suggest that undeniable intentional racial discrimination has been replaced by the soft bigotry of low expectations. There are numerous stories that can be told of students of color automatically placed in low academic tracks or in special education, particularly prior to the advent of IDEA. One such example involved a special education student athlete. At a football game many years ago, a high school principal recognized the backup quarterback, who
had been called off the bench and who led the team to a come-from-behind victory. The quarterback was a special education student from an ethnic minority background who had been labeled as mentally retarded throughout his entire school years. The principal realized that the diagnosis and label had to be incorrect with the student’s calling of complex plays and his clear gift for the game. The principal moved him out of special education and into regular classes where he was provided with extra help to adjust to the transition. He went on to earn a Ph.D., and is currently an associate dean in a Michigan University (Losen and Orfield, 2002).

Both ethnicity and gender are among the most consistent predictors of mental retardation and serious emotional disturbance identification by the schools. The Office of Civil Rights surveys have revealed persistent overrepresentation of students of color in certain disability categories (and underrepresentation in gifted and talented). Losen and Orfield (2002) indicate that the most pronounced disparities have been among African American students. Today, African Americans comprise approximately 17% of the general school population and 33% of those labeled mentally retarded. The U.S. Department of Education reported that in the 2000 to 2001 school year, in at least 13 states, more than 2.75% of all African American students were placed in classes for students with mental retardation. This compares with .75% of white students placed in these same classes (Losen and Orfield, 2002).

**Assessment Issues.** Assessment of students of color is also a major concern as a contributing variable to the overrepresentation of these students in special education classes. Litigation such as *Diana v. State Board of Education* (1970), involving language minority Latino students, and *Larry P. v. Riles* (1979), involving culturally diverse African American students, demonstrated the dangers of biased assessment instruments and procedures. Assessments, which favor certain cultural groups and discriminate in content, are considered biased. It is clear that some students in special education have central nervous system damage and that others have visual, auditory, orthopedic, and speech disabilities. There is no dispute regarding the appropriateness of the special education placement of these individuals. However, the sometimes inappropriate placement of the students of color in the judgmental categories of mild mental retardation and severe emotional disturbance must be addressed if we are to have true equity in our educational system.

**Unexplained Issues.** Losen and Orfield (2002) suggest that the differences in special education placement between Latino and African American students and between male and female African American students cannot be readily explained by either social background or in terms of measured ability. The poverty rates among Latinos and African Americans have been similar for a number of years. As previously stated, poverty is often listed as a variable that contributes to disability. However, we lack a clear explanation as to why placement rates in disability special education classes for Latinos are relatively low as compared to African American students. We also lack a clear understanding as to why black males and females have such disparate placement percentages when they come from the same socioeconomic backgrounds.

Perhaps one possibility is the fact that males and females are socialized differently regardless of the racial or ethnic backgrounds. Perhaps the socialized behaviors of African American males have a higher level of incongruence with educators’ values than that of African American females, and elicit more negative attention.
When observing the placement differences between African Americans and Latinos, it might be noticed that some Latino students have more educational options open to them, including **bilingual education** and **English as a Second Language (ESL)** programs. Bilingual education, which utilizes both the home language and English in the instructional process, is designed to meet the needs of language minority students. ESL programs utilize only English with these students with a primary intent to teach them English. In addition Losen and Orfield (2002) suggest that racial, ethnic, and gender inequities could be a function of unconscious racial and class bias by school authorities. Unjustifiable reliance on IQ and other evaluation tools, high-stakes testing, and power differentials between minority parents and school officials may also be contributing variables.

**NEED FOR DISAGGREGATED DATA**

While national data show trends for the various racial/ethnic groups, the data are often confusing because of the failure to disaggregate the various groups. For example, Asians and Pacific Americans are consistently shown to be underrepresented in disability categories and overrepresented in gifted and talented classes. There is considerable diversity within this category as it includes Asian groups such as the Chinese, Japanese, Koreans, Indians, and Vietnamese, while also including Pacific Americans such as Hawaiians, Samoans, and Tongans. There are considerable cultural differences between Asian groups and even greater differences between the Asians and Pacific Americans. Japanese Americans and Tongan Americans have little in common culturally. Yet they are grouped together for U.S. government reporting purposes. The same is true among Latinos. There are considerable cultural differences between Cuban Americans living in Miami and Central American immigrants living in East Los Angeles. They are also reported as one group.

When disaggregating data by states, or by ethnic groups, we often find considerable differences when compared to national data. For example, data from the Hawaii State Department of Education, show that Hawaiian students are overrepresented in some categories of special education such as mental retardation. Yet, this cannot be determined from analyzing national data. Latinos or Hispanics are underrepresented in classes for students with mental retardation and emotional disturbance in the OCR national data. Yet in some states they are overrepresented, and Artiles, Rueda, Salazar, and Higareda (2002) found sixth- through twelfth-grade English language learners in 11 predominantly Latino urban school districts to be overrepresented in special education.

The inequities in special education raise concerns about the inequities in other areas of education and raise the prospect that there may be a relationship in these problematic issues. Special education overrepresentation often mirrors the overrepresentation seen in other categories and viewed by some as problematic: dropouts, low-track placements, corporal punishment, suspensions, and involvement in the juvenile justice system (Losen and Orfield, 2002).

The problem has persisted for decades and will not be easily ameliorated. It will take a concerted effort to eliminate all bias from the assessment process, a restructuring of
teacher education curricula, and a commitment of the wealthiest nation to eliminate the insidious effects of poverty on our children.

California Proposition 227 and Special Education

California’s voters passed Proposition 227 in 1998. This proposition, now a California law, requires all language minority students to be educated in *sheltered English immersion* programs, not normally intended to exceed one year. Sheltered English immersion is an instructional process in which English language acquisition for young children is structured so that all or nearly all classroom instruction is in English. However, one aspect will be addressed in this chapter. The proposition, which intended to dismantle bilingual education, sent waves of panic through California’s bilingual education community. Those working with special needs students had even greater concerns because many believed that they were prohibited from using the home language with limited and non-English-speaking students (Baca and Cervantes, 2004). They were also concerned that the new law would require them to transition the students into general education classrooms after one year. Proposition 227 is a state law, as is a similar proposition in Arizona, and a similar law in Massachusetts. The federal law, IDEA, always takes precedence over a state law. Therefore, if the student’s IEP requires bilingual education, it must be provided for as long as it is written.

Educational Implications

The educational implications for working with exceptional individuals are numerous and entire chapters could be devoted to each exceptionality. Educators should remember that exceptional children, those with disabilities and those who are gifted, are more like than unlike normal children. Their basic needs are the same as all children’s. Abraham Maslow’s theory on self-actualization is familiar to most students in education. To be self-actualized or to meet one’s full potential, Maslow (1954) theorized, one’s basic needs must be fulfilled: That is, to reach self-actualization, one’s physiological needs, safety needs, belongingness or love needs, and esteem needs must first be met. Although many individuals with disabilities may never match the accomplishments of their nondisabled peers, they can become proficient at whatever they are capable of doing. Educators can assist them by helping to ensure that their basic needs are met, allowing them to strive toward self-actualization.

Teachers must be constantly cognizant of the unique needs of their exceptional children. The exceptional adult may choose, or may be forced by society, to become
part of a cultural group. The interactions between educators and the exceptional child may not change what will eventually take place. Even if exceptional adults are part of a cultural group, they also will interact with the mainstream society on a regular basis. Efforts on the part of the educator to meet the needs of the child may ultimately affect the exceptional adult’s interaction with society.

Teachers of children with physical and other health impairments may find it advantageous to check the student records carefully to determine potential problem situations with these students in the classroom. If a child has particular health problems that may surface in the classroom, the child’s teachers need to be prepared so that they will know precisely what to do should the child have, for example, an epileptic seizure. The parents will most likely be able to provide precise instructions, and the school nurse could also provide additional recommendations. If the children are old enough to understand, they too can be a valuable source of information. Ask them what kinds of adaptations, special equipment, or teaching procedures work best for them. Teachers should not be afraid of their own uncertainties. They should feel free to ask the students when they won’t or don’t want help. Teachers should treat their students with disabilities as normally as feasible, neither overprotecting them nor giving or doing more for them than is needed or deserved. Allowing them to assume responsibility for themselves will do much to facilitate their personal growth.

Many variables affect the learning, cognition, and adjustment of individuals with disabilities. This is particularly evident for culturally and linguistically diverse learners who must cope with issues of language, culture, and values. Harry, Kalyanpur, and Day (1999) implore professionals who work with students with disabilities to take special note of the cultural values that may be embedded in their interpretation of a particular student’s difficulties. They suggest that developing a sense of cultural self-awareness is crucial to effective interactions with students and families and that it will enable them to make appropriate decisions regarding services.

The range and variety of experiences imposed on, or withheld from, persons with disabilities may result in undue limitations. Too often, parents and teachers assume that a child’s visual limitation precludes the ability to appreciate the typical everyday experiences of sighted children. Children who are blind may not be able to see the animals in a zoo, but they can smell and hear them. They may not be able to enjoy the scenes along a bus route, but they can feel the stop-and-go movements, hear the traffic and people, and smell their fellow travelers. The child who is deaf may not be able to hear the sounds at the symphony or the crowd’s roar at a football game. Both events, however, offer the possibility of extraordinary sensory experiences to which the child needs exposure. The child with cerebral palsy needs experiences such as going to restaurants, even if there is difficulty using eating utensils in a socially acceptable manner.

Well-adjusted individuals with a sensory disability usually attain a balance of control with their environment. Individuals who depend completely on other members of the family and on friends may develop an attitude of helplessness and a loss of self-identity. Individuals with disabilities who completely dominate and control their environment with unreasonable demands sometimes fail to make an acceptable adjustment and could become selfish and self-centered.

It is critical to remember that children who are exceptional are, first and foremost, children. Their exceptionality, though influencing their lives, is secondary to their
needs as children. They are more like than unlike nondisabled children. They therefore have the same basic needs as those children. Chinn, Winn, and Walters (1978) identify three of those needs: communication, acceptance, and the freedom to grow.

COMMUNICATION NEEDS

Exceptional children are far more perceptive than many adults give them credit for being. They are sensitive to nonverbal communication and hidden messages that may be concealed in half-truths. They, more than anyone else, need to deal with their exceptionality, whether it is a disability or giftedness. They need to know what their exceptionality is all about so that they can deal with it. They need to know how it will affect their lives in order to adjust appropriately, to make the best of their lives, and to reach their full potential. They need straight, honest communication tempered with sensitivity.

ACCEPTANCE NEEDS

The society in which we live often fails to provide the exceptional child with a positive and receptive environment. Even the educational setting can be hostile and lacking in acceptance. The teacher can facilitate the acceptance of a child in a classroom by exhibiting an open and positive attitude. Students tend to reflect the attitude of the teacher. If the teacher is hostile, the students will quickly pick up these cues. If the attitude is positive, the students are likely to respond and provide a receptive environment for their classmates with disabilities.

Jeff, a first-grade student who suffered from a hearing loss, was fitted with a hearing aid. When he came to school with the hearing aid, the students in the class immediately began whispering about the “thing” Jeff had in his ear. After observing the class behavior, the teacher assisted Jeff in a “show and tell” preparation for the next day. With the teacher’s assistance and assurances, Jeff proudly demonstrated his hearing aid to the class. By the end of the demonstration, Jeff was the envy of the class, and any further discussion of the hearing aid was of a positive nature.

FREEDOM TO GROW

Students with disabilities need acceptance and understanding. Acceptance implies a freedom for the exceptional child to grow. At times, it may seem easier to do things for a child, rather than to take the time to teach the child.

Sarah was a nine-year-old girl who was blind and who had an orthopedic disability. She attended a state residential school for the blind. She wore leg braces but had a reasonable amount of mobility with crutches. To save time and effort, fellow students or staff members transported her between the cottage where she lived and the classroom building in a wagon. One day her teacher decided she needed to be more independent in her travel to and from her cottage. To Sarah’s surprise, the teacher informed her after school that she would not ride back in the wagon but that he was walking her back. Angered, she denounced him as cruel and hateful in front of the entire class. She complained bitterly the full thirty minutes of their walk back to the cottage. After a few days the complaining subsided and the travel time was curtailed. Within a few weeks Sarah was traveling on her own in ten minutes or less with newfound self-respect. (Chinn et al., 1978, p. 36)
At other times, it may be tempting for teachers and parents to make extra concessions for the exceptional child. Often, these exceptions preclude the emotional growth of the child and may later cause serious interpersonal problems.

Jimmy was a seven-year-old boy who was blind at the same state institution attended by Sarah. He was a favorite of the staff members because of his pleasant personality and overall adjustment. On a Sunday afternoon in the fall, he was assisting a staff member in making block prints for Christmas. The conversation turned to Christmas and Jimmy’s wish for a transistor radio. This incident took place in 1960 when transistor radios were new on the market and very expensive. Since Jimmy had already made his request to his parents, the staff member was confident that the parents would not deny this child his wish. To the surprise of the staff, Jimmy returned after the holidays without a radio. He very philosophically explained to the staff that the radios were so expensive that had his parents granted his wish it would be at the expense of the other children in the family. Weeks later, when Jimmy returned from his birthday weekend at home, he entered his cottage with a transistor radio in hand, but in tears. He informed the staff that he and his younger brother Ralph had been fighting in the car on the way to the school and both had received a spanking. When a staff member went out to greet Jimmy’s parents, his younger brother Ralph was also crying from the insult to his rear end. (Chinn et al., 1978, p. 36)

Jimmy’s father was a laborer with a modest income. Although their child’s disability created adjustment problems for everyone, they had resolved to treat him as an equal in the family. As such, he shared all of the family privileges. He also suffered the same consequences for inappropriate behavior. This attitude on the part of the parents was probably a primary factor in Jimmy’s excellent adjustment to his disability.

Normalization and Inclusion

Much effort is directed today toward the concept of normalization. Normalization means “making available to all persons with disabilities or other handicaps, patterns of life and conditions of everyday living which are as close as possible to or indeed the same as the regular circumstances and ways of life of society” (Nirje, 1985, p. 67). Normalization was expanded and advocated in the United States by Wolfensberger (1972). He has subsequently suggested a rethinking of the term normalization and introduced the concept of “social role valorization”—giving value to individuals with mental retardation (Wolfensberger, 1983, 2000). He suggests that the “most explicit and highest goal of normalization must be the creation, support, and defense of valued social roles for people who are at risk of social devaluation” (Wolfensberger, 1983, p. 234).

Drew and Hardman (2004) suggest that normalization and social valorization have brought about an emphasis on deinstitutionalization, whereby individuals from large residential facilities for people with retardation are returned to the community and home environments. They add that the concept is not limited to movement away from institutions to a less restrictive environment; it also pertains to those individuals living in the community for whom a more “normal” lifestyle may be an appropriate goal.

The principles of normalization as they were first introduced were developed with individuals with mental retardation as the target group. In more recent years,
the concept has broadened so that all categories of individuals with disabilities are now targeted. The term “mainstreaming” now giving way to “inclusion,” seemed to undergo a natural evolutionary process from the concept of normalization. Turnbull, Turnbull, Shank, and Smith define inclusion as students with disabilities learning in general education and having a sense of belonging in the class (2004, p. 65). Tiegerman-Farber and Radziewicz (1998) further assert that in its “purest” form inclusion means that students with disabilities have a right to be integrated into general education classes regardless of their ability to meet “traditional” academic standards. Mastropieri and Scruggs (2004) differentiate between inclusion and full inclusion with the latter serving students with disabilities and other special needs entirely within the general classroom. This is an important difference, as students in full inclusion do not receive any of their education in segregated settings.

Initially inclusion was intended for students with mild disabilities. A more current movement, full inclusion, seeks to provide children with moderate to severe disabilities with similar opportunities. Although resistance to inclusion of students with mild retardation is far less intense than it once was, resistance from some educators still remains. The arguments against integrating children with severe disabilities have often been centered on the presumed inability of nondisabled children to accept their peers with disabilities. In reality, some of the reservations may be more a reflection of educators who themselves are unable or unwilling to accept the dignity and worth of individuals with severe disabilities.

Historically special education in the United States has offered a full continuum of placements for students with disabilities. These services have included the most restrictive placements such as residential schools and special schools, to the least restrictive settings, such as full inclusion into the general education classroom.

Federal special education law (IDEA) does not require inclusion. The law does require the least restrictive environment for students with disabilities. Herein lies the basis for considerable controversy in special education. The controversy is often fueled within special education itself, as special educators themselves are not in complete agreement regarding what is the least restrictive environment. “Least restrictive environment” means that children with disabilities are to be educated with nondisabled children whenever possible, in as normal an environment as possible. Few special educators would argue against the concept of inclusion. However, disagreement is centered on whether full inclusion is appropriate for every child regardless of the type of disability or the severity of the disability.

To some, and perhaps many of the advocates of full inclusion, the issue is not one of the efficacies of general education placement. Rather, it is a moral and ethical issue. Opponents of inclusion use many of the same arguments that segregationists used more than 50 years ago. Most Americans today would consider it unconscionable to segregate children in schools on the basis of race or ethnicity. This, we can agree, is morally and ethically wrong. Advocates for full inclusion find it equally repugnant to segregate children on the basis of a disability. How would you feel if you had no preparation for special education other than an undergraduate survey class on exceptional children, and your principal advised you that two children with severe disabilities are to be fully included in your class?

In reality, most (if not all) children with disabilities could be served in a general education classroom if adequate resources and supports were made available. Therein lies a primary problem. Special education resources are too often inadequate. There is seldom an adequate supply of certified or credentialled personnel in
An increasingly larger number of students with disabilities are now being fully included in general education classrooms.

special education and in related services (e.g., school psychologists). General educators have many issues and concerns to address in inclusion. They may be concerned

- that the special needs student will detract from the attention normally provided other students.
- about the reception the nondisabled students will give to the students with disabilities.
- that if they are not provided with appropriate training to accommodate the students with disabilities, they will not be able to provide appropriate instructional services.
- that the younger students and those with more severe disabilities will require greater attention.
- that the promises of support in classroom personnel and other resources may not be kept.

A pragmatist would argue that there are not enough fiscal resources to provide the supports necessary for successful full inclusion for all children. We know that the courts will not accept, “we don’t do it because there are inadequate resources.” The courts may accept an argument that a particular program or service is not in the best interests of the student, but it must be clearly supported and documented. However, if full inclusion is warranted, the courts will order the schools (and they have consistently done so) to “get the resources and to do it.”

Some who may question aspects of full inclusion may argue that some children are too disruptive and dangerous to themselves and to other students that they cannot be provided for in general education. Supporters of full inclusion can argue that given adequate resources, the student can be taught to stop disruptive and dangerous behaviors.
FOCUS YOUR CULTURAL LENS: DEBATE

Is Full Inclusion Feasible for All Children with Disabilities?

The Individuals with Disabilities Education Act is a federal law that requires the placement of students with disabilities in the least restrictive environment. This means that these students should be placed in settings in or as close to a general education setting as is feasible for them. What is the least restrictive setting for a child with a disability? Is it feasible to place every child with a disability in a general education setting? Are there realistically adequate resources to do this? Do we have the skill and the will to make it work?

FOR

- Full inclusion for all children with disabilities is a moral and ethical issue. It is as immoral to segregate a child because of his or her disability as it is to segregate children because of the color of their skin.
- The least restrictive environment that is feasible for every child is a general education classroom. We have the know-how to deliver quality educational services for every child in an inclusive general education classroom.
- The fact that we do not have adequate fiscal resources is not the fault of the child with a disability. If we don’t have the resources, then we need to find ways to get them.

AGAINST

- Full inclusion may work for some students with disabilities, but it makes no sense to insist on it for every student regardless of the disability or the degree of impairment.
- Some students with disabilities lack the maturity, the cognitive ability, the social skills, or adequate behaviors to function in general education.
- Until the Federal Government makes good on its commitment to fully fund IDEA, there will never be adequate resources to successfully implement full inclusion for all children with disabilities.
- Even if there were the fiscal resources, there simply are not enough professionally prepared personnel to provide the type of services needed for successful inclusion of every child.

QUESTIONS

1. Are there some students who should never be considered for general education placement?
2. If the Federal Government mandates special education for all children, commits itself to funding 40% of the cost, and continues to renege on the full funding, should school districts be forced to fully implement IDEA?
3. Is excluding children with disabilities from being fully included in general education morally and ethically comparable to excluding children because of race?

To answer these questions online, go to the Focus Your Cultural Lens: Debate module for this chapter of the Companion Website.


Turnbull and his associates do suggest that there has been a progressive trend toward greater inclusion in the nation’s schools. They indicate that prior to the 1984–1985 school year, only about a fourth of the students with disabilities spent a significant part of their day in general education classrooms. By the 1998–1999 school year, nearly half
of the students were involved in general education most of the school day. There are some general conclusions, which we could draw from the issues raised:

- As long as Congress fails to meet its financial obligations in fully funding IDEA, school districts will continue to have difficulty in providing adequate resources for special education.
- Segregating students with disabilities from general education classes without justification is morally and ethically wrong.
- The debate over inclusion and full inclusion continues and is not likely to be fully resolved in the immediate future.

Students with disabilities are sometimes forced into segregated settings for reasons beyond their control. For example, Kevin was a student who lived with his family on the side of a mountain in Appalachia. Kevin was blind, with no travel vision. It was a three-quarter-mile hike down the side of the mountain to the school bus stop. Kevin had good mobility skills and could negotiate the trail to and from the bus stop when weather conditions were good. The school was able to provide appropriate special education and general education services for him. During the winter, however, when snow covered the ground for the entire season, he could not get his bearings with his long cane and could not negotiate the trail. There was no one who could help him get to and from the bus stop, so during the winter he stopped going to school. The only school that could apparently meet his needs was the state school for the blind, which could provide him with residential services. The state residential school, however, is the most extreme form of a segregated setting for students with disabilities.

- Is segregating Kevin from his nondisabled peers inappropriate? Immoral? Unethical?
- Is the issue of full inclusion for students with disabilities similar to the issue of desegregation for all students of color into integrated classroom settings?
- When educators say they want a full continuum of services for students with disabilities that would permit inclusion for some and segregated classrooms for others or even institutionalization, is this a moral and ethical way to educate America’s students? Is this an excuse for educators to discriminate against some?

To answer these questions online, go to the Pause to Reflect module for this chapter of the Companion Website.

It is important for us as educators to see the parallels and differences that exist between the current debate regarding this group of students and the issues that Brown addressed more than 50 years ago. The two situations have similarities, but the groups are different. It is important that, as educators, we maintain an open mind so that perhaps we ourselves can be educated.

The legal mandates do not eliminate special schools or classes, but they do offer a new philosophical view. Instead of the physical isolation of individuals with disabilities, an effort to enable students with disabilities to assume a more appropriate place in the educational setting is being promoted. Still, many children with disabilities apparently may not benefit appreciably from an inclusive setting and may be better
educated in a special setting. As attitudes become more congruent with the laws, people with disabilities may have more options in the decision to be a part of the mainstream or to segregate themselves into their own cultural groups.

Summary

The concerns related to the disproportionate placement of ethnic minorities, males, and students from low-income families in special education programs have been addressed to focus on a long-standing educational problem. The issues raised are not intended to negate the fact that there are students with retardation, serious emotional disturbance, and other disabilities in both majority and minority groups. Rather, they are raised to call attention to problems in referral and assessment, as well as to the problems associated with poverty.

Adults with disabilities often become part of a cultural group for individuals with disabilities by ascription or by individual choice. They do not choose to have a disability, and their situation often precludes full acceptance or integration into the world of those who are perceived to be physically, socially, or mentally normal. Their adjustment to their environment may be, in part, a function of the way they are perceived, treated, and accepted by educators. Consequently, teachers and other educators may have a greater influence on children with disabilities than they realize.

The Education for All Handicapped Children Act (EHA; P.L. 94-142), the Individuals with Disabilities Education Act (IDEA; P.L. 101-476), Section 504 of the Vocational Rehabilitation Act Amendments of 1973 (P.L. 93-112), and the Americans with Disabilities Act (ADA; P.L. 101-336) guarantee all exceptional children the right to a free and appropriate education and freedom from discrimination resulting from their disability. While thousands of children with disabilities are experiencing inclusive education in general education classes, many others are excluded because of bias, prejudice, or lack of understanding. Despite these mandates, equality still eludes millions of individuals with disabilities in this country. Until and unless the Federal Government fulfills its fiscal commitment to fully fund IDEA, full inclusion will continue to be a problematic and controversial issue for educators.

Insensitivity, apathy, and prejudice contribute to the problems of those with disabilities. Because of prejudice, institutionalization, or a desire to meet their own needs, some exceptional individuals form their own cultural groups and some their own enclaves, where they live and socialize with one another. The laws can force services for individuals with disabilities, but only time and effort can change public attitudes.

QUESTIONS FOR DISCUSSION

1. What are some of the objections to labeling children with disabilities?
2. Why was Brown v. Board of Education (1954) important to special education?
3. What are the major implications for P.L. 94-142, IDEA, Section 504 of P.L. 93-112, and the Americans with Disabilities Act?
4. In what ways has the treatment of individuals with disabilities paralleled that of oppressed minority groups?
5. How do individuals with disabilities sometime become a part of an exceptional cultural group?
6. In what ways are ethnic minority children disproportionately placed in special education classes?
7. Explain the difference of reporting placement in special education classes by composition and by risk.
8. What are some of the variables that contribute to the overrepresentation of students of color in special education classes?
9. What are the educational implications of California’s Proposition 227 for students with disabilities?
10. What are some of the needs of exceptional children?
11. Explain the concepts of normalization and social role valorization.
12. Explain the differences between the terms inclusion and full inclusion.
13. What are the problems with providing full inclusion to all children with disabilities?

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**PORTFOLIO ACTIVITIES**

1. Examine an entire building on your campus to determine its accessibility to individuals with wheelchair mobility. Make a notation of the following:
   a. Do curbs leading to the building allow wheelchair access?
   b. Is the entrance into the building accessible by wheelchair? Is it ramped?
   c. Are restrooms accessible with larger stalls to accommodate wheelchairs?
   d. Is the building multilevel, and if so, how does the student access the different floors?
   e. Are there Braille signs in appropriate places? (INTASC Standards 3 and 10)
2. Examine your campus to determine if it is accessible to visually impaired individuals. Determine if there are hazards on the campus, which endanger individuals who are blind (e.g., holes in the ground, posted metal sign at face height). (INTASC Standards 3 and 10)
3. Determine the percentage of students of color in the school in which you are working or student teaching. Determine the percentage of students of color in this same school who have placement in special education classes and determine if there is some degree of overrepresentation. This information is for your own use and possibly university classroom discussion. If you are a student teacher in the school, it may not be in your best interest to make an issue of overrepresentation with the school administration. (INTASC Standards 3 and 10)
SUGGESTED READINGS

This is an excellent developmental approach to mental retardation. It includes a sensitive view of mental retardation and its impact on the family. It examines some of the early treatments of individuals with mental retardation. A chapter on legislative and legal issues related to individuals with mental retardation is also included.


This survey text is an overview of all exceptionalities that will provide a good basic understanding of the gifted and talented, as well as the various disabling conditions. It includes a chapter on culturally diverse exceptional students.


This text is an excellent treatment in helping the reader to understand the problems of overreferral, overidentification, and overrepresentation of students of color (particularly African American) in special education classes. A thorough treatment of variables that contribute to the problems including bias, discrimination, poverty, and assessment issues is presented.


This is an excellent introductory text on exceptional children, which includes a very good treatment on inclusion.


This text provides an excellent overview of litigation and legislation in special education. It provides excellent insights into how litigation is developed and how it influences legislation, and also provides an explanation of legal terminology.

REFERENCES
Individuals with Disabilities Education Act Amendments of 1997, (P.L. 105-17), 105th Congress.
Individuals with Disabilities Education Act Regulations, 34 C.F.R. 300. 1 et seq.