

**SPECIAL  
EDUCATION: WHERE  
WE WERE, WHERE  
WE ARE, WHERE  
WE'RE HEADED**

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# THE PAST: 1960S TO 1990

- ◎ Children with disabilities were the last group invited to the educational table
- ◎ Special Education is a very new field—just over 30 years old



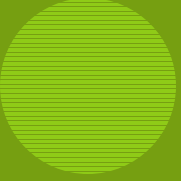
# A LEGACY OF CIVIL RIGHTS

- ⊙ The 14<sup>th</sup> Amendment: equal protection/due process
- ⊙ Plessy v Ferguson 1896
- ⊙ Brown v Board of Education 1954
- ⊙ PARC v Commonwealth of Pennsylvania 1971: FAPE
- ⊙ Mills v Board of Education, DC 1972: due process
- ⊙ By 1973, more than 30 federal court decisions upheld the principles of *PARC* and *Mills*.



# NONDISCRIMINATION—THE REHABILITATION ACT

- ◎ 1973: Public Law 93-112 the Rehabilitation Act (Section 504 )
- ◎ Any recipient of federal financial assistance (including SEAs and LEAs) had to end discrimination in the offering of its services to persons with disabilities.
- ◎ No funding and no monitoring, thus ignored for next 20 years.



# EDUCATION FOR ALL HANDICAPPED CHILDREN ACT PL 94-142

- ⊙ EAHCA 1975: 6 Core Principles:
  - ⊙ IEP
  - ⊙ FAPE/Zero reject
  - ⊙ LRE
  - ⊙ Non-Discriminatory Evaluation
  - ⊙ Procedural Safeguards
  - ⊙ Parent and Family Involvement



# PL 94-142 (CONTINUED)

- ⊙ Provided federal funding to support implementation by states and localities
- ⊙ Supposed to reimburse states 40% for additional costs
- ⊙ To date highest has been 18.6% (2006)
- ⊙ Reauthorized every 7 years: Became IDEA in 1990, now IDEIA 2004.



# 13 FEDERAL CATEGORIES

## Specific Learning Disabilities (LD or SLD) ~ 50%

2. Speech Language Impairment (S/L)

3. Mental Retardation (Intellectual Disability)

4. Emotional Disturbance (ED, EBD, BD)

5. Other Health Impairments (OHI including ADHD)

6. Autism (ASD, Asperger's, Aut., PDD, PDD-NOS)

7. Multiple Disabilities (MD)

8. Hearing Impairments

9. Orthopedic Impairments (OI, PD)

10. Developmental Delay (DD: only until age 6 or 9)

11. Visual Impairments (Blind, VI)

12. Traumatic Brain Injury (TBI)

13. Deaf-Blindness (D/B)



# STUDENTS NOT SPECIFICALLY SERVED BY IDEA

- ⊙ Gifted and talented
- ⊙ At risk for school failure
- ⊙ Juvenile offenders
- ⊙ ELL (over-represented in a variety of categories)
- ⊙ Attention deficit hyperactivity disorder (often served as OHI)
- ⊙ Students who have a disability that does not result in educational impact





# SPECIAL EDUCATION: THE PROCESS

- ◎ General Education Arena
  - ◎ Screening
  - ◎ Pre-referral Interventions
- ◎ Referral to Special Education Arena
  - ◎ 4-Core Evaluation
  - ◎ Eligibility
  - ◎ Development of Individualized Education Program (IEP)
  - ◎ Placement
  - ◎ Instruction according to IEP
  - ◎ Annual Review and Progress Reporting



# RESULT: DUAL SYSTEMS

- ⊙ An unfunded mandate: ~ 16% vs. 40%
- ⊙ Less than impressive outcomes: National Longitudinal Transition Study (NLTS) 1987
- ⊙ “Inclusion” vs. “Mainstreaming”
- ⊙ 200% increase since LD category established
- ⊙ “Special Ed.” and “Regular Ed.” efforts not aligned, not coordinated, not even aware.
- ⊙ “A Nation at Risk” 1983 cry for Ed. reform



# THE PRESENT

- ◎ Special Education as a service, not a placement
- ◎ Attempts at cross-pollination (co-teaching)
- ◎ Severe teacher shortages in Special Ed.
- ◎ NCLB of 2001
- ◎ 2009 ARRA: 32% (one shot, 2 year funding)
- ◎ Prevention vs. Intervention through Response to Intervention Model



# INCLUSION AND ACCESS TO THE GENERAL CURRICULUM

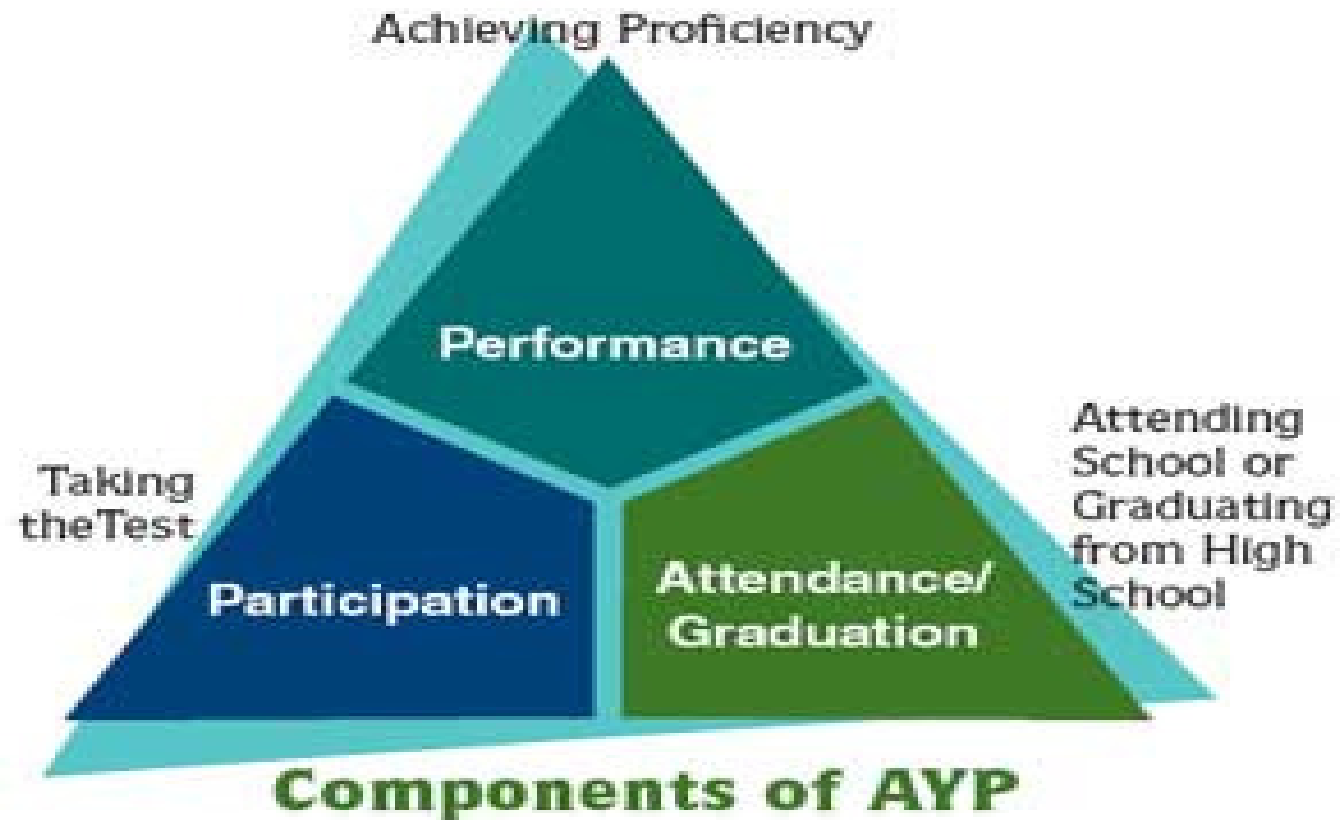
- ③ Approximately 6 million students ages 6-21 served under IDEA (USDOE, 2004)
- ③ Almost half of students with disabilities receive more than 79% of their education in General Education; another 30% are in Gen.Ed. for at least 40% of their day
- ③ Only about 4% of students are educated outside of their home school



# NEWER LEGISLATION THAT IMPACTS SPECIAL EDUCATION

- ⊙ Americans with Disabilities Act of 1990
  - ⊙ Civil Rights law that promotes the elimination of discrimination against individuals with disabilities
  - ⊙ extends beyond institutions receiving public funds to include private sector
- ⊙ NCLB Act of 2001
  - ⊙ Students with Disabilities as one of the sub-groups for whom data must be reported separately: “Who gets tested, gets taught”

# STUDENTS WITH DISABILITIES AND AYP



# NCLB AND IDEA





# NCLB AND IDEIA 2004

- ⊙ More attention than ever placed on special education success rates through access to high-quality instruction and participation in state assessments
- ⊙ Highly-qualified teachers in content areas
- ⊙ Barriers to graduation
- ⊙ Focus attention on the accommodations and adjustments necessary for children with disabilities to access the general education curriculum



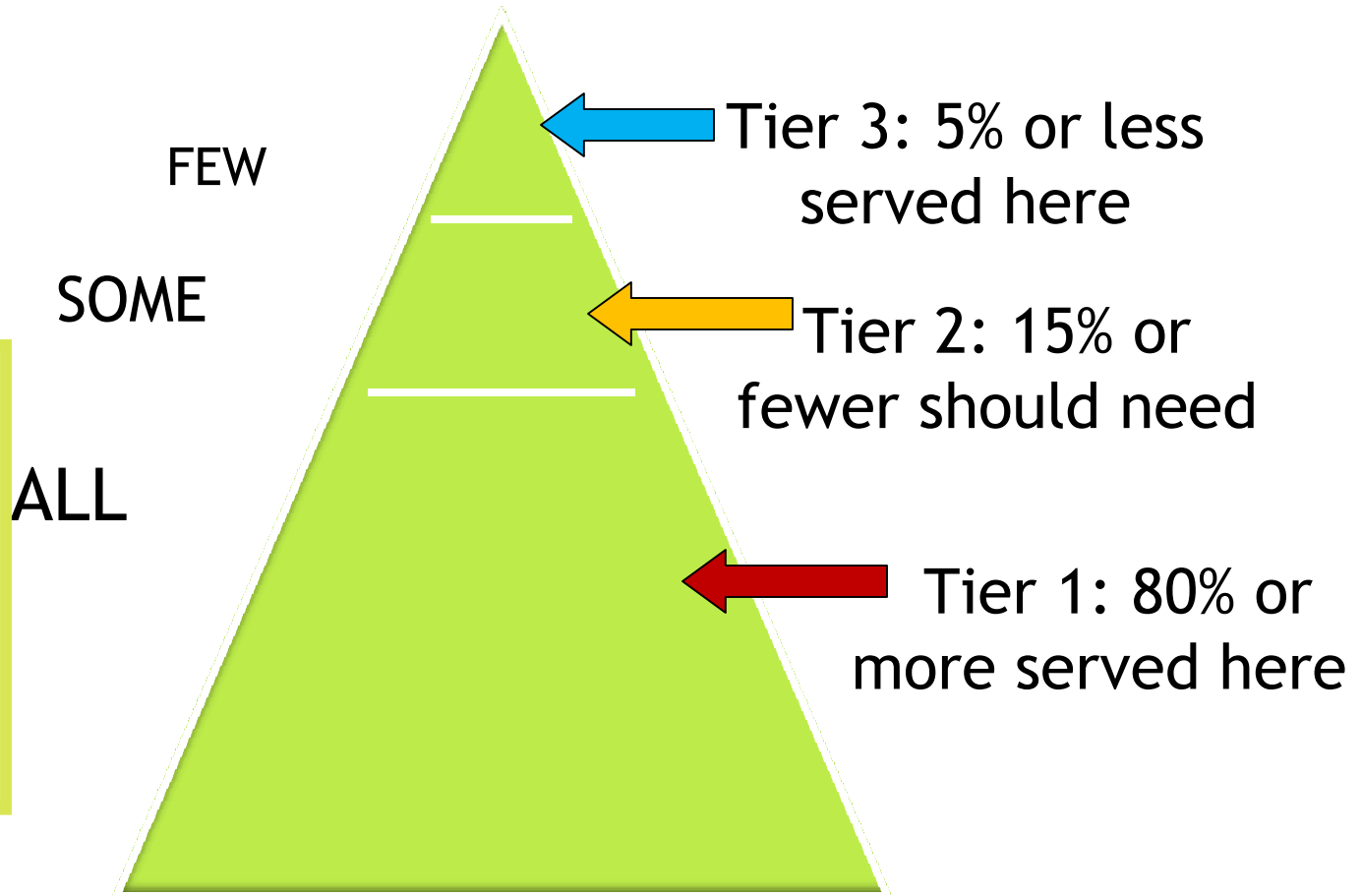


# RESPONSE TO INTERVENTION

- ⊙ RTI = early intervention that can:
  - ⊙ prevent disability
  - ⊙ mitigate disability
  - ⊙ eliminate “false positives” (including reducing over-representation of minorities)
- ⊙ Comprised of 3 Tiers (Tier 3 being Special Ed.)

# RTI THREE-TIER MODEL OF SCHOOL SUPPORTS

- Universal Screening
- Progress Monitoring
- Scientificallly-validated interventions





# MOVING TOWARDS A UNIFIED SYSTEM

- ⊙ Differentiating between “curriculum casualties” and true disabilities
- ⊙ Cross-training of instructional staff in research-based interventions
- ⊙ Redefining LD through phase-out of significant-discrepancy model
- ⊙ 15% of IDEA monies to fund general ed reforms (e.g., professional development to support the tier structure and progress monitoring) to make general ed more accommodating of academic diversity



# THE FUTURE?

- ⊙ RTI: Use flexible exit/re-entry decisions, based on student progress, to rely on tertiary prevention as needed and to maximize time in primary/secondary prevention as possible
- ⊙ NCLB reauthorization under Obama/Duncan
- ⊙ Teacher shortages/Teacher Preparation
- ⊙ 40% funding
- ⊙ Technological advances: NIMAS



# THE FUTURE?

- ⊙ Autism-- What is going on?
- ⊙ National standards with national examinations administered by the feds.
- ⊙ Goodbye to IDEA?
  - ⊙ A serious re-thinking of GE and SE; a new GE continuum of placements and services