

# the **DIVERSE CLASSROOM**



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# the **DIVERSE CLASSROOM**

Taken from

*Adapting Instruction to Accommodate Students in Inclusive Settings*, Third Edition  
by Judy W. Wood

*Teaching Special Education Students in General Education Classrooms*, Fifth Edition  
by Rena B. Lewis and Donald H. Doorlag

*Cultural Diversity in Education: Foundations, Curriculum, and Teaching*  
by James A. Banks

*Multicultural Education in a Pluralistic Society*, Fifth Edition  
by Donna Gollnick & Philip Chinn

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# SECTION One



# Legal Implications

By looking at history, we can trace the development of societies, family units, and individual personalities. There is also a long history of special education and services for children with special needs or those at high risk in society. Table 1-1 outlines the events that created special education as we know it. These events are also the foundation for major legislation that has changed the tone of education in the United States.



## **PUBLIC LAW 93-112: SECTION 504 OF THE REHABILITATION ACT OF 1973**

Over the years attention to the individual rights of persons with disabilities has continued to grow. Sec-

tion 504 of the Rehabilitation Act of 1973, also known as Public Law (PL) 93-112, included provisions to prevent the exclusion of any person with a disability from vocational programs receiving federal funds. In 1974, section 111a of PL 93-516 amended the Rehabilitation Act to require any recipients of federal funds to provide equal employment services for persons with disabilities. Section 504, although only a brief paragraph in the text of the law, has and continues to have a significant impact on the lives of individuals with disabilities. This law applies to all Americans with disabilities, regardless of age. Therefore, it applies to all children with disabilities, ages 3 through 21, with respect to their public education.

Section 504 states the following:

No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or



**TABLE 1 - 1 Historical events in the field of special education.**

Renaissance and Reformation	Individuals with disabilities were cruelly treated—tortured, killed, or placed in workhouses.
Period of Christianity	Residential institutions were established.
1700s–1800s	Special schools were established in Europe.
Late 1800s–early 1900s	The Industrial Revolution created jobs and helped Americans focus on child abuse in factories and the fair treatment of all individuals.
Early 1900s Mental Measurement Movement	Alfred Binet and Theodore Simon developed the first intelligence quotient (IQ) scale. This was also the beginning of the environment (nurture) versus heredity (nature) debate.
World War I–post-World War I	People focused on rehabilitating wounded soldiers. Specialized rehabilitation hospitals were established.
1960s Civil rights movement	There was a call for the basic right of access to equal opportunities.
1970s	The normalization movement called for services for persons with mental retardation that more closely paralleled services for individuals without disabilities.
1980s	The regular education initiative called for regular education to increase the number of students with mild/moderate disabilities served in general/regular education classrooms.
1990s	The full inclusion movement advocated that all students attend the school they would otherwise attend if they were not identified as disabled. Education would be provided in age- and grade-appropriate general education classrooms.

activity which receives or benefits from Federal financial assistance. A recipient, in providing any aid, or service, may not, directly or through contractual licensing, or other arrangement, on the basis of handicap:

1. Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;
2. Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded to others;
3. Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;
4. Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;
5. Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service. (34 CFR CH 1, July 1, 1992)

Within the public schools, section 504 provides additional rights for students with disabilities and includes students who need assistance but are not covered under PL 94-142 or its amendment, IDEA. (These laws will be discussed later in the section.) According to Huefner (1994), these children may be classified into three groups. First are age-eligible children who have physical or mental disabilities that limit a major life activity such as seeing, hearing, breathing, walking, speaking, caring for themselves, or learning. Within this category are children with AIDS, attention-deficit disorder, and asthma or those who are temporarily homebound. Second are children with a history of physical or mental disabilities (for example, leukemia). Third are children whom society wrongly regards as disabled (for example, those with epilepsy, facial disfigurements, and so on).

In postsecondary settings, section 504 has opened doors that have traditionally been closed for students with disabilities. Recruitment, admission, and post-admission treatment must be nondiscrim-

inatory, and "reasonable adjustments" must be made. Modifications necessary for academic performance must be provided. These could include more time on tests, oral reading of tests, copies of class notes, and so on. Modifications are needed because tests may not measure a student's achievement and may be discriminatory due to the disability. Auxiliary aids may also be necessary so that students with disabilities can receive the same education as their nondisabled peers. These include taped texts, interpreters, readers, and so on. All campus programs and activities must be accessible.

From 1950 to 1975, litigation brought about by advocacy groups built a framework for the educational future of persons with disabilities. As laws were passed, educational opportunities began to open for children with disabilities, and the basic individual rights of these children soon became a major national concern in public education. As litigation continued, the need grew for a federal mandate that would have significant ramifications for the education of children with disabilities. This movement culminated in PL 94-142, the Education for All Handicapped Children Act, which President Gerald Ford signed into law on November 29, 1975.



### **PUBLIC LAW 94-142: EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975**

Recognized as a landmark in legislation for education, the Education for All Handicapped Children Act basically provides a free and appropriate public education for individuals with disabilities. According to the Council for Exceptional Children (CEC, 1989), PL 94-142 has four major purposes:

1. To guarantee the availability of special education programming to handicapped children and youth who require it.
2. To assure fairness and appropriateness in decision-making about providing special education to handicapped children and youth.
3. To establish clear management and auditing requirements and procedures regarding special education at all levels of government.
4. To financially assist the efforts of state and local government through the use of federal funds. (p. 2)

## Major Components of the Law

PL 94-142 has had a tremendous impact on our education system. “Whom must we serve?” “When must we serve?” and “How must we serve?” are all questions that have surfaced since its passage. Basically, the law has five major components that affect the classroom and instruction:

- A right to a free appropriate public education (FAPE)
- Nondiscriminatory evaluation procedures
- Procedural due process
- Individualized education programs (IEPs)
- The least restrictive environment (LRE)

By law, all children are guaranteed a *free appropriate public education* at no expense to parents or guardians. Historically, many children with disabilities were denied this basic freedom. As a result, they received no education, were charged tuition for private services, or were unable to obtain services. The passage of PL 94-142 established the fundamental right of a free appropriate public education for children with disabilities. As of September 1, 1978, this right was afforded to children with disabilities between the ages of 3 and 18. Incentives were provided for states to extend the availability of this right from ages 3 to 21 by September 1, 1981. Subsequent legislation provided additional incentives for states to extend this service from birth to age 21 by 1991. Students with special needs can no longer be denied the right to attend school. They must be provided with an education equal to that of general education students and the support services necessary for an education.

In an attempt to eliminate errors in the classification and placement of children with disabilities, PL 94-142 provides procedural safeguards. Historically, evaluation procedures were limited and frequently discriminated against a child’s culture or physical or perceptual disabilities. The establishment of *nondiscriminatory evaluation* procedures in the law requires that testing and evaluation materials and procedures used for the evaluation and placement of children defined as disabled must be selected and administered so as not to be racially or culturally discriminatory (*Federal Register*, August 23, 1977, pp. 42496–42497). The law requires that, at the minimum, all state and local educational agencies ensure the following:

1. Trained personnel must administer validated tests and other evaluation materials and provide and administer such materials in the child’s native language or other mode of communication.
2. Tests and other evaluation materials must include those tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient.
3. Trained personnel must select and administer tests to reflect accurately the child’s aptitude or achievement level without discriminating against the child’s disability.
4. Trained personnel must use no single procedure as the sole criterion for determining an appropriate educational program for a child.
5. A multidisciplinary team must assess the child in all areas related to the suspected disability.

*Procedural due process* extends the basic rights of all U.S. citizens to children with disabilities and their parents. Due process provides certain procedural safeguards to guarantee fairness during educational evaluation and placement:

1. Written parental permission is necessary before a child can be evaluated for special education services.
2. Written parental permission is necessary before special education placement, and this permission may be withdrawn at any time.
3. Parents have the right to examine and question all relevant records concerning their children.
4. Parents have the right to request an independent evaluation of their child’s present level of performance.
5. Confidentiality must be maintained.
6. Parents and school authorities have the right to a due process hearing and the right to present evidence, call and confront witnesses, and have a lawyer present during the hearing.
7. Parents and school authorities have the right to an appeal.

The *individualized education program* (IEP) refers to a written education plan that must be developed annually for all children with disabilities who are receiving special education or related services. Functioning as a road map for instruction, the IEP is the one safeguard that parents have to ensure that their children receive instruction designed to meet their unique educational needs. Before a child can be

placed into a special education program, a selected committee holds a meeting to write and sign the IEP. The committee is composed of a representative of the school system, the child's teacher, one or both of the child's parents, the child (if appropriate), and other individuals at the discretion of the parent or the school system. Even though the IEP is revised once a year, the IEP team may be reconvened at any time. A complete and updated assessment of the child is required at least every three years.

From state to state and locality to locality, the format of the IEP may vary. However, certain basic components appear on all IEPs. A fundamental knowledge of these components will help the general classroom teacher not only instruct children with disabilities but also understand the total special education program. Table 1-2 contains basic information about all the components common to IEPs.

When developing a student's IEP, it is important to keep in mind that it represents only a *written* descrip-

tion of a student's total educational program. The actual program, when carried out, stretches far beyond the limits of the written document. While an examination of an IEP may reveal that it includes all of the required components, this does not necessarily mean that the document constitutes an appropriate educational program for that child, one that has the potential for meeting the student's individual learning needs.

A review of existing IEPs reveals three areas that commonly need more detailed information: (1) specification of the amount of special education or related services, (2) a description of the student's present level of performance, and (3) a statement of the goals and objectives (P. J. Raskopf, personal communication, November 20, 1990). A closer look at these three sections can help team members develop IEPs that are more directly related to a student's individual learning needs.

**TABLE 1-2 Components of an IEP.**

Component	Description
Present level of educational functioning	Information obtained from norm- or criterion-referenced tests; gives actual level and skill at which a child is functioning
Annual or long-range goals	Projection of how far teachers think a child can progress during the school year; each present level of educational functioning will have a projected annual goal
Short-term instructional objectives	Objectives, written in behavioral terms, listing the intermediate steps between the present level of performance and the annual goals
Beginning and ending dates	Projected dates for initiation of services and anticipated duration of services
Objective criteria and evaluation procedures for short-term objectives	Statement of criteria and evaluation procedures for completion of short-term objectives
Special education services	Type of specific service the child is receiving
Related services	Any service outside of special education required for appropriate education
Regular classroom participation	Curriculum areas and amount of time each day the student will spend in the regular classroom
Projected dates for assessment	Must be reviewed at least annually by the IEP committee to determine whether short-term instructional objectives are being achieved
Committee members present	Must be signed by all committee members
Parental signature	Parents present at IEP meeting are asked to sign IEP at their discretion



Vagueness is common in the section of the IEP specifying the amount of special education or related services. A simple notation of “daily” or “weekly” does not reveal the true amount of services a that student is to receive. In contrast, descriptors such as “two 30-minute group sessions per week” or “a minimum of 4 hours per week, every week, not to exceed 6 hours, as indicated by student’s needs” leave no question about the amount of services the student is to receive and will help others monitor IEPs for compliance.

It is important to remember that the amount of special education or related services indicated on a student’s IEP should reflect the student’s needs and should not be dictated by administrative convenience or limits imposed by professionals’ caseloads. For example, if a secondary student needs speech-language therapy twice weekly, but the speech-language therapist visits the high school only once a week, services should be scheduled to reflect the student’s needs, with modifications made in the therapist’s schedule as necessary. Likewise, the dates when services are to be initiated should not be modified to accommodate waiting lists. If a student is found to need a particular service at the time that an IEP is written, the student should begin to receive that service as soon as possible—that is, without undue delay. The best practice for IEP service is within a few days after the IEP is written. In some instances, the team may decide that it is in the best interest of the student to delay initiation of services, as in the case of a major program change to be initiated close to a long school holiday, but such cases should be an exception to standard practice.

One critical guideline to keep in mind when writing a description of a student’s present level of performance is that it must be described adequately and accurately. In this section of the document, standardized tests as well as performance and observational data should be described in language that all IEP team members, including parents, can understand. Thus, it is helpful to report standard scores in age or grade equivalences whenever possible and to translate terms such as *cognitive level*, *auditory processing*, or *peer interaction* into familiar terms. A frequent weakness in this section is a focus on the student’s deficits rather than a balanced view of his or her strengths as well as areas targeted for growth or improvement. This may be the most important area for parental input into the IEP. Because parents observe their children in many different sit-

uations and in response to many different individuals, their input is essential to ensure an accurate and realistic description of the student. The importance of developing a realistic description of the student is underscored by the fact that this description will be the basis for the goals and objectives, which in turn will provide a blueprint for lesson plans for classroom activities. If the goals and objectives are based on an inadequate or inaccurate description, they will probably not be effective in identifying and meeting a student’s unique learning needs.

While the goals and objectives written on IEPs are usually adequate, weaknesses are frequently found in the specification of the evaluation criteria and the procedures and schedule used to determine whether goals and objectives have been met. One signal that evaluation criteria may not be delineated appropriately is the use of the same criterion for every objective on a student’s IEP. A “95 percent or greater accuracy rate” may be ideal, but it may not be realistic for the skills involved in each objective or be the easiest or most logical means of measurement. Similarly, if each evaluation procedure on an IEP reads “teacher-made test,” the student may not be given an opportunity to demonstrate accomplishments in various ways. There are a variety of valid means of assessing student performance, and these should be reflected in each student’s IEP. If the evaluation schedule reads “end of school year” for each objective, this may not take into account that a student’s timetable for acquiring skills across curriculum areas may vary significantly. Again, this may serve as a red flag, indicating that the IEP has not been individualized.

In summary, for an IEP to be effective in meeting a student’s needs, each stated objective should be matched with individualized evaluation criteria, evaluation procedures, and a timetable for evaluation.

*The least restrictive environment* (LRE) clause of PL 94-142 places responsibility on the school district to educate children with disabilities in the same settings and programs as nondisabled children to the maximum extent appropriate. The child’s needs as indicated on the IEP determine placement in the least restrictive environment, which may vary from child to child. The concept of the least restrictive environment is based on the premise that many creative alternatives exist to help the general educator serve children with learning or behavior problems within the context of a general class setting.

As students with disabilities have been progressively placed in general education classes, the concept

of mainstreaming has evolved. Students who *proved* that they could compete with students without disabilities were granted the privilege of sitting in general education classrooms. However, individualization of content was not as much of a factor as physical placement. In the 1980s the regular education initiative (REI) was an organized effort to blend general and special education or diminish the physical and curricular boundary between general and special education. The responsibility of all students, general or special, would become a shared responsibility among general and special teachers. The invisible but solid boundaries established over many years would now diminish.

### The Regular Education Initiative

The general education/special education initiative goes by many names: collaborative teaching, cooperative teaching, supported education, prereferral intervention, mainstream education, and, most commonly, the regular education initiative (REI) (Miller, 1990; Robinson, 1990). The REI calls for a restructuring of special and general education to create a partnership among educators from both disciplines to serve all students better. Typically, the REI focuses on two groups of low-performing students: those identified as mildly disabled and those at risk for school failure due to disadvantaged economic or social backgrounds. If carried out in its purest form, the REI would result in a seamless web of education services in which all students would receive individualized services in the general education environment without labeling or giving a special designation to any student (Robinson, 1990). Ideally, the REI would combine effective practices from special, general, and compensatory education to establish a general education system more inclusive of students with learning needs (Reynolds, Wang, & Walberg, 1987).

The REI most likely began at the local level when teachers, administrators, and parents began to realize the shortcomings of a segregated special education system. It was legitimized in a 1986 policy statement by Madeleine Will, then assistant secretary for special education and director of the Office of Special Education and Rehabilitative Services of the U.S. Department of Education (Robinson, 1990). Some people criticized Will's statement, calling it a reflection of Reagan-Bush economic policies aimed at decreasing federal support for education. Yet the proposal

focused national attention on the lack of an interface between general and special education students (Chaffeur, 1989; Robinson, 1990). Since that time, professional educators have debated at length about the relative strengths and weaknesses of the REI.

Numerous factors served to fuel the REI movement. Proponents for reform made several charges (Anderegg & Vergason, 1988; Gersten & Woodward, 1990; Kauffman, 1989; Reynolds et al., 1987; Robinson, 1990):

1. Special education had become a dumping ground for students who were not truly disabled but only difficult to teach.
2. A lack of consistency was evident in defining categories of students with disabilities, especially for the category of learning disabilities. This resulted in a great discrepancy between and within school divisions and the state regarding which students were eligible for special education services.
3. Unnecessary barriers were created that excluded students with special needs from becoming fully integrated into school and community life. This was a disadvantage for students both with and without disabilities.
4. There was a lack of compelling evidence about the validity of categories and other special education requirements in promoting expected educational outcomes.
5. Educators were disenchanted with tracking systems in general. Special education was viewed as one of the most rigid tracks.
6. There was a lack of standardized curriculum in pullout programs (for example, the resource room). In cases where such a curriculum was used, it was not linked to the core curriculum in the general classroom.
7. Requirements for excessive and oppressive paperwork existed without evidence of direct benefit to the students served.

Not surprisingly, calls for reform of the existing dual system have met with resistance. Two major sources of resistance to the REI can be traced to its roots. First, the REI originated in the field of special education. Because special educators, who are perceived as outsiders, have called for reform of the general education system, they have not always been welcomed by general educators, who lack a sense of ownership in the movement. A second source of re-