

## DOCUMENT RESUME

ED 387 955

EC 304 309

AUTHOR Cooley, Elizabeth  
TITLE Special Education: At a Crossroads.  
INSTITUTION Far West Lab. for Educational Research and  
Development, San Francisco, Calif.  
SPONS AGENCY Office of Educational Research and Improvement (ED),  
Washington, DC.  
PUB DATE 95  
CONTRACT 400-86-0009  
NOTE 4p.  
PUB TYPE Information Analyses (070) -- Collected Works -  
Serials (022)  
JOURNAL CIT Policy Update; n4 1995

EDRS PRICE MF01/PC01 Plus Postage.  
DESCRIPTORS \*Disabilities; \*Educational Legislation; Educational  
Policy; \*Educational Trends; Elementary Secondary  
Education; Eligibility; Federal Aid; Federal  
Legislation; Inclusive Schools; Regular and Special  
Education Relationship; \*Special Education; Trend  
Analysis  
IDENTIFIERS \*Individuals with Disabilities Education Act

## ABSTRACT

This information brief summarizes issues in the reauthorization of the Individuals with Disabilities Education Act (IDEA). The origins of IDEA in Public Law 94-142, the Education for All Handicapped Children Act, are noted. Concerns shaping the reauthorization debate are identified, including unsatisfactory student outcomes, the isolation of students with disabilities and the inclusive education movement, and links to general education. Other issues in the IDEA debate include funding problems (especially the shortfall of federal funding), labeling and over-identification of students, student placement funding patterns as they relate to inclusion, assessment to determine categorical eligibility versus assessment for instructional purposes, accountability, and the relationship between special and general education in the context of systemic school reform. (DB)

\*\*\*\*\*  
\* Reproductions supplied by EDRS are the best that can be made \*  
\* from the original document. \*  
\*\*\*\*\*

ED 387 955

U.S. DEPARTMENT OF EDUCATION  
Office of Educational Research and Improvement  
EDUCATIONAL RESOURCES INFORMATION  
CENTER (ERIC)

- ☒ This document has been reproduced as received from the person or organization originating it.
- ☐ Minor changes have been made to improve reproduction quality.
- Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

Special Education: At a Crossroads. Policy Update, Number 4.  
Cooley, Elizabeth

EC304309

## Special Education: At a Crossroads

Elizabeth Cooley

Special education will be scrutinized by Congress this session, as a new Republican majority considers the complex funding, educational and social questions that have surrounded this program for years.

Legislative debate over reauthorization of the Individuals with Disabilities Education Act (IDEA) comes at a time rife with calls for reform. New Congressional leaders are seeking to end unfunded federal mandates to the states as well as proposing significant cuts in education spending. IDEA reauthorization offers policymakers an opportunity to review issues such as funding, labeling, inclusion, assessment and accountability in light of changing political and educational contexts.

### Background

In 1975, prior to passage of P.L. 94-142 (the precursor to IDEA), roughly 775,000 children with disabilities were denied access to public schools. Most of these children were either institutionalized for custodial care or remained at home. Of those in public schools, many were found to be receiving educational services inappropriate to their needs, and were thus found to be functionally excluded. The law was designed to assure that children with disabilities have access to an education appropriate to their needs. Lawmakers focused on process and procedural compliance as the means to bring about positive student outcomes.

Today, children with disabilities are no longer routinely excluded from public schools. In fact, some five million students, or about 10 percent of the total school-aged population, are presently receiving special education services. Questions remain, however, over the extent to which the services provided are meeting students' individual needs.

### Concerns Shaping the Debate

Over the past two decades, a number of concerns have arisen from the classroom that seem likely to influence the upcoming legislative debate.

**Outcomes.** Among the most thorny of these concerns is the question of student outcomes. Hopes that mandated processes would dramatically improve outcomes for special education students have apparently not been realized across the board. The 1991 National Longitudinal Transition Study showed a dropout rate of 60 percent among special education students. Even a diploma did not assure a positive outcome for these students. Only 40 percent of graduating special education students were able to find jobs, NLTS data showed. These findings are leading special educators to shift their emphasis from process to outcome.

**Isolation.** A second concern pertains to the isolation of students with disabilities. Special education students, though receiving a public education, have been largely separated from their nonhandicapped peers. A growing dissatisfaction with this lack of meaningful social involvement has led to a procession of related movements — most recently full inclusion and inclusive education — aimed at increasing connections between students with disabilities and their nonhandicapped peers.

These movements have been fueled by ethical and philosophical arguments and have also been supported by court decisions interpreting the IDEA. Advocacy groups have argued that students have the right to be educated in the regular classroom whenever possible, and that interaction between students with and

without disabilities is an essential part of a meaningful life for all students. Data from the NLTS showed better postschool outcomes for students with disabilities who spent more time in general education classes and belonged to school or community groups.

Widely debated, however, are questions of how and how much to include students with disabilities. A growing backlash movement, spearheaded primarily within the general education and business communities, is seeking to curtail inclusion efforts. These groups say that inclusion often detracts from nonhandicapped students' education and encroaches upon scarce general education resources.

**Links to General Education.** A third concern focuses on special education's place within the larger education community. A wide chasm has long existed between special and general education, leading even to separate, parallel reform efforts. The division is hardly surprising, given that the special education system has emerged as a separate educational subsystem — not as a set of services within an overall educational framework. Over the years, special and general education have evolved independently, with separate funding streams, administrative structures, accountability demands, curricula, personnel, certification requirements, and even separate facilities.

### Key Issues in the IDEA Debate

Many pressing issues, arising from the political arena as well as the field, will likely be on the table during the upcoming IDEA debate.

**Funding.** The federal contribution to states' special education costs has never approached its authorized level of 40 percent (it's currently eight

percent). This shortfall has sparked strong criticism from state and local officials, who point out that many special education costs can be traced to federal mandates. Population growth within the ranks of special education students seems to assure that the demand for severely stretched state resources will keep increasing.

Consequently, many states and school districts are pushing vigorously for the federal government to fully fund its portion of special education costs and/or reduce federal mandates. At the same time, leaders of the new Congressional majority are pledging their intent to end unfunded federal mandates. They are also gearing up an effort to balance the budget, which could well entail cuts in education across the board.

**Labeling.** Many professionals and advocates see the current funding mechanism as a stimulus for labeling and over-identification of students, since IDEA funds are awarded on a per capita basis. Since prevention and pre-referral intervention are now professional priorities, there have been repeated calls to "unhook" funding from specific disability labels. Alternative funding models, such as one that would award special education dollars to states on the basis of a percentage of total school population, are being explored.

**Inclusion.** The law clearly promotes placements of students with disabilities in the regular classroom with the necessary supports whenever possible (as the U.S. Court of Appeals held in the case *Sacramento Unified Board of Education v. Holland*). Still, the costs of litigation and growing criticism from different interest groups on this point are leading some to question this aspect of the law.

Placement funding patterns, too, are being debated. Currently, segregated placements often result in greater reimbursement. Inclusion advocates contend that funding should promote inclusive programming, while others reason that fiscal incentives in either direction would compromise the full continuum of

program options. Proponents of the status quo maintain that separate placements actually cost more and thus warrant greater reimbursement.

**Assessment.** An inherent discrepancy between the letter and spirit of IDEA concerns the sorting of students by disability type. Every student with disabilities who requires special services to benefit from education is entitled to an individualized educational program (IEP); thus, serving students strictly by disability category is illegal. Yet the law contains an administrative requirement that a child must be categorized by disability in order to receive those individualized services.

It has become increasingly clear that the costly and complex assessments used to determine categorical eligibility often do not provide useful information to teachers. Moreover, many assessment measures have been found to be unreliable or invalid for their intended purposes. Proponents of change want a stronger link between assessment and instruction, so that assessments would provide teachers with functional, instructionally relevant information. A multi-million dollar testing industry as well as many professionals involved with testing have voiced opposition to changes that could alter or eliminate jobs.

**Accountability.** In the move toward national standards and assessments, the degree to which students with disabilities are to be included and accommodated remains unclear. Testing programs that exclude students with disabilities could be challenged under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, both of which forbid bias against people with disabilities. On the other hand, measures perceived as biased against a segment of the population could also result in litigation. Tough questions remain about how to set standards that are challenging for the general student population yet attainable by students with disabilities.

**Special/General Educational Relationship.** Recent enactment of the Goals 2000 legislation, with its

## **POLICY UPDATE**

Far West Laboratory for Educational Research and Development serves the four-state region of Arizona, California, Nevada, and Utah, working with educators at all levels to plan and carry out school improvements. FWL translates the best research into practice, provides state of the art knowledge and assistance, and forges partnerships that leverage scarce resources.

**Far West Laboratory**  
730 Harrison Street  
San Francisco, CA 94107  
(415) 565-3000

This publication is funded in part by the U. S. Department of Education, Office of Educational Research and Improvement, contract no. 400-86-0009. Its contents do not necessarily reflect the views of the Department of Education. Reprinting is encouraged with proper credit.

emphasis on systemic reform, would seem to provide new impetus for the convergence of the historically parallel general and special education systems.

Yet the funding formulas currently serving the special and general education systems, it has been argued, serve to maintain their separation. Many educators contend that current funding mechanisms create competition between general and special education programs, and say that greater cooperation and efficiency can come about only if the allocations are linked. Special educators have often resisted school- and district-wide reform efforts that call for a blending of categorical funds, fearing that such changes could jeopardize the rights of students with disabilities. Questions remain about how to maintain the rights of these students while at the same time freeing up categorical resources for school-wide reform efforts that could benefit all students.

*Elizabeth Cooley, Ph.D. is director of special education projects at Far West Laboratory.*