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ABSTRACT

This paper explores the education policy adoption process in the Texas legislature and role of professional educators in influencing critical decisions relating to the inclusion of students with disabilities in general education classes. This case study traced the wielders of power, power interactions, the actors and sources of their power, and the role of professional educators. Results indicate that the movement to change the special education model was led by strong inclusion lobbyists, not by educators. Recommendations are provided to increase the effectiveness of educators in the legislature, such as: (1) education leaders should make an effort to create a new image of themselves as a united group with a common focus on quality education and a cooperative approach; (2) educators may need to step out of protected and comfortable, but removed, roles as keepers of the chalice of higher education in order to improve their overall leadership effectiveness; (3) education leaders should provide legislators with a responsive and balanced source of reliable information regarding legislative concerns about complex, urgent, and controversial education issues; and (4) professional educators may need to make policy analysis and policy influence integral parts of their roles as education leaders. (Contains 13 references.) (CR)

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EDUCATORS HAVE LITTLE VOICE IN THE TEXAS INCLUSION POLICY FOR CHILDREN WITH DISABILITIES

by Virginia P. Baxt, Ed.D.

This paper will attempt to establish, then elucidate why educators in Texas may have lost critical credibility with legislators. Based on findings from a case study that traced the course of a controversial special education policy in the Texas legislature, it was revealed that professional educators are viewed with suspicion by legislators who referred to them as "educrats" or part of the "education establishment." Legislators instead preferred to trust and work with *pro-inclusion* lobbyists who assisted in drafting key legislation that resulted in a basic paradigm shift in the way special education services are delivered. The roles played, the power characterized by the various actors in the various roles, and the context in which a decision of this import affecting education at the classroom level could be made without expert opinion from educators—and not be perceived as irregular—is the topic of this paper. What will follow is an overview of the study with a closer examination of who did wield power and why. To the extent that voices from education are absent from other educational policy decisions, and are absent from decisions involving *inclusion* policy in other states, a discussion of this finding is important. Further research is needed: (1) to determine if this finding can be replicated, and (2) if so, explore more deeply than this study was designed to do the dynamics of causal forces and the actions educators can take to reestablish their influence in the education policy arena.

The data for this paper came from a dissertation done in partial fulfillment of the requirements for a Doctor of Education at the University of Houston. This historical case study, *Inclusion and the Legislature in Texas* (completed in 1997) consisted of 46 interviews with legislators, education experts, education attorneys, disability advocates and executive staff at the state capitol, and the study of archival data and on-site observations. (Inclusion is the heterogeneous grouping of children with disabilities in the regular classroom.)

Triangulation measures put in place to control distortion and misinterpretation of data due to researcher bias included: (1) outside readers, (2) use of multiple and different sources for interviews, (3) peer debriefing, (4) referential adequacy, and (5) member check.

The conceptual framework used in this case study came from writings by several political commentators. Lindblom (1968) discussed the competition for the spoils of the political process by actors driven by special interests, and the role of reciprocal relationships. Campbell & Mazzone (1976) and French & Raven (1959) discussed the role of various types of power and how cleverly power can be wielded in the political arena in pursuit of certain gains. Easton's (1965) view of political systems as institutions focused on how they controlled societal values and the distribution

of resources. Mitchell (1971) studied education decision making in three states—Oregon, Arizona and California—and concluded that legislative policies are not based on questions of truth, knowledge, wisdom, or cost effectiveness but instead on demands for action—diverse, incessant, intense, simultaneous demands such that it is difficult to distinguish legitimate interests from illegitimate ones.

Inclusion was chosen as the vehicle for studying the legislative process in Texas because: (1) it is a current and on-going movement, and (2) it affects virtually all aspects of education, thus bringing to the fore all the major forces—ideological, legal, social, personal, and political—which shape the legislative decision process. The state level was chosen, as opposed to the federal, because states are Constitutionally given the right, somewhat by default, to control public education.

Findings indicated that Texas equivocally supports *inclusion*; i.e., the State changed funding to support inclusive arrangements over separate ones (Senate Bill 7 in 1993) but stopped short of mandating inclusion to the schools (in Senate Bill 1, 1995), in keeping with current decentralization trends in school governance. The study also revealed that legislators may support inclusion for economic reasons as well as altruistic ones. (Special education costs may go down, or at least not continue to rise if children with disabilities are put into the regular classroom with accompanying aides or without them, as in the not so humorously known as “dump and pray” approach.)

The purpose of this paper is to describe the real forces at work in the policy adoption process in an attempt to discover why professional educators played little or no role. (Professional educators as used in this paper refer to individuals degreed in education who are actively involved in teaching, administration or research in education.) The individuals who were the wielders of power were a key legislator, two advocates for inclusion, both of who are also registered lobbyists, and a state budget agency analyst. This paper will trace the power and power interactions, the actors and sources of their power, to what extent education played a significant role in the policy adoption process, and if not, why. This paper is part of a much larger work. Because of time constraints in the presentation of this paper, details of the main study will be omitted.

Background

In 1993 in the *Edgewood I.S.D.* case the Texas Supreme Court ruled that the Texas school finance system was inequitable to students in poor school districts and, therefore, unconstitutional. Inserted into the resulting omnibus finance bill, Senate Bill 7, was a little noticed, non-deliberated and unchallenged section changing special education funding formulas.

These formula weights, supplementing the basic funding allotment on a per student basis, were adjusted so that schools had a financial incentive to provide inclusive arrangements over separate ones—a reversal of the previous special education funding emphasis— while legislators were made happy because an already bloated special education budget did not become more bloated. The following table illustrates instructional arrangement funding weights before and after 1993 and Senate Bill 7. (Weights are multiplied by an adjusted basic fund amount per school-age child to arrive at total funding per individual child.)

Changes to Special Education Instructional Arrangement Weights in Senate Bill 7 (1993)		
	prior to SB 7	after SB 7
Homebound	5.0	5.0
Hospital	5.0	3.0
Speech therapy	7.11	5.0
Resource room	2.7	3.0
Self-contained, mild and moderate, regular campus.....	2.3	3.0
Self-contained, severe, regular campus.....	3.5	3.0
Self-contained, separate campus	2.7	2.7
Multidistrict class	3.5	2.7
Nonpublic day school	3.5	1.7
Vocational adjustment class	2.3	2.3
Community class.....	3.5	2.7
Mainstream.....	0.25**	2.1**

Sources: *Texas Education Code*, 1992 and Senate Bill 7 (1993)

**Add-on to adjusted basic allotment, therefore the effective weight is 2.1

Note that funding for separate arrangements for severely handicapped children dropped from 3.5 to 3.0.

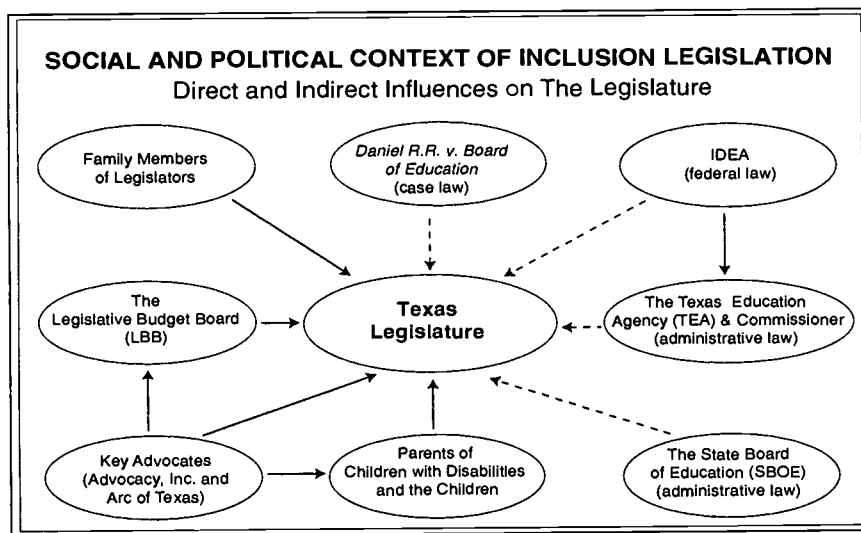
Social and Political Context

In recent decades the classroom has been increasingly affected by laws and court cases that focus on the civil rights groups of children formerly overlooked; e.g., disabled, at-risk and children for whom English is a second language. In the case of children with disabilities, Public Law 94-142 (EHA, later renamed IDEA) outlined the rights of disabled individuals in federally funded institutions and could be said to have been the legislatively sanctioned beginning of the current inclusion movement. In this social drive to protect the rights of children previously perceived as forgotten, classroom-level decisions involving education, formally left to the judgment and expertise of front-line educators, were limited, if not taken over altogether, by noneducators in state and federal legislatures and courts of law. In this context education is not the issue. It is a matter of doing, philosophically speaking, what is right; and, in the case of inclusion, the proverbial pendulum has swung to the side of civil rights, away from education rights. (Disability groups who are fighting for their children's rights to a good education and to an opportunity to develop vital, specialized skills are against "full" inclusion, fearing the loss of a continuum of services. Further, if education were the issue, the Herculean task being presented to teachers of creating an effective learning environment in an *inclusive* class with such extensive learning diversity and range would be a critical concern.)

Types of Power (both direct and indirect)

In this study direct power referred to individuals who make law (introduce bills and get them passed in a bicameral governing entity) as exercised by the Chairman of the Senate Education Committee; and to those who had power to directly influence legislators. The source of these individuals' power was their accessibility to legislators who needed critical information for decisions involved in drafting legislation. Among the groups with direct influence on the Legislature were: (1) family members of legislators, (2) members of the Legislative Budget Board, (3) pro-inclusion lobbyists, and (4) parents of children with disabilities who testified on behalf of their children's rights before the Legislature.

Indirect power referred to the removed, but still potent, power of federal laws and regulations addressing the rights of handicapped persons: Court cases such as *Daniel R. R. v. State Board of Education* in Texas set guidelines for inclusion of children with severe disabilities. The Texas Education Agency and the State Board of Education are state education governmental bodies that responded to inclusion initiatives but did not directly influence the adoption by the legislature of special education policy.



Those With Power

Inclusion Advocates.

Inclusion advocates from Advocacy, Inc. and the Arc of Texas (formerly Association for Retarded Citizens) were the real power brokers outside the legislature in promoting inclusion to the legislature and its legislative agencies. These registered lobbyists worked closely with the Chairman of the Senate Education Committee and his staff in drafting key legislation that promoted *inclusion* through increased funding to inclusive instructional arrangements and decreased funding

to noninclusive ones. An executive in the Senate Education Committee office had this to say about her instructions to work with a Legislative Budget Board analyst and the two key inclusion lobbyists:

My instructions from [the Chairman] were to work with [the LBB Analyst] and to work with [Advocate 1] and [Advocate 2], the two major lobbyists for that population of folks [disabled children] to get the weights in the Bill correctly and also to give them any supporting language in Senate Bill 7 that was necessary to get to the least restrictive environment. I can't tell you whether he got that idea of changing funding weights to promote *inclusion* because of the federal legislation. I don't know if he got it because of the results of the study [a cost study by MGT consultants out of Florida]. There certainly was a great financial incentive for school districts to place kids in a more restrictive environment, because they got more money (Int. 6).

Pro-inclusion lobbyists also successfully identified and influenced other sympathetic legislators to help in furthering their inclusion goals. These sympathetic legislators then introduced, and were successful in getting attached to key legislation, riders for inclusion funding. A member of the House of Representatives, whose rider was attached to the major 1993 school finance Bill stated:

It's very simple. I was approached about it [the Rider] by the ARC (the Arc of Texas) and it sounded like the right thing to do. . . . I tend to fall into vacuums. I don't see a lot of purpose in working on things that other people are interested in. I find the things where nobody is interested, where nobody is advocating, and try to pick up the slack on that. . . . But it wasn't the result of any particular contact with constituents.

One of the key inclusion advocates was a registered lobbyist who had worked for an advocacy and protection agency, known as Advocacy, Inc., for over twelve years. (A & Ps, as they are called, were funded in 1975 by Congress at the time EHA was passed and were created for the benefit of disabled individuals and their families.) This individual had dual backgrounds as a special education teacher and as a senatorial staff member. The other advocate and registered lobbyist, an attorney with a government background, had worked with the Arc of Texas for six years and had been a disability lobbyist in another state.

A key source of power for these two inclusion advocates was the financial strength of their respective associations, which enabled them to lobby aggressively. Both organizations were well-funded, receiving state, federal and private grants such that they were able to hire qualified individuals whose key job functions were to advance inclusion. These advocates were able to achieve their goals largely because of a current environment of unprecedented emphasis on the rights of handicapped children (IDEA, formerly EHA or P.L. 94-142) in which disability advocates are vocal and powerful at both state and federal levels. In the comments below a key advocate discussed the need for access to regular education first for children with disabilities before gaining full entry into regular education schools:

[H]istorically, we have gone through a process like others—Civil Rights and other issues—that I think the first thing you just want is access. [W]e spent the first few years. . . getting the kids to school and developing the expertise in a professional staff who knew what to do with them when they got there. You have to have access first. . . It is an evolution, and the law and everybody else had been pulled in to confirm [inclusion], or affirm it. . . . Inclusion is a philosophy. (Int. 12)

Chairman of the Senate Education Committee

The Chairman of the Senate Education Committee not only initiated key legislation, but he also carried it to passage without opposition in either chamber. Why was the Chairman of the Senate Education Committee so powerful? He was considered by his colleagues and staff to be a leader of unusual integrity, knowledge and honesty. In addition, as a few of the study's participants stated, he had the support of the Lieutenant Governor—the most powerful person in the Texas legislature.

French and Raven (1959)—in “The Basis of Social Power” in Cartwright’s *Studies in Social Power*—discussed the types of power possessed by the Chairman: (1) *legitimate* power due to his position as Chairman of the Education Committee, (2) *referent* because of the unusual support and approval he had from fellow legislators, and *expert* because of his recognized knowledge and good judgment in the area of education. The following comments came from interviewees who were either legislative colleagues or legislative staff:

If you’re going to trust somebody, the [Chairman] is a good guy to trust because he’s not going to do anything that is not in his opinion, in the best interest of the kids (Int. 6).

[The Chairman], it’s his bill on inclusion, we respect him, he’s the Chairman of the [Education] Committee, and the Lieutenant Governor has a lot of faith in him, so he must be a good person. I don’t know what’s involved in this issue [inclusion], so I’m going to follow his lead’ (Int. 33).

. . . what is more important is the fact that [the Chairman] is an extremely honorable man—a man who, because of his personal interest and not because of membership in the educational field, made himself an expert by being willing to take the time and the diligence and the personal sacrifice to become an expert on public education. He is a man that unquestionably was, at whatever step, trying to do what he felt was the right thing . . . (Int. 24)

Legislative Budget Board

Another key player in the legislative process was an executive staff member on the Texas Legislative Budget Board (LBB). This financial analyst embraced inclusion ideology (having equated it with the integration movement of the 60s); provided the critical inside credibility to sway legislators who may have questioned shifting funds to support inclusion; and provided the required financial expertise to adjust the special education funding so that inclusion was promoted while the overall special education budget remained the same (a reported requirement for the bill to pass).

I started going to State Board of Education meetings when they had an expert speak. Many of the experts that came, spoke against tracking, against segregation. Given that I had come from a background that was against segregation and had seen other places where segregation was not good, whether it was segregation of races or segregation of neighborhoods, I was very open to that way of thinking.

. . . because they [the Texas legislature] were having some questions about some of the weights in the system that drove a lot of the funding, they mandated that the Legislative Budget Board and the Legislative Education Board look at the entire system of public education funding and, as a result of that, one of the areas of special study was the special education weight. So we were looking at all the weights. . . bilingual, compensatory education, gifted and talented special

education, vocational education. . . . The special education weight happened to be the one that cost the state the most money. . . .

[W]e had a contract with MGT, which was a consulting firm to do a special study on financing special education within the school finance system. . . . I was the Project Manager. . . . I asked MGT to look at two things. One, to look at the current system that we had in place. [Two], if we wanted a model system, what would you recommend? . . . The second recommendation [MGT] gave us [was] the one cost per student for a program that will allow *inclusion* to happen. That amount of money was very high (something like \$6,000 per student . . . For some students it would cost as much as \$8,000). We would have had to have put in a lot of additional money so that all school districts could immediately switch over to an inclusion program. I took the three weights that paid the most attention to restrictiveness of placement. I made a recommendation that all three of those instructional arrangements should have the same weight, so that there was not an incentive for having a kid in a separate classroom . . . I guess I would agree with the person who says, if you really want to do it right, if you really want to have a perfect inclusion system, you need more money than you're putting into the system now. I would probably agree with that. I would agree with that about the regular education program. (Int. 7)

This key financial analyst was in a unique position of influence because of her Budget Board position (*legitimate* power), and because of her financial knowledge (*expert* power). Armed with legitimate and expert power, combined with a belief in the rightness of inclusion and a proactive approach, this analyst was one of the four most powerful actors in advancing inclusion in the Texas.

The key legislation advancing inclusion was quietly placed in the omnibus finance bill, Texas Senate Bill 7 of 1993, and passed without notice or challenge.

Department of Special Education at the TEA

The Texas Education Agency (TEA) indirectly affected inclusion policy. By law they cannot directly influence legislators but are able to write opinions for the legislature on a particular legislative policy. Interviewees did not attribute much influence to the TEA for the promotion of inclusion.

Parents of Children with Severe Disabilities

Parents of disabled children were powerful by virtue of the fact that they were active and willing to fight for the rights of their children, with their children in tow. The visual impact of children with severe disabilities on the emotions and consciences of policy makers was significant. Legislators stated that they had difficulty denying help to such parents and their children.

(Children with severe disabilities were defined as those children needing one-on-one care or supervision due to the nature of their disability, in order to be in the regular classroom.)

The Chairman of the Senate Education Committee commented that education disability groups were not powerful because of wealth, like many other PACs (Political Action Committees)

coming before the Legislature, but because of the parents represented by them who were actively fighting for the benefit of their children:

They are only powerful by virtue of having parents, mothers and dads and people out there who are passionate about their children, and who are willing to spend the time and the blood, sweat and tears to do something about it. (Int. 16)

Associations Supporting the Blind and Visually Impaired and the Deaf and Hearing Impaired

Blind and visually impaired and deaf and hearing impaired groups have power to retain separate services for their children in the wake of the inclusion movement because they have a type of legitimate power; i.e., legislation is in place protecting the rights of their children to separate aid. (In the case of the blind and visually impaired, the attempt to “include” these youngsters in regular classrooms in the 1950s was disastrous.) Therefore, not being unhappy with their situation, advocates for the blind and visually impaired and for the deaf and hearing impaired were not apt to join the inclusion debate for fear that doing so might jeopardize their current, separately funded status.

Those Without Power

Learning Disability Groups

Even though learning disability groups make up 51.1 percent of all disabilities, their advocates have had little power to influence the inclusion movement—a movement they do not fully support. Learning disabilities are ignored by legislators, it was maintained, because learning disabilities do not have the visible impact and, therefore, the financial clout of more severe disabilities. This disability group lacks political power because learning disabilities do not generate the private and public financial support enjoyed by higher profile disability groups. Without outside funding support other than membership dues, learning disability advocates are unable to dedicate registered lobbyists to lobbying legislators full-time.

Also contributing to their absence of power to influence legislators in spite of large numbers of members, according to disability advocates, is the question of legitimacy of the learning disability diagnosis. What constitutes this disability is not easily definable. Therefore, who is to say that a learning disability is not just low cognitive ability (not traditionally considered a disability).

Parents of Nondisabled Kids

Parents of nondisabled children were, and still are, absent from the inclusion debate. Many parents are not even aware of what inclusion is, or if they are aware, they do not fully comprehend the implications of inclusion for the educational opportunities of their children. Many parents may eschew the discussion and debate of inclusion because they find the topic distasteful and consider it unaltruistic to complain about children less fortunate than their own.

An executive at the capitol commented: “I mean it [inclusion] is not real to the average parent. And it’s not real to the average legislator. . . . this is really cynical, but I think it is almost more than about ‘the kid.’ It’s about the cause, the political cause.”

Professional Educators and Teachers

Neither teachers nor professional educators testified “for” or “against” inclusion before the Legislature. Neither was input invited from these experts, according to interviews and archival material (legislative minutes of meetings). (Note that teachers are referred to separately to emphasize them as a discrete group among professional educators.)

For reasons of job security many teachers may not publicly express opinions and beliefs regarding education trends. In addition, a would-be teacher activist may have little time or energy amid teachers’ hectic schedules to express concerns. (Teachers often attend meetings into the evening and the nature of their work is such that much of it must take place outside the classroom.)

Other professional educators may avoid politics for many of the same reasons as teachers. Also, making the transition from academician to that of political activist is not particularly natural for many educators.

Legislators were not hesitant to express their dissatisfaction with teachers and professional educators whom they described as biased and motivated by desires for increased salaries or funding to schools—and not by desires to improve the education of their charges. One former legislator complained about the constant pressure from educator groups for more money:

I think I counted one time seventy-two groups that worked in education. All of them, all seventy-two groups were like religion. They all wanted to get to heaven, but they had different ways of getting there. They all wanted more dollars. . . . The administrators wanted the moneys put into the general fund for education and not to be mandated that it go to salaries, or to air conditioning, or to gifted and talented programs, or to anything of that nature. They wanted “X” dollars in grant form to be used the way they wanted it to be used, because they felt like they were better qualified. [T]he teacher groups wanted money, “X” dollars, appropriated in grant form, but dedicated to salaries so that it took the administrators out of the loop altogether. . . . American Federation of Teachers [AFT], the Texas Classroom Teachers Association [TSTA], the ATPE [Association of Texas Professional Educators], and other teacher groups, all of them are included. When they [teacher groups] came into my office as a legislator, they had one thing in mind—money. . .

Wouldn’t it be incredible if TSTA came up with a program to teach kids something, and say, ‘we are going to do this and it is not going to cost you any money.’ . . . Do you know what Legislators would do? . . . They would say, ‘there’s a catch to this. This is a scam. Something is wrong. (Int. 28)

The Chairman of the Senate Education Committee expressed the difficulty in finding reliable information with which to make decisions (which based on findings of this study did not come from education groups, except to the extent that these groups could corroborate the direction the legislature was already headed):

I think every serious legislator would like to have reliable research. I think the problem is that, first, we don’t know which of it is reliable because most of it is going to come from one interest group or another. When we get it, we worry about how unbiased it is, or what the basic assumptions were. As an engineer, I know that depending on what your assumptions are going in, you can almost guarantee the result coming out. And so, the word research would lead you to believe that you are coming up with true, unfettered information. I think one of the things we

learned very early in the legislature, is that wherever it comes from, you have to be careful. (Int. 16)

Summary and Recommendations

The movement to change the special education model or paradigm was lead by strong inclusion lobbyists in Texas, not by educators.

Lobbyists, as a group, are paid to be professional and savvy in the ways to reach legislators. These are not skills or responsibilities professional educators typically develop or are prepared to assume. Lobbyists' effectiveness was heightened by the fact that their knowledge regarding laws for handicapped persons was greater than that ordinarily possessed by the average legislator on the education committee. (But this is also knowledge many professional educators have.)

Because of key lobbyists' single-interest goals and due to their position of influence and physical accessibility to legislators, they were conveniently available to share with legislators their knowledge and skills and to act as messengers between legislators. The two key advocates of this study were especially effective because of their full-time jobs as lobbyists for the promotion of inclusion in regular education. The financial, national reach and political power of the respective organizations for which the lobbyists worked were also critical assets. Replication of the same political advantage of these lobbyists by education leaders is likely to occur only in a dedicated role such as that of another lobbyist (euphemistically called government liaison officer).

Conclusions reached that were relevant to this presentation included:

1. The absence of voice and influence from professional educator and teacher groups is a troubling finding because of its implication for future education reform or policy adoption.
2. Consideration of how inadequately funded and, therefore, poorly implemented inclusion programs might affect students and teachers should have been part of the legislative process—even if the main basis for inclusion for advocates was civil rights and for legislators may have been containment of rising special education costs.
3. The study showed that legislators are ill-equipped to make far-reaching, micro-management decisions about education that affect youngsters at the classroom level. (The Texas "citizen" legislature meets 140 days biennially to review as many as 5,000 bills, as in 1995. Legislators are generalists who lack critical expert knowledge to address the needs of children as a learning group or as individuals.)

The finding that educators are absent from policy decisions is unfavorable for those educators wishing to bring their expertise to bear on policy decisions, but is well in line with the apparent growing dissatisfaction with the "education establishment" expressed in the media. This dissatisfaction is expressed by an increasing popularity of vouchers, charter schools and home schooling.

Recommendation One is that education leaders make an effort to create a new image of themselves as a united group with a common focus on quality education and a cooperative approach to finding the best ways for achieving that goal among diverse perspectives.

To the extent that education experts feel obligated as part of their roles as education leaders to affect education policy, and are concerned with the potentially deleterious effects of special interest groups, they are obligated to make the necessary effort to develop credibility, good communication links and influence with legislators.

Recommendation Two: In order to achieve these goals, educators may need to step out of protected and comfortable, but removed, roles as keepers of the chalice of higher education in order to improve their overall leadership effectiveness.

Recommendation Three: Education leaders should provide legislators with a responsive, balanced and responsible source of reliable information regarding legislative concerns about complex, urgent and controversial education issues—not just the simple, neutral ones.

Recommendation Four: Professional educators may need to make policy analysis and policy influence integral parts of their roles as education leaders. As one education legislator aptly commented regarding the importance of research and lobbying for that research:

There is a research basis for virtually anything somebody wants to do. The real question is, was there a lobby present exerting pressure on the Legislature at one point in time or another, in one direction or another. Research is used, normally, to influence legislation, [but] in the end it is not the research... It is just the lobby pressure! (Int. 40)

Finally, the appropriate role(s) of education leaders in today's highly politicized, high stakes public education system is not yet clear and, as an area of study, is still in its infancy. Further research is needed to determine whether the finding, the absence of educator voice in education policy decisions in state governments, is a generalizable finding to other education legislation in Texas, and education legislation in other states.

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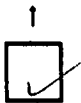
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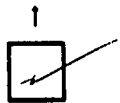


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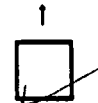


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