The New Segregation: An Analysis of Current Contexts of Inclusive Education

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Abstract

The decision handed down by the Supreme Court in Brown v. Board of Education was not only a legal victory for African Americans in the United States, but all groups who were forced into exclusionary environments. In the shadows of Brown, advocates began seeking reforms that would allow students with disabilities to receive their education alongside their non-disabled peers based on legal concepts like least restrictive environment (LRE) and mandates outlined in political policies such as the Individuals with Disabilities Education Act (IDEA) and No Child Left Behind (NCLB), which set in motion the idea of inclusion within the general education classroom. However, many argue that inclusion has not eliminated the existence of segregation in the classroom. In fact, some current practices are considered to be separation tactics in disguise, imposing on the rights of children with disabilities to fully accessing the general education curriculum through homogeneous grouping and tracking.

Key words: disability, general education, inclusion, segregation, special education

History of Special Education

The *Education for All Handicapped Children Act of 1975* stated that children with disabilities were to be educated in their least restrictive environment (*LRE*). Later, the *Individuals with Disabilities Education Act of 1997* (*IDEA*) was authorized to ensure that students with disabilities have equitable access to the general education curriculum .Using similar language, *No Child Left Behind* (*NCLB*) mandates the similar provisions, "to ensure that all children have a fair, equal, and significant opportunity to obtain a high quality education and reach or exceed minimum proficiency on challenging state academic achievement standards and state academic achievement assessments(Elementary and Secondary Education Act, 1975).

While the *Brown v. Board of Education* case is viewed largely as a case for racial equity, it was also a stepping stone for championing civil rights for people with disabilities. The Sixth Circuit court in *Roncker v. Walters* (1983) decided that a student with mental retardation would be appropriately served in a special education setting at the regular public school rather receiving his education at a school exclusively for handicapped children. Six years later, the *Daniel R.R. v. State Board of Education El Paso Independent School District* case found the courts revisiting the *Roncker* case in an effort to determine the appropriateness of least restrictive environment in reference to the principles of inclusion. Using a two-question test instead of the feasibility test introduced in *Roncker*, the 5th Circuit Court determined that *Daniel R.R.* could not receive the most appropriate services in the regular education environment and felt that he was more appropriately placed in a special education setting that would be more conducive to his academic needs. With the two-question test, the Court relied heavily on the provisions of LRE in determining if the child could be supported effectively in the general education classroom and if the general education classroom was even the most appropriate environment for him to

according to the evidence presented. This two-prong test was s deviation from the test that the court used in *Roncker* to measure the feasibility of students receiving their instruction in the general education setting. The language of the test states:

1. Can education in the general education setting be achieved with the use of supplemental supports and services?

2. Has the student with a disability been included in the general education population to the maximize extent possible?

Both tests are used a references when courts decide cases in which inclusion is being considered as an educational option. Similar cases that have matriculated through the court system dealing with inclusion include *Oberti v. Board of Education of the Borough of Clementon School District* (1993) and *Sacramento City Unified School District v. Holland* (1994).

Segregation

Kunjufu (2005) concluded that special education was the new form of segregation. Ringer & Kerr (1988) called integration an issue that is more about civil rights than education and deemed segregation illegal regardless of a school district's views on integration. Children have a higher probability of being referred and placed in special education based on race and gender than any other factors. Of course, this is not to suggest that teachers refer students because of these factors, but research has provided evidence to support the overrepresentation of certain minority groups (subcategorized by gender) to make this more than just an issue of coincidence. Special education by design does carry the possibility of students being self-contained or enrolled in lower-tracked courses based on psychological assessments, state and

federal assessments, and teacher recommendations. No other special programs (i.e. academically gifted, advanced placements, honors, etc.) carry this distinction.

Even when external variables like race and gender are excluded from consideration, there remains the notion that students with disabilities are less likely to be placed in challenging courses or able to escape the confinement of remedial education. While no longer forced to receive their education in school basements or detached trailers away from their peers, they are still confined to settings that stigmatize them whether intentionally or otherwise. Though efforts have been made to decrease the overall impact of special education by infusing terms such as differentiation and diversifying instruction into the curriculum, educators still grapple with the challenge of creating instruction that meets the needs of all learners.

The Joplin Plan. Joplin's theory involving placing students in heterogeneous groups for their core academic instruction, then regrouping them for specialized reading instruction based in their grade-level reading lexiles. Using this philosophy it was possible to have multi-leveled reading groups depending on the reading ability of each student. A typical fifth grade class (for example) could be divided into several groups depending on whether students were reading at on fifth grade, fourth grade, third grade and so forth. Hollifield (1987) pointed to strong evidentiary support that Joplin's Plan increased reading achievement; however, Slavin (1987) disagreed, stating that there was no evidence to support students being assigned to self-contained classes based on performance ability (Slavin, 1987). Furthermore, as thoughts on the subject evolved, ability grouping became synonymous with tracking, a now highly debated approach that had students assessed based on achievement or intelligence , then placed into classes (Tieso, 2003) according to their assessment results (i.e. low level or special education)

The argument in favor of ability grouping is that it allows teachers to challenge high-achievers, while providing remediation, repetition and review for low-achievers. Proponents of ability grouping claim that in mixed ability classrooms teachers have to teach to the average level, which bores the high-achievers and is too fast paced for the low achievers, thereby creating an ineffective educational environment for most of the children in the class.

The arguments against ability grouping usually focus on its negative impact on low-achievers, who, when separated from their high-achieving peers, suffer the double blow of losing the positive example of their peers and suffering lowered-expectations from their teachers. In addition, some researchers believe that low-achieving groups are likely to receive lower quality instruction than high-achieving groups, further increasing the achievement gap. This meta-analysis examines not only whether ability grouping is effective, but also whether students benefit more or less from ability grouping depending on the academic subject it is used in, or the type of ability grouping plan being implemented.

Slavin concludes that educators should determine which methods are best suited for their students. Tieso (2003) posits that the biggest problem with research on ability grouping is that is antiquated. Today, ability grouping continues to be met with some resistance. Moreover, there have not been any considerable inquiries into this educational model in 25 years. Even in 1964 Carson and Thomson reported that many schools that used the Joplin Plan registered above-average results, but there was no real evidence to back those claims. Critics of ability grouping liken it to tracking, in which students are placed into groups based on their performance ability, which usually results in higher levels of minorities and children with IEP's in lower level classes where expectations for achievement are equally low.

Disproportionality

A report published by the U.S. Department of Education documented the an inexplicable lack of equality that exists in education for African Americans, minorities, and students with disabilities (Hefling, 2014). Minorities, particularly African Americans and Hispanics, are overwhelmingly more likely to be placed in special education classroom than any other racial groups. When gender is taken into consideration, males associated with these two groups are twice as likely to be referred and/or placed in special education programs as compared to their Caucasian peers. There have been numerous studies (Artiles, Klingner & Tate, 2006; Artiles & Trent, 1994; Kunjufu, 1987, 2005; Obi & Obiabor, 2001; Ogbu, 1994; Reschly, 1997; Skiba, Poloni-Staudinger, Simmons, Feggins-Azziz & Chung, 2005) documenting the overrepresentation of African American males in special education; however, there has not been as much focus placed on the growing number of Hispanic males who are being referred for services

Mainstreaming

Florida State University (2002) defined mainstreaming as "attempts to move students from special education classrooms to regular education classrooms only in situations where they are able to keep up with their typically developing peers without specially designed instruction or support" (para, 4). Mainstreaming, unlike inclusion, calls for an elimination of the self-contained and resource environments (Vandergriff, 2002) associated with special education. School districts adopting the mainstream ideology were met with the challenge of creating a cohesive environment that did not promote "a counterproductive system of separate-but-equal" (FAQ, 2014, para. 6).

Inclusion Theory

Public schools are adopting inclusion models to educate students with disabilities within the general education setting (Lipsky & Gartner, 1996). However, it should be noted that inclusion is not the same as mainstreaming (Florida State University, 2002), although both models share some similarities. In recent years, inclusion has become more widely promoted in an effort to allow students with disabilities access to the general education curriculum for as much of the school day as possible (Mastropieri & Scruggs, 2001). Inclusion with their peers gives students with disabilities as greater sense of belonging and lessens the isolation and stigma that is often associated with more restrictive settings. When one walks into an inclusive classroom, there should be little that differentiates students with and without disabilities.

The mere act of placing children with disabilities in regular classroom settings does not make it inclusion. One of the concerns of inclusion is that while students with disabilities have greater access to the general education curriculum, there are circumstances in which these students are continuing to be isolated within the regular education classroom. Looking back at Joplin's Plan and the concept of tracking based on ability, there are some schools who continue to place students in cohorts according to their achievement levels. This means that although a low-performing student with a disability may not be in a resource classroom, he will likely be placed with other low-performing children in classes that do not challenge him to achieve beyond his current state of being and have no recourse to ever get out of low-performing classes because of the stigma of being labeled. Advocates for inclusion have called on more heterogeneous grouping of students in an effort to raise the bar for typically low performing students to raise above low expectations.

Current Practices

Today's classroom is an environment of constant change. Modern-day special education has distanced itself from the negative connotations that once were its backbone to become a more child-friendly approach to education, spearheaded by ideas such as mainstreaming and inclusion. Several models have developed that allow students with disabilities to remain a part of the general education classroom as warranted by their individualized education plans (IEP) least restrictive environment (LRE) statement. The two most notable paradigms, co-teaching and collaborative teaching have become the epitome of inclusive education to date.

Co-Teaching. Friend & Cook (2007) and Murawski (2008) figuratively used marriage as a way to describe the co-teaching partnership between a general education and special education teacher. Co-teaching is an instructional approach in which a general education teacher and a special education teacher are mutually responsible for the academic outcomes of all students in a single classroom (Hanover Research, 2002). Because of the push for mainstreaming and inclusion, experts in special education provisions and practices were integrated into regular education classrooms in order to provide services for students with disabilities (Pappamihiel, 2012). While there empirical research into co-teaching has been limited to date (Friend & Reising, 1993; Noonan, McCormick & Heck, 2003), there are positive implications through practice of its effectives in the instruction of children with and without disabilities.

Collaborative Teaching. Sometimes used interchangeably with the concepts of inclusion and co-teaching, collaborative teaching allows for a more unified approach while teachers from multiple disciplines work together to bridge the learning process. Collaborative teaching encourages a more systematic approach to the instructional process, giving students more flexible options to content-based learning. Explicitly, the collaborative approach is probably the

most inclusive of all practices because it does not focus on any core group of students but, rather, differentiates instruction for all students based on need and .

Discussion

Because of a dual system that operates in public education that separates special education from regular education, there are often negative misconceptions associated with students with disabilities (Choate, 2004). Even with mainstreaming and inclusion, students are largely at risk of being isolated within the context of the classroom based on ability. Educators who argue for ability-based grouping say that it allows them to concentrate on student weaknesses that would not be possible otherwise. Those who argue against ability-based grouping point to the similarities between such grouping and the foundations of segregation, which kept children separated based on their belonging to a certain class of people not different than the separation of children before the 1960s in schools based on race.

Despite the extensive (which is an understatement) research into the field of education, there are still lingering questions that remain. Educators are at a loss as to exactly how they are to provide instruction for all children in their classes given the limited time and resources available. Moreover, there are still large clusters of educators who believe that children with disabilities are misplaced in regular education classrooms because of their inability to keep pace with instruction and their need for additional support. Most inclusion classes are usually held during language arts and mathematics, which means that other core areas do not allot service delivery time for special education services. This would likely mean that a child who has a deficit in reading comprehension would struggle to read for understanding in subjects such as social studies and science, where reading is a critical part of the curriculum.

Recommendations for further research are opined to be unnecessary as the field of education is already saturated with studies related to disability education. However, it is suggested that more professional development, pre-service orientation and close scrutiny be engaged to decrease the prevalence of exclusionary practices. School districts are legally and ethically required to make sure that their special education practices align with the intentions of state and federal mandates, which are often left to interpretation.

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