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CRITICAL ISSUES IN SPECIAL EDUCATION

Access, Diversity, and Accountability

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PUBLIC POLICY

From Access to Accountability in Special Education

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In twenty-first-century America, access to education for every child on an equal basis is national policy. Everyone can learn, and no one should be denied the opportunity for an education because of race, cultural background, socioeconomic status, physical disability, or mental limitation. In today's schools, we teach every student. Such was not the case, however, a mere three decades ago. In fact, for more than two centuries, education policy in many states was exclusive, rejecting significant numbers of students with learning, physical, and behavioral differences. Historically, the implied purpose of education was to teach only those students who had the greatest potential to learn—the most academically capable. A school's program did not have to be altered in order to fit the unique needs or capabilities of a given child. On the contrary, the child had to fit into the existing program or face exclusion from public education. At the national level, many policy makers held the view that the U.S. Constitution was clear on the federal role: Education is the sole responsibility of the states. As such, federal policy remained silent while many states openly excluded children with disabilities from public schools until well into the twentieth century.

The evolution, or as some would say the revolution, of inclusive education policy is a recent phenomenon rooted in the Fourteenth Amendment to the U.S. Constitution and manifested through the civil rights movement of the 1950s and 1960s. For students with disabilities, the revolution reached its pinnacle in 1975 with the passage of the Education for All Handicapped Children Act (20 U.S.C. §1400 *et seq.*), renamed the Individuals with Disabilities Education Act (IDEA) in 1990. For the past thirty years, the policy debate has evolved from "whether students with disabilities should receive special education" to issues of "what constitutes a free and appropriate public education," and "how should it be implemented."

In this chapter, we examine the evolution of public policy from two perspectives: (1) affirming the right of every student with a disability to access a free and appropriate education, and (2) moving from access to improving results and ensuring accountability for student learning. In the first section, the emerging role of federal policy that eventually led to the passage of IDEA is examined in the context of its revolutionary impact at the state and local levels. IDEA is the only federal education statute in history that mandates from a state agency to the classroom teacher a specific process that must be followed in order to ensure students receive an appropriate educational experience. The evolution of special education practice in the United States has to a large extent been framed by the requirements of IDEA.

The second half of the chapter focuses on the "second policy revolution" in special education: moving beyond access to improving results and establishing accountability for students with disabilities within the general education system. Prior to 1997, the policy debates concerning the efficacy of public education did not involve special education to any great extent. Special education's relationship to and purpose within general education were ill-defined because of its existence as a separate system that only intermittently interacted with its larger counterpart. This changed with the passage of the 1997 amendments to IDEA (referred to as IDEA '97). These amendments represented a considerable overhaul in the dual system of public education, envisioning a merger of the two systems to an extent never before attempted. Among other changes, IDEA '97 requires that every individualized education plan (IEP) must state how the student is to be involved and make progress in the general curriculum as well as meet each of the child's other educational needs that result from the disability. The law mandates that most students with disabilities must participate in state- or districtwide assessments of student achievement and what, if any, modifications in the administration of these assessments are necessary to ensure participation. Furthermore, if it is determined that a student is unable to participate in the state or district's assessment of achievement, there must be a statement of why that assessment is inappropriate and how the student will be assessed (an alternate assessment system). To ensure that the IEP team is knowledgeable from a general education perspective, IDEA '97 requires that a general education teacher participate as a member of the student's team.

PUBLIC POLICY AND ACCESS TO A FREE AND APPROPRIATE EDUCATION

For most of the twentieth century, public education for students with disabilities was either nonexistent or consisted of programs that placed students in segregated classrooms or separate schools. It was not until the civil rights movement of the 1950s that education was reaffirmed as a right and not a privilege by the U.S. Supreme Court's landmark decision in *Brown v. Board of Education* (1954). The Court ruled that education must be made available to everyone on an equal basis. Although advocates for children with disabilities saw the Court's decision to strike down segregation on the basis of race as a clear precedent for ending the exclusion of students with disabilities from public schools, it would be another twenty-five years before the federal courts would confront the issue head-on. Most states continued to exclude students with disabilities well into the 1960s. For example, North Carolina allowed school districts to define certain children as "uneducable," and parents could be prosecuted if they challenged such a decision. It was not until 1971 that the Pennsylvania Association for Retarded Children filed and won a class action suit charging that the Pennsylvania schools

should be required to accommodate children who were intellectually different (*Pennsylvania Association for Retarded Children v. Commonwealth*). *Mills v. Board of Education of the District of Columbia* (1972) expanded the court's decision in Pennsylvania and ordered the District of Columbia schools to provide public education to every school-age child with a disability. By 1975, the right to education for students with disabilities had become a national public policy issue. It was estimated that at least half of the school-age children with disabilities in the United States were not receiving an appropriate education, and 25 percent were being totally excluded from school.

Given the litigation in various states and the fact that students with disabilities were being denied access to education, Congress saw the need to pass the Education for All Handicapped Children Act mandating that public education be made available to students with disabilities between the ages of six and twenty-one. The age level was extended down to three years with the passage of the Education of the Handicapped Amendments of 1986. The basic tenets of IDEA addressed in this chapter are (1) eligibility based on an identified disability, (2) access to a free and appropriate public education, (3) an individualized education program, and (4) access to a continuum of placements consistent with individual need (referred to as the "least restrictive environment").

Eligibility and Labeling

A student is eligible to receive specialized services under IDEA if two conditions are met. First, the child must be identified as having one of the thirteen disability conditions identified in federal law or in a state's special education law. Second, the special education and related services are an essential component of a student's receiving an appropriate education.

Future Issues. Should federal policy continue to support the use of disability labels in determining eligibility for special education and related services? No other process polarizes professionals and parents more than the federal requirement to label students by disability condition before appropriate services can be delivered. While IDEA '97 gave states the option to eliminate disability categories up to age nine, labeling continues to drive eligibility for special education throughout the United States. Proponents of labeling argue that from a policy perspective it is not in the best interests of students with disabilities to end the practice (Fuchs & Fuchs, 1991; Kauffman, 1991; Walker & Bullis, 1991). Parents want political visibility for their own children, fearing that any attempt to eliminate disability categories from the law would result in a loss of services. Continued categorization is necessary to ensure that all eligible students receive special education. The elimination of disability categories under IDEA would allow school districts to take the limited resources available and focus on students perceived to be the easiest and least costly to serve.

Opponents of labeling argue that labeling by disability category is detrimental to the concept of individualization (e.g., Reynolds, 1991; Ysseldyke, Algozzine, & Thurlow, 1992). Disability categories fail to define clearly or to differentiate adequately the needs of students with disabilities. Labeling is considered a demeaning process that causes stigma and leads to discrimination, isolation, and neglect of students with disabilities (Kliewer & Biklen, 1996; Reynolds, 1991).

Looking beyond IDEA, it is evident that public policy at the federal level has been moving away from the use of disability categories. For example, the Americans with Disabilities Act (ADA) uses a generic definition of disability first defined in §504 of the Vocational Reha-

bilitation Act of 1973 (29 U.S.C. §794 *et seq.*). This definition describes disability as physical or mental impairment that substantially limits one or more life activities. ADA shifts the emphasis away from characteristics by disability condition to the functional needs and abilities of the individual. In contrast, some analysts view IDEA as paradoxical and internally inconsistent with regard to labeling. Research suggests that although labeling is used to establish eligibility for special education services by determining disability classification, no clear relationship may exist between a label and the instructional needs of a given student. Furthermore, some researchers argue that the assessments used to establish eligibility by disability category (1) have little or no relevance to the planning and delivery of instruction and (2) result in the disproportionate representation of children from ethnically and culturally diverse backgrounds in special education programs (Gottlieb, Alter, & Gottlieb, 1991; MacMillan & Hendrick, 1993; National Research Council, 1997; Welch & Sheridan, 1995).

Free and Appropriate Public Education

IDEA is based on the value that every child is entitled to a free and appropriate public education (FAPE) consistent with individual ability and need. The provisions of IDEA related to FAPE are based on the Fourteenth Amendment to the U.S. Constitution, which guarantees equal protection under the law. No student with a disability can be excluded from a public education because of a disability (the zero-reject principle).

Future Issues. Should federal policy further refine the definition of a free and appropriate education? Over the past two decades, federal courts have repeatedly had to interpret congressional intent regarding the FAPE provision of IDEA. The U.S. Supreme Court in *Hendrick Hudson District Board of Education v. Rowley* (1982) stated that an appropriate education consists of "specially designed instruction" and related services that are "individually designed to provide educational benefit" (458 U.S. 176, at 201), frequently referred to as the "some educational benefit" standard. Unless a state's own laws establish otherwise, a state need not provide an ideal education for all students with disabilities but merely a beneficial one. In adopting a "some educational benefit" standard, the Court examined the legislative history of IDEA and concluded that meaningful access to public education was the basic purpose of the statute. In so doing, it rejected such purposes as self-sufficiency and maximization of potential.

After the *Rowley* decision, political pundits wondered what would guide the courts in deciding how much "educational benefit" was enough to provide "meaningful" access. A number of lower court decisions over the last decade have probed this issue. Most have adopted a "meaningful progress" standard as the measure of benefit (see Huefner, 1991). In other words, trivial progress toward educational goals is not sufficient. Although the concept of meaningful progress expands on the concept of educational benefit, it too requires some way to measure progress or benefit. It also requires a judgment as to whether the measured progress is substantial enough to be meaningful to the student.

Although it can be argued that access to a free public education for students with disabilities has been achieved as we begin the twenty-first century, the issue of what defines "an appropriate education" remains at issue. Some would argue that the term *appropriate education* remains extremely broad, difficult to substantiate, and provides little guidance to school districts attempting to assess the efficacy of a special education program for each student. Should appropriate be defined by how well students acquire basic skills within the limited

context of the classroom? Or, should it be defined by how well students are prepared to contribute over the long term to the economic and social well-being of the community in which they live? If the latter, then shouldn't states and school districts be required to track the postschool outcomes for students with disabilities in order to determine whether special education has had a meaningful impact on a person's quality of life?

Others disagree with the above premise, arguing that a free and appropriate education is defined by "academic progress." Laski (1997) suggests that "a student with a disability is entitled to an education that yields real benefits. . . . Although no court has established any one standard for all students with disabilities, there are standards that require a measure of 'academic progress'" (p. 79). Florian and Pullin (2000) indicate, however, that academic progress alone does not signify the provision of FAPE. Based on court decisions and federal regulations following the *Rowley* case, these authors suggest that the definition of appropriate education under IDEA has broad meaning and that it includes the services necessary for a student to attain "desired outcomes, as well as any programming needed to address their supplemental individualized needs" (p. 20). To take this argument one step further, IDEA '97 suggests that academic progress is defined within the framework of the general education curriculum:

- Do the IEP goals enable a student to be involved and make progress in the general curriculum?

- Will this push for more and more students to access the general education curriculum as a component of FAPE create even more questions for the future?

- Is the curriculum broad enough to meet the diverse needs and functioning levels of students with disabilities?

- Will participation of students with disabilities in the general education curriculum result in higher academic achievement?

- Are the knowledge and skills learned in the general education curriculum the same ones that are necessary for the successful transition out of school and into adult life? (McLaughlin & Tilstone, 2000)

IDEA '97 and its provisions for students with disabilities to access the general education curriculum will be discussed in more detail later.

An Individualized Education Plan

The vehicle for delivering a free and appropriate public education to every eligible student with a disability is the IEP. The IEP provides an opportunity for parents and professionals to join together in developing and delivering specially designed instruction to meet a student's needs. The intended result of the IEP process is to ensure continuity from day to day and year to year in the delivery of educational services. The IEP also promotes effective communication between school personnel and the student's family. IDEA '97 mandates that a student's IEP must include the following elements:

- A statement of the child's present levels of educational performance, including how the child's disability affects involvement and progress in the general curriculum. For preschool children the statement must describe how the disability affects the child's nar-

- A statement of measurable annual goals, including benchmarks or short-term objectives related to meeting the child's needs that result from the disability. The annual goals should enable the child to be involved and make progress in the general curriculum and meet each of the child's other educational needs that result from the disability.

- A statement of the special education and related services and supplementary aids or services to be provided to, or on behalf of, the child.

- A statement of any individual modifications in the administration of state- or district-wide assessments of student achievement that are needed in order for the child to participate in such assessment. If the IEP team determines that the child will not participate in a particular state- or districtwide assessment of student achievement (or part of such an assessment), the team must state why that assessment is not appropriate for the child and how the child will be assessed.

- The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.

- A statement of how the child's progress toward the annual goals will be measured and how the child's parents will be regularly informed (such as by periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of their child's progress toward the annual goals (IDEA 1997, 20 U.S.C. §1400 *et seq.*).

Future Issues. Should the IEP be altered in federal policy to ensure its effectiveness both as an instructional planning document and accountability tool? The intent of the IEP as defined in IDEA is to facilitate effective instructional planning. However, many professionals and parents seem to agree that the IEP has become mechanistic, concerned more with procedure than results (Laski, 1997; McLaughlin, 1998; National Council on Disability, 1995; Smith, 1990). Some practitioners consider the IEP a detriment to appropriate programming and perceive it as a paperwork monster (Kozleski, Mainzer, & Deshler, 2000). Giangreco, Cloninger, and Iverson (1994) reported that IEPs are generally vague, consisting of broad goal statements that are inconsistent with the instructional demands of classroom settings. Additionally, IEP goals and objectives are discipline-referenced—meaning that they are based on or linked with values or professional agendas associated with the specific discipline of team members (e.g., psychology, social work, speech and language, occupational therapy). Consequently, many of the goals are for staff rather than students. Elliott and Sheridan (1992) identified a number of other problems regarding the overall effectiveness of IEP teams. IEP meetings are characterized by disproportionate participation and input. School psychologists and special educators tend to make the most contributions, while classroom teachers and parents contribute very little.

Although many in the field agree that the IEP has its problems, there is less consensus regarding what should be done about it. One position is to eliminate the IEP altogether because it has failed to meet its original intent as either an effective planning document or accountability tool. Meyer (1997) agrees with the need to eliminate current IEP requirements for students with disabilities but advocates for some broader criteria directed at the needs of all students. She recommends that future education policy require that every child, with and without disabilities, have an IEP “consisting of a statement of student support needs to access valued curricular outcomes” (p. 82).

The above positions are somewhat tempered by the view that while the IEP has its

general curriculum in federal policy. She further suggests that while the IEP has become a powerful monitoring device for adherence to specific legal procedures and timelines, it must become much more of an accountability tool focusing on broad plans and student outcomes rather than small, discreet objectives.

Another viewpoint suggests that there is less need for policy changes to fix the IEP and more need for adherence to current provisions in IDEA. Laski (1997) argues that the problems with the IEP do not lie in current policy but in the fact that professionals have "ignored and trivialized important legal requirements [within IDEA]" (p. 77). His view is backed by the National Council on Disability (NCD) in its 1995 study on improving the implementation of IDEA. The NCD suggests that the problems with the IEP lie in the failure of states and the federal government to comply with IDEA provisions. The agency makes several recommendations:

- Establish a renewed emphasis on the most basic purposes of the IEP to ensure that every student receiving special education is provided with an individualized package of supports and services designed to maximize educational achievement.

- Monitor state and local school district progress in improving the quality of IEPs. The monitoring should include developing new approaches, such as sampling parent and student satisfaction and eliciting input from teachers and other educators about ways to improve IEPs.

- Provide greater flexibility on the amount of specificity required in parts of the IEP, such as day-to-day instruction and the delivery of related services. Such flexibility will lead to greater satisfaction by parents and students and will reduce burdensome paper work.

A Continuum of Placements (Education in the Least Restrictive Environment)

All students have the right to learn in an environment consistent with their academic, social, and physical needs. IDEA states that to the maximum extent appropriate, students with disabilities are to be educated with students who are not disabled. Removal of a child from the regular education environment is to occur only when the nature and severity of the child's disability are such that education in regular classes with supplementary aids or services cannot be achieved satisfactorily (34 C.F.R. §300.550(b)). Federal regulations require a "continuum of alternative placements" that school districts must provide if the child cannot be satisfactorily educated in regular classes. However, whenever possible students should be educated in or close to the school they would attend if not disabled (see 34 C.F.R. §300.552(a)(3) and §330.552(c)).

Future Issues. Should the continuum of placements be eliminated in federal regulation? Placement data from the U.S. Department of Education (2000) suggests that 96 percent of students with disabilities between the ages of six and twenty-one receive their education in a general education school. Of these, 46 percent are removed from general education classes for less than 21 percent of the school day and 20 percent are removed for more than 60 percent of the school day (U.S. Department of Education, 2000). Analyses of U.S. Department of Education placement data over the past thirty years point out the significant variability in the proportion of students with disabilities served in various settings across states. For example,

Lipsky and Gartner (1996) examined data for the 1992–1993 school year and found that the placement rates of students with learning disabilities in general education classes ranged nationally from 2.37 percent in California to 93.59 percent in Vermont. For the 1997–1998 school year, the U.S. Department of Education (2000) reported that more than 9 percent of all students with disabilities between the ages of six and twenty-one in New York were served in separate schools, yet in Florida (another large state) less than 3 percent were served outside of the general education environment.

For some parents and professionals, these data raise serious questions about the validity of the continuum of placements. It is unlikely that such variability can be explained solely by differences in prevalence rates of students with disabilities. A number of analysts have suggested that such differences are more likely attributable to the philosophical orientation of school district administrators and to historical patterns of service delivery (Lipsky & Gartner, 1996; Sailor, Wilson, & Gerry, 1991; Snell, 1991).

While there is a consensus that students with disabilities will require differing types of services to meet their educational needs, there is significant disagreement about whether the range of services can only be delivered through a “continuum of alternative placements” (cf., Lieberman, 1996; Lipsky & Gartner, 1996). Criticism of the continuum concept began almost immediately after the enactment of IDEA in 1975 (Reynolds, 1978; Reynolds & Birch, 1977). Since that time, a number of analysts have criticized the concept for being too oriented to where services were provided rather than the level of services and supports that children need to succeed in the general education class (Lilly, 1986; Reynolds, 1991; Sailor, Gee, & Karasoff, 1993; Snell, 1991; Taylor, 1988; Wang, 1988).

Proponents in favor of maintaining the continuum argue that the research does not support the premise that full-time placement in a general education classroom is superior to special education classes for all students with disabilities (Baker & Zigmond, 1995; Dupre, 1997; Fox & Ysseldyke, 1997; Fuchs & Fuchs, 1991; Hocutt, 1996; Kauffman & Hallahan, 1997; Lieberman, 1996). Additionally, general education teachers have little expertise in assisting students with learning and behavioral difficulties and are already overburdened with large class sizes and inadequate support services. On the other hand, special educators have been specifically trained to individualize instruction, develop instructional strategies, and use proven techniques that facilitate learning for students with disabilities. This results in more specialized academic and social instruction in a pullout setting, where students can more effectively prepare to return to the general education classroom. Specialized pullout settings also allow for centralization of both human and material resources. Supporters of the continuum also contend that if practitioners and consumers don't believe special education is broken, why fix it. In general, both parents and professionals are quite satisfied with the special education continuum of placements (Guterman, 1995). In the study of inclusive education programs in four states, Morra (1994) found that inclusion programs were viewed by the schools as not being for everyone. School districts indicated that they were struggling with the difficult challenges of “(1) severely emotionally disturbed students who disrupt classrooms and (2) students with learning disabilities who may need a more highly focused, less distracting learning environment than that presented by the general education classroom” (p. 1).

The original intent of the continuum was to ensure that the IEP would be delivered in an environment consistent with the needs of each student. The question now is whether the continuum of alternative placements is the only viable means to ensure that student needs are met. While some argue that the continuum is a necessary element of public policy, others believe that placement and service delivery are erroneously perceived as synonymous.

MOVING FROM ACCESS TO IMPROVING RESULTS AND ENSURING ACCOUNTABILITY FOR STUDENT LEARNING

IDEA 1997 represents a considerable overhaul of federal policy with the primary intent of improving results for students with disabilities within the context of general education. In its findings on the history of IDEA, the 105th Congress noted that the implementation of IDEA has been impeded by low expectations and an insufficient focus on applying research on proven methods of teaching and learning for children with disabilities. "Over 20 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by having high expectations for such children and ensuring their access in the general curriculum to the maximum extent possible" (IDEA 1997, 20 U.S.C. §1400 *et seq.*). Implicit in IDEA 1997 was the concern that although students with disabilities now had access to education, mere access proved insufficient to generate the valued outcomes of employment, independence, and community involvement that were the spirit of the law. Among the substantive changes designed to improve results, Congress embedded into law two new tenets: (1) access, involvement, and progress in a challenging general education curriculum and (2) the need to make education accountable for student learning.

Access, Involvement, and Progress in the General Education Curriculum

Implicit in the requirement for access to the general curriculum is the belief that the only way students with disabilities can be as successful as their nondisabled peers is to ensure they have an opportunity to learn the same instructional content. To ensure compliance with this provision, a student's IEP must have a statement of measurable annual goals, including benchmarks or short-term objectives, that enable the child to be involved and progress in the general curriculum. Furthermore, the school district must ensure that the IEP team reviews each child's IEP periodically to address any lack of expected progress in the general curriculum (IDEA 1997, 20 U.S.C. §1400 *et seq.*).

Future Issues. *Will access to the general curriculum improve results for all students with disabilities?* Although federal policy makers appear convinced that the key to success for students with disabilities lies in their access to the general curriculum, the issue has engendered considerable and often heated debate in the field of special education.

Supporters of this provision argue that access to the general curriculum will enable students with disabilities to experience a wider variety of subjects at a deeper level. This would give students with disabilities exposure to high-order thinking skills such as problem solving, enable them to develop collaborative skills, and engender a sense of responsibility and self-esteem (McLaughlin & Tilstone, 2000). The provision also promotes more collaboration among special and general educators, requiring them to develop more challenging learner goals and raise expectations for students with disabilities (McLaughlin, Henderson, & Rhim, 1998). Eyer (1999) suggests that mandating access to the general curriculum will require a redefinition of FAPE. She suggests that the judicial interpretation of FAPE, as enunciated by the U.S. Supreme Court in *Rowley*, is no longer consistent with federal special education law. The relevant changes to IDEA '97 and the legislative history suggest that Congress, mindful of the poor results for students with disabilities and the rising costs of special education, saw an opportunity to endorse higher societal expectations for these students. The silence of IDEA '97 on the validity of *Rowley* suggests that the Court may need to revisit this issue. Failure to

do so may jeopardize congressional intent because the lower courts could continue to follow a standard of FAPE that rests on an outdated legislative agenda (Eyer, 1999).

Opponents of the IDEA '97 provisions raise several concerns. Some educators suggest that finding sufficient instructional time to assist those students with disabilities who struggle with the new subject matter would be difficult at best. In addition, some special educators voice the concern that access to the general curriculum may come at the cost of teaching critical functional and independent living skills. In a study by McLaughlin and Tilstone (2000), middle and high school teachers questioned the relevance of some academic subjects to students with disabilities (McLaughlin & Tilstone, 2000). Additionally, opponents point out that special educators have not played a major role at the state level in planning and implementing changes in the general curriculum. This puts them in the difficult position of having to teach a challenging curriculum that they have no control over.

Given the lack of concrete evidence that access to the general curriculum will indeed improve student results, the issue will undoubtedly remain controversial. As McLaughlin and Tilstone (2000) point out, "What is not yet evident, however, is whether such access will lead to sustained higher levels of achievement among students with disabilities and whether the skills gained through this curriculum are the ones that will prove necessary for successful transitions from school" (p. 62).

The debate sparked by IDEA '97 has prompted a renewed call for reform of the current dual system of education that purports to eliminate distinctions among students but in the view of some creates a caste-like system that treats some children differently, and arguably better, than others. At the heart of this argument is the belief that special education policy has served its purpose of obtaining access for students with disabilities and should be dismantled. The new focus for discourse should be on how best to educate all students, not just a few who manifest the required disability characteristics. The goal of the current educational reform movement is to make schools more effective for all students. However, the encroachment of a separate federally mandated special education system into general education schools may make such a goal more difficult to achieve. One possible scenario would be for the federal government to increase its substantive authority by becoming more vigorously involved in the broader context of education. Alternatively, the role of the federal government could be circumscribed, leaving the states to decide the provision and implementation of special education services.

The statutory call for access to the general curriculum has also raised the call for full federal funding of IDEA (Barnes, 2000; Eyer, 1999). It may prove expensive for some students, especially those with more intense instructional needs, to have access to the general curriculum. As such, the cost of special education will continue to increase. When IDEA first became law, federal funding of special education was to reach 40 percent of the national average per pupil expenditure. However, even at its height, federal funding has never reached more than 12 percent of the national average. Some analysts suggest that failing to fully fund IDEA will jeopardize the goal of increasing results for students with disabilities and compromise the needs of other students (Huefner, 2000; Traub, 1999).

The Supreme Court's decision in *Cedar Rapids Community School District v. Garret F.* has intensified this fear. The Court determined that Garret F. could gain access to an appropriate public education only if he received a constellation of related services that had to be provided by the school district at no cost to the parents. Even though the school district argued that the costs of the services were too burdensome and thus were exempt from the IDEA mandate, the Court was not convinced.

Given the IDEA '97 provision regarding access to the general curriculum, is there a need to redesign teacher education programs? Access to the general curriculum increases the expectation that general and special educators will collaborate in the delivery of instruction to a degree never before attempted. This will have important effects on the preservice preparation of every educator and has prompted calls for more integrated teacher preparation programs (Hardman, McDonnell, & Welch, 1998; Trubowitz & Longo, 1997).

Supporters of merged teacher preparation programs argue that neither special educators nor regular educators can respond adequately to the growing diversity in the schools (Pugach, 1996). If students with disabilities are to benefit from access to the general curriculum, then all educators need to have the skills necessary to adapt both curriculum and pedagogy and to deliver challenging subject matter. Evidence suggests that merged programs are successful in preparing teachers to teach all students (Ryan, Callaghan, Krajewski, & Flaherty, 1996). Spinelli (1998) argues that teacher preparation programs for all educators should include alternative instruction and assessment practices, emphasize best practices for all students, and provide training in collaboration skills.

Opponents of merged teacher preparation argue that such programs ignore the needs of some students with disabilities, especially those with low-incidence disabilities. For example, children with autism, visual impairments, hearing impairments, and those who are deaf/blind have needs that only a trained specialist can serve. Kauffman (1999) argues that the only way teachers can be trained appropriately in these skills is in separate programs. The move toward cross- or noncategorical training is prompted primarily by the desire to cut costs and a reluctance to admit that general education cannot educate some children appropriately in the mainstream.

A second issue concerns teachers' being expected to teach the new curriculum within the content areas. The emphasis on constructivist principles that emphasize student-directed learning does not fit comfortably with teachers who have internalized the traditional methods of teaching, such as through lecture, individual assignments, and board work (National Research Council, 1997). Supporters of separate teacher preparation argue that constructivist strategies do not work for all students and that their dominance in merged programs will mean that techniques such as direct instruction and individualization will be neglected (Kauffman, 1999).

Accountability for Student Learning

During the 1980s, education and policy literature began to reflect the view that if education were to be effective for all children there was a need for a systemic approach to reform. Such an effort must involve all levels of the education system rather than being top-down impositions or isolated pockets of local excellence. Florian and Pullin (2000) indicate that for many reformers, curriculum standards are at the core of comprehensive reform and are the only way to overcome a decentralized and fragmented education system. Many pundits view standards-based reform as a way to get into classrooms and marry the vitality of teacher-initiated change with the structure and stability available at the centralized level (National Research Council, 1997).

The rationale behind standards-based education is a belief that all students can learn at a high standard if instructed effectively. In addition, supporters believe that the only way of ensuring student learning is by establishing systemwide accountability. Congress clearly accepted this rationale for students with disabilities. A crucial component of the intent of IDEA '97 to improve results for students with disabilities is the requirement that they be included in state- and districtwide assessments, with required modifications and adaptations as necessary.

In addition, states and districts had to establish alternate assessments for students who are unable to participate in a state or district's testing program to ensure inclusion within the accountability system.

Future Issues. Is it in the best interests of students with disabilities to be included in district- and statewide assessments of achievement? Supporters argue that the inclusion of students with disabilities in standards-based reform is important for moral and practical reasons (National Research Council, 1997). The explicit link between IDEA '97 and the general curriculum is welcomed, as it demonstrates a willingness to accept that students with disabilities are part of the entire student body. If students with disabilities are placed within the sphere of the accountability mechanism, then schools are forced to be serious about educating them effectively. Thus, from a moral standpoint supporters see this requirement as a direct negation of prior public policy that excluded and devalued students with disabilities.

Another argument for including students with disabilities in systemwide accountability is one of equal opportunity in relation to nondisabled peers. If students with disabilities are to have an equal chance of achieving desired postschool outcomes, they must have access, as appropriate, to the same curriculum as nondisabled students. Expectations for students with disabilities have been low, resulting in lower achievement. Supporters believe that the inclusion of students with disabilities in all aspects of reform could be a potent vehicle for change (National Research Council, 1997).

Others disagree with the above rationale and argue that establishing content standards for students with disabilities at the state level is inconsistent with the concept of individualization and not in the best interests of students with disabilities or their nondisabled peers. Some educators fear that if all students are expected to reach the same standard, then the bar will be lowered to accommodate those with less ability. If the bar isn't lowered, then students with disabilities will routinely fail to meet the standard. However, as suggested by Rouse, Shriner, and Danielson (2000), if states accept differential standards between general parameters, who decides which students are expected to achieve what content?

Clearly, the concept of common standards for all has been met with ambivalence by some educators. McLaughlin et al. (1998) report that some teachers feel powerless because they believe it is not possible for all students to reach the required standards. These teachers suggest that the focus of including all students in system assessments should be on demonstrating progress rather than on absolute criteria. In addition, teachers indicated that there was a lack of clarity regarding which standards would need to be individualized and whether such individualization should apply to what students learned (the content) or just to performance.

Another important issue for students with disabilities who are included within the accountability system is high school graduation. The failure to graduate has serious repercussions in today's society, and students who continually fail to reach required standards will not get the high school diploma in a high-stakes testing system. An ostensible reason for ensuring student access to the general curriculum was the need to improve results. Ironically, it is possible that the requirement of high standards in the general curriculum may further compromise the graduation rate of some students with disabilities (Geenan & Ysseldyke, 1997).

Some special educators voice the concern that inclusion in statewide testing may damage the self-esteem of students with disabilities if they do not perform well. McLaughlin et al. (1998) reported that some teachers admitted that they would help their students to do well at the expense of providing a valid picture of the student's performance. These special educators expressed concern that valuable instruction time would be spent teaching content in academic

areas rather than concentrating on the acquisition of critical functional life skills. Others felt that they were being asked to choose between two values: inclusion or standards-based reform. They pointed out that to facilitate a student's mastery of academic skills they were forced to remove them from the general education class, thus compromising the inclusion of students with their same-aged peers.

Kauffman (1999) argues that it is unrealistic and potentially damaging to expect all students to cope with a common standard. While there is no denying the need to improve results in both general and special education, students with disabilities will never catch up with their nondisabled peers. It is also possible that if general education is able to improve student results, then students with disabilities will be even further behind.

How will student learning be assessed? Whether schools hold students with disabilities to the same standard or not, the issue of how to assess learning remains controversial. The most cost-effective method of assessing and comparing performance over many students is by use of standardized multiple-choice tests. However, research suggests that some of the accommodations required by students with disabilities may invalidate the test instrument. In addition, multiple-choice questions do not necessarily allow students to demonstrate the full depth of their knowledge (Rouse et al., 2000).

Although standardized achievement tests are the most common method of measuring performance, some states and districts have developed more authentic methods of assessment. (Madaus & Kellaghan, 1993). Authentic assessments of student learning include individual or group performance of a particular skill, portfolio presentations and projects, exhibitions, and demonstrations (Rouse et al., 2000).

However, evidence from the United Kingdom suggests that the effective use of authentic assessments has a long way to go (Madaus & Kellaghan, 1993). Madaus & Kellaghan pointed out that although the use of authentic testing may be appealing on an emotional level, at a practical and technical level there are many issues to be resolved. Authentic assessments are time consuming to create and monitor. Researchers raise questions as to the technical adequacy of comparing performance-based assessments over many students. Finally, although the careful training of scorers was essential, it was difficult to accomplish at a practical level (Rouse et al., 2000).

What is the purpose of assessing student learning? There are several purposes behind the call for assessment of student learning (Rouse et al., 2000). First, there is the demand that public education be accountable for student performance. Although system accountability has traditionally focused on nondisabled students, recent federal education reforms have adopted increasingly unified approaches. These culminated in the requirements of IDEA '97 that students with disabilities participate where appropriate in districtwide and statewide assessments and that schools publicly report their performance (Sebba, Thurlow, & Goertz, 2000).

Proponents of the inclusion of students in districtwide and statewide tests argue that if students know that their promotion to a higher grade level or their graduation depends on their attaining a particular standard, this will be an incentive to them to perform at a higher level. They point out that special education students have traditionally not been held accountable for the achievement of IEP goals, and this resulted in a lowering of individual expectations and failure to learn essential skills. As a corollary, special educators were not held accountable for the poor performance of their students and largely regarded the IEP as paper compliance rather than an accountability tool (Sebba et al., 2000). Including students in districtwide and statewide testing will force teachers to use the IEP as an accountability blueprint, altering goals and objectives as necessary to ensure student progress in the general curriculum.

Some educators, while accepting the premise that standards-based reform should apply to all students, express unease about the inclusion of test scores from students with disabilities and its impact on teacher accountability. McLaughlin et al. (1998) reported that teachers and principals were anxious about the consequences of publishing low scores. General educators felt particularly strongly about the possibility of teachers being blamed for the negative effects of publicly available scores that include scores for students with disabilities (Geenan & Ysseldyke, 1997; McLaughlin et al., 1998).

SUMMARY

Although few would disagree with the intent of IDEA '97 to improve the educational performance of students with disabilities, the means to achieve this goal remain controversial. There is little research that directly supports the assumption implicit in IDEA '97 that access to the general curriculum and inclusion in districtwide and statewide testing systems will improve student results. Clearly, there is an urgent need for investigations into the efficacy of the IDEA '97 reforms because public policy is outpacing research and practice by several years (Rouse et al., 2000). As the line between general and special education becomes increasingly blurred, there is a need to redefine and renegotiate the roles of all educators. What we do not know is whether special education can retain its individual identity and rights-based rationale and still fully participate in a reformed system that purports to afford all children an education that is both equitable and excellent.

QUESTIONS FOR FURTHER DISCUSSION

1. Should federal policy continue to support the use of disability labels in determining eligibility for special education and related services?
2. Should federal policy further refine the definition of free and appropriate public education?
3. Should the IEP be altered in federal policy to ensure its effectiveness as both an instructional planning document and an accountability tool?
4. Should the continuum of placements be eliminated in federal regulation?
5. Will access to the general curriculum improve results for all students with disabilities?
6. Given the IDEA provision regarding access to the general curriculum, is there a need to redesign teacher education programs?
7. Is it in the best interests of students with disabilities to be included in district- and statewide assessments of achievement?

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