

Teaching in Today's Inclusive Classrooms

Your Journey Begins

Part 1 Foundations for Educating All Learners



Learning Outcomes

After studying this chapter, you should be able to:

- 1-1 Identify the various types of learners in today's classrooms.
- 1-2 Describe placement options for educating students with special needs.
- 1-3 Explain the concept of universal design for learning (UDL).
- 1-4 Describe the role of the courts in special education.
- 1-5 Explain the effects of educational reform on students and teachers.

Looking at the Standards

INTASC The content of the chapter most closely aligns itself with the following standards:

Standard 1: Learner Development

The teacher understands how learners grow and develop, recognizing that patterns of learning and development vary individually within and across the

Standard 3: Learning Environments

The teacher works with others to create environments that support individual and collaborative learning.

cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences.

and that encourages positive social interaction, active engagement in learning, and self-motivation.

Special educators are to have knowledge of the following:



Standard 1: Learner Development and Individual Learning Differences

Beginning special education professionals understand how exceptionalities may interact with development and

Chapter Outline

- 1-1 Learners in Today's Classrooms
- Learners in Need of Special Services
- By the Numbers: A Quick Look
- 1-2 Placement Options for Educating Students with Special Needs
- A Cascade of Service Delivery Options
- Inclusionary Practices and Thinking
- 1-3 Introducing Universal Design for Learning

- 1-4 The Role of the Courts in Special Education
- Key Judicial Decisions
- 1-5 Educational Reform for Students and Teachers
- No Child Left Behind Act of 2001
- Common Core State Standards
- Individuals with Disabilities Education Improvement Act of 2004
- Civil Rights Legislation

Standard 2: Learning Environments

learning and use this knowledge to provide meaningful and challenging learning experiences for individuals with exceptionalities.

Beginning special education professionals create safe, inclusive, culturally responsive learning environments so that individuals with exceptionalities become active and effective learners and develop emotional well-being, positive social interactions, and self-determination.

Each and every one of us is a unique human being. Some of our differences are obvious—for example, the length and color of our hair or whether we are considered to be tall or short. These, and other features, contribute to making us distinct and interesting individuals. Some aspects of our individuality, however, are not easily recognizable; for instance, our ability to solve quadratic equations or throw a football in a perfect spiral. Of course, some characteristics are more important than others. Most people would attach greater significance to intellectual abilities than eye color. Luckily, recognition and appreciation of individual difference are cornerstones of contemporary society.

Most of us would consider ourselves to be normal or typical (however defined); yet, for millions of school-age children and adolescents, this label does not apply. They have been identified and/or perceived to be “different.” These differences might be the result of behavioral deficiencies, language differences, intellectual abilities, cultural heritage, or sensory impairments, along with a host of other possible reasons. This textbook is about these individuals who comprise today’s student population. Although many children are viewed as typical, some pupils may require a special education, others may be at risk for learning difficulties, and still others might be seen as gifted or talented. Our goal is to assist you in developing an understanding and an appreciation for all the learners you will encounter in your classroom.

Finally, as you begin to read and learn about the children and young adults enrolled in our schools, you will notice we have purposefully adopted a *people-first perspective* when talking about individuals with disabilities or other special needs. We have deliberately chosen to focus on the person, not the disability or impairment. Thus, instead of describing an adolescent as a “learning disabled student,” we say a “student with learning disabilities,” rather than an “at-risk learner,” we say a “learner who is at risk for success,” and, finally, rather than a “gifted child,” we say a “child who is gifted.” This writing style reflects



TEACHING ALL LEARNERS

Communicating About Individuals with Disabilities

As a teacher, you are in a unique position to help shape and mold the attitudes and opinions of your students, their parents, and your colleagues about individuals with disabilities. Please consider the following points when writing about or discussing people with disabilities:

- **Do not focus on a disability** unless it is crucial to a story. Avoid tear-jerking human interest stories about incurable diseases, congenital impairments, or severe injury. Focus instead on issues that affect the quality of life for those same individuals, such as accessible transportation, housing, affordable health care, employment opportunities, and discrimination.
- **Do not portray successful people with disabilities as superhuman.** Even though the public may admire superheroes, portraying people with disabilities as superstars raises false expectations that all people with disabilities should achieve at this level.
- **Do not sensationalize a disability** by saying "afflicted with," "crippled with," "suffers from," or "victim of." Instead, say "person who has multiple sclerosis" or "man who had polio."
- **Put people first,** not their disability. Say "a youngster with autism," "the teenager who is deaf," or "people with disabilities." This puts the focus on the individual, not his or her particular functional limitation.
- **Emphasize abilities,** not limitations. For example, say "uses a wheelchair/braces" or "walks with crutches," rather than "is confined to a wheelchair," "is wheelchair-bound," or "is crippled." Similarly, do not use emotional descriptors such as *unfortunate* or *pitiful*.

more than just a change in word order, it reflects an attitude and a belief in the value, dignity, and potential found within all of our students. The individuals described in this book are first and foremost people. As educators we need to focus on their assets and abilities—not their limitations or deficits. See the accompanying feature for additional ideas about using people-first language.

1-1 Learners in Today's Classrooms

If a teacher who retired in the early 1990s were to visit a classroom today, he or she would be truly astonished by the diversity of students. Our schools are a microcosm of the changing face of American society. A diverse population of learners is no longer the exception; today it is the norm. More than 100 languages are spoken in our schools, and it is not uncommon to find students with disabilities in general education classrooms or pupils whose cultural beliefs and practices vary significantly in important ways from mainstream American customs. One of the challenges confronting today's teachers and other professionals is how to meet the needs of a changing and expanding population of learners in the best way possible. We think this growing diversity is something to be valued and appreciated, an opportunity

Source: Adapted from *Guidelines: How to Write and Report About People with Disabilities*, 8th ed. (Research and Training Center on Independent Living, University of Kansas, Lawrence, 2013).

for students to respect and understand their classmates for their differences. Public education in the United States, in contrast to that in other nations, is an amazing system. It is purposely designed to provide educational opportunities to all youth. Yet this was not always the case. Exclusionary practices rather than inclusionary policies characterized public education in this country for many decades. Generally speaking, from a historical perspective, males from affluent families. Public schooling was usually unavailable to other children. Females, for instance, did not routinely attend school until the early 1900s. Furthermore, it was not until the second half of the nineteenth century and the early years of the twentieth century that classes for students with special needs began to appear in public schools (Gargiulo, 2015). Greater access to public education for youth viewed as "different" (the poor, those with disabilities, or non-English-speaking children) slowly came about because of the efforts of enlightened educational reformers, parental advocacy, and political activism coupled with litigation and federal legislation.

Teachers today are charged with providing effective instruction to a diverse population of learners who bring to the classroom a wide variety of cultures, languages, learning styles, and abilities as well as disabilities. This diversity heightens the need for inclusionary practices coupled with instructional strategies capable of meeting the compelling and oftentimes complex needs of the full range of students attending our schools (Council for Exceptional Children, 2005).

1-1a Learners in Need of Special Services

As we stated previously, diversity in our classrooms is the norm rather than the exception. Probably the largest group of diverse learners is **students with disabilities**. According to the Individuals with Disabilities Education Improvement Act of 2004 (PL 108-446), commonly called **IDEA 2004** (which is discussed later in this chapter), pupils with disabilities include individuals who exhibit:

intellectual disability, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities. (§ 602 (3) (A) (i))

We discuss individuals with these disabilities in greater detail in later chapters. Table 1.1 provides the federal definitions of these various disability categories.

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health impairments, or specific
learning disabilities.

TABLE 1.1 Federal Definitions of Disabilities

Category Definition

Autism	Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance as defined here.
Deafness	A child who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the criteria in the preceding paragraph are satisfied.
Deaf-blindness	Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.
	Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

(continued)

Federal Definitions of Disabilities (continued)

Category	Definition
Emotional disturbance	<p>i. The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:</p> <p>A. An inability to learn that cannot be explained by intellectual, sensory, or health factors</p> <p>B. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers</p> <p>C. Inappropriate types of behavior or feelings under normal circumstances</p> <p>D. A general pervasive mood of unhappiness or depression</p> <p>E. A tendency to develop physical symptoms or fears associated with personal or school problems</p> <p>ii. The term includes schizophrenia. The term does not apply to children who are socially maladjusted unless it is determined that they have an emotional disturbance.</p> <p>Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.</p> <p>Intellectual disability means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.</p> <p>Multiple disabilities means concomitant impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.</p> <p>Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (for example, clubfoot, absence of some member, etc.), impairments caused by disease (for example, polio, amputations, and fractures or burns that cause contractures).</p> <p>Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that:</p> <p>i. is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and</p> <p>ii. adversely affects a child's educational performance.</p> <p>Specific learning disability is defined as follows:</p> <p>i. General. The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.</p> <p>ii. Disorders not included. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.</p> <p>Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment that adversely affects a child's educational performance.</p> <p>Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as the following: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.</p> <p>Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.</p>

Of course, students with disabilities (in addition to their typical classmates) are not the only types of youth with special needs found in today's classrooms. Three other groups of learners (discussed in Chapter 6) are also common in inclusive classrooms—students who are gifted and talented; culturally and linguistically diverse individuals; and pupils who are at risk for future learning difficulties, school failure, and/or becoming a school dropout. Let us briefly examine each group:

- **Students who are gifted and talented.** Pupils who are gifted and talented are not considered to have a disability but are viewed as *exceptional* because of their overall intellectual abilities, creativity, leadership abilities, athleticism, and/or talents in the visual and performing arts (Clark, 2013). Even though learning problems are generally not an issue for these students, they do require specialized and effective instruction if their full potential and abilities are to be expressed. We should point out, however, that some of these students might have a disability such as a sensory impairment, attention deficit hyperactivity disorder (ADHD), or a learning disability. Interestingly, pupils who are gifted and talented are not included in federal special education legislation (review Table 1.1). Many states, however, have enacted legislation providing for the identification and education of children with special gifts and talents.

- **Students who are culturally and linguistically diverse.** This group of learners generally includes pupils whose values, attitudes, norms, folkways, traditions, and belief systems are in some ways different than those of mainstream American culture. These students may or may not speak English. Regrettably, in too many instances, culturally and linguistically diverse children are thought to be less capable than their classmates. As educators working in increasingly diverse schools, we must model respect for and sensitivity to the cultural and linguistic characteristics represented by our students and their families.
- **Students who are at risk.** Unfortunately, some students encounter life experiences that make them more likely than their classmates to encounter difficulties in school. Although these pupils are often ineligible for special education services, their success in school is often jeopardized by a variety of sociocultural factors. These problems, which are frequently interrelated, may include domestic violence, homelessness, exposure to drug and alcohol abuse, poverty, and child abuse, to mention only a few risk factors. It is important to note that exposure to these conditions does not automatically guarantee learning or behavioral problems in school, only that the probability of experiencing difficulties is heightened.

Many of the types of children we have just identified will primarily be educated in the general education classroom. This means that the general educator, often working in conjunction with other school personnel, must develop and implement instructional programs designed to meet the needs of a very heterogeneous group of learners. One of the purposes of this book is to help you successfully meet this challenge.

1-1b By the Numbers: A Quick Look

We have argued that the number of students with special needs in our classrooms is growing. Although statistics do not always paint a complete picture, the following information gives a hint of the changing demographics confronting educators and policy-makers alike.

- Almost 5.8 million students, ages 6–21, were receiving a special education during the 2011–2012 school year (U.S. Department of Education, 2014). These pupils represent approximately 12 percent of the public school enrollment in the United States (National Center for Education Statistics, 2013).

we expect

1-2 Placement Options for Educating Students with Special Needs

- Educators believe that approximately 3 to 5 percent of the school-age population is gifted or talented. Of course, the number of students identified as gifted or talented depends on the definition of giftedness used by each state (Davis, Rimm, & Siegel, 2011).
- By the year 2020, students of color are projected to comprise almost half of all school-age youth (Gollnick & Chinn, 2013).
- Approximately one in five residents, or approximately 21 percent of the U.S. population older than the age of 5, speaks a language other than English at home (ProQuest Statistical Abstract of the United States, 2014).
- Approximately 7 percent of young adults (ages 16–24) in the United States do not possess a high school diploma (National Center for Education Statistics, 2013).
- In 2012, more than 25 percent of children younger than the age of 5 lived in poverty (Children's Defense Fund, 2014).
- More than 670,000 children, or one youngster every 47 seconds, was abused or neglected in 2012 (Children's Defense Fund, 2014).

With such diversity evident in today's classrooms, where are students with special needs typically served? As you will soon see, this is not an easy question to answer. In fact, the response to this inquiry has evolved over several decades. Generally speaking, the majority of learners with special needs are being educated in general education classrooms; this includes pupils with special abilities as well as their classmates with disabilities, those children viewed as being at risk for success in school, and students who are culturally and linguistically diverse.

We have chosen to frame our discussion about where children with special needs are served around individuals receiving a special education. We adopted this tactic for two reasons. First, students with disabilities represent the largest population of learners with special needs. Second, it is because of the advocacy efforts, litigation, and legislation on behalf of students with disabilities that the right to be educated in what is commonly called the **least restrictive environment (LRE)** was secured (Photo 1.1). Educationally speaking, this usually means the general education classroom. It is because of these efforts that many other learners with special needs are now routinely educated in the general education classroom.

The issue of appropriate placement of children with disabilities has generated considerable controversy and debate. In fact, it frequently is a point of contention among educators. Federal legislation mandates that services be provided to students in the least restrictive setting. The idea of least restrictive environment is a relative concept rather than a particular educational setting. It must be determined individually for each pupil. The LRE is based on the student's educational needs, not his or her disability. We interpret the principle of LRE to mean that students with disabilities should be educated in the setting that most closely approximates the general education classroom and still meets the unique needs of the individual. For a growing number of students, this setting is the general education classroom. The concept of LRE calls for maximum opportunity for

least restrictive environment (LRE)
A legal term interpreted to mean that individuals with disabilities are to be educated in environments as close as possible to the general education classroom setting; a concept, not a place.



Robin Nelson/PhotoEdit

PHOTO 1.1 Federal legislation requires that pupils with disabilities be educated in the least restrictive environment.

meaningful involvement and participation with typical classmates. One of its inherent challenges is the required balancing of maximum integration with the delivery of an education appropriate to the unique needs of the student with disabilities. It is important to remember that the degree of involvement and participation is determined individually for each pupil. No one arrangement is appropriate for each and every child (Gargiulo, 2015).

1-2a Educational Placements

The federal government acknowledges that children with disabilities are unique learners, thus requiring educational placements that are appropriate to their individual needs. The U.S. Department of Education annually monitors the various settings in which pupils with disabilities receive a special education. Figure 1.1 illustrates the percentage of students in the various educational environments currently recognized by the federal government. (This figure excludes the extremely small number of students receiving a special education in correctional facilities or pupils placed in private schools by their parents.) A description of these educational settings can be found in Table 1.2.

1-2b A Cascade of Service Delivery Options

As we have just seen, the federal government recognizes that no one educational setting is appropriate for meeting the needs of all children with disabilities. Effective delivery of a special education requires an array or continuum of placement possibilities customized to the individual requirements of each pupil. The concept of a continuum of educational services has been part of the fabric of American special education for more than five decades.

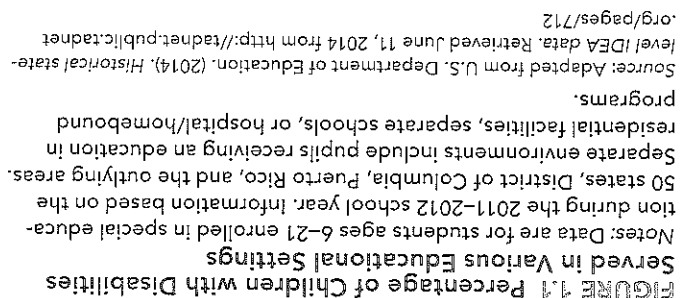


TABLE 1.2 Definitions of Typical Educational Settings Serving School-Age Students with Disabilities

Regular Class	Students who receive the majority of their education in a regular classroom and receive special education and related services outside the regular classroom for less than 21 percent of the school day. This placement option also includes individuals who are provided with specialized instruction or services within the regular classroom setting.
Resource Room	Students who receive special education and related services outside the regular classroom for at least 21 percent but less than 60 percent of the school day. Students are "pulled out" of the regular classroom and receive specialized instruction or services in a separate classroom for limited periods of time. Services may be individualized or offered in small groups. This is a common placement option for children with less severe disabilities.
Separate Class	Students who receive special education and related services outside the regular class for more than 60 percent of the school day. Commonly known as a self-contained classroom wherein pupils, usually those with more severe disabilities, receive full-time instruction or, in a modified version, participate in nonacademic aspects of school activities. Classroom is located in the regular school building.
Separate School	Students who receive special education and related services in a public or private separate day school for students with disabilities, at public expense, for more than 50 percent of the school day.
Residential Facility	Students who receive a special education in a public or private residential facility, at public expense, 24 hours per day.
Homebound/Hospital	Students placed in and receiving a special education in a hospital or homebound program.

Source: Adapted from U.S. Department of Education. (2000). *Twenty-second Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act* (Washington, DC: U.S. Government Printing Office), p. 11–14.

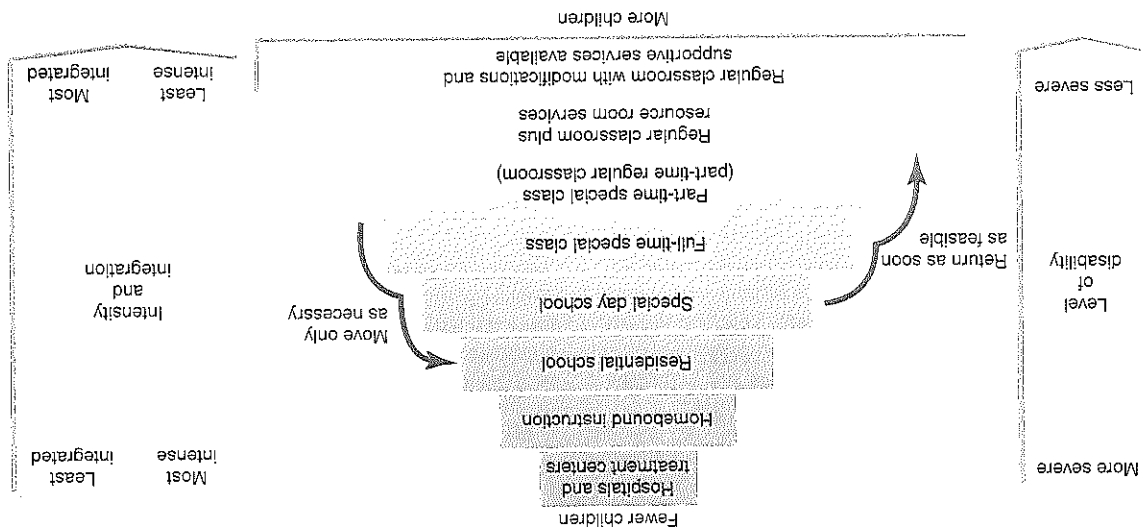


FIGURE 1.2 A Traditional View of Service Delivery Options

Source: Adapted from S. Graves, R. Gargiulo, and L. Sluder, *Young Children: An Introduction to Early Childhood Education* (St. Paul, MN: West, 1996), p. 398.

Reynolds (1962) originally described the concept of a range of placement options in 1962. His thinking was later elaborated on and expanded by Deno (1970), who constructed a model offering a "cascade" or continuum of settings. A traditional view of service delivery options, based on Deno's original thinking, is portrayed in Figure 1.2.

In this model, the general education classroom is viewed as the most normalized or typical setting; consequently, the greatest number of students are served in this environment. This placement is often considered the least restrictive option for many learners. Deviation from the general education classroom should occur only when it is educationally necessary for the pupil to receive an appropriate education. Each higher level depicted in Figure 1.2 represents a progressively more restrictive setting. Movement up the hierarchy generally leads to the delivery of more intensive services to children with more severe disabilities, who are fewer in number. However, intensive services and supports are now being provided in general education classrooms with increasing frequency. Environments at the upper levels are typically considered to be the most restrictive and least normalized.

As originally conceived by Deno (1970), the natural flow of this cascade of service delivery options would be in a downward movement from more restrictive settings to those viewed as least restrictive, such as the general education classroom with or without support services. Contemporary thinking, however, suggests that pupils should begin in the general education classroom and ascend the model, reaching a level that meets their unique needs. A key feature of this model, too often overlooked, is that a particular placement is only temporary; flexibility or freedom of movement is what makes this model work. The settings must be envisioned as fluid rather than rigid. As the needs of the pupil change, so should the environment; this is why there is an array of service delivery possibilities.

1-2c Inclusionary Practices and Thinking

In many instances, the general education classroom is becoming the placement of choice for a growing number of learners with special needs. A diverse learning community is no longer the exception but rather the norm. One result of the changing face or composition

① transition from "learning" to being in general.
② temporary seen as fluid.

TEACHER VOICES



If I am fearful about anything in today's classrooms, it is how teachers are apprehensive when they learn that a student with special needs is assigned to their class. When teacher performance is evaluated by one single set of test scores at the end of the year, they may become fearful about achieving/maintaining their career status. Although my students with special needs all show progress, many are unable to pass an end-of-grade test in a subject that may be several grade levels above their working levels.

An inclusive learning community requires that general education teachers, special educators, and related service professionals work collaboratively. It is also vitally important that parents are meaningfully involved. Without these supports, the teacher's task can be overwhelming. Inclusive teaching is a "family affair." One single person cannot realistically do it all. School leadership is also key in making this happen as effectively as possible.

While assessment data are important, I am more concerned with my students being successful in life. A numerical score on a standardized test is not what it's all about. I measure my students' progress by equipping them with the attitudes, skills, and tools they need for success in school as well as for life. When a student or parent comes back and thanks me for helping him/her reach his/her goals, I know I did a good job. This is why I teach.

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Third Grade Teacher
2014 Pitt County Schools Teacher of the Year
Greenville, North Carolina

of our classrooms is the trend toward inclusion. Unfortunately, a clear understanding of this term has proven elusive. We simply see **inclusion** as the movement toward, and the practice of, educating students with disabilities and other learners with exceptionalities in general education classrooms alongside their typical peers with appropriate supports and services provided as necessary. Inclusive education, however, is more than just addressing how the pupil's disability impacts learning. It also must consider the various barriers that often impede or exclude meaningful and effective participation in the classroom. One of the underlying assumptions of inclusion is the belief that all students are part of or belong in the general education classroom. Yet it is important to note that the physical placement of students in a general education classroom is not an end in and of itself but rather a means to an end. *Inclusion* does not refer to a physical space, it refers to a condition or state of being. The concept of inclusion implies a sense of belonging and acceptance. Hence, inclusion has more to do with how educators respond to individual differences than it has to do with specific instructional configurations. . . . [Inclusion emphasizes] the creation of instructional environments that promote educational success and a sense of belonging for all students (Volz, Brazil, & Ford, 2001, p. 24). Successful inclusion requires a new attitude or fresh thinking about *where* as well as *how* students with special needs should be educated.

Inclusion
The movement toward, and the
practice of, educating students
with disabilities and other
learners with exceptionalities
in general education classrooms
alongside their typical peers
with appropriate supports and
services provided as necessary.

I believe it is vitally important for students with special needs to be included in the general education classroom as much as possible because some of these children are fragile and uncertain as to who they are and whether they belong. I find that the more students with special needs are included, the more their self-esteem increases. The more the teacher includes these learners, the more they get involved, the more they learn, and the more they support each other. It is a slow process and it is not easy, but in the end everyone benefits, including the teacher.

Inclusion helps students to socially understand their world and gives them a feeling of ownership while building a sense of family or community. A great deal depends on the teacher for making this happen. In fact, the teacher is KEY. When a teacher creates a family, each member holds each other accountable. The students and teacher push and support each other within a safe environment. Yet, a teacher can hinder (or build) a community by his or her actions and attitude toward individuals with special needs.

Students with special needs have taught me that I do not know everything. They have taught me that there are so many different ways children learn—not just a few ways. I have discovered over my 6 years in the classroom that sometimes you need to push and challenge your pupils by asking questions and having them explain to their classmates how they have come to understand something. You also have to frequently adapt assignments and activities so that all learners can be successful. You cannot measure one student's success on the scale of another student. We should be doing individualized education for all students anyway—that's a teacher's job. With customized instruction, a small step for one student may be a giant step for another.

1-3 Introducing Universal Design for Learning

With so many different students now being served in the general education classroom, how is a teacher supposed to meet the unique learning needs of each and every child? One possible solution to this dilemma is to consider a concept known as **universal design for learning**, commonly known by its acronym, **UDL**. UDL allows teachers to adapt curriculum, customize the delivery of instruction, and assess students in ways that permits them to demonstrate their mastery of the material.

Originally developed for architects and consumer product designers, the principles of UDL have been adapted to the field of education. We offer the following concise description of UDL:

The central practical premise of UDL is that a curriculum should include alternatives to make it accessible and appropriate for individuals with different backgrounds, learning styles, abilities, and disabilities in widely varied learning contexts. The "universal" in universal design does not imply one optimal solution for everyone. Rather, it reflects an awareness of the unique nature of each learner and the need to accommodate differences, create learning experiences that suit the learner, and maximize his or her ability to progress. (Rose & Meyer, 2002, p. 70)

Essentially, UDL is an educational concept or approach to designing instructional methods, materials, activities, and evaluation procedures in an effort to assist individuals with "wide differences in their abilities to see, hear, speak, move, read, write, understand English, attend, organize, engage, and remember" (Orkows, 2003, n.p.).

Universal design for learning is accomplished by means of flexible curriculum materials and activities that offer alternatives to pupils with widely varying abilities and backgrounds. These adaptations are built into instructional design rather than added on later as an afterthought. Universal design for learning provides equal access to learning, not simply equal access to information. It allows the student to determine the most appropriate method for accessing information while the teacher monitors the learning process (Ohio State University Partnership Grant, 2014). UDL assumes that there is no one method of presentation or expression that provides equal access for all learners. Learning activities and materials are purposely designed to allow for flexibility and offer various ways to learn (Rose & Meyer, 2002; Scott, McGuire, & Shaw, 2003). These accommodations are "designed-in" or built "directly" into the materials so that all students with differing abilities can use the same material, but in a way tailored to their strengths and instructional needs" (Frennd & Rich, 2005, p. 81). Universal design for learning is envisioned as an instructional framework, a vehicle for diversifying instruction to deliver the general education curriculum to each pupil (Orkows & McLane, 1998). UDL does not remove academic challenges; it simply removes barriers to access. The greatest promise of UDL is that of flexible, equitable, and accessible ways to teach. With this approach "teachers can reach each individual student, disabled or nondisabled, providing a platform for each to interact with the curriculum—in ways that best support unique learning styles" (Council for Exceptional Children, 2005, p. 2). Some of the beneficiaries of this strategy include, for example, individuals who speak English as a second language, pupils with disabilities, and students whose preferred learning style is inconsistent with their teacher's teaching style (Ohio State University Partnership Grant, 2014).

Because UDL serves as both the philosophical and pedagogical anchor for our text, we have much more to say about this instructional model in Chapter 2.

1-4 The Role of the Courts in Special Education¹

Over the past several decades, the field of education, especially special education, has been gradually transformed and restructured, largely as a result of judicial action and legislative enactments (Photo 1.2). These two forces have been powerful tools in securing many of the

¹Content Adapted from R. Gargiulo, *Special Education in Contemporary Society*, 5th ed. (Thousand Oaks, CA: Sage, 2015).

Web Resources

For additional information about universal design for learning (UDL), visit the following web sites:

- @ Trace Research and Development Center
- @ Center for Applied Special Technology
- @ National Early Childhood Technical Assistance Center

universal design for learning (UDL) Curriculum and instruction that include alternatives to make these accessible and appropriate for individuals with different backgrounds, learning preferences, abilities, and disabilities in widely varied learning contexts.

benefits and educational rights presently enjoyed by pupils with disabilities and other students with special needs. Securing the opportunity for an education has been a slowly evolving process for students with disabilities. What is today seen as a fundamental right for these children was, at one time, viewed strictly as a privilege.

In the 1954 landmark school desegregation case, *Brown v. Board of Education of Topeka* (347 U.S. 483), the U.S. Supreme Court reasoned that it was unlawful to discriminate against a group of individuals for arbitrary reasons. The Court specifically ruled that separate schools for black and white students were inherently unequal, contrary to the Fourteenth Amendment, and thus unconstitutional. Furthermore, education was characterized as a fundamental function of government that should be afforded to all citizens on an equal basis. Although primarily recognized as striking down racial segregation, the thinking articulated in *Brown* had major implications for children with disabilities. Much of contemporary litigation and legislation affecting special education is legally, as well as morally, grounded in the precedents established by *Brown*.

The movement to secure equal educational opportunity for children with disabilities was also aided by the U.S. civil rights movement of the 1960s. As Americans attempted to deal with issues of discrimination, inequality, and other social ills, advocates for individuals with disabilities also pushed for equal rights. Parental activism was ignited. Lawsuits were filed and legislation was enacted primarily as a result of the untiring, vocal, collaborative efforts of parents and politically powerful advocacy groups. The success of these tactics was felt at the local, state, and, eventually, national levels.

It is exceedingly difficult to say which came first, litigation or legislation. Both of these forces have played major roles in the development of state and federal policy concerning special education. They enjoy a unique and almost symbiotic relationship—one of mutual interdependence. Litigation frequently leads to legislation, which in turn spawns additional judicial action as the courts interpret and clarify the law, which often leads to further legislation. Regardless of the progression, much of special education today has a legal foundation.

1-4a Key Judicial Decisions

Since the 1960s and early 1970s, a plethora of state and federal court decisions have helped to shape and define a wide range of issues affecting contemporary special education policies and procedures. Although a thorough review of this litigation is beyond the scope of this chapter, Table 1.3 summarizes, in chronological order, a few of the landmark cases affecting the field of special education. Several of the judicial remedies emanating from these lawsuits serve as cornerstones for both federal and state legislative enactments focusing on both students with disabilities and their classmates with special needs. As you will see, many of today's accepted practices in special education, such as nondiscriminatory assessments and due process procedures, can trace their roots to various court decisions.

1-4b Key Special Education Legislation

Individuals with Disabilities Education Act: 1975–1997 Federal legislative intervention in the lives of persons with disabilities is of relatively recent origin. Before the late 1950s and early 1960s, little federal attention was given to citizens with special needs. When legislation was enacted, it primarily assisted specific groups of individuals, such as



PHOTO 1.2 Students with disabilities as well as learners with other special needs have greatly benefited from judicial and legislative actions.

AvinD Baran/Shutterstock.com

TABLE 1.3 A Synopsis of Selected Court Cases Influencing Special Education

Case	Year	Issue	Judicial Decision
<i>Brown v. Board of Education of Topeka, Kansas</i>	1954	Educational segregation	Segregation of students by race ruled unconstitutional; children deprived of equal educational opportunity. Effectively ended "separate but equal" schools for white and black pupils. Used as a precedent for arguing that children with disabilities cannot be excluded from a public education.
<i>Hobson v. Hansen</i>	1967	Classifying students	Ability grouping or "tracking" of students on the basis of nationally normed tests, which were found to be biased, held to be unconstitutional. Tracking systems discriminated against poor and minority children, thus denying them an equal educational opportunity. Equal protection clause of Fourteenth Amendment violated.
<i>Diana v. State Board of Education</i>	1970	Class placement	Linguistically different students must be tested in their primary language as well as in English. Students cannot be placed in special education classes on the basis of IQ tests that are culturally biased. Verbal test items to be revised to reflect students' cultural heritage. Group-administered IQ tests cannot be used to place children in programs for individuals with intellectual disability.
<i>Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania</i>	1972	Right to education	State must guarantee a free public education to all children with intellectual disability ages 6-21 regardless of degree of impairment or associated disabilities. Students to be placed in the most integrated environment. Definition of education expanded. Case established the right of parents to participate in educational decisions affecting their children. State to engage in extensive efforts to locate and serve ("child-find") all students with intellectual disability. Preschool services to be provided to youngsters with intellectual disability if local school district serves preschoolers without disabilities.
<i>Mills v. Board of Education, District of Columbia</i>	1972	Right to education	Extended the Pennsylvania decision to include all children with disabilities. Specifically established the constitutional right of children with exceptionalities to a public education regardless of their functional level. Students have a right to a "constructive education" matched to their needs, including specialized instruction. Presumed absence of fiscal resources is not a valid reason for failing to provide appropriate educational services to students with disabilities. Elaborate due process safeguards established to protect the rights of the child, including parental notification of pending initial evaluation, reassignment, or planned termination of special services.
<i>Larry P. v. Riles</i>	1972, 1979	Class placement	A landmark case parallel to the <i>Diana</i> suit. African-American students could not be placed in classes for children with mild intellectual disability solely on the basis of intellectual assessments found to be culturally and racially biased. The court instructed school officials to develop an assessment process that would not discriminate against minority children. Failure to comply with this order resulted in a 1979 ruling that completely prohibited the use of IQ tests for placing African-American students in classes for children with mild intellectual disability. Ruling applies only to the state of California.
<i>Lau v. Nichols</i>	1974	Equal educational opportunity	A milestone case in the field of bilingual education. A U.S. Supreme Court ruling that noted "there is not equality in treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum, for students who do not understand English are effectively foreclosed from a meaningful education." Decision significantly affected the education of culturally and linguistically diverse learners. Although the Court did not stipulate a specific method of instruction for non-English-speaking or limited-English-speaking pupils, it did require schools to offer special language programs if schools were to confer equal educational opportunity.
<i>Tatro v. State of Texas</i>	1980	Related services	U.S. Supreme Court held that catheterization qualified as a related service under PL 94-142. Catheterization was not considered an exempted medical procedure, because it could be performed by a health care aide or school nurse. Court further stipulated that only those services that allow a student to benefit from a special education qualify as related services.

(continued)

TABLE 1.3 A Synopsis of Selected Court Cases Influencing Special Education (continued)

Case	Year	Issue	Judicial Decision
Board of Education of the Hendrick Hudson Central School District v. Rowley	1982	Appropriate education	First U.S. Supreme Court interpretation of PL 94-142. Court addressed the issue of what constitutes an "appropriate" education for a student with hearing impairments making satisfactory educational progress. Supreme Court ruled that an appropriate education does not necessarily mean an education that will allow for the maximum possible achievement; rather, students must be given a reasonable opportunity to learn. Parents' requests for a sign language interpreter, therefore, were denied. An appropriate education is not synonymous with an optimal educational experience.
Daniel R.R. v. State Board of Education	1989	Class placement	Fifth Circuit Court of Appeals held that a segregated class was an appropriate placement for a student with Down syndrome. Preference for integrated placement viewed as secondary to the need for an appropriate education. Court established a two-prong test for determining compliance with the least restrictive environment (LRE) mandate for students with severe disabilities. First, it must be determined if a pupil can make satisfactory progress and achieve educational benefit in the general education classroom through curriculum modification and the use of supplementary aids and services. Second, it must be determined whether the pupil has been integrated to the maximum extent appropriate. Successful compliance with both parts fulfills a school's obligation under federal law. Ruling affects LRE cases in Louisiana, Texas, and Mississippi, but has become a benchmark decision for other jurisdictions as well.
Oberti v. Board of Education of the Borough of Clementon School District	1982	Least restrictive environment	Placement in a general education classroom with supplementary aids and services must be offered to a student with disabilities prior to considering more segregated placements. Pupil cannot be excluded from a general education classroom solely because curriculum, services, or other practices would require modification. A decision to exclude a learner from the general education classroom necessitates justification and documentation. Clear judicial preference for educational integration established.
Cedar Rapids Community School District v. Garret F. Schaffer v. Weast	1999 2005	Related services Burden of proof	U.S. Supreme Court expanded and clarified the concept of related services. Affirmed that intensive and continuous school health care services necessary for a student to attend school, if not performed by a physician, qualify as related services. A U.S. Supreme Court ruling addressing the issue of whether the parent(s) or school district bears the burden of proof in a due process hearing. The specific question before the Court was whether the parent(s), acting on behalf of their son or daughter, must prove that their child's individualized education program (IEP) is inappropriate or whether the school district must prove that the IEP is appropriate. The court ruled that the burden of proof is placed on the party seeking relief.
Arlington Central School District Board of Education v. Murphy	2006	Recovery of fees	At issue in this U.S. Supreme Court case is whether parents are able to recover the professional fees of an educational consultant (lay advocate) who provided services during legal proceedings. The Court ruled that parents are not entitled to reimbursement for the cost of experts because only attorney fees are addressed in IDEA.
Winkelman v. Parma City School District	2007	Parental rights	One of the more significant Supreme Court rulings. The Court, by unanimous vote, affirmed the right of parents to represent their children in IDEA-related court cases. Ruling seen as an expansion of parental involvement and the definition of a free appropriate public education. Decision also interpreted to mean that IDEA conveys enforceable rights to parents as well as their children.
Forest Grove School District v. T. A.	2009	Tuition reimbursement	A Supreme Court decision involving tuition reimbursement for a student with learning disabilities and attention deficit hyperactivity disorder as well as depression who was never declared eligible for a special education and never received services from the school district. Parents removed their child from school and unilaterally enrolled the child in a private school. Subsequently, they sought reimbursement from the school district for expenses. In a 6-3 decision, the Court found that IDEA authorizes reimbursement for private special education services when a public school fails to provide a free and appropriate education and the private school placement is appropriate, regardless of whether the student previously received special education services from the public school.

those who were deaf or people with an intellectual disability. The past 40 years, however, have witnessed a flurry of legislative activity that has aided the growth of special education and provided educational benefits and other opportunities and rights to children and adults with disabilities. We examine six laws that have dramatically impacted the lives of individuals with disabilities. Our initial review focuses on PL 94-142, the Education for All Handicapped Children Act, or, as it is now called, the Individuals with Disabilities Education Act (IDEA). This change in legislative titles resulted from the enactment on October 30, 1990, of PL 101-476, which is reviewed later.

Public Law 94-142? The Individuals with Disabilities Education Act is viewed as a "Bill of Rights" for children with exceptionalities and their families; it is the culmination of many years of dedicated effort by both parents and professionals. Like many other special educators, we consider this law to be one of the most important, if not the most important, pieces of federal legislation ever enacted on behalf of children with special needs. PL 94-142 may rightfully be thought of as the legislative heart of special education.

The purpose of this bill, which was signed in to law by President Gerald Ford on November 29, 1975, is:

to assure that all handicapped children have available to them . . . a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist States and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children. [Section 601(c)]

In pursuing these four purposes, this legislation incorporates six major components and guarantees that have forever changed the landscape of education across the United States. Despite legislative and court challenges over the past three decades, the following principles have endured to the present day:

- **A free appropriate public education (FAPE).** All children, regardless of the severity of their disability (a "zero reject" philosophy), must be provided an education appropriate to their unique needs at no cost to the parent(s)/guardian(s) (Photo 1.3). Included in this principle is the concept of related services, which requires that children receive, for example, occupational therapy as well as other services as necessary to benefit from special education.
- **The least restrictive environment (LRE).** Children with disabilities are to be educated, to the maximum extent appropriate, with students without disabilities. Placements must be consistent with the pupil's educational needs.
- **An individualized education program (IEP).** This document, developed in conjunction with the parent(s)/guardian(s), is an individually tailored statement describing an educational plan for each learner with exceptionalities. The IEP, which is fully discussed in Chapter 3, is required to address the following: (1) the present level of academic functioning; (2) annual goals and accompanying instructional objectives; (3) educational services to be provided; (4) the degree to which the pupil will be able to participate in general education programs; (5) plans for initiating services and length of service delivery; and (6) an annual evaluation procedure specifying objective criteria to determine if instructional objectives are being met.
- **Procedural due process.** The Individuals with Disabilities Education Act affords parent(s)/guardian(s) several safeguards as it pertains to their child's education. Briefly, parent(s)/guardian(s) have the right to confidentiality of records, to examine all records, to obtain an independent evaluation, to receive written notification (in

National legislation or public laws (PL) are codified according to a standardized format. Legislation is thus designated by the number of the session of Congress that enacted the law followed by the number of the particular bill. PL 94-142, for example, was enacted by the 94th session of Congress and was the 142nd piece of legislation passed.

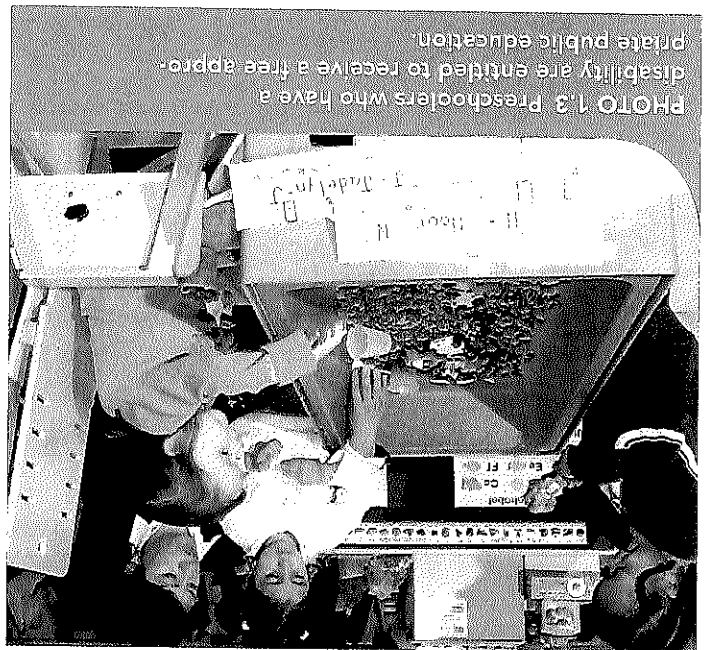


PHOTO 1.3 Preschoolers who have a disability are entitled to receive a free appropriate public education.

- **Nondiscriminatory assessment.** Prior to placement, a child must be evaluated by a multidisciplinary team in all areas of suspected disability by tests that are not racially, culturally, or linguistically biased. Students are to receive several types of assessments, administered by trained personnel; a single evaluation procedure is not permitted for either planning or placement purposes.
- **Parental participation.** PL 94-142 mandates meaningful parent involvement. Sometimes referred to as the "Parent's Law," this legislation requires that parents participate fully in the decision-making process that affects their child's education.

Congress indicated their desire by September 1, 1980, to provide a free appropriate public education for all eligible children ages 3–21. However, the law did not require services to preschool children with disabilities. Because many states were not providing preschool services to typical children, an education for young children with special needs, in most instances, was not mandated. Although this legislation failed to require an education for younger children, it clearly focused attention on the preschool population and recognized the value of early education.

PL 94-142 did contain some benefits for children younger than school age. It offered small financial grants (Preschool Incentive Grants) to the individual states as an incentive to serve young children with disabilities. It also carried a mandate for schools to identify and evaluate children from birth through age 21 suspected of evidencing a disability. Finally, PL 94-142 moved from a census count to a child count of the actual number of individuals with disabilities being served. The intent was to encourage the states to locate and serve children with disabilities.

Public Law 99-457 (1986 Amendments to PL 94-142) In October 1986, Congress passed one of the most comprehensive pieces of legislation affecting young children with special needs and their families—PL 99-457. This law changed both the scope and intent of services provided to preschoolers with special needs and formulated a national policy for infants and toddlers at risk for and with identified disabilities.

Simply stated, this law is a downward extension of PL 94-142, including all its rights and protections. This legislation does not require that preschoolers be identified with a specific disability label. It does demand that, as of the 1991–1992 school year, all preschoolers with special needs, ages 3–5 inclusive, are to receive a free appropriate public education (Photo 1.3). This element of the law is a mandated requirement; states will lose significant amounts of federal preschool funding if they fail to comply. The goal of this legislation was finally accomplished in the 1992–1993 school year, when all states had mandates in place establishing a free and appropriate public education for all children with disabilities ages 3–5.

Title I of PL 99-457 created the Handicapped Infants and Toddlers Program (Part H), a new provision aimed at children from birth through age 2 with developmental delays or disabilities. This component of the legislation is voluntary; states are not compelled to comply. This part of the statute creates a discretionary program that assists states in implementing a statewide, comprehensive, coordinated, multidisciplinary, interagency program of services

for very young children and their families who are experiencing developmental delays or who evidence a physical or mental condition, such as cerebral palsy or Down syndrome, which has a high probability of resulting in a delay. (At the state's discretion, youngsters who are at risk for future delays may also be served.) As of September 30, 1994, all states had plans in place for the full implementation of Part H (U.S. Department of Education, 1995). Eligible children and their families must receive a multidisciplinary assessment conducted by qualified professionals and a written individualized family service plan (IFSP). An IFSP must be reviewed every 6 months (or sooner if necessary) to assess its continued appropriateness. The law requires that each infant or toddler be re-evaluated annually. Regulations further stipulate that an IFSP must be developed within 45 days after a referral for services is made.

PL 99-457 is the product of a decade of hard work by parents, professionals, advocates, and legislators. It represents an opportunity to intervene and effect meaningful change in the lives of our nation's youngest and most vulnerable children.

Public Law 101-476 (1990 Amendments to PL 94-142) Arguably, one of the most important changes contained in this legislation was the renaming of PL 94-142 as the Individuals with Disabilities Education Act (IDEA). "Children" was replaced with the term "individuals" and "handicapped" became "with disabilities." This phrase signifies a change in attitude to a more appropriate person-first point of view. We now realize that an individual's disability is but one aspect of his or her personhood.

Congress also recognized the importance of preparing adolescents for a productive life after they exit from public school. These amendments required each student to have, no later than age 16, an individual transition plan (ITP) as part of his or her IEP. This plan allows for a coordinated set of activities and interagency linkages designed to promote the students' movement to post-school functions such as independent living, vocational training, and additional educational experiences.

PL 101-476 also expanded the scope of the related services provision by adding two services: social work and rehabilitation counseling. Another element of this legislation was the identification of autism and traumatic brain injury as distinct disability categories. Previously, these disabilities had been subsumed under other disability labels. Finally, Congress repealed states' immunity from lawsuits for violating IDEA. This part of the Individuals with Disabilities Education Act allows parents and others to sue a state in federal court for noncompliance with the provisions of the law.

Public Law 105-17 (1997 Amendments to IDEA) After more than 2 years of intense and sometimes difficult negotiations, Congress was finally able to pass a comprehensive revision to IDEA. The IDEA Act Amendments of 1997 (IDEA '97) was overwhelmingly supported by both houses of the 105th Congress and was signed into law by President Bill Clinton on June 4, 1997. This law restructures IDEA into four parts, revises some definitions, and reverts several key components, ranging from funding to disciplining students with disabilities to how IEPs are to be developed. Here are some of the more significant changes:

- Students with disabilities who bring weapons to school, possess or use illegal drugs, or pose a serious threat of injury to other pupils or themselves may be removed from their current placement only after a due process hearing and for no more than 45 days. Students who are suspended or expelled are still entitled to receive a free and appropriate public education in accordance with their IEP.
- Pupils with disabilities who exhibit less serious infractions of school conduct may be disciplined in ways similar to children without disabilities (including a change in placement) provided that the misbehavior was not a manifestation of the student's disability.

- IEPs are now required to state how the student with disabilities will be involved with and progress in the general education curriculum. Other provisions stipulate that transition planning will begin at age 14 instead of age 16, general educators will become part of the IEP team, benchmarks and measurable annual goals will be emphasized, and the assistive technology needs of each learner must be considered by the IEP team.
- Orientation and mobility services for children with visual impairments are now included in the definition of related services.
- The present mandate of comprehensive triennial re-evaluation of pupils with disabilities is lifted if school authorities and the student's parents both agree that this process is unnecessary.
- A new section on mediation requires states to offer mediation services to help resolve disputes as an alternative to using more costly and lengthy due process hearings. Parental participation is voluntary, and parents still retain their right to a due process hearing.
- The category of developmental delay may now be used when describing children ages 3–9. The use of this term is at the discretion of the state and local education agency.
- Initial evaluations and re-evaluations are not restricted to the use of formal, standardized tests. A variety of assessment tools and strategies are to be used in an effort to gather relevant functional and developmental information. Curriculum-based tests, portfolio reviews, parental input, and the observations of teachers and related service providers may be considered in determining whether the student has a disability and in developing the content of the IEP. A student may not be considered eligible for a special education if educational difficulties are primarily the result of limited proficiency in English or lack of adequate instruction in math and/or reading.
- The reauthorization of IDEA requires schools to establish performance goals for students with disabilities in an effort to assess their academic progress. Additionally, these youngsters are to be included in state-wide and district-wide assessment programs or given alternative assessments that meet their unique needs.

1-5 Educational Reform for Students and Teachers

Over the past two decades, there has been a growing movement toward greater educational accountability, with accompanying calls for educational reform or restructuring resulting in enhanced academic excellence. (See, for example, President Clinton's Goals 2000: Educate America Act of 1994 [PL 103-227]). As a result of this trend, many states initiated challenging academic standards and more stringent graduation requirements for their students, and several professional organizations published performance indicators in various content areas, such as mathematics, language arts, and science. Likewise, many state departments of education are moving toward performance-based standards when establishing teacher licensure/certification requirements, thus linking student success with teacher qualifications. The overall focus of this movement, fueled by various political, social, and economic forces, was a concern over the learning outcomes of our students. It is equally concerned with establishing educational equity among all learners.

Educational standards, which are “general statements of what students should know or be able to do as a result of their public school education” (Nolet & McLaughlin, 2005, p. 5), are important for a few reasons. First, “they are intended,” according to Nolet and McLaughlin, “to create equity across schools and classrooms in that they define what all teachers should teach and . . . [they] also define the content that will be assessed and for which schools will be held accountable” (p. 5). Recent federal legislation embraces this thinking. The importance attached to standards-driven reform is clearly evident in the No Child Left Behind Act of 2001.

1-5a No Child Left Behind Act of 2001

In 2001 Congress reauthorized the Elementary and Secondary Education Act, popularly known as the No Child Left Behind Act of 2001 (PL 107-110). This legislation reflects President Bush's commitment to educational reform and accountability. A brief synopsis of this ambitious law reveals that eventually all pupils, including those in special education, are expected to demonstrate proficiency in mathematics, reading, and science. Annual testing of children in grades 3-8 is required, with students in grades 10-12 assessed at least once. Schools are expected to show adequate yearly progress toward the goal of 100 percent proficiency by 2014. (A small percentage of students may be excused from participating in state-wide and district-wide achievement tests if their IEP provides for their exemption.) Because this law is concerned with the achievement of all students, test scores must be disaggregated according to the pupil's disability, socioeconomic status, race, ethnicity, and English language proficiency. The anticipated benefit of this requirement is that assessment results will directly translate into instructional accommodations, further aligning special education and general education into a unified delivery system responsible for serving all learners (Salend, 2011).

This legislation also requires that educators incorporate teaching strategies that are based on systematic and rigorous research, often referred to as **evidence-based practices**. These practices involve instructional tactics that have been shown to positively affect student learning and achievement. (See the Web Resources feature for additional information about evidence-based practices.)

The intention of the No Child Left Behind Act is to raise expectations for, and the achievement of, all learners. Schools are now being held accountable for the academic progress of all of their students. As a result of this law "the progress and performance of students with [and without] disabilities is now a shared responsibility of general and special education teachers" (Cortella, 2006, p. 10).

Schools that experience difficulty attaining the goal of adequate yearly progress will be provided technical and financial assistance. If a school fails to demonstrate adequate yearly progress for 3 consecutive years, then the local school district is required to offer supplemental instructional services such as tutoring, after-school classes, and summer programs (Council for Exceptional Children, 2003). Parents of children in "failing" schools will be given the opportunity to transfer their child to another school, including private and parochial schools.

In addition to stressing student educational accomplishment, other aspects of this law require that the public as well as parents be informed of individual school performance in addition to the qualifications of teachers. All elementary and secondary school teachers were expected to be "highly qualified" by the end of the 2005-2006 school year according to state criteria (Photo 1.4). Rigorous standards are also being imposed on teacher aides.

What are the implications of this law for general as well as special educators? How competently will students with special learning needs perform in this age of educational reform and standards-based education? Obviously, PL 107-110 emphasizes academic achievement as measured by student performance on standardized tests. The expectation seems to be that effective instructional

Monkey Business Images/Shutterstock.com



Photo 1.4 Today's teachers are highly qualified professionals who are responsible for the academic success of all their pupils.

- accountability
- proficiency-2014
- annual testing
- evidence based practice
- raise expectations for all learners
- Web Resources
 - For resources about evidence-based practices, go to the web site for the Institute of Education Sciences' What Works Clearinghouse.
- evidence-based practices
- The use of scientifically validated instructional practices or teaching strategies that research has documented to be effective.
- Adequate Yearly Progress
- highly qualified

strategies can compensate for a student's disability. The enactment of this law has ushered in an era of what is now commonly referred to as "high-stakes testing." Greater emphasis is being placed on ensuring that pupils in special education are exposed to the general education curriculum. More attention is also being focused on aligning IEP goals with the content standards of the general education curriculum (Council for Exceptional Children, 2003). Finally, how colleges and universities prepare future teachers is also undergoing significant change in efforts to ensure that graduates are highly qualified professionals.

1-5b Common Core State Standards

The current focus on exposing students with disabilities to the general education curriculum is clearly evident in a relatively recent national education initiative known as the Common Core State Standards (CCSS) (Common Core Standards, 2014). This controversial proposal, put forth by the National Governors Association and the Council of Chief State School Officers, refines the general education curriculum while establishing a set of grade-level expectations from kindergarten through the twelfth grade that dictate what pupils should know in mathematics and English language arts to be successful in college and their future careers. The thinking behind this movement was that some teachers evidence low expectations of their students' academic ability, which often results in lower achievement and subsequent failure later in life. However, reform-minded educators and policymakers believe that all pupils (including those with disabilities) should be held to higher performance standards (Hallahan, Kauffman, & Pullen, 2015). Forty-three states as well as the District of Columbia have adopted the CCSS standards (Common Core State Standards). See Table 1.4 for illustrative examples of representative standards.

Because these standards apply to all learners, including individuals receiving a special education, the work of aligning IEP goals to the CCSS will most likely challenge many special educators. How does one adapt instruction to meet the unique learning needs of a student with a disability while also addressing rigorous content standards? Teachers will need to carefully consider how the pupils' disability affects their involvement with and progress in the general education curriculum (Constable, Grossi, Moniz, & Ryan, 2013). Some learners will require instructional supports with the curriculum presented in multiple ways that allow for multiple means of expression and engagement. (Recall our earlier discussion on UDL.) While the restructuring of the general education curriculum with

TABLE 1.4 Representative Grade Level Common Core Standards

English Language Arts Literacy Standards

Grade 2: Key Ideas and Details

Ask and answer questions as who, what, where, when, why, and how to demonstrate understanding of key details in a text.

Grade 6: Key Ideas and Details

Cite textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

Mathematics Standards

Grade 3: Geometry—Reason with Shapes and Their Attributes

Partition shapes into parts with equal areas. Express the area of each part as a unit fraction of the whole. For example, partition a shape into 4 parts with equal area, and describe the area of each part as $\frac{1}{4}$ of the area of the shape.

Grade 8: Geometry—Understand and Apply the Pythagorean Theorem

Apply the Pythagorean Theorem to determine unknown side lengths in right triangles in real-world and mathematical problems in two and three dimensions.

Source: Adapted from *Read the Standards*. Available at <http://www.commoncorestandards.org/read-the-standards>

College +
Career Readiness
High Standards

its emphasis on academic achievement for all learners is most praiseworthy, we believe that it cannot, nor should, replace an effective special education program that provides specialized, individually tailored, and intensive services to individuals with special needs (Zigmond & Kloo, 2111).

1-5c Individuals with Disabilities Education Improvement Act of 2004

On November 19, 2004, Congress passed legislation reauthorizing the Individuals with Disabilities Education Act. The new version of this law is called the Individuals with Disabilities Education Improvement Act of 2004, commonly referred to as IDEA 2004. President George W. Bush signed this bill (PL 108-446) into law on December 3. Many of the provisions of this legislation became effective on July 1, 2005; some elements of the law became effective, however, on the date the President signed the bill.

It is safe to say that IDEA 2004 is significantly affecting the professional lives of both general education teachers and special educators. Parents of children with disabilities are also encountering new roles and responsibilities as a result of this law.

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) [has] increased the focus of special education from simply ensuring access to education to improving the educational performance of students with disabilities and aligning special education services with the larger national school improvement efforts that include standards, assessments, and accountability [for example, greater conformity with the No Child Left Behind Act]. (Nolte & McLaughlin, 2005, pp. 2-3)

Figure 1.3 portrays the alignment between components of IDEA 2004 and critical elements of PL 107-110. Listed next are highlights of some of the significant issues addressed in this historic document.

Individualized Education Program (IEP) Process

- Short-term objectives and benchmarks will no longer be required except for those pupils who are evaluated via alternate assessments aligned to alternate achievement standards.

- Assessment of the progress that a student is making toward meeting annual goals, which must be written in measurable terms, is still required. Reference, however, to the current requirement of reporting to the "extent to which progress is sufficient to enable the child to achieve goals by the end of the year" is eliminated. IEPs will now need to describe how the individual's progress toward achieving annual goals will be measured and when these progress reports will be made.

- A new provision of the legislation allows for members of the IEP team to be excused from participating in all or part of the meeting if the parents and school district agree that attendance is not necessary because the individual's area of curriculum or related service is not being reviewed or modified. The team member will be required, however, to submit written input regarding the development of the IEP prior to the meeting.

- PL 108-446 allows for alternatives to physical IEP meetings such as video conferencing and conference telephone calls.

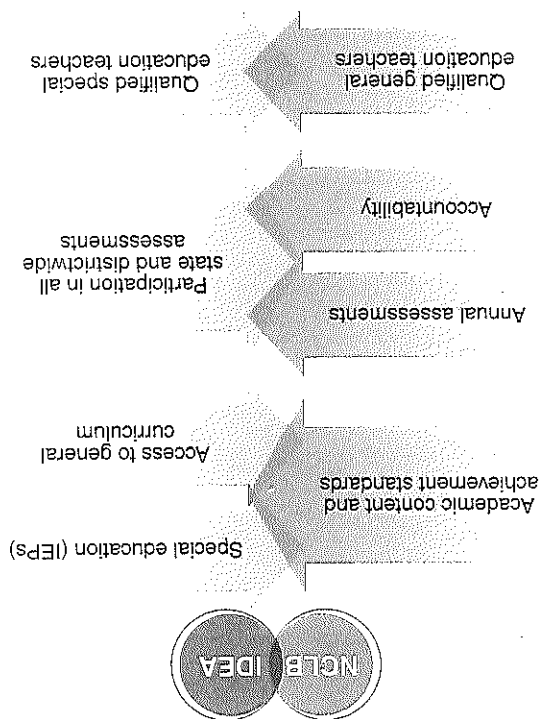


FIGURE 1.3 Alignment of the No Child Left Behind Act and IDEA 2004

Source: C. Cortella, NCLB and IDEA: What Parents Need to Know and Do (Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes, 2006), p. 10.

- Once an IEP is established, IDEA 2004 will allow for changes to be made via a written plan to modify the document without convening the entire team and redrafting the whole IEP.
- The new legislation deletes references to transition services beginning at age 14. Now, transition services are to begin no later than the first IEP in effect when the student turns 16 (and updated annually). It also establishes a new requirement for postsecondary goals pertaining to appropriate education, training, employment, and independent living skills.
- School districts will be allowed, with parental consent, to develop multiyear IEPs (not to exceed 3 years).
- The U.S. Department of Education is charged with developing and disseminating model IEP forms and model IFSP (individualized family service plan) forms.

transition
16 years

multiple
IEPs

Identifying Students with Specific Learning Disabilities Under IDEA '97, when identifying an individual for a possible learning disability, educators typically looked to see if the student exhibited a severe discrepancy-between achievement and intellectual ability. IDEA 2004 modified this discrepancy provision. School districts will now be able, if they so choose, to use a process that determines if the pupil responds to empirically validated, scientifically based interventions, a procedure known as **response to intervention (RTI)** treatment. Under the new guidelines, rather than comparing IQ with performance on standardized achievement tests, general education teachers can offer intensive programs of instructional interventions. If the child fails to make adequate progress, then a learning disability is assumed to be present and additional assessment is warranted.

A process used to determine if the pupil responds to empirically validated, scientifically based interventions. Designed to target students who are having difficulty learning as well as to serve as a data-based tool for diagnosing learning disabilities.

Highly Qualified Special Education Teachers The language contained in IDEA 2004 concerning who is considered a "highly qualified" special educator is complementary to the standards promulgated in the No Child Left Behind Act (NCLB) of 2001, PL 107-110.

- All special education teachers must hold at least a bachelor's degree and be fully certified or licensed in the field of special education to be deemed "highly qualified." Special educators employed as of July 1, 2005, were required to meet this standard.
- Special educators who teach core subjects in elementary schools can obtain highly qualified status by passing their state's licensing or certification exam.
- Teachers of middle-school-aged or high-school-aged students with significant cognitive deficits, that is, pupils whose progress will be assessed via alternate achievement standards, may be considered highly qualified if they meet the NCLB standards for elementary school teachers. The effective date of this provision was December 3, 2004.
- Currently employed special educators who teach multiple core academic subjects exclusively to students with disabilities may be designated "highly qualified" after successfully passing "a single, high objective uniform State standard of evaluation" (HOUSSE), which addresses multiple subjects.
- A special education teacher who is new to the field but is already deemed highly qualified in a single core academic area (such as science, reading or language arts, mathematics, foreign languages, or history) may become highly qualified by successfully completing the HOUSSE requirement for the remaining subjects taught. This requirement must be fulfilled within 2 years of their hire date. This provision, like the preceding one, became effective on December 3, 2004.
- This legislation does not address "highly qualified" requirements for early childhood special educators.

22
12

Discipline PL 108-446 stipulates that when a student is removed from his or her current educational setting, that student is to continue to receive those services that enable him or her to participate in the general education curriculum and to ensure progress toward meeting the IEP goals.

- IDEA '97 allowed school authorities to unilaterally remove a student to an interim alternative educational setting (IASE) for up to 45 days for offenses involving weapons or drugs. IDEA 2004 now permits school officials to remove any pupil (including those with and without disabilities) to an IASE for up to 45 days for inflicting "serious bodily injury."
- Removal to an IASE will now be for 45 school days rather than 45 calendar days.

- Behavior resulting in disciplinary action still requires a manifestation review; however, language requiring the IEP team to consider whether the pupil's disability impaired his or her ability to control his or her behavior or comprehend the consequences of his or her actions has been eliminated. IEP teams will now only need to ask two questions:
- 1. Did the disability cause or have a direct and substantial relationship to the offense?
- 2. Was the violation a direct result of the school's failure to implement the IEP?

• IDEA 2004 modifies the "stay put" provision enacted during an appeals process. When either the LBA or the parent requests an appeal of a manifestation determination or placement decision, the pupil is required to remain in the current IAIE until a decision is rendered by the hearing officer or until the time period for the disciplinary violation concludes. A hearing must be held within 20 school days of the date of the appeal.

Due Process

- Parents will encounter a 2-year statute of limitations for filing a due process complaint from the time they knew or should have known that a violation occurred. Alleged violations might involve identification, assessment, or placement issues or the failure to provide an appropriate education.
- A mandatory "resolution session" is now required prior to proceeding with a due process hearing. (The parents and school district may waive this requirement and directly proceed to mediation.) School districts must convene a meeting with the parents and IEP team members within 15 days of receiving a due process complaint. If the complaint is not satisfactorily resolved within 30 days of the filing date, then the due process hearing may proceed.
- Under provisions of IDEA '97, parents who prevailed in due process hearings and/or court cases could seek attorney's fees from the school district. IDEA 2004 now permits school districts to seek attorney's fees from the parents' attorney (or the parents themselves) if the due process complaint or lawsuit is deemed frivolous, unreasonable, or without foundation, or if the attorney continues to litigate despite these circumstances. Reasonable attorney fees can also be awarded by the court if the complaint or lawsuit was filed for an improper purpose such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

Evaluation of Students

- School districts will be required to determine the eligibility of a student to receive a special education and the educational needs of the child within a 60-day time frame. (This provision does not apply if the state has already established a timeline for accomplishing this task.) The 60-day rule commences on receipt of parental permission for evaluation.
- Re-evaluation of eligibility for a special education may not occur more than once per year (unless agreed to by the school district and parent); it must occur at least once

60 days to determine eligibility - beginning w/ parental permission for eval.

fee

disability cause? offense? violation of IEN.

was it b/c

45 school days

45 days for

may move to IAIE

now -

Allegation

every 3 years unless the parent and school district agree that such a re-evaluation is unnecessary.

- IDEA 2004 modifies the provision pertaining to native language and preferred mode of communication. New language in the bill requires that evaluations are to be "provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer."
- School districts are not allowed to seek dispute resolution when parents refuse to give their consent for special education services. If parents refuse to give consent, then the school district is not responsible for providing a free and appropriate public education.

Assessment Participation PL 108-446 requires that all students participate in all state-wide and district-wide assessments (including those required under the No Child Left Behind Act, PL 107-110), with accommodations or alternative assessments, if necessary, as stipulated in the pupil's IEP. States are permitted to assess up to 1 percent of students (generally those pupils with significant cognitive deficits) with alternative assessments aligned with alternative achievement standards. This cap represents approximately 9 percent of all students with disabilities. IDEA 2004 further requires that assessments adhere to the principles of universal design when feasible.

We anticipate that these two laws, like PL 94-142 more than 40 years ago, will dramatically change the educational landscape for both general education and special education for years to come.

The accompanying Teaching All Learners feature summarizes some of the key features of the IDEA legislation over the years.

1-5d Civil Rights Legislation

Section 504 of the Rehabilitation Act of 1973 The six pieces of legislation that we just examined are examples of education law. PL 93-112, the Rehabilitation Act of 1973, however, is a civil rights law. Section 504 of this enactment is the first public law specifically aimed at protecting children and adults against discrimination due to a disability. It said that no individual can be excluded, solely because of his or her disability, from participating in or benefiting from any program or activity receiving federal financial assistance, which includes schools (CFC Today, 1997).

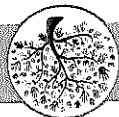
Unlike IDEA, this Act uses a functional rather than a categorical model for determining a disability. According to this law, individuals are eligible for services if they:

1. have a physical or mental impairment that substantially limits one or more life activities;
2. have a record of such impairment; or
3. are regarded as having such an impairment by others.

"Major life activities" are broadly defined and include, for example, walking, seeing, hearing, working, and learning.

To fulfill the requirements of Section 504, schools must make "reasonable accommodations" for pupils with disabilities so that they can participate in educational programs provided to other students. Reasonable accommodations might include modifications of the general education program, the assignment of an aide, a behavior management plan, or the provision of special study areas (Smith, 2002; Smith & Patton, 2007). Students may also receive related services such as occupational or physical therapy even if they are not receiving a special education through IDEA.

How does this impact students?
Pros / Cons



TEACHING ALL LEARNERS

IDEA Highlights: 1975-2004

Year	Public Law	Key Components
1975	PL 94-142	<ul style="list-style-type: none"> • All students, regardless of the severity of their disability, are provided an education appropriate to their unique needs • Children with disabilities are to be educated, to the maximum extent appropriate, with their typical peers • Individualized education program (IEP) provided for each learner • Procedural due process safeguards established • Nondiscriminatory assessments conducted by a multidisciplinary team • Meaningful parental involvement in decision-making process
1986	PL 99-457	<ul style="list-style-type: none"> • Mandated services for preschoolers with disabilities, ages 3-5 • Permissive early intervention services for infants and toddlers, birth through age 2 • Individualized family service plan (IFSP) established for infants and toddlers • "Developmentally delayed" label created • Name of legislation changed to Individuals with Disabilities Education Act (IDEA) • Autism and traumatic brain injury identified as discrete disability categories • Rehabilitation counseling and social work considered related services • Established the requirement of an individual transition plan (ITP) by age 16 • Students with disabilities required to participate in state-wide and district-wide assessments
1990	PL 101-476	<ul style="list-style-type: none"> • Transition planning commences at age 14 • Orientation and mobility included as a related service • Discretionary use of developmentally delayed label for pupils ages 3-9 • General educators required to participate on IEP team • Students with disabilities are to be involved in and have access to general education curriculum • Mediation offered as a means of resolving disputes • Benchmarks and measurable annual goals emphasized • Pupils who violate student code of conduct may be removed from current educational placement after a due process hearing • Assistive technology needs of each learner must be assessed • Modified criteria for identifying students with specific learning disabilities • Educators must be "highly qualified" • Eliminates use of short-term objectives in IEPs • Relaxes requirements for participation in IEP meetings • Resolution session required prior to a due process hearing • Statute of limitations imposed on parents for filing complaints • Multiyear IEPs are permissible • Transition planning to begin with first IEP in effect once student reaches age 16 • IEPs to incorporate research-based interventions • Students with disabilities may be removed to an interim alternative educational setting for up to 45 school days for offenses involving weapons or drugs or inflicting serious bodily injury
1997	PL 105-17	<ul style="list-style-type: none"> • Students with disabilities required to participate in state-wide and district-wide assessments
2004	PL 108-446	<ul style="list-style-type: none"> • Transition planning commences at age 14 • Orientation and mobility included as a related service • Discretionary use of developmentally delayed label for pupils ages 3-9 • General educators required to participate on IEP team • Students with disabilities are to be involved in and have access to general education curriculum • Mediation offered as a means of resolving disputes • Benchmarks and measurable annual goals emphasized • Pupils who violate student code of conduct may be removed from current educational placement after a due process hearing • Assistive technology needs of each learner must be assessed • Modified criteria for identifying students with specific learning disabilities • Educators must be "highly qualified" • Eliminates use of short-term objectives in IEPs • Relaxes requirements for participation in IEP meetings • Resolution session required prior to a due process hearing • Statute of limitations imposed on parents for filing complaints • Multiyear IEPs are permissible • Transition planning to begin with first IEP in effect once student reaches age 16 • IEPs to incorporate research-based interventions • Students with disabilities may be removed to an interim alternative educational setting for up to 45 school days for offenses involving weapons or drugs or inflicting serious bodily injury

Because the protections afforded by this law are so broad, an individual who is ineligible for a special education under IDEA may qualify for special assistance or accommodations under Section 504. An adolescent who uses a wheelchair due to impaired mobility or a student with severe allergies, for example, would be eligible for services via Section 504. All students who are eligible for a special education and related services under IDEA are also eligible for accommodations under Section 504; however, the converse is *not* true.

Similar to IDEA, there is a mandate contained within Section 504 to educate pupils with special needs with their typical peers to the maximum extent possible. Additionally, schools are required to develop an accommodation plan (commonly called a "504 plan") customized to meet the unique needs of the individual. This document should include a statement of the pupil's strengths and needs, a list of necessary accommodations, and the individual(s) responsible for ensuring implementation. The purpose of this plan is to enable students to receive a free, appropriate public education (Smith, 2002).

Finally, unlike IDEA, which offers protections for students only between the ages of 3 and 21, Section 504 covers the individual's lifespan. See Table 1.5 for a comparison of some of the key provisions of IDEA and Section 504.

TABLE 1.5 A Comparison of Key Features of IDEA and Section 504

Provision	IDEA	Section 504
Purpose	Provides a free and appropriate public education to children and youth with specific disabilities	Prohibits discrimination on the basis of a person's disability in all programs receiving federal funds
Ages Covered	Individuals 3–21 years old	No age restriction
Definition of Disability	Twelve disabilities defined according to federal regulations plus state/local definition of developmentally delayed	Broader interpretation of a disability than found in IDEA—a person with a physical or mental impairment that substantially limits a major life activity, or is record of such impairment, or is regarded as having such an impairment
Funding	States receive some federal dollars for excess cost of educating students with disabilities	Because this is a civil rights law, no additional funding is provided
Planning Documents	Individualized education program (IEP)	Accommodation plan (commonly referred to as a "504 plan")
Assessment Provisions	A comprehensive, nondiscriminatory eligibility evaluation in all areas of suspected disability conducted by a multidisciplinary team; re-evaluations every 3 years unless waived	Eligibility determination requires nondiscriminatory assessment procedures; requires re-evaluation prior to a "significant change" in placement
Due Process	Extensive rights and protections afforded to student and parents	Affords parents impartial hearing, right to inspect records, and representation by counsel; additional protections at discretion of local school district
Coordination	No provision	School district is required to identify a 504 coordinator
Enforcement	U.S. Department of Education, Office of Special Education	Office for Civil Rights, U.S. Department of Education

Americans with Disabilities Act

Probably the most significant civil rights legislation affecting individuals with disabilities, the Americans with Disabilities Act (ADA) (PL 101-336) was signed into law on July 26, 1990, by President George H. W. Bush, who stated, "Today, America welcomes into the mainstream of life all people with disabilities. Let the shameful wall of exclusion finally come tumbling down." This far-reaching enactment, which parallels Section 504 of PL 93-112, forbids discrimination against persons with disabilities in both the public and private sectors. Its purpose, according to Turnbull (1993), is to "provide clear, strong, consistent, and enforceable standards prohibiting discrimination against individuals with disabilities without respect for their age, nature or extent of disability" (p. 23).

The ADA goes far beyond traditional thinking of who is disabled and embraces, for instance, people with AIDS, individuals who have successfully completed a substance abuse program, and persons with cosmetic disfigurements. In fact, any person with an impairment that substantially limits a major life activity is covered by this legislation. It extends protections and guarantees of civil rights in diverse arenas such as private sector employment, transportation, telecommunications, public and privately owned accommodations, and the services of local and state government.

Examples of the impact of this landmark legislation include the following:

- Employers of 15 or more workers must make "reasonable accommodations" so that an otherwise qualified individual with a disability is not discriminated against.
- Accommodations might include a Braille computer keyboard for a worker who is visually impaired or wider doorways to allow easy access for an employee who uses a wheelchair. Furthermore, hiring, termination, and promotion practices may not discriminate against an applicant or employee who has a disability.
- Mass transit systems, such as buses, trains, and subways, must be accessible to citizens with disabilities.
- Hotels, fast-food restaurants, theaters, hospitals, early childhood centers, banks, dentists' offices, retail stores, and the like may not discriminate against individuals with disabilities. These facilities must be accessible or alternative means for providing services must be available.
- Companies that provide telephone service must offer relay services to individuals with hearing or speech impairments.

The ADA was amended approximately two decades after it was first enacted via PL 110-325, the Americans with Disabilities Act Amendments of 2008. Commonly known as ADAA, this law became effective January 1, 2009. The ADAA revised the meaning of a disability in favor of a broader interpretation, thereby extending protections to a greater number of individuals. Additionally, ADAA expanded its definition of "major life activities" to include reading, concentrating, and thinking. Changes incorporated in this legislation also apply to students eligible for protections under Section 504 of PL 93-112. According to Zirkel (2009), "the overall effect is obviously to expand the number and range of students eligible under Section 504" (p. 69). We anticipate that the new ADAA eligibility standards will significantly impact both general and special education over the coming years.

As a result of these three laws, millions of Americans with disabilities, of all ages, will have greater opportunities to lead independent, meaningful, and productive lives.

or: stations

Thematic Summary

- Today's classrooms evince an increasingly diverse student population. Teachers are confronted with the challenge of teaching students with disabilities, learners who are culturally and linguistically diverse, individuals at risk for not achieving success in the classroom, and pupils recognized as gifted and talented as well as the typical child. It is becoming increasingly common to serve all individuals with special learning needs in the general education classroom.
- Universal design for learning is seen as one vehicle for ensuring that teachers are able to meet the needs of

Making Connections for Inclusive Teaching

1. All students with special needs should be educated in the general education classroom. Do you agree or disagree with this statement? Defend your viewpoint.
2. Explain how universal design for learning benefits all students.
3. Discuss how litigation and legislation have worked together to enhance educational opportunities for learners with disabilities and pupils with other special needs.
4. Describe how the No Child Left Behind Act of 2001 in conjunction with the Individuals with Disabilities Education Improvement Act is currently affecting education in the United States.

Learning Activities

1. Interview a veteran general education teacher or a special educator (someone who has been teaching since the 1990s). Ask this person how the field of education has changed over the past decades. In what ways are things still the same? What issues and challenges does this teacher confront in his or her career? What is this person's vision of the future of education?
2. Interview an administrator from your local school district. Find out how court decisions and legislative requirements have affected the delivery of special education services. Here are some suggested topics for discussion:
 - How has special education changed over the past several years as a result of judicial and legislative mandates?
 - How is the school district meeting the requirement of educating pupils with disabilities in the least restrictive environment?

Looking at the Standards

There is a growing expectation in education circles that teachers are responsible for effectively providing an appropriate education to all learners. Many teacher preparation programs have aligned their standards and practices to reflect this philosophy. Additionally, just as school-age students are expected to demonstrate their mastery of the curriculum, individuals

- What are the perceived advantages and disadvantages of the No Child Left Behind Act of 2001 and IDEA at the local level?
- How are educators incorporating Common Core Standards in the curriculum for students with disabilities?
- 3. Visit an elementary school and a secondary school in your area and interview several general educators. What types of students do they have in their classrooms? How do they feel about teaching students with special needs? What do they see as the advantages and disadvantages of inclusion? Obtain and copy your state's special education laws. How do the requirements and provisions of the law compare with IDEA 2004?
- 4. Obtain and copy your state's special education laws. How do they see as the advantages and disadvantages of inclusion?

- Students who exhibit widely varying learning requirements.
- State and federal courts have played a large role in securing educational rights and protections for students with disabilities and other learners with special needs.
- Calls for reform and greater educational accountability currently characterize the educational climate in the United States.
- Thanks to federal legislation, students and adults with disabilities have secured, over the past several decades, unprecedented educational and civil rights.

the years, developed, and aligned statements of what beginning educators should know and be able to do to be effective teachers.

The standards correlations grids on the inside front and back covers present the INTASC standards that reflect the knowledge, attitudes, and skills that *all* teachers are expected to master as they commence their career, and the new CBC standards appropriate for beginning teachers of students with exceptionalities. In this chapter, and all of the following chapters, we identify specific standards that each of our chapters address. This appears at the beginning of each chapter.

Key Concepts and Terms

students with disabilities, p. 4
 inclusion, p. 10
 evidence-based practices, p. 19
 least restrictive environment (LRE), p. 7
 universal design for learning (UDL), p. 11
 response to intervention, p. 22

destiny to become teachers (general educators or special educators) are encountering standard-based licensure/certification requirements as part of the educational reform movement that seeks to improve the quality of *all* teachers working in today's classrooms. Colleges and universities that prepare teachers, as well as several state departments of education, have turned to professional organizations and associations for direction and guidance in meeting this challenge. Two representative groups are the Council for Exceptional Children (CEC) and the Interstate New Teacher Assessment and Support Consortium (INTASC). Together, these national organizations have, over

Policies, Practices, and Processes for Special Education and Inclusive Education



Learning Outcomes

After studying this chapter, you should be able to:

- 3-1 Differentiate between interindividual and intraindividual differences.
- 3-2 Outline the referral and assessment process utilized in special education.
- 3-3 Describe the required components of an individualized education program (IEP).
- 3-4 Provide examples of related services for students with special needs.
- 3-5 Summarize the purpose of Section 504 and accommodation plans.

Looking at the Standards

INTASC
The content of this chapter most closely aligns itself with the following standards:

Standard 1: Learner Development

The teacher understands how learners grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences.

Standard 6: Assessment

The teacher understands and uses multiple methods of assessment to engage learners in their own growth,

Standard 2: Learning Differences
The teacher uses understanding of individual differences and diverse cultures and communicates to ensure inclusive learning environments that enable each learner to meet high standards.

to monitor learner progress, and to guide the teacher's and learner's decision-making.

Standard 7: Planning for Instruction

The teacher plans instruction that supports every student in meeting rigorous goals by drawing on knowledge of content areas, curriculum, cross-disciplinary skills, and pedagogy, as well as knowledge of learners and the community context.



Special educators are to have knowledge of the following:

Standard 3: Curricular Content Knowledge

Beginning special education professionals use knowledge of general and specialized curricula to individualize learning for individuals with exceptionalities.

Chapter Outline

3-1 Identification and Assessment of Individual Differences

3-2 Referral and Assessment for a Special Education

Referral

Pre-referral

Assessment

Instructional Programming and Appropriate Placement

3-3 The Individualized Education Program

3-4 Related Services

3-5 Section 504 Accommodation Plan

Who Is Protected by Section 504?

Providing a Free Appropriate Public Education

Section 504 Eligibility Determination

Accommodation Plans

3-1

Identification and Assessment of Individual Differences

The purpose of this chapter is to describe and discuss the roles and responsibilities of general education teachers and special educators as they work together to meet the needs of a diverse learning community. As you will soon see, teachers, by necessity, work with a variety of professionals as well as parents in their attempt to provide an appropriate education for all students. Sometimes, however, despite teachers' best efforts, some children seem to continuously struggle in the classroom. What should a teacher do? How can you help these students? Is a special education always necessary? This chapter will answer these questions and others. Much of what teachers do in their endeavors to meet the unique needs of their students is driven by legislative mandates and legal requirements. We examine the various provisions that often dictate how teachers respond to the learning requirements of their pupils. We begin with a discussion of recognizing the importance of individual differences.¹

One of the distinguishing characteristics of the field of education is the individuality and uniqueness of the students we serve. There is considerable wisdom in the maxim that "no two children are alike." Experienced educators will quickly tell you that even though

¹ Content adapted from R. Gargiulo, *Special Education in Contemporary Society*, 5th ed. (Thousand Oaks, CA: Sage, 2015).

students may share a common label, such as gifted and talented, culturally diverse, or hearing impaired, that is where the similarity ends. Any two such pupils are likely to be as different as day and night. Of course, the individuality of our students, both typical and atypical, has the potential for creating significant instructional and/or management concerns for the classroom teacher. Recall from Chapter 1 that today's schools are serving an increasingly diverse student population. At the same time, there is greater cooperation and more shared responsibility between general and special educators as well as service providers as they collectively plan appropriate educational experiences for all learners. We also find that classrooms that incorporate principles of universal design for learning are often able to facilitate inclusive educational practices that benefit all students.

When teachers talk about the individuality of their students, they often refer to **interindividual differences** or the heterogeneity of their pupils. These differences are what distinguish each student from his or her classmates. Interindividual differences are differences *between* pupils. Examples might include distinctions based on height, reading ability, athletic prowess, or intellectual competency. Some interindividual differences are more obvious and of greater educational significance than others.

Interindividual differences are sometimes one of the reasons for a referral for special education services. One child might be significantly above (or below) average in intellectual ability; another might exhibit a significant degree of vision loss; and still another pupil may demonstrate behavioral issues. The types of services a student needs and where these services are provided are frequently based on the individual's interindividual differences. Stated another way, teachers, along with other education professionals, often identify, label, and subsequently recommend a pupil for an instructional program on the basis of the learner's interindividual differences. Not all pupils, however, in a given program are alike. Children also exhibit **intraindividual differences**—a unique pattern of strengths and needs. Intraindividual differences are differences *within* the child. Instead of looking at how students compare with their peers, teachers focus on the individual's abilities and limitations (Photo 3.1). We should point out that this is a characteristic of all pupils, not just those being considered for special education or other services. Robert, for example, who is the best artist in his eighth grade class, is equally well-known for his inability to sing. One of his classmates, Melinda, has a learning disability. Her reading ability is almost 3 years below grade level; however, she consistently earns very high grades in math.



PHOTO 3.1 Interindividual differences distinguish each student from his or her classmates.

© Robin Nelson/PhotoEdit

intraindividual differences
Differences within children.

interindividual differences
Differences between children.

Intra-individual differences are obviously of importance to teachers. A student's individualized education program (IEP) or Section 504 accommodation plan reflects this concern. Assessment data, derived from a variety of sources, typically profile a pupil's strengths and needs. This information is then used in crafting a customized instructional plan tailored to meet the unique needs of the learner.

3-2 Referral and Assessment for a Special Education

Legislative requirements and today's best practices serve as our road map as we travel along the evaluation pathway to providing appropriate educational experiences for students with disabilities. This journey from referral to assessment to the development of an IEP and eventual placement in the most appropriate environment is a comprehensive process incorporating many different phases. Figure 3.1 illustrates this process. In the following sections, we examine several of the key elements involved in developing an individualized program plan.

3-2a Pre-referral

A great deal of activity occurs prior to a student ever being assessed. Careful scrutiny of our model reveals an intervention strategy known as **pre-referral intervention**, which occurs prior to initiating a referral for possible special education services. The purpose of this strategy is to reduce unwarranted referrals while providing individualized assistance to the student in an inclusive environment without the benefit of a special education. Although not mandated by IDEA, pre-referral interventions have become increasingly common. In fact, IDEA 2004 permits the use of federal dollars to support these activities. Today, many states either require or recommend the use of this tactic with individuals suspected of having a disability. Pre-referral interventions are preemptive by design. They call for collaboration between general educators and other professionals for the express purpose of developing creative,

pre-referral intervention strategy that occurs prior to initiation of referral for special education services.

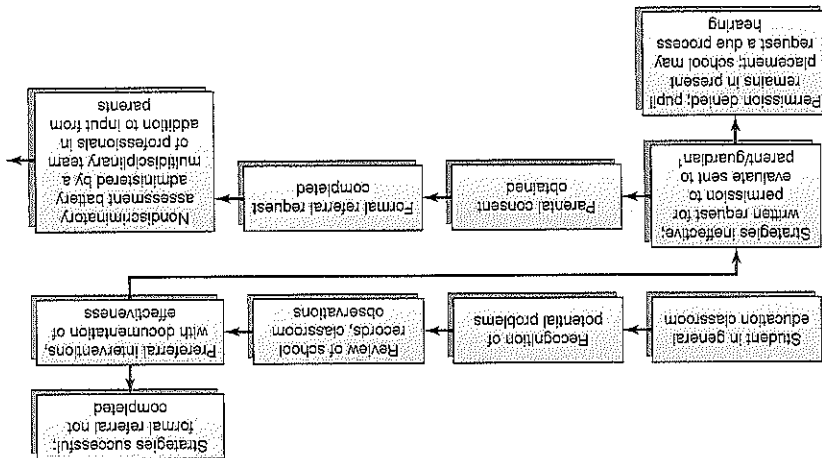


FIGURE 3.1 A Procedural Decision-Making Model for the Delivery of Special Education Services

- ¹ IDEA does not mandate parental consent for referral but does require consent for evaluation.
- ² Eligibility determination must occur within 60 days of referral.
- ³ If parents refuse consent for a special education, school districts are not responsible for providing a special education.
- ⁴ IEP must be developed within 30 days of eligibility determination.
- ⁵ Mandatory resolution session required prior to a due process hearing.

Source: R. Gargiulo, *Special Education in Contemporary Society*, 5th ed. (Thousand Oaks, CA: Sage, 2015), pp. 58–59.

alternative, evidence-based instructional and/or management strategies designed to accommodate the specific needs of an individual learner. This process results in shared responsibility and joint decision-making among general and special educators, related service providers, administrators, and other school personnel, all of whom possess specific expertise. Interestingly, in many instances, the pupils' parents are not actively involved in this early phase; however, their input could be invaluable. We believe their participation should be encouraged.

The child's success or failure in school no longer depends exclusively on the pedagogical skills of the general educator; instead, it is now the combined responsibility of a school-based **intervention assistance team** (also commonly known as teacher assistance teams, problem-solving teams, instructional support teams, or child/student study teams). This multidisciplinary group of professionals is charged with constructing academic accommodations or behavioral interventions for pupils believed to be at risk for failure in school. Once the learning/behavioral accommodations are initiated, the student's progress is monitored for a prescribed period of time—often one grading period. If the strategies are successful and the desired outcomes were achieved, then no further action is required. However, as beneficial as pre-referral interventions often are, in some cases the goals are not accomplished. Detailed documentation of the ineffectiveness of either the instructional adaptations or behavioral supports provides strong justification for the initiation of a formal referral for special education services. Figure 3.2 is one example of the type of planning document typically used by intervention assistance teams.

intervention assistance team
A group charged with
constructing academic
accommodations or behavioral
interventions for children
believed to be at risk for success
in school; also commonly called
teacher assistance teams, or
instructional support teams, or
child/student study teams.

response to
intervention (RTI)
A process used to determine if
the pupil responds to empirically
validated, scientifically based
interventions. Designed to target
early, effective instruction to
students who are having difficulty
learning as well as to serve as a
data-based tool for diagnosing
learning disabilities.

Response to Intervention In recent years, educators have added a new tool to their assessment arsenal. This procedure is known as **response to intervention**, commonly identified as **RTI**. RTI originally came to the forefront of educators' thinking as a result of the reauthorization of IDEA in 2004. It was initially offered as an alternative way of identifying students who might have a learning disability. Although schools have the option of using this procedure for determining the existence of a learning disability, RTI is now increasingly being used as an early intervention system for assessing all pupils who may have been exposed to inadequate or ineffective instruction and thus may be at risk for academic difficulties and potential school failure. As a school-wide initiative, RTI is typically used with kindergarten and students in the elementary grades; however, it is effectively being used in some middle and high schools.

There is no formal definition of RTI, nor is there one widely accepted model or strategy (Fuchs, Fuchs, & Stecker, 2010; Gargiulo, 2015). Essentially, RTI involves providing all students with scientifically validated instruction (also known as evidence-based practices) and then systematically assessing their academic progress through ongoing monitoring frequently

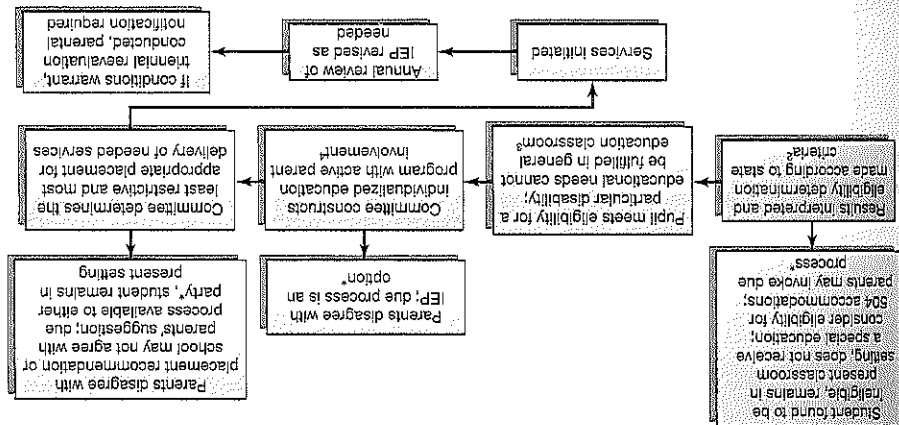
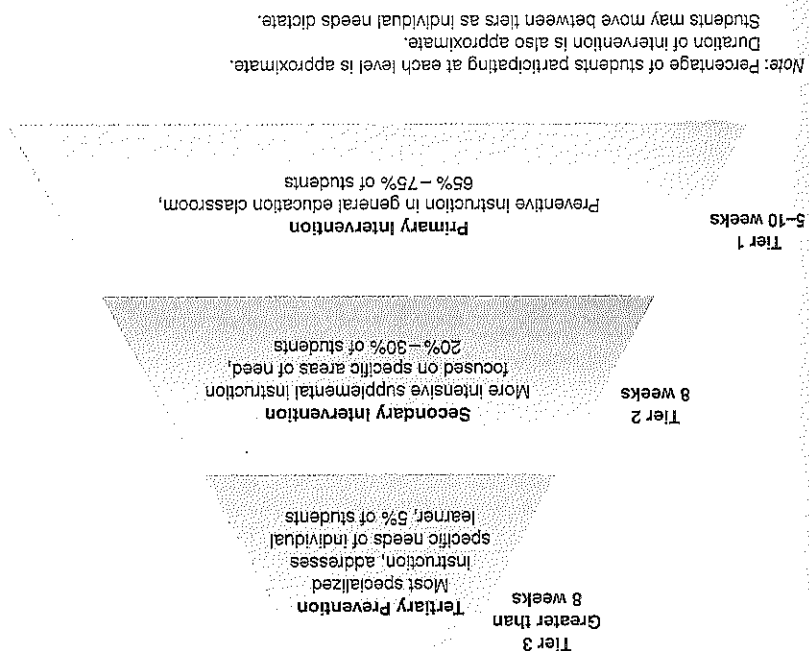


FIGURE 3.1 (Continued)

FIGURE 3.2 Sample Pre-referral Intervention Planning Form
 Source: Adapted from C. Ormsbee, "Effective Preassessment Team Procedures: Making the Process Work for Teachers and Students," *Intervention in School and Clinic*, 36, 2001, p. 151.

Student: _____	Teacher: _____
Grade: _____	Date: _____
Intervention Plan	
AREAS OF CONCERN/DIFFICULTY	
PUPIL'S STRENGTHS AND NEEDS	
ACADEMIC MODIFICATIONS	
What strategy/method is to be used?	
How is it to be done?	
Where will it be done?	
When will it be done?	
How long will it be done?	
Who is responsible?	
BEHAVIORAL STRATEGIES	
PARENT/HOME ACTIVITIES	
MOTIVATIONAL/INCENTIVE SYSTEM	
DATA COLLECTION ACTIVITIES	
How will effectiveness be assessed?	
Who will collect the data?	
How often will the data be collected?	
FOLLOW-UP PLANS	
How often will the team meet to monitor the plan?	
What is our criteria for success?	
Who will help the teacher implement the plan?	
GENERAL COMMENTS	

FIGURE 3.3
A Representative
Response to Intervention
Model
Source: R. Gargiulo, *Special
Education in Contemporary Society*,
4th ed. (Thousand Oaks, CA: Sage,
2012), p. 212.



referred to as curriculum-based measurement (CBM). (For additional information about CBM see Chapter 9.) Pupils are exposed to several levels or tiers of increasingly intensive instructional intervention as needed (see Figure 3.3) (Fuchs, Fuchs, & Compton, 2012; Vaughn & Bos, 2015). Designed originally to assess reading performance, this model has been expanded to include mathematics (Gersten, 2011) and social/emotional issues (Saeidi et al., 2011). Table 3.1 illustrates one example of an RTI model focusing on reading instruction. Frequently used as a pre-referral strategy, RTI typically includes several common components despite the absence of any one model viewed as the “gold standard.” Key elements often include:

- universal screening—school-wide or district-wide assessment of all students;
- the use of high-quality research-based instruction matched to the individual needs of the learner;
- fidelity of implementation—consistently and precisely implementing evidence-based interventions;
- tiered instruction—increasingly intensive instructional interventions that are customized to meet the students’ needs;
- frequent and ongoing detailed monitoring of student progress; and
- data-based decision-making (Friend & Bursuck, 2015; Vaughn & Bos, 2015).

An RTI framework represents a significant conceptual shift in thinking from a “wait to fail” approach to one that emphasizes early identification and possible prevention, thereby enhancing the value of RTI as a pre-referral strategy (Fuchs et al., 2012; Vaughn, Bos, & Schumm, 2014). Additionally, we see classrooms built around UDL principles as naturally supporting RTI due to the use of universal interventions, strategies, and tools.

TABLE 3.1 A Representative Response to Intervention Model: Tiers of Instruction

	Tier 1 (Primary)	Tier 2 (Secondary)	Tier 3 (Tertiary)
Definition	Reading instruction and programs, including ongoing professional development and benchmark assessments (3 times per year)	Instructional intervention used to supplement, enhance, and support Tier 1; takes place in small groups	Individualized reading instruction extended beyond the time allocated for Tier 1; groups of 1–3 students
Focus	All students	Students identified with reading difficulties who have not responded to Tier 1 efforts	Students with marked difficulties in reading or reading disabilities who have not responded adequately to Tier 1 and Tier 2 efforts
Program	Scientifically based reading instruction and curriculum emphasizing the critical elements	Specialized, scientifically based reading instruction and curriculum emphasizing the critical elements	Sustained, intensive, scientifically based reading instruction and curriculum highly responsive to students' needs
Instruction	Sufficient opportunities to practice throughout the school day	Additional attention, focus, support embedded throughout the day	Carefully designed and implemented, explicit, systematic instruction
Interventionist	General education teacher	Personnel determined by the school (classroom teacher, specialized reading teacher, other trained personnel)	Personnel determined by the school (for example, specialized reading teacher, special education teacher)
Setting	General education classroom	Appropriate setting designated by the school	Appropriate setting designated by the school
Grouping	Flexible grouping	Homogeneous small-group instruction (for example, 1:4, 1:5)	Homogeneous small-group instruction (1:2, 1:3)
Time	Minimum of 90 minutes per day	20–30 minutes per day in addition to Tier 1	50-minute sessions (or longer) per day depending on appropriateness of Tier 1
Assessment	Benchmark assessments at beginning, middle, and end of academic year	Progress monitoring twice per month on target skill to ensure adequate progress and learning	Progress monitoring at least twice per month on target skill to ensure adequate progress and learning

Source: Adapted from "Secondary Interventions in Reading," by S. Vaughn and G. Roberts, *Teaching Exceptional Children*, 39(5), 2007, p. 41. Copyright © 2007 by The Council for Exceptional Children.

Heward's (2013) recent synthesis of the research literature suggests the following benefits of RTI as a pre-referral tactic:

- Provide immediate instructional and/or behavior management assistance to the child and teacher.
- Reduce the frequency of identifying children for special education whose learning or behavioral problems are the result of not receiving appropriate instruction rather than a disability.
- Prevent relatively minor problems from worsening to a degree that would eventually require special education.
- Strengthen teachers' capacity to effectively intervene with a greater diversity of problems, thereby reducing the number of future referrals for special education.
- Prevent the costly and time-consuming process of assessment for special education eligibility by solving the problems that originally caused teachers or parents to be concerned about the child.
- Provide IEP teams with valuable baseline data for planning and evaluating special education and related services for students who are referred and found eligible for special education (pp. 48–49).

Web Resources

Access the following web sites for more information about RTI and related issues:

- National Center on Response to Intervention
- IRIS Center at Vanderbilt University
- RTI Resources
- Whlts Law
- National Council for Learning Disabilities

3-2b Referral

A referral is the first step in a long journey toward receiving a special education. As we have just seen, a referral may begin as a result of unsuccessful pre-referral interventions, it may be the outcome of child-find efforts (IDEA-mandated screening and identification of individuals suspected of needing a special education), or it might originate due to a request from a parent. Simply stated, a referral is a written request to evaluate a student to determine whether the pupil has a disability and is eligible for special education. Typically, a referral begins with a general educator; it may also be initiated by a school administrator, related services provider, or other concerned individual. Referrals typically arise from a concern about the child's academic achievement and/or social and behavioral problems. In a few instances, a referral may be initiated because of a pupil's cultural or linguistic background, it may also be initiated due to difficulties resulting from ineffective instruction. IDEA clearly stipulates, however, that these are *not* permissible reasons for a referral. This is another example of why pre-referral intervention strategies, like RTI, are so vitally important—to rule out possible explanations for a learner's difficulties.

Referral forms vary in their format. Generally, in addition to student demographic information, a referral must contain detailed reasons as to why the request is being made. Teachers must clearly describe the pupil's academic and/or social performance. Documentation typically accompanies the referral and may include test scores, checklists, behavioral observation data, and actual samples of the student's work. Teachers need to paint as complete a picture as possible of their concern(s), and of the efforts they made to rectify the situation.

In most schools, the information that has been gathered is then reviewed by a committee, often known as the child study committee, special services team, or other such name. The composition of this group of professionals varies, but it typically includes an administrator, school psychologist, and experienced teachers. Other personnel may also be involved, depending on the nature of the referral. It is the job of this committee to review the available information and decide whether further assessment is warranted. If the team decides to proceed, then a written request for permission to evaluate is sent to the child's parent(s). School authorities *must* obtain permission from the parent/guardian before proceeding with a formal evaluation. Interestingly, IDEA does not require parental consent for referrals. We believe, however, that it is wise to notify parents that a referral is being initiated, explain the reasons for the referral, and solicit their input and cooperation in the referral process.

3-2c Assessment

The first step in determining whether a student has a disability and is in need of special education is securing the consent of the child's parent(s)/guardian(s) for the evaluation. As noted previously, this step is mandated by IDEA as part of the procedural safeguards protecting the legal rights of parents/guardians. Under the provisions of IDEA, school officials must notify the pupil's parent(s)/guardian(s), in their native language, of the school's intent to evaluate (or refuse to evaluate) the student and the rationale for this decision; they must explain the assessment process and alternatives available to the parent/guardian, such as the right to an independent evaluation of their son or daughter. Many school districts automatically send parents/guardians a statement of their legal rights when permission to initially evaluate is sought.

Assessment, according to McLean, Wolery, and Bailey (2004), "is a generic term that refers to the process of gathering information for the purpose of making decisions" (p. 13). Educational assessment can rightly be thought of as an information-gathering and decision-making process. One of the goals of the assessment process is to obtain a complete profile of the student's strengths and needs. By law (IDEA), this requires the use of a **multidisciplinary team**

assessment
An information-gathering and
decision-making process to
obtain a student profile of
strengths and needs.
multidisciplinary team
The group responsible for
developing an individualized and
comprehensive assessment
package that evaluates broad
developmental domains
(cognitive, academic,
achievement) as well as the
specific areas of concern noted
on the referral, such as social/
emotional problems or
suspected visual impairments.

of professionals, of which one member must be a teacher. The team is responsible for developing an individualized and comprehensive assessment package that evaluates broad developmental domains (cognitive, academic, achievement) as well as the specific areas of concern noted on the referral, such as social/emotional problems or suspected visual impairments.

Successful accomplishment of this task dictates the use of both formal and informal assessment tools (Photo 3.2). Once again, IDEA is very clear about this issue. No one procedure may be used as the sole basis of evaluation; a multitude of tests are required. IDEA regulations further require that the evaluations be presented in the pupil's native language or, when necessary, via other modes of communication such as sign language or Braille for students with a sensory impairment. Additionally, the selection and administration of the assessment battery must accurately reflect the child's aptitude and achievement and not penalize the student because of his or her impairment in sensory, manual, or speaking skills. The accompanying Teaching All Learners feature describes some accommodations that may be needed for accurate assessment.

School psychologists, educational diagnosticians, and other professionals responsible for evaluating the student have a wide variety of assessment instruments at their disposal. Evaluators attempt to gauge both interindividual and intraindividual differences by using both

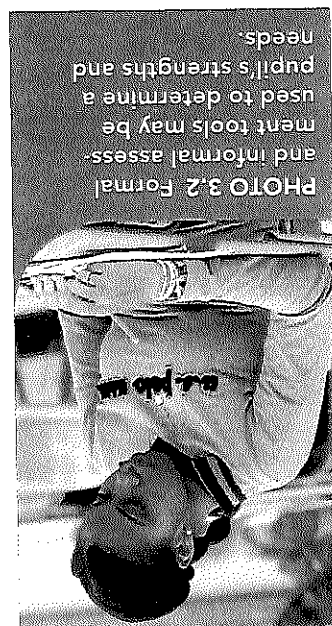


PHOTO 3.2 Formal and informal assessment tools may be used to determine a pupil's strengths and needs.

Assessment Accommodations

To accurately portray a pupil's abilities and needs, assessment accommodations are sometimes necessary. Accommodations are changes in how students access and demonstrate learning without changing the standards they are working toward. Accommodations must be individualized; not all pupils require them, nor do students with the same disability require the same type of accommodations. The need for accommodations may change over time; some individuals may require fewer accommodations, whereas in other situations additional support is required. Listed below are examples of accommodations that IEP teams may find beneficial.

Presentation accommodations let students access assignments, tests, and activities in ways other than reading standard print. Students with print disabilities (inability to visually decode standard print because of a physical, sensory, or cognitive disability) may require a combination of these accommodations:

- Visual: large print, magnification devices, sign language, visual cues
- Tactile: Braille, Nemeth code, tactile graphics
- Auditory: human reader, audiotape or CD, audio amplification device
- Visual and auditory: screen reader, videotape, descriptive video, talking materials

Response accommodations allow students to complete assignments, tests, and activities in different ways or solve or organize problems using an assistive device or organizer. Response accommodations include:

- Different ways to complete assignments, tests, and activities: expressing responses to a scribe through speech,

- Materials or devices to solve or organize responses: calculation devices; spelling and grammar assistive devices; visual or graphic organizers
- Timing and scheduling accommodations give students the time and breaks they need to complete assignments, tests, and activities, and may change the time of day, day of the week, or number of days over which an activity takes place. These include:
 - Extended time
 - Multiple or frequent breaks
 - Changing the testing schedule or order of subtests
 - Dividing long-term assignments

Setting accommodations change the location in which a student receives instruction or the conditions of the setting. Students may be allowed to sit in a different location than the majority of students to:

- Reduce distractions
- Receive distracting accommodations
- Increase physical access
- Use special equipment

Source: Adapted from S. Thompson, "Choosing and Using Accommodations on Assessments," *CEC Today*, 10(6), 2004, pp. 12, 18. Reprinted with permission by Council for Exceptional Children.

norm and criterion-referenced assessments. Simply stated, norm-referenced tests are standardized tests and are linked to interindividual differences. Norm-referenced tests compare a pupil's performance with that of a representative sample of children, providing the evaluator with an indication of the pupil's performance relative to other individuals of similar chronological age. Data are typically presented in terms of percentile ranks, stanines, or grade equivalent scores. Data gleaned from norm-referenced tests provide limited instructional information. In contrast, **criterion-referenced assessments** are associated with intraindividual differences and can provide data that are useful for instructional planning. In this type of assessment procedure, a student's performance task is compared to a particular level of mastery. The criterion level is typically established by the classroom teacher. Criterion-referenced assessments are especially helpful for identifying the specific skills the pupil has already mastered as well as the skills that require additional instruction. Teachers are concerned with the individual's pattern of strengths and needs, rather than how the student compares with his or her classmates.

As mentioned, evaluators must put together a complete educational portrait of the student's abilities. This frequently requires multiple sources of information, which typically include standardized tests, work samples, and observational data, among other forms of input. Table 3.2 summarizes some of the types of assessments increasingly being used by evaluation specialists to complement data derived from norm-referenced tests.

3.2d Instructional Programming and Appropriate Placement

When properly conducted, educational assessments lead to the development of meaningful IEPs. Measurable annual goals (and short-term objectives/benchmarks for pupils evaluated via alternate assessments) are crafted based on data gleaned from these evaluations. But first, the multidisciplinary team must determine whether the student is eligible to receive special education services according to specific state criteria. Eligibility standards differ from state to state, but most are framed around IDEA criteria.

If team members, working in concert with the child's parent(s), determine that the student fails to qualify for a special education, then we suggest developing intervention strategies and recommendations for accommodations that address the referral concerns.

TABLE 3.2 Emerging Sources of Assessment Information

Source	Description
Naturalistic Observation	Documentation of qualitative as well as quantitative aspects of a youngster's behavior in natural environment. Information may be recorded formally (rating scales, observational recording systems) or informally (anecdotal records, audio recordings). Data can be used to support or refute information gathered from other sources.
Interviews	Information obtained from significant individuals in a student's life—parents, teachers, older siblings, or the pupil himself or herself. Interviews are a planned and purposeful activity whose purpose is to gain insight or perspective on specific areas of interest, such as the child's background or possible reasons for behavioral problems. Format may be formal (interviewer follows a predetermined set of questions) or informal (interviewer proceeds according to the individual's responses). Data may be gathered orally or in writing.
Work Samples	Evidence of a pupil's actual classroom performance, typically focused on particular skill development. Sometimes referred to as a permanent product. Spelling tests, arithmetic facts sheets, and handwriting samples are examples of this information source. Work samples are especially useful when planning instructional intervention and modification. Requires teacher to think diagnostically and to look, for example, at error patterns or clarity of directions.
Portfolios	As a type of authentic assessment, portfolios are an outgrowth of the familiar work folder concept. They include a wide range of examples of a student's emerging abilities and accomplishments over time. Qualitative and quantitative indicators of performance might include writing samples, audio/video recordings, worksheets, drawings, photographs, or other forms of evidence. Useful for student self-assessment.

Source: R. Gargiulo, *Special Education in Contemporary Society*, (5th ed.). (Thousand Oaks, CA: Sage, 2015), p. 62.

We believe this is necessary because the pupil will remain in his or her present placement—the general education classroom. Additionally, the team might also wish to consider the pupil for a Section 504 accommodation plan if the student is eligible for such services. (We address this topic in greater detail later in this chapter.) Parent(s)/guardian(s) must be sent written notification summarizing the evaluation and stating why their son or daughter is ineligible to receive a special education. If, however, it is determined that the pupil is eligible for a special education, the multidisciplinary team is then confronted with two monumental tasks: constructing the IEP and determining the most appropriate placement for the student.

3-3 The Individualized Education Program

Each student identified by a multidisciplinary child study team as having a disability and in need of a special education must have an individualized program of specially designed instruction that addresses his or her unique needs. An individualized education program (IEP) is the guide to the design and delivery of customized services and instruction. It also serves as the vehicle for collaboration and cooperation between parents and professionals as they jointly devise appropriate educational experiences.

An IEP is part of an overall strategy designed to deliver services appropriate to the individual needs of pupils ages 3 and older. By the time we reach the IEP stage, the appropriate permissions have been gathered, assessments have been conducted, and a disability determination has been made. We are now at the point where the IEP is to be developed, followed by placement in the most appropriate and least restrictive setting. Bateman and Linden (2012) make a very important point about when the IEP is to be developed. They believe that IEPs are often written at the wrong time. Legally, the IEP is to be developed within 30 days after the evaluation and determination of the student's disability but *before* a placement recommendation is formulated. Placement in the least restrictive and most normalized setting is based on a completed IEP, not the other way around. An IEP should not be limited by placement options or the availability of services. We believe it is best to see the IEP as a management tool or planning vehicle that provides instructional direction and ensures that individuals with disabilities receive an individualized education appropriate to their unique needs. This focus is in concert with both the intent and spirit of IDEA. IEPs are written by a team. At a minimum, participation must include the following: a parent/guardian; the child's teachers, including a general education teacher and a special educator; a representative from the school district who is knowledgeable about special education; the general education curriculum, and the availability of resources in the local school district; and an individual able to interpret the instructional implications of the evaluation. When appropriate, the student as well as other professionals who possess pertinent information or whose expertise is desired may participate at the discretion of the parent or school. Parents have a legal right to participate meaningfully in this planning and decision-making process; they serve as the pupil's advocate (Photo 3.3). Although IDEA mandates a collaborative role for parents, it does not stipulate the degree or extent of their participation.

IEPs will vary greatly in their format and degree of specificity. Government regulations do not specify the level of detail considered appropriate, nor do they stipulate how the IEP is to be constructed—only that it be a written document. What is specified are the components (see the accompanying Teaching All Learners feature).

As stated previously, an IEP is, in essence, a management tool that stipulates *who* will be involved in providing a special education, *what* services will be offered, *where* they will be delivered, and for *how long*. In addition, an IEP gauges *how successfully* goals have been met. Although the IEP does contain a measure of accountability, it is not a legally binding contract; schools are not liable if goals are not achieved. Schools are liable, however, if they do not provide the services stipulated in the IEP. IEPs are to be reviewed annually, although parents may request an earlier review. A complete reevaluation of the pupil's eligibility for special education must occur every 3 years. PL 105-17 waived this requirement, however, if both the parents and school officials agree that such a review is not necessary.



PHOTO 3.3 Parents have a legal right to participate in the development of their child's individualized education program.

The IEP is not meant to be so comprehensive that it serves as the entire instructional agenda, nor is it intended to dictate what the individual is taught. They do have to be individualized, however, and address the unique learning and/or behavioral requirements of the student. In some situations, IEP teams rely on computer-managed IEPs. These can be a valuable resource and a useful logistical tool. We caution educators, however, to use this technology only as a support for designing customized and individually tailored plans. The IEP team is *always* responsible for developing individual goals that meet the learner's needs. An overreliance on generic computer-generated goals and objectives may diminish the educational relevancy of this procedure and its legitimacy may be questioned (Bateman & Linden, 2012).

One of the challenges confronting the IEP team is ensuring that students have access to the general education curriculum as stipulated in the 1997 reauthorization of IDEA. But what is the general education curriculum? In most instances, it is the curriculum that typical learners are exposed to, which is often established by individual state boards of education. The IEP must address how the pupil's disability affects his or her involvement in and ability to progress in the general education curriculum. The underlying assumption seems to be that even if a child is receiving a special education, he or she should engage the general education curriculum. Documentation is required if the team believes that this curriculum is inappropriate for a particular student.

IDEA 2004 requires the IEP team to develop measurable annual goals while also emphasizing exposure to the general education curriculum. Goal statements are purposely broad. Their intent is to provide long-range direction to a student's educational program, not to define exact instructional tasks. Based on the pupil's current level of performance, goals are "written to reflect what a student needs in order to become involved in and to make progress in the general education curriculum" (Yell, 2012, p. 253). They represent reasonable projections or estimates of what the pupil should be able to accomplish within the academic year. They also answer the question, "What should the students be doing?" Annual goals can reflect academic functioning, social behavior, adaptive behavior, or life skills. Regardless of their emphasis, goal statements should be positive, student-oriented, and relevant (Polloway, Patton, & Serna, 2013).

Web Resources

For additional information about IEPs access the following web sites:

- @ LD Online
- @ Wrightslaw
- @ National Center for Children with Disabilities
- @ Council for Exceptional Children



TEACHING ALL LEARNERS

Elements of a Meaningful IEP

- **Current Performance.** A statement of the student's present levels of educational and functional performance, including how a pupil's disability affects his or her involvement in the general education curriculum or, for preschoolers, how the disability affects participation in age-appropriate activities
- **Goals.** A statement of measurable annual goals that addresses the student's involvement and progress in the general education curriculum as well as the student's other education needs; short-term objectives or benchmarks are required for pupils who take alternate assessments aligned to alternate achievement standards
- **Special Education and Related Services.** A statement of special education, related services, and supplementary aids and services (based on peer-reviewed research) to be provided, including program modifications or supports necessary for the student to advance toward attainment of annual goals, to be involved and to progress in the general education curriculum, extracurricular, and nonacademic activities, and to be educated and to participate in activities with other children both with and without disabilities
- **Participation with Typical Students.** An explanation of the extent, if any, to which the student will not participate in the general education classroom
- **Participation in State-wide and District-wide Assessments.** A statement of any individual modifications needed for the student to participate in state-wide or district-wide assessment; if student will not participate, then a statement of why the assessment is inappropriate and how the pupil will be assessed
- **Dates and Places.** Projected date for initiation of services; expected location, duration, and frequency of such services
- **Transition Services.** Beginning at age 16, a statement of needed transition services identifying measurable post-school goals (training, education, employment, and, if appropriate, independent living skills), including a statement of interagency linkages and/or responsibilities
- **Measuring Progress.** A statement of how progress toward annual goals will be measured and how student's parents (guardians) will be regularly informed of such progress
- **Age of Majority.** At least 1 year before reaching age of majority, information regarding transfer of rights to the student on reaching age of majority

Measurable annual goals should include the following five components:

- The student ... (the who)
- Will do what ... (the behavior)
- To what level or degree ... (the criterion)
- Under what conditions ... (the conditions)
- In what length of time ... (the time frame)

"By the end of the school year Jessica will be able to complete 20 long-division problems in 10 minutes with 90 percent accuracy" is an example of a measurable annual goal. Short-term objectives or **benchmarks**, typically 1 to 3 months in duration, are only required in the IEPs of students with significant cognitive deficits—typically those learners who complete alternate assessments aligned to alternate achievement standards. These statements, written after goals have been created, describe the sequential steps the pupil will take to meet the intent of each goal statement. Benchmarks are usually written by teachers and describe anticipated student accomplishment. Additionally, the IEP team is required to consider the unique needs of the student. In some instances, the IEP may need to address:

- behavior intervention strategies and positive behavior supports for pupils whose behavior impedes their learning or that of their classmates
- instruction in and the use of Braille for learners with visual impairments
- the need for assistive technology devices and services
- the language and communication needs for students with hearing impairments
- the need for services that extend beyond the typical school year
- for pupils whose language is other than English, the need for ESL (English as a second language) services

Benchmarks
Short-term objectives, written by teachers, that are only required in the IEPs of students with significant cognitive deficits.

Quality IEPs largely depend on having well-written and appropriate goals (and objectives) that address the unique needs of the individual. IEPs are the primary means of ensuring that a specially designed educational program is provided. The accompanying Teaching All Learners feature provides a sample agenda for an IEP team meeting.

3-4 Related Services

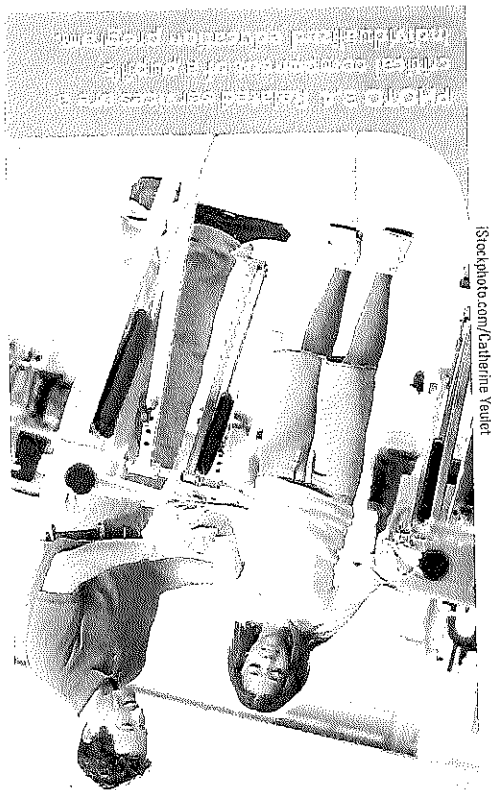
Teachers today no longer work in isolation. In fact, because of tremendous student diversity, it is increasingly common for teachers to work in partnership with professionals from other disciplines. An IEP team is a good example of this partnership. Successfully meeting the needs of students with special needs in inclusive classrooms requires collaboration and cooperation between and among a wide variety of service providers.

For those pupils with a disability, IDEA requires that their IEPs provide **related services** if the students are to receive benefit from their special education. For example, a girl with an orthopedic impairment might require physical therapy to aid in maintaining muscle tone and flexibility, and a school bus equipped with a lift may also be necessary if she uses a wheelchair. Another student with autism might require services from a speech-language pathologist because of significant language delays. In other instances, school social workers might be involved if a teacher suspects one of the students is a victim of child abuse or neglect.

Related services, which essentially are noninstructional services, are obviously a key component of an individual's educational program (Photo 3-4). Examples of related services include:

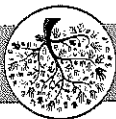
- Physical therapy
- Audiology
- School nurse services
- Transportation

related services that children with disabilities require to benefit from their special education (for example, physical therapy, school bus lift, speech pathologist).



Stockphoto.com/Catherine Veitler

TEACHING ALL LEARNERS



Suggested Individualized Education Program Meeting Agenda

- Welcome and introduction of participants and their respective roles
- Statement of purpose
- Review of previous year's IEP (except for initial placement) and accomplishments
- Discussion of student's present level of performance and progress:
- Assessment information
- Strengths and emerging areas
- Development of annual goals (and benchmarks if appropriate)
- Consideration of specific needs:
- Instructional modifications and accommodations
- Participation in state-wide and district-wide assessments
- Participation in general education curriculum and extracurricular activities
- Related services
- Assistive technology needs
- Transition goals
- Behavior intervention plan
- Language needs for students with limited English language skills
- Braille instruction for students who are visually impaired
- Recommendations and justification for placement in least restrictive environment
- Closing comments, securing of signatures
- Copies of IEP provided to all team members

Content Adapted from R. Gargiulo, *Special Education in Contemporary Society*, 5th ed. (Thousand Oaks, CA: Sage, 2015).

The preceding list is neither complete nor exhaustive. Other services may be provided if deemed necessary by the IEP team.

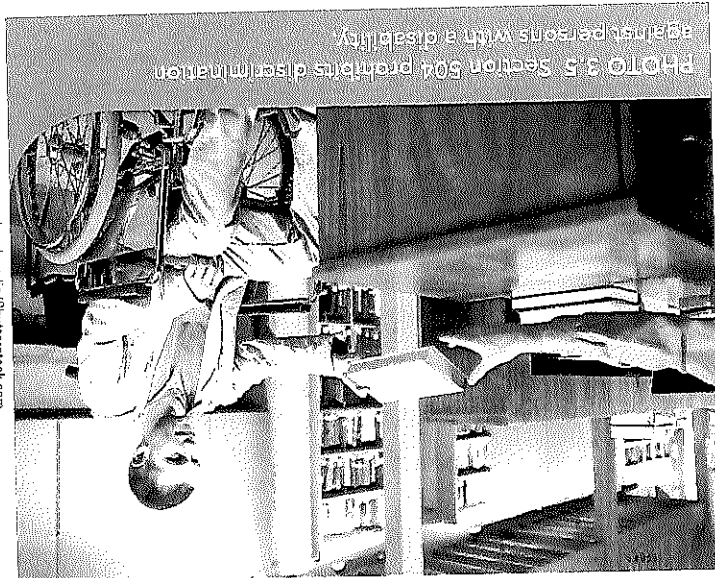
Fortunately, there is a growing recognition among educators today of the importance of professionals working together regardless of the different disciplines they may represent. Because no one discipline or profession possesses all of the resources or skills needed to develop the educational experiences called for by learners with special needs in inclusive settings, it is imperative that service providers work in a cooperative and collaborative fashion.

- Speech and language
- Psychology
- Recreational therapy
- Orientation mobility
- Interpretive services
- Occupational therapy
- Nutrition
- School social work
- Vocational education
- Rehabilitation counseling
- Parent counseling
- Health services

3-5 Section 504 Accommodation Plan

Recall from Chapter 1 that **Section 504** of the Rehabilitation Act of 1973 (PL 93-112) is a civil rights law designed to prohibit discrimination against individuals with disabilities (Photo 3.5). The intent of this legislation, according to Smith (2002), is to create equal opportunities for persons with disabilities. Likewise, Miller and Newbill (2006) view this act as an attempt "to level the playing field for students facing life challenges" (p. 13). Far-reaching in its intent and coverage, this law holds great significance for educators. Section 504 provides, among other things, that eligible students with disabilities have equal access to programs, activities, and services that are available to pupils without disabilities. This provision includes, for example, field trips, extracurricular activities, and academic courses (with appropriate accommodations), in addition to physical accessibility. Interestingly, because this law is an antidiscrimination statute, federal funds are not available to help schools meet the various requirements of Section 504. As this law pertains to education, PL 93-112 requires schools to adhere to the following provisions:

- Annually identify and locate all children with disabilities who are unserved.
- Provide a "free, appropriate public education" to each student with a disability, regardless of the nature or severity of the disability. This means providing general or special education and related aids and services designed to meet the individual educational needs of persons with disabilities as adequately as the needs of nondisabled persons are met.
- Ensure that each student with disabilities is educated with nondisabled students to the maximum extent appropriate.
- Establish nondiscriminatory evaluation and placement procedures to avoid the inappropriate education that may result from the misclassification or misplacement of students.



www.ck12.org/Sourcebook.com

PHOTO 3.5 Section 504 prohibits discrimination against persons with a disability.

Section 504
A civil rights law designed to
prohibit discrimination against
individuals with disabilities.

- Establish procedural safeguards to enable parents and guardians to participate meaningfully in decisions regarding the evaluation and placement of their children.
- Afford children with disabilities an equal opportunity to participate in nonacademic and extracurricular services and activities. (Office for Civil Rights, 1989, p. 8)

3-5a Who Is Protected by Section 504?

Although 504 protections are afforded to persons with disabilities across their lifespan, our focus here is on school-age individuals. As we noted in Chapter 1, all students eligible for services under IDEA are also protected by Section 504. The converse of this statement is not true, however. Some examples of pupils eligible for services under Section 504 include:

- a student referred for special education services but who does not qualify under IDEA;
- individuals who are no longer eligible for services under IDEA or who transition out of a special education program;
- students with a history of substance abuse;
- victims of abuse and neglect;
- pupils with health needs, such as diabetes, asthma, severe allergies, hemophilia, or communicable diseases; or
- someone with a low IQ but not viewed as having an intellectual disability.

Obviously, due to the broader scope of the definition of a disability incorporated in Section 504, significantly greater numbers of students are eligible to receive a free appropriate public education via Section 504 than would be afforded services under IDEA.

3-5b Providing a Free Appropriate Public Education

Similar to the requirements found in IDEA 2004, schools are required to provide a free, appropriate public education (FAPE) to pupils found eligible for Section 504 services and protections. This process involves the five areas of referral, evaluation, program planning, placement, and re-evaluation. The specific requirements of the 504 FAPE process include:

- **Referral**—Schools are required to refer students who they think would be eligible for Section 504 services. A committee of knowledgeable individuals will make that determination. Parents or school personnel may make referrals.
- **Evaluation**—If the committee believes that the child would probably be eligible for Section 504 services, then an evaluation of the area of suspected need must be completed. This evaluation must use nondiscriminatory procedures.
- **Eligibility Determination**—After the evaluation, the committee must determine if the student has a physical or mental impairment that substantially limits a major life activity.
- **Accommodation Plan Development**—If the committee determines that the student is eligible under Section 504, an accommodation plan must be developed.
- **Periodic Reevaluation**—The school must periodically re-evaluate the student to determine continuing eligibility under Section 504. (Smith, 2002, p. 263)

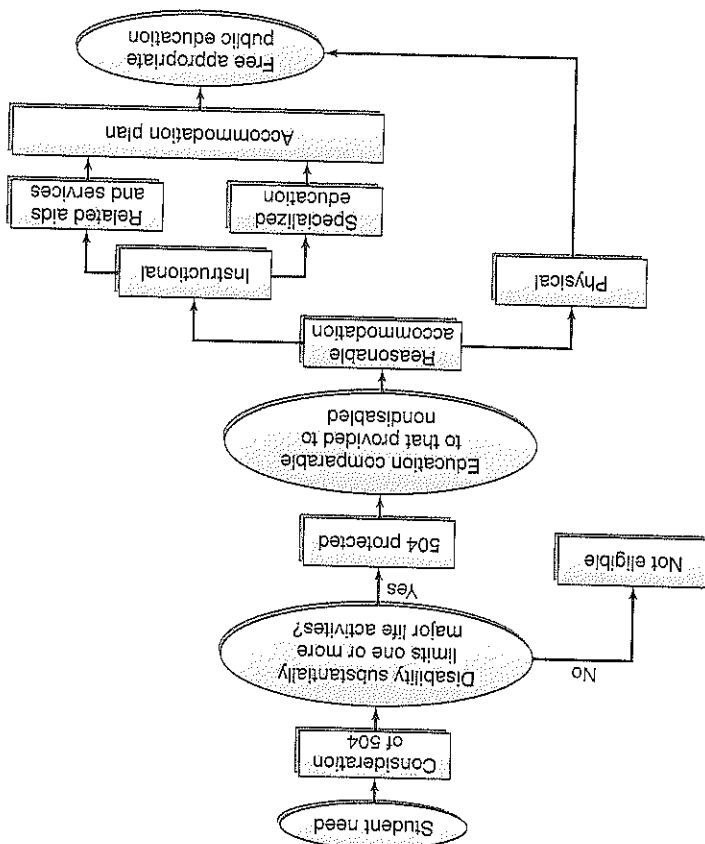
The required steps for providing a free, appropriate public education are illustrated in Figure 3.4.

3-5c Section 504 Eligibility Determination

Anyone can refer a pupil for Section 504 services, with general educators and parents being the two most likely individuals. As found in IDEA, just because a pupil is referred does not mean that he or she will be eligible for services. A committee of school personnel with knowledge of the student makes the eligibility determination (Smith, 2001).

FIGURE 3.4
Section 504
Decision-Making

Source: Section 504 and the ADA
Promoting Student Access: A
Resource Guide for Educators
(2nd ed.) (Albuquerque, NM:
Council of Administrators of Special
Education, 1992), p. 5. (<http://www.eric.ed.gov/PDFS/ED436899.pdf>).



As we saw earlier, eligibility determination under Section 504 is not based on whether a student has a particular disability warranting a special education, but rather whether there is a substantial limitation to a major life activity resulting from a physical or mental impairment. In many instances, this is a subjective process involving professional judgment. Observations, anecdotal information, and opinions are considered legitimate sources of assessment information. Norm-referenced assessments may be used but are *not* required as part of the evaluation process (Smith, 2001, 2002).

Making a determination regarding whether a pupil is eligible for Section 504 services in the absence of test scores and other quantitative information may make some educators uncomfortable. Smith and Patton (2007) recommend that school personnel consider the duration and intensity of the student's impairment. They have developed a process for assisting teachers and other school personnel in their decision-making process. This procedure involves using a rating form incorporating a Likert-type scale for assessing the duration and intensity of various functional limitations (see Figure 3.5). The use of this instrument offers school personnel a defensible position for their eligibility decision. Once a student has been found eligible for Section 504 services, an accommodation plan must be developed.

3-5d Accommodation Plans

Section 504 accommodation plans should be simple, inexpensive, and easy to use. The majority of accommodations will occur in the general education classroom. It is important to note that special educators are not liable for Section 504 accommodations; this responsibility belongs to general education teachers. Designed for an individual pupil, these plans should include the information necessary to enable the individual to have equal access to educational and extracurricular activities while also providing an equal opportunity to be

accommodation plan
Simple, inexpensive, and easy-
to-use plan required by Section
504 that includes information
necessary to enable the student
to have equal access to
education and extracurricular
activities while also providing
an equal opportunity to be
successful.

Nature of Mental or Physical Impairment:

Major Life Activity	School-Related Impairment ¹	Source of Information ²	Severity					Duration					Substantial Limitation ³
			Mild	Severe	Short-term	Long-term	Yes	No	Yes	No	Yes	No	
Caring for oneself			1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	Yes	No	Yes	No	Yes	No	
Performing manual tasks			1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	Yes	No	Yes	No	Yes	No	
Walking			1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	Yes	No	Yes	No	Yes	No	
Seeing			1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	Yes	No	Yes	No	Yes	No	
Hearing			1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	Yes	No	Yes	No	Yes	No	
Speaking			1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	Yes	No	Yes	No	Yes	No	
Breathing			1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	Yes	No	Yes	No	Yes	No	
Learning			1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	Yes	No	Yes	No	Yes	No	
Working			1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	Yes	No	Yes	No	Yes	No	
Other ⁴			1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5	Yes	No	Yes	No	Yes	No	

Note: ¹Description of education-related behaviors associated with major life activities affected by mental or physical condition.

²Listing of persons and/or evaluation techniques used for identifying behaviors with impairment.

³Based on consideration of the nature, severity, and duration of impairment.

⁴Other major life activities might include bending, stooping, reaching, etc.

FIGURE 3.5 Sample 504 Eligibility Determination Form

Source: Adapted from Section 504 Eligibility Determination Form: Evaluation Data. Note. From *Section 504 and Public Schools: A Practical Guide for Determining Eligibility, Developing Accommodation Plans, and Documenting Compliance*, 2nd Ed. (p. 36), by T. E. C. Smith and J. R. Patton, 2007, Austin, TX: PRO-ED.

successful (Smith, 2002). Many of the accommodations are common sense and will vary depending on the needs of the learner. Examples include:

- preferential seating
- extended test time
- rest periods during the school day
- tape-recorded lessons
- modified attendance policies
- oral testing options
- peer note-taker
- outlines and study guides
- textbooks kept at home

Accommodation plans do not have mandated components like IEPs do. The format of these plans, therefore, will greatly vary. At a minimum, this document should identify the pupils' strengths and needs, the type of accommodation required, the individual(s) responsible for implementation, and team members. We believe that it is important that these plans focus on the capabilities and strengths of the pupils—what they bring to the instructional process rather than emphasizing their needs or limitations. A focus on what the learners can do leads to a "glass half full" philosophy in which students are viewed as competent learners and interventions or accommodations are purposely constructed to move the students from where they are to where they need to be (Miller & Newbill, 2006). A basic accommodation plan is illustrated in Figure 3.6.

Name: Jason Wentworth
School: Greystone Elementary
Grade: 3rd
Birthdate: February 23, 2007

General Strengths: Jason has above average intellectual ability. He is popular with his classmates. Discipline is generally not a problem. Supportive and involved parents.

General Weaknesses: Jason exhibits ADHD. He has difficulty concentrating (except for brief periods of time) and he is easily distracted. Classroom assignments and homework are frequently not completed. Recent evidence of growing frustration and loss of self-esteem.

Specific Accommodations

Accommodation #1
Class: All classes
Accommodation(s): Worksheets will be modified so less material is presented on each page. Allow extra time for completion if necessary.

Person Responsible for Implementation: Mrs. Russell

Accommodation #2
Class: All classes
Accommodation(s): Jason will be given access to a study carrel when working on classroom assignments or taking tests.

Accommodation #3
Class: All classes
Accommodation(s): Jason will record daily homework activities in assignment notepad. Teacher will check for accuracy and parents will sign notepad and return it to school.

Person Responsible for Implementation: Mrs. Russell

Accommodation #4
Class: All classes
Accommodation(s): Jason will receive praise and recognition for task completion and appropriate behavior. Teacher to provide immediate feedback whenever possible.

Person Responsible for Implementation: Mrs. Russell

General Comments: Weekly progress reports to parents via telephone or email.

Accommodation Plan Team Members:

Name	Team Member's Signature	Position/Title
Ms. Claire Wentworth	<i>Claire Wentworth</i>	Parent/Guardian
Mr. Ralph Hastings	<i>Ralph Hastings</i>	Assistant Principal/504 Coordinator
Ms. Mildred Smith	<i>Mildred Smith</i>	School Counselor
Ms. Jennifer Jenkins	<i>Jennifer Jenkins</i>	Resource Teacher
Ms. Mary Russell	<i>Mary Russell</i>	General Educator

Copies: Parent _____
 Classroom Teacher(s) _____
 Cumulative File _____
 Other: _____

FIGURE 3.6 Section 504 Accommodation Plan

Source: Adapted from the Sample Accommodation Plan. Note. From Section 504 and Public Schools: A Practical Guide for Determining Eligibility, Developing Accommodation Plans, and Documenting Compliance, 2nd Ed. (p. 46), by T. E. C. Smith and J. R. Patton, 2007, Austin, TX: PRO-ED.

Thematic Summary

- Effective instructional planning for learners with special needs requires that educators consider the pupils' intraindividual differences.
- Pre-referral interventions are typically used to reduce unwarranted referrals for special education services while also offering assistance to the student in an inclusive setting.
- Response to intervention (RTI), which incorporates the use of scientifically validated instruction, is often used as a pre-referral strategy.
- RTI is often supported by using universal design for learning principles.

Making Connections for Inclusive Teaching

1. "As a general educator, I don't have the time or the expertise to comply with the IEP accommodations of all my students; besides, this document is simply some paperwork to be placed in the students' file." Refute this statement. Why might some teachers express this belief?
 6. How might an IEP and a Section 504 accommodation plan improve the quality of instruction for all students in an inclusive setting?
1. How might pre-referral interventions benefit a pupil suspected of requiring special education?
 2. How can the application of response to intervention strategies (RTI) assist teachers in identifying students who may require academic assistance?
 3. How might a classroom built around UDL principles support a response to intervention framework?
 4. Describe some of the alternatives to norm-referenced assessments. Why should teachers consider information from these sources?

Learning Activities

1. Obtain examples of blank IEP forms and Section 504 accommodation plans from different school districts in your vicinity. In what ways do these forms differ? How are they the same? Do they fulfill the requirements of the law as outlined in your textbook?
2. Visit an elementary school and a middle or high school in your community. Talk to several general education teachers at each site who serve students with Section 504 accommodation plans. What types of accommodations do they typically provide their pupils? Are these teachers working with related service providers? If so, what is their role? What do they see as the advantages and disadvantages of including students with special needs in their classrooms?

Key Concepts and Terms

- intraindividual differences, p. 57
- pre-referral intervention, p. 58
- intervention assistance team, p. 59
- response to intervention (RTI), p. 59
- Assessment, p. 63
- multidisciplinary team, p. 63
- norm-referenced assessments, p. 65
- criterion-referenced assessments, p. 65
- benchmarks, p. 68
- related services, p. 69
- Section 504, p. 70
- accommodation plans, p. 72