
Legal Issues Affecting People with Disabilities

by Anna Levinsohn and Ran Coble

In the spring of 1997, when Sam Stroud, a blind man, appeared in court for a custody hearing, Person County Judge Pattie S. Harrison ordered his seeing eye dog removed from court. The judge then ruled that Stroud must be accompanied by a sighted person whenever he visits his children. Shocked by the judge's behavior, Stroud said, "These were my civil rights and things like this can't happen in a court of law."¹ He brought suit against the judge claiming violations of his civil rights and of the Americans with Disabilities Act which guarantees access to public buildings for people with disabilities. Stroud later had his day in court and was allowed to have his dog in the courtroom. In addition, Stroud brought along three friends who also were accompanied by their guide dogs.²

Stroud's case is just one instance of discrimination. People with disabilities often have to wage legal battles to secure their rights. This is especially true for those receiving or in need of special educational services. Due to changes in state and federal legislation, the legal issues around special education have grown more numerous and complex

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than ever before. There are more cases being brought to trial and more parties are involved in these trials. What follows is a summary of some of the more important issues in law and government currently facing people with disabilities.

Failure To Accommodate Students with Disabilities

When the Individuals with Disabilities Education Act (IDEA) was passed, it required that all states provide individuals aged 3 to 21 with a "free appropriate education"³ in the "least restrictive environment."⁴ Most special education cases are brought in order to determine if the public schools are fulfilling these federal regulations.

In Illinois, for example, a federal court ruled that the state had failed to monitor properly the Chicago school system's treatment of special education students and therefore was liable in charges of segregation of special education students. In his decision, Judge Robert W. Gettleman wrote, "The school system has repeatedly placed disabled students in 'separate and unequal educational environments,' and the Illinois state board abdicated its responsibility to force the district to change its procedures to comply with the federal law."⁵

Under IDEA, states are required to supervise school districts to ensure they are following federal regulations. The Chicago school district had violated federal regulations by unnecessarily confining the majority of special education students to segregated classrooms and thus failing to provide the "least restrictive environment." The ruling stems from a class action lawsuit filed in 1992 against both the Chicago Board of Education and the Illinois State Board of Education. The Chicago board had settled its portion of the lawsuit in January 1998, agreeing to spend \$24 million to train teachers and to include more children with disabilities in the regular classroom. The ruling holding the state of Illinois liable will force other states to monitor their districts more closely for compliance with IDEA.

Universities also are being charged with not properly accommodating learning disabled students. The most noted case of late has been against Boston University, where President Jon Westling was widely criticized for his remarks about students with learning disabilities. The university was found guilty of violating the Americans with Disabilities Act by creating new regulations that made it more difficult for students to qualify for special services and was ordered to pay a total of nearly \$30,000 to six of the 10 students

who brought the lawsuit.⁶ However, the judge found that the university did not have to allow learning disabled students to substitute other courses to fulfill a foreign language requirement because the requirement is a vital part of the university's liberal arts curriculum. The most significant aspect of the judge's ruling involved the university's process of documenting a student's disability. She ruled that Boston's requirements were "high hurdles" that created emotional and financial burdens.⁷ This ruling should result in less of an emphasis placed on documentation of a disability in order for a student to qualify for special services.

In North Carolina, these legal trends are reflected in the cases brought against the Durham County school system and allegations of violations of the Americans with Disabilities Act at North Carolina State University. The Durham County Public Schools recently settled 21 of the more than two dozen lawsuits pending against its special education department. Ironically, one of the parents who sued, Regina George-Bowden, recently became a member of the Durham County school board. Some board members had voiced concerns that this represented a conflict of interest. Other lawsuits were brought by parents who charged that the schools failed to educate their special needs stu-

Disabled characters shaped by the old moral and medical models of representation have filled the stage for generations. . . . Consider the ease of signaling Good vs. Evil by the addition of a hook, peg leg, or eye patch. Introductory guides to screenwriting actually counsel fledgling authors to give their villain a limp or an amputated limb. The seductive plot possibilities of the medical model with its emphasis on overcoming and cures are irresistible in creating [conventional] dramatic structure. . . . The medical model also serves as terrific PR for one of the most powerful American myths: the rugged individual who pulls himself up by his own bootstraps. . . . We Americans want our characters to exist outside the forces of history and economics, making it easier to fix things and achieve a happy ending, which, in the case of disabled depiction, translates into the cheerful cripple who overcomes all obstacles by sheer willpower.

—VICTORIA ANN-LEWIS

QUOTED IN *STARING BACK — THE DISABILITY EXPERIENCE FROM THE INSIDE OUT*

dents as required under the law. Some parents sought reimbursement for the cost of sending their children to private school.

In a settlement agreement, the parents of 21 of these students accepted an award \$105,000 in exchange for dropping their claims. The Durham Public Schools did not admit liability in the agreement, but did agree to continue through December 1998 the operation of a superintendent's task force studying issues involving children with special needs.

In a February 11, 1998, letter sent to university officials, Joy Weeber, a disabled student activist, charges that North Carolina State University has committed several violations of the Americans with Disabilities Act, and has been lax in providing services to its disabled students. She specifies NCSU's lack of computer facilities for the vision impaired and failure to perform a self-evaluation of university compliance with ADA, which Weeber says should have been carried out by 1992.⁸ Although Weeber singled out NCSU in her letter, she writes, "While my experience has only been on one campus, communications with disabled people on other campuses in the system have confirmed that such problems are not confined to NCSU."

In response to Weeber's claims, N.C. State University issued a statement saying, "The university spends more than \$1 million each year—including staff salaries—to modify facilities and programs to accommodate students and others with disabilities. . . . Technologies and services on campus and for distance learning are evaluated on a case-by-case basis to ensure that students who request and need accommodation have access to all of the university's educational programs. N.C. State widely disseminates information throughout the campus community addressing its services for students, staff and others with disabilities and responds to each individual request. To our knowledge, all students with vision or hearing impairments who have requested accommodations have received the assistance necessary to access our programs. In addition, the university adds software to equipment in our computer laboratories to serve our students as needed." University officials also indicated that a full-time position of ADA Coordinator, which will be filled by the end of 1998, has been created ". . . to focus exclusively on the coordination of all disability services."⁹

Weeber questions whether the university has adequately addressed the issue of whether North Carolina State University's computer laboratories

are accessible to visually impaired students. "No blind student can walk into even one lab and expect to be able to do their work, as seeing students do," she says. "This is systemic discrimination that requires systemic change. The fact that they claim a 'case-by-case' response denies the systemic intent of the law and is grounded in the medical and charity model of disability—'Of course we will help you, the handicapped person, with anything we decide you need!'"

Shortage of Certified Special Education Teachers

Another obstacle that prevents schools from successfully meeting the needs of special education students is the need for more certified special education teachers. The recent reauthorization of the Individuals with Disabilities Education Act partially helped to ease the burden on schools seeking to fill special education vacancies. Schools in areas with shortages are now allowed to hire the most qualified people who are working toward certification, and the new hires have up to three years to obtain their certification.¹⁰ The federal government also has made discretionary funds available for states to write certification standards corresponding to other states' standards. Presently, states have widely differing requirements for certification, and this would make it easier for special education teachers to move from state to state. However, these provisions cannot help create more qualified teachers, and special education students continue to suffer because of this shortage.

In North Carolina, very little special education training is required of regular classroom teachers. General education teachers are required to have coursework only in learning disabilities, just one area of special education, in order to receive certification. This may cause problems both in identifying and teaching special needs students. One parent of a child with moderate to severe learning disabilities writes, "Children with learning disabilities are mainstreamed for the most part, and I think this is as it should be. However, I have found that classroom teachers are not prepared to teach children with learning disabilities. Our family has by now invested thousands of dollars in private learning consultants to help me understand the problem so that I could teach the teachers how to teach my daughter or for them to provide consultation directly to teachers. . . . The consequences of this inadequate preparation for teachers are severe. It has been my experience

that teachers fail to recognize or believe that a child's failure to learn is because of learning problems. Instead, they act on a belief that if the child will just work harder, [he or she] will succeed. Only after many failures which crush the child's spirit does the teacher become open to learning that all children do not learn the same way."¹¹

A study which appeared in *Exceptional Children*, a special education research journal, on the use of instructional aides presents evidence to support parents' dissatisfaction.¹² The study found that general education teachers often put untrained instructional aides in charge of the curriculum and instruction of the special education students who have been mainstreamed into their classroom. This causes the students to become segregated from the class and defeats the goal of mainstreaming students. An investigation of the Durham County Public Schools revealed that 18 special education classes exceeded the state specified number of students as of May 7, 1998, and the schools were employing 10 teachers who were not certified to work with special education students.¹³ The school stated these problems had arisen from a lack of special education teachers and growing numbers of special education students, but they were working to correct the situation by increasing efforts to recruit special education teachers and predict areas of special education where more teachers would be needed in the future. Until schools find better ways to cope with the shortage of qualified special education teachers, parents will continue to be dissatisfied, and some will attempt to resolve their dissatisfaction in court.

Discipline for Special Education Students

One issue that has parents, policymakers, and educators equally perplexed is the law pertaining to the disciplinary process for special education students. Federal laws state that a disabled student can be suspended for no more than ten days or sent to an "appropriate interim alternative educational setting" for not more than 45 days if the student is found to be in possession of weapons or drugs or determined by an administrative law judge to be a danger to himself or others.¹⁴ Due to the high cost and difficulty of locating an alternative educational setting, many special education students are quickly returned to their home school even for an offense as serious as drug or weapon possession.

According to Gene Adams of the student due

process office for the Wake County Public Schools, long-term suspensions were recommended for 259 special education students during the 1997-98 school year. Of that total, 156 suspensions were found by a multi-disciplinary team to be related to the child's disability and in each case the child was readmitted to school with an adjustment to his or her special education program.¹⁵ All of the students, including those suspended, were offered alternative special education services.

This can create a double standard for disciplining students since regular education students can be suspended with no obligation to provide educational services for these students while they are on suspension, though Adams points out that many schools do offer alternatives to prevent students from falling behind in their classwork. The difference in disciplinary standards and the obstacles the law poses for educators trying to ensure the safety of their schools is troubling to many educators and policymakers. Some school systems, including Wake and Durham Counties, have registered formal objections to the federal regulations, but it remains to be seen whether the law on which the regulations are based will be changed. Most advocates for special education students disagree with the schools' position, saying that suspending any student's education is wrong, and alternatives should be provided for both general and special education students.

Identifying Students with Disabilities

Many lawsuits now are being brought against schools for failure to identify and evaluate students believed to be disabled. In one example, the Mount Lebanon, Pa., school district recently settled a suit by awarding \$300,000 to the parents of a former student with visual and neurological impairments.¹⁶ The parents charged that the school failed to evaluate their child as disabled and held the school responsible for the cost of sending the boy to private school. The attorney for the school stated that the school chose to settle because of procedural mistakes that had been made, although she contended that the services provided to the student were excellent.

In California, a federal court granted permission for students in the Ravenswood City School District to sue the district for violations of special education laws.¹⁷ Among other allegations, the students charge that the school did not provide proper evaluations and did not identify students for special education services. The group also plans to

include the state of California in its suit for not enforcing federal regulations.

National figures show wide discrepancies in the number of students identified as eligible for special education services among various school districts. There are also wide differences in identification of special needs students by state. For instance, Hawaii identifies only 8.6 percent of its

population for special education, while Massachusetts identifies 17.2 percent. (See Table 1 below.) Some see a pattern of identifying more children in affluent school districts than in poor districts that can afford little by way of special services. Joetta L. Sack, writing in *Education Week*, compares the Compton, Calif., school district with the Greenwich, Conn., school district.¹⁸ In Compton, an

Table 1. Percentage of Special Education Students by State, 1995-96.

State	Percent of Students	State	Percent of Students
Alabama	13.2%	Montana	11.1%
Alaska	13.8	Nebraska	13.5
Arizona	10.2	Nevada	10.6
Arkansas	11.9	New Hampshire	13.0
California	10.2	New Jersey	16.5
Colorado	10.6	New Mexico	14.4
Connecticut	14.7	New York	14.0
Delaware	14.4	North Carolina	12.4
District of Columbia	8.8	North Dakota	10.4
Florida	14.3	Ohio	12.4
Georgia	10.3	Oklahoma	11.6
Hawaii	8.6	Oregon	12.3
Idaho	9.8	Pennsylvania	11.8
Illinois	13.2	Rhode Island	16.7
Indiana	13.7	South Carolina	13.4
Iowa	13.1	South Dakota	10.7
Kansas	11.6	Tennessee	14.1
Kentucky	12.6	Texas	11.8
Louisiana	11.4	Utah	11.0
Maine	14.9	Vermont	10.6
Maryland	12.5	Virginia	13.1
Massachusetts	17.2	Washington	11.2
Michigan	11.5	West Virginia	15.1
Minnesota	11.8	Wisconsin	12.2
Mississippi	13.2	Wyoming	12.6
Missouri	13.6		

Source: U.S. Department of Education.

impoverished area, only 8 percent of students are classified as disabled whereas in Greenwich, a wealthy suburb of New York City, more than twice that percentage are classified as disabled.

Such discrepancies raise troubling issues. Are some districts over-identifying students and incorrectly placing damaging labels on them that will last throughout their school years? Are large numbers of students going undiagnosed who really need special education services? Are districts that over-identify students devoting too many resources to special education at the expense of students in the regular classroom?

Despite clear discrepancies in the identification of special needs students according to wealth in school districts across the nation, no clear pattern emerges for North Carolina. (See Table 2 below.) Indeed, the state's wealthiest county, Mecklenburg, has identified a lower percentage of special education students than Hoke, its poorest county. Hoke identified 15.1 percent of its average daily membership as needing special education services for the 1996-97 school year, while Mecklenburg only identified 9.8 percent. Among the state's five poorest counties, only Warren identified a relatively low percentage of special education students. Yet Warren's 12.1 percent identification rate was similar to the 13.1 percent of students receiving special education services in Wake, the state's second richest county on a per capita income basis.

While under-identification of special needs students may be a problem in some high-poverty areas, critics of special education programs also point to over-identification of African-American students, usually for behavioral disabilities. It long has been a contention in special education that minority children are more frequently referred to special education because of cultural misperceptions. In the Wake County schools, for example, 60 percent of students classified as having behavioral disabilities are African-American, and almost 70 percent of the students in classes for those with mild mental disabilities are African-American, while African-Americans make up only 26 percent of all students.

At a May 1998 public meeting in Raleigh conducted by officials from the U.S. Department of Education and its Office of Civil Rights, parents stated that a lack of diversity training led teachers to unnecessarily refer African-American children to special education classes, and the low quality of these classes prevents the children from advancing academically.¹⁹ Officials are evaluating Wake County as part of a larger review process that includes other states. If evidence of racial bias is found, they will work with school officials to resolve those issues. Jack Nance, director of special education for Wake County schools, says the review was not in response to any charges or formal complaints, and he believes the issue is economic

Table 2. Comparison of Percentage of Special Education Students in North Carolina's Five Wealthiest Counties and Five Poorest Counties

N.C.'s Five Wealthiest Counties	Percentage of Special Education Students	N.C.'s Five Poorest Counties	Percentage of Special Education Students
1) Mecklenburg	9.8%	100) Hoke	15.1%
2) Wake	13.1	99) Tyrrell	15.5
3) Forsyth	12.4	98) Warren	12.1
4) Guilford	13.3	97) Cherokee	17.7
5) Orange	17.4	96) Yancey	13.7

Source: Calculations for percentages of special education students based on figures supplied by the North Carolina Department of Public Instruction. Wealth rankings for North Carolina counties are based on 1995 per capita income figures provided by the Labor Market Information Division of the North Carolina Employment Security Commission.

rather than racial. "More poor people tend to be over-identified in every 'bad' category," Nance says. "People with resources get other labels put on themselves."

The High Cost of Special Education Programs

A major source of litigation in the special education field is money — or rather the lack of it. The costs of special education programs have been soaring to new levels, and the funding for these programs has not increased at the same pace. In Michigan, 84 school districts received \$211 million from the state after winning a lawsuit brought 18 years ago.²⁰ The school districts had sued the state for failing to fund their special education programs sufficiently. However, districts say that this is only a portion of the amount they would have received if the state had paid its full share all along. A second lawsuit filed by the school districts charged the state of Michigan with continuing to underfund special education but was rejected by a state appeals court, so the districts' struggle to receive adequate special education funding has not yet ended.

School systems that have a large population of special education students also are struggling with the large financial burden this imposes on the schools. Massachusetts, which long has drawn praise for its special education programs, attempted to revise its special education laws by giving local school districts more flexibility in choosing placements for special education students.²¹ Massachusetts's special education program is very costly because more than 17 percent of students aged 3 to 21 are identified as disabled. Those in favor of the changes say the current system allows even those with mild disabilities to be classified as disabled and thus receive special services, which takes money away from more severely disabled students. The state withdrew its proposal to revise its special education laws after drawing criticism from lawmakers, parents, and advocacy groups but plans to carry out a study to see how changes in the law would affect special education students.

At the university level, schools are clashing with states over costs related to special education. Since the passage of the Americans with Disabilities Act in 1990, some states have argued that the act relieved them of paying for auxiliary services for disabled college students who also participate in state-run vocational rehabilitation programs.²² However, the U.S. Department of Education holds that the Rehabilitation Act of 1973 still requires

states to pay for clients of vocational rehabilitation programs. With the costs of providing services to disabled students skyrocketing, underfunded state agencies are searching for any way possible to cut expenses. One way is to pass on costs to universities. The U.S. Education Department began looking into the issue after receiving a letter from university officials claiming that 30 state agencies are refusing to make payments to universities. Meanwhile, disabled students have become caught in the disputes between state vocational rehabilitation agencies and universities over too few dollars. Many educators and advocates worry that universities will stop recruiting disabled students if they have to pay for auxiliary services.

Related Educational Services Versus Medical Services

Distinguishing between related educational services and medical services is another area of special education funding that has become a source of legal conflict. Under the federal Individuals with Disabilities Education Act, schools currently are exempt from paying for medical services, but they are responsible for related educational services, which can include school health services that facilitate a child's education.²³ A case has been brought before the U.S. Supreme Court to determine whether a school in Iowa is responsible for paying for a full-time nurse for a student who uses a ventilator and bladder catheterization and requires constant medical attention after being paralyzed from the neck down in a motorcycle accident. A federal court recently had ruled that because a doctor was not providing the services, they qualified "as supportive services necessary to enable him to enjoy the benefit of special education."²⁴ Yet, the U.S. Department of Education stated in a letter to an Illinois district that most federal courts have distinguished between medical and related services on the basis of whether the care required was constant or intermittent.²⁵ The U.S. Supreme Court was expected to hear the case in November 1998.

The Waiting List in North Carolina

In North Carolina, scarce funding for the needs of special education students and others with disabilities has manifested itself in a number of ways. One of the most glaring problems is the waiting list for services for people with developmental disabilities. Families across North Carolina have been waiting years to receive services offered by

**Table 3. Number of People on Waiting List for Services
by N.C. Area Mental Health Program, October 1998.**

Area Programs	Number of People on Waiting List	Area Programs	Number of People on Waiting List
Alamance/Caswell	121	New River (Alleghany, Ashe, Avery, Watauga, Wilkes)	111
Albemarle (Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans)	66	Onslow	379
Blue Ridge (Madison, Buncombe, Mitchell, Yancey)	337	Orange/Person/Chatham	274
Catawba	148	Piedmont (Cabarrus, Rowan, Stanly, Union)	241
Center Point Human Services (Davie, Forsyth, Stokes)	311	Pitt	94
Cleveland	202	Randolph	50
Crossroads (Iredell, Surry, Yadkin)	166	Roanoke/Chowan (Bertie, Gates, Hertford, Northampton)	64
Cumberland	184	Rockingham	14
Davidson	176	Rutherford/Polk	56
Duplin/Sampson	65	Sandhills (Anson, Hoke, Montgomery, Moore, Richmond)	153
Durham	113	Smoky Mountains (Clay, Cherokee, Graham, Haywood, Jackson, Macon, Swain)	237
Edgecombe/Nash	97	Southeastern Area (Brunswick, New Hanover, Pender)	299
Foothills (Alexander, Burke, Caldwell, McDowell)	228	Southeastern Region (Bladen, Columbus, Robeson, Scotland)	222
Gaston/Lincoln	290	Tidelands (Beaufort, Hyde, Martin, Tyrrell, Washington)	77
Guilford	408	Trend (Henderson, Transylvania)	185
Halifax	163	Vance/Granville/Franklin/Warren	103
Johnston	35	Wake	691
Lee/Harnett	108	Wayne	76
Lenoir	99	Wilson/Greene	137
Mecklenburg	321	Total:	7,178
Neuse (Carteret, Craven, Jones, Pamlico)	117		

Source: North Carolina Developmental Disabilities Consortium, Raleigh, N.C. Care of Easter Seal Society of N.C., 2315 Myron Drive, Raleigh, NC 27607. Phone: (919) 783-8898.

the state to assist people with developmental disabilities. These services are designed to help the developmentally disabled remain in their communities rather than going to an institution away from home. However, due to a lack of funds, North Carolina's waiting list is the sixth longest in the country and some families have been waiting for more than two years. (See Table 3.) One family of a 29-year-old mentally handicapped man has been waiting for seven years for its request for limited assistance to be met. The services requested vary from physical or occupational therapy to residential care and respite services. All of these services can make a huge difference in the quality of life for families and individuals with developmental disabilities. Karla Ewald, director of the Association of Retarded Citizens in Greensboro, says, "These are life essential needs. They are not frills or extras. They are the basics — a place to live, a place to work."²⁶

The North Carolina Developmental Disabilities Consortium, a coalition of 37 advocacy organizations, has begun a campaign to educate people about the needs of those on the waiting list and to push the General Assembly for additional funds for the program.²⁷ The campaign has had some success as Governor Hunt's proposed budget and the 1998 House budget allocated \$12 million in additional funds to ease the \$30.9 million backlog in services for the developmentally disabled.²⁸ The final budget included the additional \$12 million. Michelle Cotton, of the Mental Health section of the North Carolina Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, attributes the extra money in the budget to the efforts of the consortium and other advocacy groups. However, Cotton, whose agency oversees the wait list, says that it only will be a start in meeting the needs of those on the waiting list.

The number of legal battles over special education and other issues involving people with disabilities shows no sign of decreasing in the future. In order for this to happen, society must make a firm commitment to finding and funding new and successful ways to accommodate the needs of people with disabilities. The public schools are but one front in the battle. While they must work to improve the way they serve students with special needs, parents and advocates also must realize that schools are attempting to meet the disparate needs of a large student population on a limited budget. □ □ □

FOOTNOTES

¹ Deidra Jackson, "Blind man wants another day in court — this time with his dog." *The News & Observer*, Raleigh, N.C., August 2, 1997, p. 1A.

² Deidra Jackson, "Dog in court for hearing on dogs in court." *The News & Observer*, Raleigh, N.C., October 7, 1997, p. 1C.

³ 20 U.S. Code 33, Section 1412 (a)(1)(A).

⁴ 20 U.S. Code 33, Section 1412 (a)(5)(A).

⁵ As quoted in Joetta L. Sack, "Court Faults Illinois in Chicago Spec. Ed. Case." *Education Week*, Bethesda, Md., March 4, 1998, p. 7.

⁶ Jeffrey Selingo, "Judge Says Boston U. Violated Rights of Learning Disabled." *The Chronicle of Higher Education*, Washington, D.C., September 5, 1997, p. A65.

⁷ *Ibid.* at p. A66.

⁸ 42 U.S. Code 32, Section 204

⁹ Statement from Joe Sanders of N.C. State Public Affairs Office, August 12, 1998.

¹⁰ 20 U.S. Code 33, Section 1412 (a)(15)(C).

¹¹ Letter to Ran Coble, executive director of North Carolina Center for Public Policy Research. November 11, 1997. Name of author withheld to protect confidentiality.

¹² Michael F. Giangreco, "Helping or Hovering? Effects of Instructional Assistants' Proximity on Students with Disabilities," *Exceptional Children*, Vol. 64, No. 1, Fall 1997, pp. 7-18.

¹³ Michelle Kurtz, "Shortcomings found in special ed.," *The News & Observer*, Raleigh, N.C., July 21, 1998, p. 7B.

¹⁴ 20 U.S. Code 33, Section 615(k)(ii).

¹⁵ Figures supplied by Gene Adams, Wake County Special Education Department.

¹⁶ "Spec. Ed. Lawsuit Settled," *Education Week*, Bethesda, Md., June 3, 1998, p. 4.

¹⁷ Joetta L. Sack, "Federal Court Reinstates Spec. Ed. Suit Against State of Calif., School District," *Education Week*, Bethesda, Md., October 15, 1997, p. 12.

¹⁸ Joetta L. Sack, "Spec. Ed. Designation Varies Widely Across Country," *Education Week*, Bethesda, Md., June 24, 1998, p. 1.

¹⁹ Todd Silberman, "Federal officials hear concerns of special-ed bias," *The News & Observer*, Raleigh, N.C., May 13, 1998, p. 1B.

²⁰ Robert C. Johnston, "Mich. Districts Chart Course After Spec. Ed. Rulings," *Education Week*, Bethesda, Md., June 24, 1998, p. 22.

²¹ Joetta L. Sack, "Lawmakers Advance Proposal To Change Mass. Special Ed. Law," *Education Week*, Bethesda, Md., January 21, 1998, p. 22.

²² Jeffrey Selingo, "States and Colleges Wrangle Over Paying for Services to Disabled Students," *The Chronicle of Higher Education*, Washington, D.C., June 19, 1998, p. A37.

²³ 20 U.S. Code 33, Section 602 (22).

²⁴ *Cedar Rapids School District v. Garret F.*, 106 F.3d 822 (8th Cir. 1997).

²⁵ Mark Walsh, "Supreme Court Agrees to Hear Spec. Ed. Case," *Education Week*, Bethesda, Md., May 27, 1998, p. 1.

²⁶ Teresa Killian, "Arc officials move to cut waiting time," *Enterprise*, High Point, N.C., June 26, 1998, p. 1B.

²⁷ Gayle Butzgy, "Families seek help for their children," *County Lines*, N.C. Association of County Commissioners, Raleigh, N.C., May 27, 1998, p. 5.

²⁸ Senate Bill 1366 (the 1998-99 budget bill), section 2. Wade Rawlins, "House rolls out budget proposal," *The News & Observer*, Raleigh, N.C., July 21, 1998.

Prayer for the Children

We pray for children
Who sneak popsicles before
Supper,
Who erase holes in math
Workbooks
Who can never find their
Shoes.

And we pray for those
Who stare at
Photographers from
Behind
Barbed wire,
Who can't bound down the
Street in a new pair of
Sneakers,
Who never "counted potatoes,"
Who are born in places we
Wouldn't be caught dead,
Who never go to the circus,
Who live in an X-rated
World.

We pray for children
Who bring us sticky kisses
And fistfuls of dandelions
Who hug us in a hurry and
Forget their lunch money.

And we pray for those
Who never get dessert
Who have no safe blanket
To drag behind them,
Who watch their parents
Watch them die,

Who can't find any bread
To steal,
Who don't have any rooms
To clean up,
Whose pictures aren't on
Anybody's dresser
Whose monsters are real.

We pray for children
Who spend all their
Allowance before Tuesday
Who throw tantrums in
The grocery store and pick
At their food,
Who like ghost stories,
Who shove dirty clothes
Under the bed,
And never rinse out the tub,
Who get visits from the
Tooth fairy,
Who don't like to be kissed
In front of the carpool,
Who squirm in church or
Temple and scream in the
Phone,
Whose tears we sometimes
Laugh at and whose smiles
Can make us cry.

And we pray for those
Whose nightmares come in
The daytime,
Who will eat anything,
Who have never seen a
Dentist,
Who aren't spoiled by
Anybody,
Who go to bed hungry and
Cry themselves to sleep,
Who live and move, but
Have no being.

We pray for children who
Want to be carried
And for those who we
Must,
For those we never give up
On and for those who
Don't get a second chance.

For those we mother . . . and
For those who will grab
The hand of anybody kind
Enough to offer it.

—AUTHOR UNKNOWN

SOURCE: THE HUNT ALTERNATIVES FUND, DENVER, COLO.