



*Karen Tam*

# North Carolina's Children with Special Needs: AN INTRODUCTION

by Mike McLaughlin



**N**ap time for preschoolers is winding down at the Governor Morehead School for the Blind in Raleigh. A visually impaired toddler leans over an older child and gently rouses her from sleep as the theme song to *Little Mermaid* plays in the background. The waking child rubs her eyes groggily while the mermaid, who longs for the human world, croons, "Just you and me, wish I could be, part of your world."

It's an apt metaphor for what is going on in the world of children with special needs — defined here as children with mental and/or physical disabilities that qualify them for special education services. Visually impaired children are struggling to be a part of the sighted world. Children with mental and physical handicaps are struggling to join the mainstream. Inclusion is the term of choice in the effort to integrate exceptional children into the general education classroom, and the public schools are the gateway through which children with impairments or disabilities must pass, whether their ultimate destination is a neighborhood school or a state institution like the Governor Morehead School for the Blind.

The state's responsibility under federal law is to provide children with special needs a free, appropriate public education in the least restrictive environment.<sup>1</sup> And state law carries this requirement a step further, declaring that it is the "policy of the state to ensure every child a fair and full opportunity to reach his full potential."<sup>2</sup>

All together, the state has identified nearly 160,000 children ages 3 through 21 as eligible for special services to help them pursue an education. More than \$320 million annually is spent educating these students, whether at a neighborhood school or in a state or community institution. For all of these children, the first stop is the public school system. "The local school system is the portal of entry," says David Mills, section chief for areas of exceptionality in the Exceptional Children Division of the N.C. Department of Public Instruction.

Under federal law, each child must have an individualized education program (IEP), developed by an IEP team that includes a parent, a special education teacher, a general education teacher if the child is or may be participating in general education, another local education agency representative,

and, where appropriate, the child. The committee formulates a plan to provide the child an individualized education program designed to address his or her special needs. The plan consists of a set of annual goals, with short term objectives or benchmarks in areas of special education that enable the child to reach those goals.

Once goals and objectives are established, the committee addresses the question, "Where can these goals and objectives best be met?" says Mills. The learning environment could wind up being a regular public school classroom, or it could be a state hospital for students with mental illness. "You don't necessarily say, 'All students with hearing impairments should go to a special school,'" says Mills. "That's where least restrictive environment kicks in. You want to get as close to general education as possible." The needs of the child, however, are key to the placement, says Mills.

Mills sees the range of placements available as points on a continuum, with the topmost point being the general education classroom and the objective being to place the student as close to the topmost point as possible. "You move down the continuum only as far as necessary, and you move up the continuum as quickly as possible," says Mills. "We need a continuum of services as students need them, but students' needs should come first."

While this goal seems straightforward, there is plenty of room for disagreement over what best serves the child. And aside from making a plan, there's the issue of how well the plan is carried out. "The IEP can be well written and not carried out or it can be poorly written and carried out. Either way, the results are the same. The student gets to the ninth grade and is reading on a third or fourth grade level because he has not received special education services according to his needs," says Pat Lillie, state administrator for the Learning Disabilities Association of North Carolina.

In addition, cost comes into play. The Department of Public Instruction estimates that the cost of educating a special needs child is 2.3 times that of educating a child without an impairment that affects learning.<sup>3</sup> For the 1997-98 school year, the state provided \$2,248.39 in additional funding per special education student, while the federal government pitched in \$488 per student. The federal government, while initially promising to fund 40 percent of special education costs for the states, is in reality only funding about 7 percent of the total cost, says Lillie. "Three years ago, we were \$145 million behind intended funding. It's had an incredible impact on services."

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*Mike McLaughlin is editor of North Carolina Insight. Excerpts on pp. 5, 27, 62, 70, 93, and 101 reprinted from Staring Back — The Disability Experience From The Inside Out, Kenny Fries, editor, New American Library, New York, New York, 1997.*

With the cost of educating special needs children an increasing drain on school system budgets, demands on educators increasing, and the public schools struggling to meet the needs of *all* children, advocates say there is a temptation to give exceptional children short shrift. Thus, some parents have turned to the courts in an attempt to try to force the schools to do more.

Deborah Greenblatt is director of Carolina Legal Assistance — A Mental Disability Law Project, of Raleigh, N.C., a private, nonprofit legal assistance program which practices exclusively in the field of mental disability law. One of the program's areas of expertise is special education under the Individuals with Disabilities Education Act. Greenblatt says the Individualized Education Plan, while designed to assure a free, appropriate public education, often doesn't live up to its billing. "The process is supposed to be friendly [to parents and children], but it's not," she says. Less educated parents in particular are subject to being intimidated when they walk into a room full of profes-

sional educators. "They get there, and there are 10 people in a room. They're presented with a form and told to sign it and take it or leave it."

By definition, the programs are designed to be individualized to meet the needs of the student. However, Greenblatt says in one case where Carolina Legal Assistance became involved, all of the students in the classroom had the same IEP.

Mills and Exceptional Children Division Director Lowell Harris acknowledge that the IEP process has flaws. "It's difficult to be perfect," says Harris. Giving the example of a student with a speech problem, Harris says the student's IEP could prescribe a certain number of sessions with a speech-language pathologist as critical to reaching the child's learning goals. Then the speech-language pathologist resigns. "You have a plan, but it's not working well, and the student fails."

By design, the IEP is updated annually so that it addresses a child's needs over time. "You have a process you go through where you continuously evaluate what you do," says Harris. "It's a team

### ***A School for the Blind student on a walk in Raleigh***



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approach." Every three years, the child's status must be reevaluated, although the parents must consent to renewed rounds of testing and must be invited to participate in determining what process will be followed.

The ultimate goal in educating children with special needs is to move away from the "trailer out back" mentality in which exceptional children are shunted into segregated classrooms and have little interaction with regular classroom students. By all accounts, North Carolina has a long way to go before reaching this goal. Still, there are glimmers of promise. The Rockingham County Schools are pioneering the concept of serving all children grades pre-kindergarten through 12 in the regular classroom.

The Governor Morehead School for the Blind provides another model of this kind of inclusion with its innovative preschool. "It's an integrated preschool," says George Lee, director of instructional services at the school. "Half [the preschool class] are visually impaired, and half are not."

The Morehead School also is becoming more innovative in how it serves its K-12 students. The residential student population on the tree-shrouded campus near downtown Raleigh has dwindled from about 200 students in the late 1970s to about 100 students today. "We think it's better for kids to be with their parents," says Lee. "Plus, it's a lot more cost-effective."

The school serves children ages 3 and 4 in their home counties using field staff, and also provides services for public school students in 12 rural counties. These counties, Lee says, rarely have enough visually impaired students to justify hiring a teacher at the local school system. Eventually, Lee says, the school hopes to expand this program to all of the state's rural counties. Urban counties, Lee says, often have the resources to educate visually impaired students in the local school system with the support of short term programs at the Governor Morehead School.

Students come to the Raleigh campus for what school officials hope will be a relatively "quick dip" of intensive services such as learning Braille or picking up travel skills. That is a change. "Some kids will come and maybe only spend a year with us, and maybe that's all they need," says Lee. "Kids used to come and stay from kindergarten through graduation."

Advances in assistive technology are one development helping to return more students to their local school systems and, in some cases, to the regular classroom. "A good way to think of

**Words slow dance  
off my tongue, never leap  
full of grace. . . .**

**I practiced the sounds th, sh, sl  
for years, a pianist playing endless  
hours of scales. I had to learn  
the muscle of my tongue.**

—ELIZABETH CLARE,

"LEARNING TO SPEAK"

from *Staring Back—The Disability Experience From The Inside Out*

assistive technology is, it's a tool for a child or an adult," says Annette Lauber, funding specialist for the N.C. Assistive Technology Project, a state and federally funded program in the Division of Vocational Rehabilitation Services, N.C. Department of Health and Human Services. The program provides assistive technology services statewide across all ages, disabilities, and areas of technology. Services include demonstration and tryout of equipment, technical consultative services, short-term loan of equipment, training and awareness, information and referral, and funding resource consultation. "It helps individuals be more independent and function better in their learning and in their work and in their play," says Lauber.

At school, she says, the technology can be used to help a child be a more productive student. "You look at the person, first, not the technology," says Lauber. "What are the child's capabilities? What does he or she need to do to fulfill those capabilities? Where is he or she going to be doing it? Given those parameters, what are the tools to help him or her do that?"

Assistive Technology Centers are located in Charlotte, Winston-Salem, Greenville, and Raleigh. The technology these centers introduce can be as simple as a plate with a rim around it that simplifies the task of loading green peas on a fork, or it can be as complex as word prediction software that lessens the number of key strokes required to do word processing, says Lauber.

Mills, the section chief for areas of exceptionality in the N.C. Exceptional Children Division, notes that technological leaps are allowing more children to function in the regular school setting. "Assistive technology is opening many doors," says Mills. "It's a very good support and service to help

kids be integrated as nearly as possible into the regular classroom," says Mills. "You might have a feeding machine at the cafeteria for a child who can't move anything but his head," says Mills. "Before, that child would not have been in school. . . . The more you come toward the mainstream, the more you prepare for a pluralistic society."

The notion that children with disabilities belong in the regular classroom is a major change for a nation in which little more than two decades ago children were routinely turned away from the public schools, and parents who persisted were threatened with legal action. "Until 1975, the law was that if a child was not doing well in school, send them home, and if the parents insist, take them to court," says Harris.

But North Carolina had been serving children with special needs in the public schools well before 1975. In 1948, the N.C. Exceptional Children Division was established in the state Department of Public Instruction, says Harris. In the 1949-50

school year, the General Assembly provided state funding for 25 teaching positions. In addition, local systems employed 30 special education teachers, which provided for 55 classes or programs statewide.

Initially, services were offered for the crippled, the educable mentally retarded, the speech impaired, the hearing impaired, and the vision impaired, says Harris. In 1957, a program was added for the trainable mentally retarded, and in 1961, for children identified as gifted and talented. In 1968 the state's gifted and talented program was merged with its program for children with disabilities under the N.C. Exceptional Children Division.

A major milestone was the passage of the federal Rehabilitation Act of 1973, which states that no person with a disability shall, because of that disability, be denied participation in a program that receives federal funds.<sup>4</sup> This was followed at the state level by the 1974 state Equal Education Opportunities Act, which specified that "no child

***Staff member Annette Lauber demonstrates a communications device at the N.C. Assistive Technology Center in Raleigh.***



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## What's in a Name?

Special education jargon is rife with disputes over labels — right down to what to call a child with a disability. The confusion over the terminology regarding special education students parallels the complexity of other issues in special education. There are a number of words to choose from, including: disabled, exceptional, special needs, and handicapped. The choice can be very important as some labels are very offensive to special education teachers, advocates, parents, or others in the field.

Indeed, some advocates object to use of the term “special” in special education. “[L]abeling the needs of disabled children as ‘special’ creates the emotional environment that infers ‘different,’ ‘other,’ and ‘less than’ — educational needs that people assume are foreign to those they have,” says Joy Weeber, a disability counselor educator in Raleigh. “This language of difference carries a negative connotation, as in ‘special interest groups’ and can contribute to the resistance to providing for the educational needs of disabled children.”

The term found in federal and state law is disabled. Parents and advocates prefer to make

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*Anna Levinsohn was an intern at the North Carolina Center for Public Policy Research in the summer of 1998.*

the terminology less hurtful and more child specific by rephrasing it as “children with disabilities.” Ann Brady, director of special education at the Rockingham County schools, points out that putting the word “children” first creates an important distinction between a child with a disability and a disabled child.

Not everyone accepts disabled as the preferred term, however, even if the child comes first. David Lillie, an education professor at the University of North Carolina at Chapel Hill, prefers the term “special needs” for the simple reason that these children do indeed have special needs. Lillie believes terms like disabled are too vague to be used as a general definition. Other labels — like “handicapped” — have been replaced by more specific terms like educable mentally disabled or behaviorally-emotionally disabled.

In conclusion, the general trend in the terminology surrounding special education has been to put the child first, instead of the disability or need that qualifies the child for special education. This reflects the changes made in public education itself as the schools work to meet the diverse needs of children with special needs.

— Anna Levinsohn

shall be excluded from service or education for any reason whatsoever.”<sup>5</sup> Then came the 1975 federal Education of the Handicapped Act,<sup>6</sup> which required states to provide a “free and appropriate public education” to all children with disabilities with an “individualized education program” in the “least restrictive environment.” In 1977, the North Carolina General Assembly passed the “Creech bill (named after its sponsor, Sen. William Creech, D-Wake),” which brought the state into compliance with federal law.<sup>7</sup> The state law was amended in 1996 to separate education for gifted children from education for children with disabilities.<sup>8</sup>

The federal law was overhauled most recently in 1997.<sup>9</sup> Highlights of the overhaul included: a requirement that children with disabilities be included in state assessment testing or an alternative assessment; increased opportunity for parental participation in individualized education pro-

grams; greater access to the general curriculum for children with disabilities; and requirements for providing alternative education when students with disabilities are suspended from school.<sup>10</sup>

Harris says this and prior legislative action has made a huge difference in how children with special needs are educated in the public schools today. “There’s more money, personnel, know-how, and the parents are more involved,” says Harris.

Still, even officials in the N.C. Exceptional Children Division would check “needs to improve” on the public schools’ report card where educating children with special needs is concerned. “Quality of service is a big issue,” says Mills. “All children are being served, but not all are being served in terms of what everyone would consider quality.”

Given its policy of ensuring every child “a fair and full opportunity to reach his full potential,” what can the state do to assure that children

schools or programs under this local educational agency; and

- 3) Department of Correction as one local educational agency. All prisons providing educational programs or services will be considered programs under this local educational agency."

**Mainstreaming:** Mainstreaming refers to placing special education students in a regular classroom setting without any support services such as a revised curriculum or additional teachers.

**Pull out programs:** Programs that call for special education students to be removed from a regular classroom setting and placed in classes with other special education students.

**Special Education\*:** "Special education is a specially designed instruction, at no cost to the parent, to meet the unique needs of the exceptional child, including classroom instruction, instruction in physical education, home instruction, instruction in hospitals and institutions, and instructions in other settings."

**Transition\*:** "Transition is a coordinated set of activities for a student, designed within an outcome-oriented process, which promote movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation."

—Anna Levinsohn

\* Source: *N.C. Department of Public Instruction, Procedures Governing Programs and Services for Children with Special Needs, May 1998.*

with special needs receive high quality services? How can the needs of these children be balanced against the needs of children who do not have diagnosed disabilities that interfere with learning? The Center explores these issues in depth in this theme issue of *North Carolina Insight* on children with special needs.

John Manuel, a Durham free-lance writer who has a son with a learning disability, explores a range of issues in educating children with special needs, including implementing least restrictive environment requirements through inclusion of special needs students in the regular classroom, issues involving identification of children with special needs, teacher training, the impact of the state's new ABC school accountability program on children with special needs, and issues concerning how special needs children are disciplined. Ann McColl, a Raleigh lawyer concentrating on education law, policy, and government relations, discusses and evaluates dispute settlement processes that are available when parents and school officials disagree about how a special needs child can best be educated. And S. D. Williams, a former staff psychologist and special education teacher at John Umstead Hospital in Butner, N.C., discusses cost issues in educating children with special needs, including how dollars are allocated between state institutions and community-based organizations with regard to the number of special needs children served. Finally, *Insight* editor Mike McLaughlin writes about school systems, individual schools, or other programs that seem to be doing an exceptional job in educating children with special needs.

A question that threads its way through all of these articles is this: What lessons can be learned that will give more children with special needs "a fair and full opportunity" to reach their full potential through public education?

## FOOTNOTES

<sup>1</sup> Public Law 105-17, codified in 20 U.S. Code Chapter 33.

<sup>2</sup> N.C.G.S. 115C-106(a).

<sup>3</sup> Frederick West, *Addressing the Challenge of Special Education Finance Reform in North Carolina*, N.C. Department of Public Instruction, November 1994, p. 1 ff.

<sup>4</sup> Public Law 93-112.

<sup>5</sup> Chapter 1293 of the 1977 Session Laws (2nd Session, 1974), now codified as N.C.G.S. 115C-106(a).

<sup>6</sup> Public Law 94-142, now codified as 20 U.S. Code Chapter 33, Section 1412(a)(1)(A).

<sup>7</sup> Chapter 927 of the 1977 Session Laws, now codified as N.C.G.S. 115C-106 *et seq.*

<sup>8</sup> N.C.G.S. Chapter 115C, Article 9B.

<sup>9</sup> Public Law 105-17, now codified as 20 U.S. Code Chapter 33, Section 400 *et seq.*

<sup>10</sup> 34 Code of Federal Regulations, Part 300.