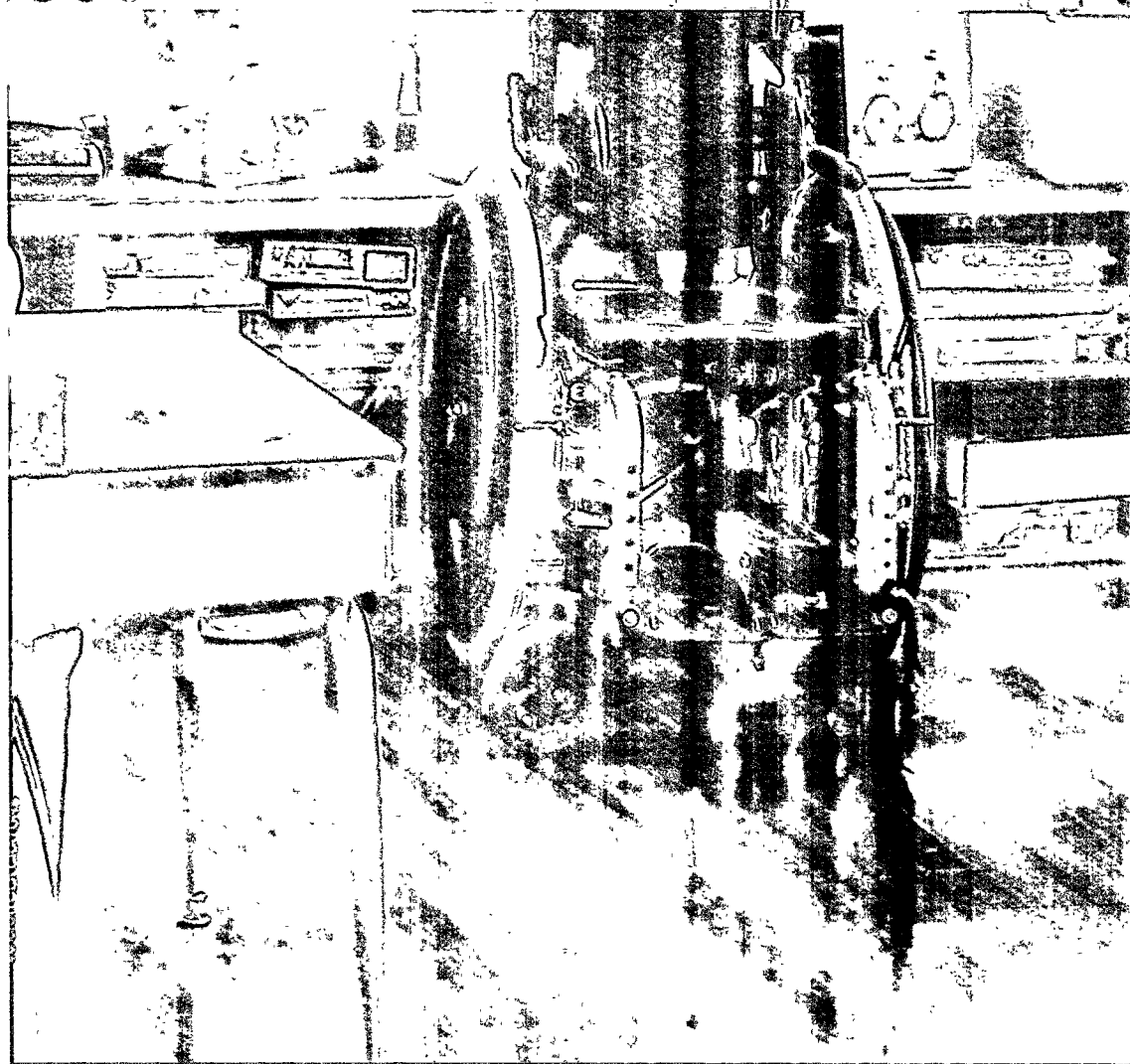


Special Education in North Carolina: ROUGH WATERS AHEAD?

by John Manuel



Karen Tam

Summary

North Carolina spends more than \$321 million annually educating nearly 160,000 children and young people ages 3–21 identified as having one of 13 disabilities recognized by the state and federal government. But how good a job are the schools doing in identifying and serving children with special needs? Are special needs students better off in the regular classroom, or should they be taught in separate classrooms? Are the state's universities training enough special needs teachers, and are the public schools providing the teachers with sufficient resources to accomplish their objectives? And how do policies promoting safety and accountability affect attempts to include special needs children in the regular educational community? This article attempts to address these questions.

Despite identifying and serving tens of thousands of children, some advocates argue that the state is not identifying all North Carolina children with special needs. Approximately 13.3 percent of the state's children and young people ages 3–21 have been officially identified as having one of 13 disabilities, and thus are eligible for special services. State law currently caps the total number of students who can be funded at 12.5 percent per school system, and 53 of the state's 118 local school systems are above the cap, meaning they don't receive state funding for all of their identified children.

Whether the state is over-identifying or under-identifying children is an open question. In many cases, the decision regarding whether a child is eligible for special services appears somewhat arbitrary. But as for serving those students who are identified, the public schools' report card might be marked "needs to improve." While most school systems are attempting to some degree to include students with disabilities in regular classroom settings — the "inclusion" approach — education officials acknowledge that they could go much further, particularly in the upper grades.

The state clearly is not training enough teachers, indicating a crisis ahead as more special education teachers age out of the classroom and retire. And many argue that special education is underfunded, yet providing the proper level of services is increasingly expensive and demands are escalating.

Two other themes voiced by teachers and administrators are that North Carolina is on a collision course with the federal government with respect to state mandates on testing and discipline. Everyone in education acknowledges the need for accountability, but no one who works with special needs children thinks progress is easy to quantify through a standardized test. And the state's desire to test may run into the federal mandates for inclusion and entitlements for children with disabilities. Likewise, there is concern about what will come of the very different legal standards in effect for disciplining disabled versus non-disabled children. The state's goal for discipline and getting violent children out of its schools may conflict with the federal preference for keeping special needs children in school. In short, everyone agrees that special needs students have a right to a free and appropriate public education in the least restrictive environment possible. As to how to provide that, there is still a lot of sorting out to do.

Pacing back and forth in front of her eighth grade algebra class in Reidsville, North Carolina, Lynn Thomas loudly describes the formulas for finding the areas of circles and parallelograms. The majority of students appear to follow her explanations, raising their hands when asked a question, offering answers that are close if not exactly right. To one side of the room, a second teacher whispers to a trio of boys who are clearly engaged in different tasks. One, a multi-handicapped boy in a wheelchair, struggles to place paper coins over matching diagrams of pennies, nickels and dimes. Another boy adds a column of numbers. The third is coloring a picture of a ship.

To some, the algebra class at Reidsville Middle School is a case of special education gone awry. Severely disabled students who have no hope of learning the core curriculum are placed into a general education class simply for appearance's sake. A special education teacher who could be teaching a dozen disabled children in a separate room is instead struggling to instruct a third of that number in the regular class. To others, Reidsville offers a vision of the future. Age group peers of all abilities are joined together as a learning community. Mildly disabled students pursue the core curriculum, while the severely disabled pick up related skills. By virtue of being together, all the students learn from each other.

With the passage in 1975 of the Education of Handicapped Children Act — reauthorized as the Individuals with Disabilities Education Act (IDEA) in 1990 and reauthorized again in 1997 — Congress has called on the states to embark on a bold, new approach toward educating the handicapped. IDEA calls for providing everyone aged 3–21 with a “free appropriate public education”¹ in the “least restrictive environment.”² State law echoes these federal requirements and makes the further promise “to ensure every child a full and fair opportunity to reach his full potential.”³

For the severely disabled, IDEA has opened the doors to traditional schools and classrooms from which they were long banned. For millions of children with milder disabilities — conditions that might never have even been identified in the past — the law provides for educational services and supports that can mean the difference between academic success and failure.

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In June of 1997, President Clinton signed into law an amended version of IDEA that relaxes some provisions of the original law and strengthens others.⁴ At the same time, North Carolina has passed its own series of laws that hold school administrators responsible for safety on campus⁵ and for the continuous academic improvement of all students.⁶ Some people feel that these diverse laws have put public schools in an impossible situation with respect to special education. They worry that the demands being put on the educational system will bust budgets and drown educators and administrators in a sea of red tape and unrealizable goals. Others argue that the public schools aren't doing enough to fulfill the requirements of state and federal law and, more importantly, to meet the needs of children with disabilities. To understand the debate, it is necessary to know the details of how special needs children are identified, placed, and served within the educational community.

What's in a Name?

In order to receive special education services through the public schools, children must first be identified as possibly having a disability, and then professionally screened and evaluated. State and federal law hold local education agencies responsible for implementing the proper procedures to identify, screen, and evaluate such children. To guide local school districts in carrying out their responsibilities, the State Board of Education has adopted rules and regulations titled *Procedures Governing Programs and Services for Children with Special Needs*.

While complex, the procedures state in part that if a teacher, parent or other involved person recognizes a child having difficulty in learning, he or she is to prepare a written description of the child's specific problem, along with the child's current strengths and needs.⁷ This information — called a referral — is presented to the principal of the school, the child's teacher, the school system superintendent, or another school system professional designated to receive it. If an evaluation is recommended, parental consent is obtained, and a variety of assessment tools and strategies are used to determine if the child has a disability.⁸

State and federal law list thirteen categories of disability under which children may be eligible for special education services, and North Carolina also provides special education for pregnant students. The categories covered under both state and federal law are: autistic, behaviorally-emotionally dis-

abled (BED or BEH), deaf-blind, hearing impaired, mentally disabled, multihandicapped, orthopedically impaired, other health impaired, preschool developmentally delayed/atypical, specific learning disabled (LD), speech-language impaired, traumatic brain-injured, and visually impaired.

Students identified with attention deficit disorder or attention deficit hyperactive disorder can be served under the learning disabled, behaviorally emotionally disabled, or other health impaired categories, depending on meeting the criteria for these categories. Academically gifted students were initially covered under the state's law, but now are covered under a separate law.⁹ Gifted students are not covered under federal law.

Clinically, the types of disabilities that would qualify students for special education cover a broad range. Even within categories, students exhibit a broad range of need. Students identified as autistic, for example, may be profoundly mentally disabled or may be of normal or near-normal intelligence, according to the N.C. Department of Public Instruction. Yet all show the problems with language and social relationships characteristic of autism sufferers. Behaviorally emotionally disabled students may range from very low to very high in intelligence, yet without intervention, they fall several grades behind in school. Severely or profoundly mentally disabled students have cognitive disabilities that interfere with learning to such a degree that they require different learning goals

than students in general education. Educable or trainable mentally disabled students, on the other hand, may share the same learning goals as their general education peers but need help with self-care, personal development, and vocational education.

Some of the categories are more clear-cut than others. For example, it's easier to determine if a child is visually impaired than to determine if he or she is behaviorally emotionally disabled. The law requires that no single procedure be used as the sole criterion for determining whether a child falls into one of these categories. School districts must also be sure that the tests they select and use are not culturally or racially discriminatory. If a parent disagrees with the results of the evaluation performed for or by the school, he or she may request an independent evaluation performed by a professional not employed by the school. That evaluation must be paid for by the school, unless the school requests a hearing at which the hearing officer decides the school's evaluation was appropriate. In the latter case, the parent still has a right to an independent evaluation, but at his or her own expense.

If the evaluation indicates that the child has one or more of the qualifying disabilities and needs special services or placement, a committee is assembled to write an IEP that establishes learning goals for the child and describes the services the school district will provide.¹⁰ Parents must be given

Of course, they thought I was just ashamed of being in a wheelchair, which was partly true, but I was slowly getting over that by then.

Twice a week, since I'd come home from the hospital, Mom had been carting me over to Lake Placid for physical therapy at the Olympic Center, where there were lots of kids and young people who were even worse off than I was, and some of them had made friends with me, so I was beginning to see myself in the world a little clearer by then. I didn't feel so abnormal anymore, and I didn't worry so much about whether I was lucky or unlucky. I was both, like most people.

—RUSSELL BANKS, *THE SWEET HEREAFTER*

the opportunity to attend the IEP meeting, which must be held within 30 days of the school's initial determination of the child's eligibility for special services.¹¹ The IEP committee must review the child's plan at least once a year to assess the child's progress and to develop a new IEP for the upcoming year.¹²

How good a job is the state doing in identifying students with disabilities? Mardie Meany, Section Chief for Policy Monitoring and Audit with the N.C. Department of Public Instruction (DPI), says the only statistic by which the state can measure that is the annual certified headcount for special education mandated by IDEA. That headcount has risen steadily, prompting Meany to say the state "must be doing a pretty good job."

In 1983, North Carolina served some 120,400 special needs students, including 118,000 in programs supervised by the N.C. Exceptional Children Division, 1,800 in state institutions under the Department of Human Resources, and 600 in Department of Correction programs. In 1993, North Carolina counted 135,087 students as qualifying for special services under IDEA. By 1997, that count had risen to 159,697.

As a means of limiting expenditures and discouraging over-identification of children with special needs, the General Assembly has imposed a cap of 12.5 percent on the number of special needs children that will be funded by the state in any county (\$2,248.39 per child for the 1997-98 fiscal year). That policy — in place since the early 1980s — serves as a disincentive to school administrators to identify more special needs children than will be funded by the state. Not surprisingly, local school administrators often measure how good a job they are doing in identifying exceptional children by where their system stands in relation to this cap.

"Based on percentages, we're labeling more kids than we should," says Jack Nance, director of special education for Wake County Public Schools. "The North Carolina cap is 12.5 percent, and we are approaching or exceeding that." Yet Nance does not believe the cap influences whether children are identified as needing special education in Wake County.

Funding limitations do not dictate physical, mental, or social conditions, and some parents, educators, and mental health professionals feel that significant numbers of children who have legitimate disabilities are not being properly identified by the schools. In 1980, a survey commissioned by the N.C. Department of Public Instruction established an expectancy norm for handicapped children of

16.3 percent of the total school age population. North Carolina's 1997 headcount of 159,667 constitutes 13.3 percent of the total K-12 enrollment. On that basis, it is possible that the state could be under-identifying the number of disabled students.

This sentiment is frequently expressed by advocates for children with learning disabilities (LD). IDEA defines learning disabilities as "disorders 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 think, speak, read, write, spell or to do mathematical calculations."¹³ LD comprises the largest identified group of disabled children in the state (39 percent), but because of the tendency to ascribe a child's weakness in reading, writing, or math to a lack of intelligence or effort, many children with learning disabilities may yet be unidentified.

One of the criteria used to define a learning disability is a discrepancy of 15 points or more between a student's ability as measured by an IQ test and achievement as measured by various reading, written language, and math tests. Some people feel this measurement is arbitrary, leaving out children who have legitimate learning disabilities but do not qualify under the "15 percent" rule.

"Kids are being identified as learning disabled by child psychologists, but if they don't have that 15 point discrepancy, the school may not qualify them," says Pat Lillie, executive director of the Learning Disabilities Association of North Carolina. "Federal law says you should not make a determination based on just one test, but I think a lot of school systems do that."

The Durham Public School System recently settled 21 lawsuits from parents who feel the system was not providing their children with the special education services required under the law. Marie Hawkins, past president of the Durham chapter of the learning disabilities association and an outspoken critic of the school system, says a lot of the lawsuits were filed by parents who suspected their children have learning disabilities but were not being provided the free testing by the schools.

"The schools will not provide [special education] services if they think the parents don't know anything," Hawkins says. "I had a child who was failing and who turned out to have a 40 point differential between IQ and achievement. The school system never offered to test my child. I had to pay \$2,000 for a private test that they should have done."



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*North Carolina Categories in Which Students Are Eligible for Special Education Services**

Autism: "Autism is a developmental disability which significantly affects verbal and non-verbal communication and social interaction, generally evident before age three, and adversely affects educational performance."

Behaviorally-emotionally disabled (BEH) [The federal term is serious emotional disturbance.]: "A behavioral-emotional disability is evidenced by one or more of the following characteristics which cannot be attributed primarily to physical, sensory, or intellectual: an inability to achieve adequate academic progress (not due to a learning disability); an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems."

Deaf/blind: "Deaf/blind students have concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children."

Hearing impaired: "Hearing impaired children are those with hearing losses which are disabling educationally and developmentally and who, with or without amplification, may require various instructional modifications and related services in order to make full use of their learning opportunities."

Mentally disabled: "For school-age students, mentally disabled refers to significantly sub-average general cognitive functioning and a reduced rate of learning. This condition exists

concurrently with deficits in adaptive behavior, is manifested during the developmental period, and adversely affects the student's educational performance."

North Carolina also includes three different categories under this term: educable mentally disabled (EMD), trainable mentally disabled (TMD), and severely/profoundly mentally disabled (S/PMD) in order to distinguish among the severities of mental handicap.

Multihandicapped [multiple disabilities is the federal term.]: "Multihandicapped students have a pervasive primary disability that is cognitive and/or behavioral in combination with one or more other disabilities, . . . the combination of which causes such developmental and educational problems that the children cannot be accommodated in special education programs that primarily serve one area of disability."

Orthopedically impaired: "School-age orthopedically impaired children possess a severe orthopedic impairment which adversely affects their educational performance. The term includes impairments caused by congenital abnormalities and impairments from other causes."

Other health impairments: "Other health impaired students have chronic or acute health problems which cause limited strength, vitality, or alertness to such an extent that special educational services are necessary."

Pregnant students: "Pregnant students with special education needs are those who, because of their pregnancy, require special education and/or related services other than that which can be provided through regular education services."

Preschool developmentally delayed / atypical: "Children identified in this area are those who are ages three and four or those five-year-olds who are ineligible for kindergarten and whose development and/or behavior is so significantly delayed or atypical that special education and related services are required."

Specific learning disabled (LD): "Specific learning disability is an inclusive term used to denote various processing disorders presumed to be intrinsic to an individual (e.g., acquisition, organization, retrieval or expression of information, effective problem-solving behaviors)."

Speech-language impairment: "A pupil who has a speech-language impairment has a disorder in articulation, language, voice, and/or fluency."

Traumatic brain injury: "Traumatic brain injury means an acquired open or closed head injury caused by an external physical force that impairs a student's cognitive, communicative, perceptual, behavioral, social-emotional, and/or physical abilities to the extent that the student requires special education."

Visually impaired: "... functionally blind children are those who have so little remaining vision that they use Braille as their reading medium, ... partially seeing school-age children are those who have a loss of vision but are able to use regular or large type as their reading medium, ... children who are legally blind are those who have a visual acuity of 20/200 or less in the better eye after correction or a peripheral field so contracted that the widest diameter subtends an arc no greater than 20 degrees."

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

Along with their alleged failure to seek out and test children with suspected learning disabilities, the Durham Public Schools faced a host of other complaints being filed by parents of disabled children. These included a failure to inform parents of their rights under IDEA, a lack of confidentiality in discussion of cases, failure to provide related services such as speech therapy, denial of parents' access to records, inadequate and/or untimely provision of services related to IEPs, placement of children based on resources available rather than educational need, and failure to notify parents of the opportunity to mediate problems.

Ann Majestic, a lawyer with the Raleigh-based firm of Tharrington & Smith, which represents many local school boards in North Carolina, defended the Durham Public Schools against these actions. "I'm sure there are a few instances where kids have not been provided with everything they're entitled to under the law, but most of these claims are completely unfounded," Majestic says. "Some of the things these parents are demanding are ridiculous — one-on-one aides in every class, laptop computers, study guides before every test, retesting for every grade below a C. The problem with special education law is that there is no clear definition of 'appropriate.' As a result, anyone can bring a case that wants to, and you have to go through an arduous, expensive, and lengthy process of litigation to sort it out." The school system changed leadership in its special education department in the summer of 1998 and has pledged to provide stronger services for children with special needs.

Aside from the concerns about schools failing to identify children with disabilities, others worry that children are being mislabeled or unfairly labeled due to the inadequacy of testing mechanisms and/or racial prejudice. John Wilson is executive director of the North Carolina Association of Educators. He also taught special education for 14 years. "Poor kids, especially blacks, tend to get labeled EMH [educable mentally handicapped or disabled], whereas middle class kids tend to get labeled LD," Wilson says. "You're considered mentally disabled if you score below 70 on the IQ test, but I have taught kids with that label who in no form or fashion were mentally retarded. They were simply way behind due to the environment they were brought up in."

The behaviorally emotionally disabled classification is another that is rife with racial overtones. The categorization recently got a name change to update language, but students who get the label

still are widely known as BEH children, for behaviorally emotionally handicapped. Educators interviewed for this article say the majority of behaviorally emotionally disabled students in their schools are black males. Critics say that rather than being a legitimate medical condition, the classification is often used by teachers as a way of removing students whom they can't handle from the regular classroom. Bermadeen George is the former chair of the Special Services Department at Chapel Hill High School and now lead teacher at the Lincoln Center Alternative School.

"Much of the decision to classify someone as BEH is based on the teacher's write-up," says George. "At Chapel Hill High, we have predominantly white, female teachers asking that black, male students be classified [as BEH] and self-contained. I think there is a general misunderstanding of the black male child in this society. A lot of them are simply high-spirited, but that's being seen as aggressive. I don't blame the teachers entirely. These kids can be big and scary. And the teachers are not getting the training they need. But we need to do something different, or these kids are going to be lost."

Does the special education label damage a child's self-image? "That depends on the label," George says. "In Chapel Hill, being labeled LD or ADD [attention deficit disorder] is almost a status symbol. A lot of parents work to get their child labeled so they can qualify for special services. But

BEH is another matter. These kids are seen as being aggressive, almost criminal. People assume that the parents didn't raise their children well. And BEH kids certainly see themselves differently. Most of them are pulled out of the regular classroom and never get the opportunity to return to the mainstream. That's the real tragedy."

"Is there unfairness in identification? Of course, there is," says Jack Nance, Wake County schools' special education director. "The measurement tools are imprecise and probably always will be. As long as we try to play this game—although we try to get everyone right—we probably never will."

"Society is going through this whole sociological phenomenon to think that if we label something, we can fix it," Nance continues. "A real disability can't be fixed. We try to help find routes around it so that it does not impede educational success. It's something the children are going to have to deal with all of their lives."

Lowell Harris, director of the Exceptional Children Division in the N.C. Department of Public Instruction, agrees that labeling can be good or bad, depending upon how it is used. In his opinion, labeling should strictly be viewed as a means to an end. "Most parents say I don't care what you call my child, just get him services," Harris says. "If you took away labels, how would you allocate special services? Labels get us funding."



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The Hard Road to Inclusion

Once a child has been identified as qualifying for special services, the IEP committee and the parents must determine what type of instruction the child will receive, what support he or she needs, and where the instruction will take place. IDEA mandates that children with disabilities be provided with a "free appropriate public education" in the "least restrictive environment."¹⁴ State law provides similar guarantees. The North Carolina General Assembly in 1974 enacted the Equal Education Opportunities Act, which specified that "no child shall be excluded from service and education for any reason whatsoever."¹⁵ In 1977, the legislature passed what has become known as the "Creech bill," which guaranteed an appropriate, individualized education to all handicapped children.¹⁶ But what exactly the law means by "appropriate" and "least restrictive environment" is open to wide debate.

While segregating children with disabilities in separate classrooms or institutions is what led to the spate of legal changes in the first place, the tendency to isolate these children persists even today. During the first decade or so after the passage of the law now reauthorized as IDEA, many educa-

tors continued to resist the idea of mainstreaming and inclusion. The belief persisted that the appropriate way to teach special education children was to segregate them in a separate class, where they could be provided with special services. Children with moderate learning disabilities might be "pulled out" for only a few classes to be given assistance in reading, writing, or math. The severely disabled, however, were segregated into what were called self-contained classes, except perhaps for non-academic or non-core activities and classes such as lunch, recess, art, and music. Parents and advocacy groups occasionally filed suit to gain fuller access, but the courts tended not to side with their interpretations of the law's integration mandate.¹⁷

During the 1980s, research conducted by special education departments and institutes in universities began to cast doubt on the efficacy of over-reliance on self-contained classes or "pull out" programs, suggesting that segregated students suffer in areas of socialization, language, and academics.¹⁸ At the same time, other research suggested that both disabled and non-disabled students benefit from being together in the regular classroom setting.¹⁹ Meanwhile, teachers and researchers were developing strategies and technologies for modifying and adapting standard curricula to meet

disabled students' needs in the regular classroom.

Backed by these findings, more parents and educators began to push for full inclusion of disabled children in the regular classroom. Courts began to interpret the law's "least restrictive environment" clause to mean full inclusion in the regular classroom setting. In a 1989 case, for example, a federal court held that states must make a strenuous effort to "mainstream" disabled children into the regular classroom, providing supplementary aids and services and modifying the regular education program when necessary.²⁰ The only limitations to these accommodation requirements were that the regular education teachers not be required to devote all or most of their time to the disabled child, and that the regular education program need not be modified beyond recognition.

With the passage of the Americans with Disabilities Act (ADA) in 1990, advocates for full inclusion gained further support. Title II of ADA states that it is illegal for a qualified individual with a disability, by reason of the disability, to be excluded from participation in or denied the benefits of services, programs or activities of a public entity, which includes public schools. Public services cannot be provided in a segregated fashion simply because it is administratively or fiscally more convenient.²¹

Another provision cited to gain inclusion, particularly for children not covered under IDEA, is the Rehabilitation Act of 1973. Section 504 of this act states, "No otherwise qualified . . . individual with a disability . . . shall solely by reason of his [disability], be excluded from participation . . . in any program or activity receiving Federal financial assistance. . . ."²²

What exactly is meant by inclusion? Definitions abound in the literature. The National Center on Educational Restructuring and Inclusion (NCERI) is a research and advocacy institute housed at the City University of New York and established "to promote and support educational programs where all students are served effectively in inclusive settings." According to NCERI, inclusion means "providing to all students, including those with significant disabilities, equitable opportunities to receive effective educational services, with needed supplementary aids and support services, in age-appropriate classes in their neighborhood schools, in order to prepare for productive lives as full members of society."²³ Advocates for inclusion distinguish it from "mainstreaming" on grounds that the latter refers to placing special education students in the regular classroom *without* the

necessary support services while inclusion recognizes the need for those services. Not all educators recognize this distinction.

What is North Carolina's stance on inclusion? Virtually every administrator and teacher interviewed for this story voiced support for the concept of inclusion. However, they then went on to describe the difficulties of incorporating it in a meaningful way. N.C. Exceptional Children Division head Lowell Harris, for one, seems ambivalent.

"We don't have definitive studies to say that inclusion does much good, but we don't have research that says special education classes do much good either," says Harris. "I have had parents and teachers tell me that special education children were meeting their IEP goals more quickly in a regular class setting. I've also heard that their (disabled children's) language use shoots way up when they're in the general education classrooms. But it's not something you can accomplish overnight. It takes years for a school to make the transition."

Harris says his opinion of inclusion has been buoyed by a recent (1996) study conducted by the School of Education at the University of North Carolina at Chapel Hill. The study compared various outcomes (such as academic performance, social skills development, classroom participation, and adjustment to post-school living) of LD, BEH and S/PH (severely/profoundly handicapped or disabled) students placed in three different instructional settings and given three different curriculum programs. While findings in many of the categories were not statistically significant, the study did find that LD students attained significantly higher scores on "enabling" skills (such as social interactions, print communications, and personal responsibility) and higher academic outcomes as measured by North Carolina end-of-grade test scores in reading and math in regular class settings than in resource room or self-contained settings. It also found that LD students receiving the North Carolina Standard Course of Studies had significantly higher enabling outcomes than students receiving a modified standard course of study, and those receiving a special services curriculum.²⁴

But David Lillie, a special education professor at the University of North Carolina at Chapel Hill, says the study did little if anything to buttress the case for inclusion. "Sure, the students in the regular classroom did better than the students in self-contained classroom or resource [pullout] classes, but that's mainly because of the way they were selected to begin with," says Lillie. "They were placed in the regular classroom because they were



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better students. That study really doesn't demonstrate the efficacy of the regular classroom at all."

Lillie says data on the efficacy of inclusion are largely inconclusive. For students whose disabilities are so severe that they are not pursuing the standard course of studies, inclusion can be very helpful in developing social skills. For the less severely disabled, Lillie says, quality of instruction and accommodations to address the individual student's special need are more important than the setting in which that instruction takes place. "It's not the setting," says Lillie. "It's the instruction and the extent that teachers are providing specific, explicit instruction in the basic skills."

So the debate rages on about inclusion, which some see as a basic civil right. But Lillie is skeptical of inclusion for inclusion's sake. "What's more important is giving kids a chance to graduate, to

succeed, and to keep to grade level as much as possible. To the extent that inclusion helps that, good."

How far has inclusion progressed in the North Carolina public schools? "Every school system has some degree of inclusion," says Harris. "We've had the most success in elementary schools — that's where it's easiest to incorporate. Beyond that, we haven't had much success."

In fact, Harris can point to only one school system in North Carolina as having successfully adopted the philosophy *and* practice of inclusion beyond the elementary level — the Rockingham County School System. Rockingham began its venture into inclusion in 1991 when Ann Brady, Director of Exceptional Children Programs for Rockingham County, returned from a workshop on inclusion convinced that the concept could work. Brady presented the inclusion model to ex-

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—JOY NANCE,

INCLUSION FACILITATOR, ROCKINGHAM COUNTY PUBLIC SCHOOLS



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ceptional children staff at Moss Street Elementary School in Reidsville, N.C. The staff agreed to start by bringing three orthopedically impaired students into regular education classes with the support of a special education teacher and assistant. That arrangement worked well enough that the school proceeded to incorporate other disabled children in regular classes, and the practice is now well established.

Also in 1991, Reidsville Intermediate School (grades four and five) decided to target its entire exceptional children population, which included approximately 10 severely impaired and a larger number of mildly disabled students. Careful planning is considered the key to making inclusion work. At Moss Street Elementary and Reidsville Intermediate, special education students are clustered into a few regular classrooms to simplify planning and coordination. Special education and regular classroom teachers plan out curriculum and intervention strategies ahead of time and work together in the regular classroom. This can involve team teaching, where the special education and regular teacher share equally in leading the class, or it can involve strategic interventions by the special education staff. Exceptional children pursue a continuum of participation ranging from the same activity as their non-disabled

peers to activities that are only marginally related.

"Special education students are expected to participate at *their* level of ability," says Joy Nance, inclusion facilitator with Rockingham County Public Schools. "They don't have to learn the core curriculum, but they can learn something. The goal is to figure out how they can be a member of the class community."

In 1992, Reidsville Middle School (grades six to eight) decided to follow in the footsteps of Moss Street Elementary and Reidsville Intermediate. Fifteen percent of the students at Reidsville Middle School are labeled as disabled. Even students with severe disabilities, including Nance's son, Jordan, attend the same classes as their peers and eat together in the cafeteria. As evidenced by the group of students congregating around Jordan in the cafeteria, there is a true give-and-take between disabled and non-disabled peers. For some students, the advantages of sharing classes together are a little less obvious, at least for the severely disabled, as these students — with the help of special education teachers and assistants — pursue a far different set of tasks than the students following the core curriculum.

Joy Nance says some included students are able to pursue the standard course of studies and perform on grade level, with accommodations and

"If the child's primary need is for socialization, inclusion in the regular classroom usually helps to fulfill that goal. If it's an academic need that requires remediation or direct teaching, pull-outs work better."

—PAT LILLIE, DIRECTOR,
LEARNING DISABILITIES ASSOCIATION OF
NORTH CAROLINA

modifications to address their disabilities. Others function at a much lower level. "It depends on if their disabilities are physical or cognitive," she says, and in many cases, it's both.

Yet Rockingham County education officials believe strongly in this approach. Inclusion is now practiced to some degree in all of the system's 25 schools. As Nance is quick to point out, however, it is still a work in progress.

"Don't call us a model," Nance says. "That implies we've got everything figured out. We don't. The one thing that sets us apart is the belief that all children are valued and have an opportunity to reach their potential. We believe that should happen as much as possible in regular classrooms."

After seven years, Reidsville teachers and administrators have acknowledged several limitations to the full inclusion model. Special education students at all grade levels continue to be pulled out on a case-by-case basis for assistance with reading and math, and the policy on pull-out classes varies by school. There is a continuum of services, and the program is individualized to meet the needs of the child. In fact, some parents and advocates for the learning disabled prefer pull-out classes for their children.

"For some children, full inclusion works well, but for others, it does not," says Pat Lillie, director of the Learning Disabilities Association of North Carolina. "If the child's primary need is for socialization, inclusion in the regular classroom usually helps to fulfill that goal. If it's an academic need that requires remediation or direct teaching, pull-outs work better."

The Reidsville schools also have been plagued by a lack of adequately trained special education teachers and support personnel. In

many cases, the schools have been forced to rely on assistants who don't have any special training in a child's disability.

Inclusion also is dependent on the commitment — and the chemistry — of those involved in teaching and leadership roles. This is especially true of team teaching situations, where the regular education teacher shares planning and teaching more or less equally with the special education teacher.

"Inclusion is very sensitive to the people leading it," Brady says. "If two teachers don't get along, it's not going to happen."

And there is the issue of cost. While Nance says just as much staffing would be needed to teach self-contained classes, Andy Thacker, principal of Reidsville Middle School, disagrees. "I could serve all of my LD kids with three teachers in pull-outs," Thacker says. "As it is now, I've got seven special ed teachers and 13 assistants [to serve all of the school's special education students]. I do think *all* the kids do better with inclusion. The question is where do we get the money?"

Does inclusion cost more? Comparing the costs of providing services under an inclusion model to services provided prior to inclusion is complicated by the fact that budgeting for special education is done differently than for regular education. Adding to the difficulty is the fact that many resources, including teacher time, are shared between disabled and non-disabled students. Further, costs can vary greatly depending upon the type of disabilities and the types of equipment and services that students need.

Lastly, there is the issue of backlash on the part of parents of regular students who may feel that their children are being held back by the presence of disabled children in the classroom. Nance says Rockingham County parents generally have been supportive of the inclusion effort, but elsewhere there are signs of parental rebellion.

"The most horrifying experience I've ever had was attending a PTA meeting where parents were celebrating getting the disruptive kids out of the classroom," says Karen Hamilton, program specialist for the Wake County Public Schools. "They were saying the next step was to get the slow readers out."

Despite the barriers, teachers, administrators, and staff at the Rockingham Schools remain convinced of the benefits of full inclusion and committed to seeing the program through. Teachers say that both disabled and non-disabled students appear to enjoy being in each other's presence. They say the disabled students' socialization and language



skills have definitely improved since being included in regular classes. And in classes where team teaching is the norm, both disabled and regular students appear to perform better academically.

"A few years ago, we did a study looking at the scores of our fourth grade students on end-of-grade tests," Brady says. "We sorted the students based on whether they were or were not disabled, and then by whether they were in a pull-out class, an inclusion class, or a class without disabled students. In both math and reading, the students in the inclusion classes outperformed the students in the non-special and the pull-out classes."

Brady says this study counters the argument made by parents of regular students that inclusion may be better for disabled children, but not for their children. In fact, Brady says that even without disabled children in their classes, teachers today are serving students with such a tremendous range of abilities that an inclusion-style model is almost a necessity.

"I do an activity with teachers where we look at a typical sixth grade class," Brady says. "What you see are students with IQ's ranging from 75 to 125 and functional ages ranging from minimal third grade to ninth or 10th grade. A teacher who teaches to the middle of that class is not going to reach a lot of these students. A team composed of a regular education and special education teacher will. In reality, the inclusion concept goes well beyond helping just exceptional students."

Too Few Teachers, Too Little Funding

Lack of trained personnel and lack of funds — the two factors cited by Rockingham educators as the greatest barriers to inclusion — also are roadblocks to the larger field of special education. Fred Baars, consultant in special programs employed by the Department of Public Instruction, says North Carolina currently has only 8,617 licensed special education teachers to serve a population of 160,000 students — a ratio of roughly 1 teacher per 18.5 students. While this is a smaller student-teacher ratio than is typically found in the regular classroom, special education students need greater assistance and support. And 10 to 11

percent of these special education teachers have only provisional licenses. Related service personnel, which include paraprofessionals, administrative staff, and specialists such as speech therapists, number another 8,287. Distribution of trained personnel across the state is uneven, with rural areas lacking some professionals altogether and even some urban areas having trouble filling positions.

Special education jobs go begging in rural counties like Wayne and Craven in the East. Counties like Johnston and Franklin — adjacent to Wake — and Gaston, adjacent to Mecklenburg, have trouble filling positions due to competition from higher paying urban school systems. And even urban counties like Guilford are not immune from the shortage of teachers and administrators.

"We are woefully short of special education teachers and administrators, and the projection for the future is dismal," Baars says. "We have a lot of teachers who started in special ed 20 to 25 years ago who are getting ready to retire. Teaching, in general, and special education, in particular, has had such a bad reputation that there are not enough young people going into the field. We hope that is starting to change."

Marlene White, an assistant professor of special education at East Carolina University, isn't optimistic. "It's a national problem," notes White. "It's not just unique to North Carolina. It has to do with burnout among special education teachers. They have an impossible job to do. In rural areas, it's particularly a problem. The salary supplements are small. The working conditions are less than terrific."

And White sees the movement toward inclusion — which she describes as "a new buzzword" — potentially making the problem worse. She says she has seen special education teachers with 15 to 20 years of experience leave the classroom when the model is adopted without the necessary parent buy-in and training for teachers and support personnel.

"It's more fuzzy, less defined, and a lot more difficult to meet the needs of children," says White.

Until the late 1980s, there was no requirement for general education teachers to have any competency in special education. Senate Bill 44, passed in 1988, requires some coursework

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—FRED BAARS,

CONSULTANT, SPECIAL PROGRAMS,
DEPARTMENT OF PUBLIC INSTRUCTION

***In my world of mental anarchy
the task "to clean the house"
breaks into ten
and ten again
like a seven breaking into two and five
one and six then three and four
each another sum of parts
so that I might wash a dish
dust three shelves
read one page
and return a phonecall
before I finally settle
into sweeping half the stairs
or scouring one sink
with a ferocity of purpose***

—EMMA MORGAN, "ATTENTION DEFICIT DISORDER"

from Staring Back — The Disability Experience From The Inside Out

related to learning disabilities as part of a general education degree.²⁵ However, Baars says graduates with only a general education certificate typically say the coursework has not prepared them to teach LD children in the classroom.

The Excellent Schools Act passed in 1997 reinforces the requirement that teachers have competencies in identifying and coping with children with learning disabilities. However, this still leaves unaddressed the many students with disabilities other than LD. For example, East Carolina University turns out more special education teachers than any program in the state, but only two 1998 graduates majored in behavioral and emotionally handicapped (BEH) — a difficult and challenging group of students to teach.

The Department of Public Instruction provides in-service training in the area of special education for teachers willing and able to take advantage of it. However, these courses are offered only during the summer break and must compete with the workshops covering many other skills that teachers are being asked to master.

Baars sees one positive trend in the development of CD ROMs and distance learning programs that allow teachers to pursue further training on their own time. And he thinks with further inclusion, the image of the special education teacher will

evolve from "the person who works in the trailer out back" to a more positive image as a vital member of the teaching profession.

Lack of money to meet the requirements of special needs children is another chronic complaint of school systems in North Carolina. Funding for special education comes from diverse sources and is widely viewed as inadequate to cover the full cost. North Carolina currently receives \$75 million from the federal government under IDEA. The federal government sends the state another \$9.9 million for pre-school programs. The legislature appropriated \$321 million to the Department of Public Instruction for disabled children for the 1997-98 fiscal year, plus \$5.9 million to the Department of Health and Human Services for the Willie M program that serves violent youth. Local governments may provide additional funds for special education. In the 1996-97 school year, 75 of 118 N.C. school districts provided earmarked local funds for special education. The totals ranged from a high of \$7.2 million in Wake County to 0 in many other counties, including Alleghany, Bertie, and Catawba.

How much should the state be spending on special education? In 1994, the General Assembly commissioned a study on alternative approaches to funding services for disabled children. That study,

conducted by the private Institute for Educational Development and Training in Raleigh, concluded that the average daily cost of serving a disabled child was approximately 2.3 times that of serving a regular child. Exceptional children may need special aides, special equipment and curriculum materials, and smaller classes than students in the regular classroom. All of these factors drive up costs. In addition, there may be extra transportation costs, extra spending for staff development to serve children with special needs, and other cost factors. The study concluded that an additional \$145 million would be needed to fully cover the costs of special education in North Carolina, and recommended that the state phase in this spending over five years.²⁶

Lowell Harris, the director of the N.C. Exceptional Children Division, says the State Board of Education has requested an additional \$25 million in special education funds each year since the report was issued, but the legislature has failed to increase its appropriation to any significant degree. "I think the General Assembly understands there's a need for more funds, but they've preferred to spend it on teachers' salaries and the ABC program," Harris says.

In addition to an overall lack of funds for special education, critics complain that state monies that are available are not distributed equitably. Currently, the state allocates special education funds to local education agencies on a per child basis up to a cap of 12.5 percent of the Average Daily Membership (ADM). For the 1997-98 school year, 53 school systems were over the cap, 62 under, and two right at 12.5 percent. Critics say this cap effectively penalizes school systems that have higher percentages of disabled children than others. Harris doesn't disagree.

"I've pushed to have that cap removed for years, but the General Assembly wants a limit on how much they spend," says Harris. "Their fears are that kids will be overidentified just to draw down extra funds."

Disputes about funding for special education are not unique to North Carolina. Pennsylvania, for example, in 1991 abandoned as too expensive its policy of fully reimbursing local school districts

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—LOWELL HARRIS,
DIRECTOR, N.C. EXCEPTIONAL
CHILDREN DIVISION

for all extra costs associated with educating special needs students. The legislature instead opted for a funding cap formula that reimbursed costs for up to 1 percent of students as severely disabled and 15 percent as mildly disabled. Now a bipartisan coalition of lawmakers is calling for additional spending, saying that the formula — though more generous

than North Carolina's 12.5 percent cap — is too stingy.²⁷

Sen. Leslie Winner (D-Mecklenburg) believes North Carolina's 12.5 percent cap serves its purpose as a protection against over-identification of children. The larger problem she says, is the amount of funding per child, which she says is too low. "The consensus is, it doesn't pay the full average freight," says Winner.

Rep. Gene Arnold (R-Nash) agrees that there may be a need for additional funding for special education. But he also believes some of the categories under which students are identified as needing extra services are "a little loosely defined," which could lead to over-identification of children. He says it may be time to revisit the issue of the 12.5 percent cap. "We probably should give it a good legislative look," Arnold says.

Harris has proposed that systems that exceed the cap should be eligible for additional funds, but should also be audited to ensure they aren't over-identifying children. To date, that proposal has not been acted upon.

The State ABC Plan and Inclusion

What effect are special services having on the academic outcomes of the disabled? It's a question for which there are no clear answers at present, but one that is increasingly being asked as state and local budgets are stretched to provide the services being asked for by the schools and demanded by the law. In fact, accountability for showing academic progress of *all* students now has been placed squarely on the shoulders of public school educators and administrators in this state. Responding to business and community leaders' criticisms about high school graduates who lacked basic reading, writing, and math skills, the 1995

General Assembly passed Senate Bill 1139, the School-Based Management and Accountability Program.²⁸ SB 1139 implements the State Board of Education's ABCs plan (short for Accountability, Basics, and Local Control), which rewards schools that meet or exceed annual performance goals and offers help to those that fall short. This program has been hailed by many as the kind of tough love needed to bring North Carolina's schools up to the standards its citizens deserve and need. Others say this program will actually *discourage* principals and teachers from including special education students in the regular course of study and punish many that try.

The ABCs Program establishes annual performance goals for individual public schools based on students' scores on end-of-grade and end-of-course tests. Students are rated at a level of I, II, III or IV — the former two reflecting performance below grade level and the latter two reflecting performance at or above grade level. Certified teachers at

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—ANN BRADY, DIRECTOR,
EXCEPTIONAL CHILDREN PROGRAMS,
ROCKINGHAM COUNTY PUBLIC SCHOOLS

schools that reach their expected level of growth can receive bonuses of up to \$750 each, and teaching assistants up to \$375 each. Teachers at schools that exceed their expected level of growth can receive bonuses of up to \$1,500 and teaching assistants up to \$500. Conversely, principals of schools that fall well below their minimum growth standards may be subject to dismissal, and teachers do not earn bonuses.

End-of-grade tests, administered in grades 3 to 8, measure students' proficiency in reading comprehension and mathematics. ABCs growth expectations are based on the degree of a student's

improvement from one grade to the next (pre- to post-testing). Thus, low-performing students are not penalized if they can show progress. End-of-course tests, administered in grades 9–12, assess students' performance in Algebra I, Biology, English, U.S. History, and Economic, Legal, and Political Systems. There is no pre- to post-course measurement. If a school is low-performing, it may be assigned an assistance team. Principals (at a low-performing school assigned an assistance team) who have been assigned to the school more than two years are suspended with pay for 60 days until a hearing is held to determine dismissal. Special educators say the measurements used to evaluate high schools will totally defeat their efforts to incorporate special education students in the regular course of study.

"The new high school standards are in direct conflict with the needs of special education kids," says Rockingham County's Ann Brady. "Special education kids who are trying to get a diploma want and need to take these tests, but they will pull the scores down. When teachers and administrators realize that this [testing disabled students] will cost them money and possibly their jobs, they will counsel the special education students not to take the standard course of study. And that is not in special education kids' best interests."

Brady's fears about low scores by disabled students on end-of course tests are borne out by data gathered by the Department of Public Instruction. For the 1996–97 school year, no category of disabled student scored better than 44 percent proficient in Algebra I. None scored better than 48 percent proficient in U.S. History. And none scored better than 50 percent proficient in Biology.²⁹ These scores were posted by the relatively small numbers of students taking the test in the speech and language impaired category. In the much larger learning disabled category, only 18 percent of students taking the test scored proficient in algebra, 33 percent in history, and 13 percent in biology.

Regardless of whether they take the end-of-course tests, special education students may be unwelcome in regular education classes if teachers think they will take time away from preparing other students. This presumption may bode ill for the movement to include disabled children in the regular classroom. "The ABCs program will kill inclusion," says Andy Thacker, principal of Reidsville Middle School.

Yet not everyone believes the ABCs program bodes ill for special education students. David Lillie, the UNC-CH special education professor,



believes the accountability movement will bring more attention to the fact that students with disabilities are not performing well on end-of-grade tests. The result may be that schools will actually train more resources on these students to keep them from pulling down overall school scores. But key to special education students benefiting from this extra attention is keeping the students involved in the ABCs accountability system, says Lillie.

Nationally, that has been a concern, as school accountability movements gain momentum. "A lot of people feel more kids are exempted so they don't have to be included in scores," says Lillie. "There's not a lot of good data on that. It's just a feeling a lot of people have."

DPI's Lowell Harris bristles at the notion that the ABCs Plan runs counter to the needs of special education students. "I think ABCs is great," Harris says. "It works for most children and schools, and it can work for exceptional children, as well. I think we underestimate what exceptional children can do. We should require as many as possible to take the tests, and if there are a few that can't, we'll come up with some alternative measures of progress."

Harris points out that under the 1997 federal IDEA reauthorization, students who are exempt from taking standard tests must be given some al-

ternative form of assessment starting in the year 2000.³⁰ The N.C. Board of Education has assembled experts from various fields to come up with alternative assessments, but given the wide range of disabilities covered under IDEA, that won't be easy.

"For a mildly disabled student, you might be able to give them the standard tests with a few modifications," says Louis M. Fabrizio, director of DPI's Division of Accountability Services. "But for a severely disabled child, their goal for the year might be learning to tie their shoes. What kind of assessments do you come up with to cover that range of abilities?"

"I'm concerned that it (ABCs) only measures part of what children learn," says Wake County's Jack Nance. "We need to be concerned about the whole child development process and not just some factual information that can be measured on an end-of-grade test."

Discipline and the Disabled

Along with the trend towards greater accountability for academic performance, legislators have demanded that schools be more accountable for the safety of students, teachers, and administrators. This prompted the General Assembly to pass

the Safe Schools Act (a special provision contained within the budget bill) in 1997.³¹ State law now allows local education agencies wide latitude to suspend students who do not follow the school code of conduct and expel students whose presence constitutes a threat to the safety of other students and employees. This get-tough policy is hailed by many as long overdue, but in spirit, if not in letter, it is in direct conflict with the disciplinary provisions spelled out in the federal IDEA legislation of 1997.

G.S. 115C-391 of the Public School Laws of North Carolina allows principals to suspend for 10 days or less any student who willfully violates policies of conduct established by the local board of education. With the prior approval of the superintendent, principals can suspend students for such conduct for the remainder of the year. Students aged 14 years or older can be expelled if their behavior constitutes a clear threat to the safety of other students or employees. If a student brings a weapon onto school property, state law says that student shall be suspended for 365 days. Further, local boards of education may remove to an "alternative educational setting" any student age 13 or older who physically assaults a teacher or other adult or student. If no appropriate alternative educational setting is available, then the board may suspend the student for up to 365 days.³²

All of these conditions, however, can be overridden by federal law. Part (g) of Section 115C-391 states "Notwithstanding the provisions of this section, the policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations." And under IDEA, a whole different set of discipline rules applies to students with disabilities.

As amended in 1997, IDEA allows a disabled student who violates a school rule or code of conduct to be sent to an "appropriate interim alternative educational setting," or suspended, but for no more than 10 school days in a school year. A child who brings a weapon to school or possesses or uses illegal drugs may be removed to an alternative education setting, but not for more than 45 days. A child deemed likely to cause injury to him/herself or others may also be removed to an alternative educational setting, but not for more than 45 days and only if the hearing officer determines that the alternative setting enables the child "to continue to participate in the general curriculum" and "to continue to receive those services and modifications . . . that will enable the child to meet the goals set out in [the child's] IEP."³³

If the school considers removing a disabled student to an alternative setting or suspending the student for more than 10 days, the IEP team must conduct a review ("manifestation determination") to determine the relationship between the child's disability and the behavior subject to the disciplinary action. If the review determines that the behavior was a manifestation of the child's disability, the student's placement cannot be changed unless the IEP team determines that would be appropriate. If the review determines that the behavior was not a manifestation of the child's disability, the student may be subject to normal discipline, including suspension or expulsion, but the school must continue to provide the child with a free appropriate public education, which includes special education, general curriculum, and services to ensure that the behavior does not reoccur.³⁴

The disciplinary exemptions provided disabled students under IDEA have enraged many in the education community, including some special education administrators. "These regulations set up an incredible double standard for disabled and non-disabled students," says Nancy Spencer, former director of the exceptional children's program for the Durham Public Schools. "If two kids assault a teacher and one is labeled an exceptional child, the labeled student continues to receive services, while the other one gets suspended or expelled. This is very hard for teachers to understand and sends the wrong message to students."

Another issue concerns the ability of schools to provide disabled students with a free appropriate public education outside of the regular school setting. "Many school systems don't have an alternative program that meets IDEA's requirements," says DPI's Mardie Meany, Section Chief for Policy Monitoring and Audit. "They say they can't suspend disabled students because they can't

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—PAM RILEY, EXECUTIVE DIRECTOR,
N.C. CENTER FOR THE PREVENTION
OF SCHOOL VIOLENCE,
NORTH CAROLINA STATE UNIVERSITY

provide a free and appropriate public education.”

DPI has set up a committee to examine the issues of discipline in the schools with a particular focus on dealing with IDEA provisions as they relate to disabled students. Pam Riley, executive director of the N.C. Center for the Prevention of School Violence at North Carolina State University, sits on that committee and runs workshops for schools explaining their rights under the various laws. “There’s a lot of confusion out there about what principals can and can’t do with kids who break the rules,” Riley says. “Our message is that you have to follow the law, but if there is a situation where you have a violent student, your first obligation is to protect the safety of everyone in the school.”

Riley says the state needs to gather statistics on school violence and crime to determine what kind of students are committing what acts. Then, she says, more appropriate policies can be devised. “We need to find out if, in fact, the more violent situations are being caused by special education students and if current laws are a barrier to resolving those,” she says. “At this point, we don’t know that that is the case.”

Some teachers believe the different disciplinary standards for special needs students are contributing to difficulty in maintaining order in the classroom. According to a report in the *Fayetteville Observer-Times*, students classified as behaviorally emotionally disabled in the Cumberland County Schools accounted for a disproportionate number of assaults reported to law enforcement officials during the 1997–98 school year.³⁵ Despite representing only 1 percent of special needs students in the Cumberland County Schools, behaviorally emotionally disabled students accounted for 21 percent (3 of 14) of assaults with a serious injury, 28 percent (19 of 68) of assaults on school officials, and 27 percent (3 of 11) of assaults involving weapons.

While some feel IDEA is promoting a wrong-headed approach toward discipline, others feel its mandate to continue providing children with educational services no matter what, is preferable to the zero tolerance approach fostered by the Safe Schools Act.

“I have a daughter in school, and I want her to be safe,” says Ann Brady, director of exceptional children’s programs for the Rockingham County Schools. “But just putting kids [with severe discipline problems] on the street doesn’t solve anything. My daughter will interact with them there, as well.”

Conclusion:

Clear Sailing or Collision Course?

After interviewing dozens of parents, teachers and public school administrators for this article, several overriding themes emerge with respect to special education. One is that there is strong support for including disabled children in the regular school community. This does not mean that disabled students should be included in every class and activity with regular students. It means that they should be accepted into the regular school community and given the opportunity to pursue a meaningful education. It means that we all have something to learn from each other, regardless of the shape of our limbs or the inner workings of our minds.

“We need to stop seeing special education children for their differences,” says Jack Nance. “We are all a set of arms and legs trying to get through life.”

Or as David Mills with DPI’s Exceptional Children Division says, “All of us can be labeled something. Some of us are LD, some of us are BEH, and some of us are TAB — Temporarily Able Bodied. We are all just one fall down a flight of stairs, one drug overdose, one pull-out on the highway away from being classified as a person with special needs.”

Educators also emphasize that the majority of disabled students can and are being included in the regular course of study. Those who require a high degree of special services or those who exhibit violent behavior are relatively few in number. In sum, the public schools seem to be on the right track in seeking to include disabled children in the larger school community.

Two other themes more likely to be voiced by teachers and administrators than by parents are that North Carolina is on a collision course with the federal government with respect to state mandates on both testing and discipline. And the state’s desire to test may run into the federal mandate for inclusion and entitlements for disabled children. Everyone in education acknowledges the need for accountability. No one who works with special needs children thinks that is easy to quantify. Likewise, there is concern about what will come of the very different legal standards being promoted for disciplining disabled versus non-disabled children. The state’s goal in discipline and getting violent children out of the schools may conflict with the federal preference for keeping special needs children in school.

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—DAVID MILLS, SECTION CHIEF,
N.C. EXCEPTIONAL
CHILDREN DIVISION

"We are creating two separate classes of children in the eyes of the law," says Ann Majestic. "I don't think that's what Congress intended and I don't think that's right."

Lastly, there is the feeling that there may simply not be enough money to provide all the services for disabled students that society wants and the law demands. "I could see spending another \$15 million to hire people to do all the things the law requires, to improve pre-school diagnostics, to provide more special ed teachers and offer students more reading help," says Jack Nance. "But I wonder if we are doing the right thing by providing more services and spending more money only on special education. Would it not be wiser to spend these additional dollars to meet the needs of all children?"

In the coming years, it's clear that a new balance will have to be struck with respect to the state's services for the disabled. Cases will be tried in court to clarify the intent and priority of various laws, and limits to resources will be tested in courts, legislatures, and county commissioners' chambers. Laws may have to be revised, and either spending increased or expectations lowered. Amidst the inevitable strife, one can only hope that teachers and administrators understand and respect the needs and aspirations of disabled children and their families, and that parents likewise understand the obligation of public educators to meet the diverse needs of all children using a limited amount of time and money.

FOOTNOTES

- ¹ 20 U.S. Code Chapter 33, Section 1412 (a)(1)(A).
- ² 20 U.S. Code Chapter 33, Section 1412 (a)(5)(A).
- ³ N.C.G.S. 115C-106 (a).
- ⁴ Public Law 105-17, now codified as 20 U.S. Code, Chapter 33, Section 1400 *et seq.*

⁵ G.S. 115C-105.45-47.

⁶ G.S. 115C-105.20 *et seq.*

⁷ *Procedures Governing Programs and Services for Children with Special Needs*, Public Schools of North Carolina, May 1998, Section .1503.

⁸ *Ibid.* at Section .1504 (C).

⁹ G.S. 115C-150.5.

¹⁰ *Procedures Governing Programs and Services for Children with Special Needs*, Section 1505 (B)(2),(3).

¹¹ *Ibid.* at .1505 (D)(3). *Procedures Governing Programs and Services for Children with Special Needs*, Section .1505(B)(2).

¹² *Ibid.* at .1505(D)(2).

¹³ 34 Code of Federal Regulations Sec. 300.7 (b)(10).

¹⁴ Public Law 94-142, now codified as 20 U.S. Code Chapter 33, Section 1400 *et seq.*

¹⁵ Chapter 1293 of the 1973 Session Laws (2d Session 1974), now codified as N.C.G.S. 115C-106(a).

¹⁶ Chapter 927 of the 1977 Session Laws, now codified as NCGS 115C-106(b).

¹⁷ D. Lipton, "The Full Inclusion Court Cases: 1989-94," *NCERI bulletin*, National Center on Educational Restructuring and Inclusion, The City University of New York, New York, N.Y., Vol. 1, No. 2, Fall 1994, p. 1.

¹⁸ See, for example, C.E. Meyers, *et al.*, "Regular class education of EMR students, from efficacy to mainstreaming: A review of issues and research," in *Educating mentally retarded persons in the mainstream*, University Park Press, Baltimore, Md., 1980, pp. 176-206.

¹⁹ For a thorough discussion of this issue, see M. Will, *Educating students with learning problems — a shared responsibility: A report to the Secretary*, U.S. Department of Education, Office of Special Education and Rehabilitative Services, Washington, D.C., 1986.

²⁰ *Daniel R.R. v. State Board of Education* 874 F.2d. 1036 (5th Cir. 1989).

²¹ 42 U.S. Code 12131, Section 35.102.

²² 29 U.S. Code 794, Section 504.

²³ D.K. Lipsky and A. Gartner, "Common Questions About Inclusion," *Exceptional Parent*, Psy-Ed Corp., Oradell, N.J., September 1995, p. 36.

²⁴ *Final Report: A Study to Determine the Current Levels of Outcome Attainment of SLD, BEH, and S/PH Students* (no author indicated), N.C. Department of Public Instruction in Collaboration with the University of North Carolina at Chapel Hill, November, 1996, pp. 17-20.

²⁵ G.S. 115C-296(b).

²⁶ J. Frederick West, *Addressing the Challenge of Special Education Finance Reform in North Carolina*, Institute for Educational Development and Training, Raleigh, N.C., November 1994, p. 70.

²⁷ Robert C. Johnston, "Pa. Revisits Tough Special Education Funding Issues," *Education Week*, Bethesda, Md., April 8, 1998, p. 16.

²⁸ G.S. 115C-105.20 *et seq.*

²⁹ "1996-97 End-of-Grade Test Results: Performance of Students with Disabilities or Limited English Proficiency," N.C. Department of Public Instruction, Table 5.

³⁰ 20 U.S. Code Chapter 33, Section 1412(A).

³¹ G.S. 115C 105.45-47 (contained within S.B. 352 in the education section of the state budget bill).

³² G.S. 115C-391(d).

³³ Public Law 105-17 Section 615(k)(2) and (3), now codified as 20 U.S. Code Chapter 33, Section 1415(2)(B)(i).

³⁴ *Ibid.*, Section 615(k)(5).

³⁵ Steve Jones, "Teachers fight for protection," *Fayetteville Observer-Times*, Fayetteville, N.C., May 27, 1998, p. 1A. Figures cited are through May 13, 1998.

**Table 1. Students Served by Special Education Programs in 118
N.C. Local School Districts, by Category of Disability, 1996-97***

School District	Category of Disability*						
	AU	DB	EH	EM	HI	LD	MU
Alamance County	35		140	167	33	1,100	33
Alexander County	9		36	74	6	240	4
Alleghany County	1		2	28	1	104	2
Anson County	5		111	226	5	217	3
Ashe County	3		9	59	3	181	5
Avery County	4		20	46	1	195	3
Beaufort County	2		76	237	12	482	5
Bertie County	4		2	127		54	6
Bladen County	4		29	219	3	176	11
Brunswick County	2		33	148	13	547	20
Buncombe County	61		266	227	28	1,227	80
Asheville City	14		41	101		196	20
Burke County	16		103	243	32	615	17
Cabarrus County	10		241	297	24	733	29
Kannapolis City	6		44	115	9	194	14
Caldwell County	5		122	206	14	582	11
Camden County	1		4	17		38	1
Carteret County	7		129	128	7	637	10
Caswell County	3		15	91	3	189	
Catawba County	21		192	186	15	640	21
Hickory City	12		94	113	2	163	8
Newton-Conover City	2		69	39	2	143	3
Chatham County	11		32	157	14	279	1
Cherokee County	1		13	50	1	285	2
Chowan County- Edenton City	11		6	55		92	6
Clay County			3	24		31	

Table 1, continued

OH	OI	SI	SP	TM	VI	TB	PD	Total
180	21	614	9	26	10	8	74	2,450
7	7	134		10	1	2	12	542
1		44	2	2	2		19	208
14	1	110	4	34	3	2	59	694
15	4	77	1	13	2	1	22	395
7	1	158	3	6	2	1	29	476
21		302	10	30	3	1	20	1,201
8	1	105	4	19	2		25	357
104	2	93	4	22	1	2	38	708
25	3	254	2	24	5	2	53	1,131
235	18	867	17	35	9	6	70	3,146
15	6	226	1	7	3		22	652
227	20	559	9	47	8	3	32	1,931
74	13	509	11	37	5	8	65	2,056
12	1	136		11	1		24	567
33	5	454	12	39	6	1	24	1,514
4	4	37		3		1	10	120
96	5	197	6	11	4	1	44	1,282
21		125	5	14			13	479
54	27	417	14	36	5	4	81	1,713
15	4	161	4	8	1		37	622
8	3	94	2	5	2	1	12	385
54	3	276	4	25	6	2	30	894
10	6	169	3	9	4		55	608
5	1	82	1	13		1	12	285
2	1	58		6	2	1	10	138

—continues

Table 1, continued

School District	Category of Disability*						
	AU	DB	EH	EM	HI	LD	MU
Cleveland County	2		16	169	17	453	2
Kings Mtn. City	9		19	88	6	216	
Shelby City	1		3	108	2	172	
Columbus County	5		33	263	11	181	17
Whiteville City	8		29	113	4	102	
Craven County	13	7	164	314	24	641	14
Cumberland County	103		572	491	90	1,953	21
Currituck County	2		25	29	1	274	5
Dare County	3		40	28	8	202	5
Davidson County	14		86	210	35	1,029	14
Lexington City	1		40	86	4	122	13
Thomasville City	2		10	119	1	121	
Davie County	9		89	56	6	207	
Duplin County	1		40	284	10	187	26
Durham County	70		421	475	70	1,331	27
Edgecombe County	7		30	260	7	276	10
Forsyth County	47		217	625	54	1,769	41
Franklin County	9		68	221	14	310	3
Gaston County	47		174	661	57	1,607	62
Gates County	4		15	61	1	64	3
Graham County	4		5	36		50	7
Granville County	6		41	199	7	267	2
Greene County	5		54	117	3	187	5
Guilford County	96	1	212	579	82	3,554	70
Halifax County	10		60	346	5	129	6
Roanoke Rapids City	6		29	68	4	85	4
Weldon City	1		21	47		21	1

Table 1, continued

OH	OI	SI	SP	TM	VI	TB	PD	Total
39	19	331	12	52	8	4	61	1,185
19	7	216	7	16		1	27	631
4	4	307	10	15	1		25	652
17	4	184	8	16	5	3	54	801
49	5	79	6	16	2		21	434
64	17	381	71	69	7	4	88	1,878
582	52	873	46	113	22	21	276	5,215
4	2	92		8	2		10	454
62	2	118		3	5	1	5	482
81	40	507	1	51	7	1	64	2,140
11	5	106	18	6	1	1	45	459
	4	47		5		1	36	346
24	6	208	3	13	3	3	12	639
39	1	221		30	3	1	15	858
156	19	813	22	68	12	9	147	3,640
73	7	271	6	41	1	1	59	1,049
248	74	1,603	31	132	15	20	187	5,063
24	6	176	5	20	2	2	37	897
265	14	821	24	108	18	3	115	3,976
		91		3			4	246
7		87		3	3	1	1	204
20	6	211	12	27	2	1	52	853
11	3	83	8	15	1	3	26	521
851	91	1,586	53	110	53	9	245	7,592
10		158	9	39	3		55	830
8	3	73		13			9	302
		39		11			11	152

—continues

Table 1, continued

School District	Category of Disability*						
	AU	DB	EH	EM	HI	LD	MU
Harnett County	22		91	166	27	967	8
Haywood County	9		59	110	6	491	1
Henderson County	22		185	128	11	547	16
Hertford County			7	180	2	67	6
Hoke County	1		58	231	4	264	
Hyde County	1		13	13	1	42	
Iredell County—Statesville	7		90	266	18	798	14
Mooresville City	5		18	35		139	3
Jackson County	9		30	47	2	210	2
Johnston County	19		131	548	31	865	8
Jones County	6		14	50	1	61	
Lee County	5		45	116	25	249	2
Lenoir County	9		85	383	5	368	71
Lincoln County	3		41	199	15	435	1
Macon County	6		18	40	1	217	4
Madison County	2		24	51	3	159	11
Martin County	6		86	137	5	116	8
McDowell County	4		40	56	5	366	10
Mecklenburg County— Charlotte City	164	1	656	957	136	3,554	89
Mitchell County	2		7	24	1	184	4
Montgomery County	4		30	136	2	288	16
Moore County	24		86	187	13	350	14
Nash County— Rocky Mount City	30		138	516	27	707	23
New Hanover County	36	1	139	216	43	1,180	34
Northampton County	4		29	147	4	119	5
Onslow County	23		144	352	15	906	35

Table 1, continued

OH	OI	SI	SP	TM	VI	TB	PD	Total
58	17	278	6	34	7	2	69	1,752
37	13	194	10	17	1	2	42	992
38	6	332	9	17	6	2	69	1,388
		99	6	19	4		20	410
8	1	249	2	18			32	868
2		35		2			2	111
105	15	515	17	33	7	5	81	1,971
17	2	157	4	9	2	1	17	409
27	2	152	13	8	3		31	536
146	28	408	10	65	5	7	101	2,372
3	1	61	1	4	1		13	216
22	8	331	17	27	2	3	29	881
9	3	256	7	38	2		88	1,324
32	11	367	9	35	4	1	68	1,221
8	7	198	3	8		1	38	549
24	3	108		2	1	1	9	398
17	4	203	3	20	1	1	64	671
34	11	144	5	16	8	5	34	738
295	100	2,149	135	191	26	18	244	8,715
11	2	75		4	1	1	14	330
29	5	66	1	11	2	2	39	631
30	12	430	2	36	13	1	115	1,313
43	5	497	4	75	4	3	63	2,135
125	28	457	16	47	7	12	130	2,471
5		145	3	25	7		10	503
49	13	451	20	54	12	3	93	2,170

—continues

Table 1, continued

School District	Category of Disability*						
	AU	DB	EH	EM	HI	LD	MU
Orange County	13		65	72	7	407	10
Chapel Hill-Carrboro City	48		95	62	8	474	12
Pamlico County	5		11	79	3	77	
Pasquotank County	23		51	141	11	241	11
Pender County	7		35	170	9	319	1
Perquimans County	4		17	39	1	49	4
Person County	14		57	112	3	355	6
Pitt County	27	1	187	680	21	926	37
Polk County	2		17	21	4	101	1
Randolph County	10		97	193	31	1,085	21
Asheboro City	4		31	48	4	279	8
Richmond County	9		63	303	10	218	20
Robeson County	11		59	709	36	870	43
Rockingham County	21		66	280	21	661	4
Rowan County-Salisbury City	20		164	522	34	1,100	16
Rutherford County	8		64	390	8	411	9
Sampson County	3		11	215	3	479	2
Clinton City	1		2	100		71	1
Scotland County	8		44	384	15	208	9
Stanly County	10		71	91	15	598	11
Albemarle City			25	86	3	126	1
Stokes County	2		28	95	24	422	4
Surry County	2		43	161	17	530	10
Elkin City			5	14	2	70	2
Mount Airy City	1		8	27	1	148	3
Swain County	2		24	13		147	3
Transylvania County	11		39	59	5	157	5

Table 1, continued

OH	OI	SI	SP	TM	VI	TB	PD	Total
101	7	253	4	18	2	4	20	983
123	7	149	11	11	5	2	33	1,040
18	1	82	1	2	2		16	297
21	4	191		28	2	2	33	759
8	1	170	1	32	1	1	33	788
3		102		12			15	246
38	6	167	1	19	4	3	46	831
165	15	422	27	87	7	5	147	2,754
13	5	71	1	4	1		8	249
152	12	479	7	41	11	6	32	2,177
43	2	163		14	2	2	13	613
87	11	217		21	7	1	111	1,078
26	5	985	15	118	7	5	92	2,981
153	21	1,099	10	23	6	1	52	2,418
37	16	509	15	62	7	2	68	2,572
20	7	336	17	48	6		51	1,375
19	3	220	14	37	2	1	38	1,047
1		106	3	10			24	319
23	1	168	8	27	2	3	71	971
41	6	212	6	11	3	1	34	1,110
4	1	68	1	6			22	343
29	2	335	6	17	3	2	35	1,004
35	3	308	3	20	3	3	20	1,158
5	1	37	2		1		2	141
15	1	80	1	6			15	306
11		63		1	1	2	20	287
8	5	123	1	4	2	1	30	450

—continues

Table 1, continued

School District	Category of Disability*						
	AU	DB	EH	EM	HI	LD	MU
Tyrrell County	1		11	20	1	33	1
Union County	17		155	133	33	1,197	6
Vance County	12		66	241	5	292	3
Wake County	211	1	770	648	130	5,077	67
Warren County	7		12	81	4	70	1
Washington County	2		6	105		75	6
Watauga County	1		7	35	1	319	9
Wayne County	37		96	539	58	732	30
Wilkes County	9		66	157	9	560	15
Wilson County	25		115	380	14	450	15
Yadkin County	1		41	72	9	267	10
Yancey County	4		2	45		182	3
TOTAL	751	12	9,235	22,246	1,714	58,282	1,478

*** Key to Category of Disability**

- AU – Autistic
- DB – Deaf/Blind
- EH – Emotionally Disabled
- EM – Educable Mentally Disabled
- HI – Hearing Impaired
- LD – Specific Learning Disabled
- MU – Multi-Disabled
- OH – Other Health Impaired
- OI – Orthopedically Impaired
- SI – Speech-Language Impaired
- SP – Severely/Profoundly Mentally Disabled
- TM – Trainable Mentally Disabled
- VI – Visually Impaired
- TB – Traumatic Brain Injured
- PD – Preschool Developmentally Delayed

Table compiled by: Center intern Anna Levinsohn

Table 1, continued

OH	OI	SI	SP	TM	VI	TB	PD	Total
2		48	1	2			4	124
332	10	498	12	39	14	9	100	2,555
30	6	197	6	29		3	57	947
1,050	76	1,904	35	139	45	20	532	10,705
10		154	4	11		1	23	378
16	2	177		23			17	429
25	6	199	6	12	3		33	656
65	21	469	29	71	12	1	129	2,289
48	27	317	13	28	7	2	47	1,305
54	7	302		43	10	3	70	1,488
28	1	311		8	4	1	19	772
12	3	58	2	6	1		17	335
7,960	1,147	36,046	1,046	3,400	572	296	6,223	151,408

Source: N.C. Department of Public Instruction. Categorical breakdowns by school system were not available for the 1997–98 school year. The total number of special needs students served for the 1997–98 school year was 159,697.