

# Flying by the Seat of Your Pants

More Absurdities and Realities  
of Special Education



Cartoons by Michael F. Giangreco  
Illustrations by Kevin Ruelle

## **Middle School Inclusion: Making it Happen**

## **Welcome to the Middle School Series**



**Debbie Efkeman**

**Facilitator for the  
middle school  
series**

# Scheduled presenters

- 2/28 Judy Gran

*The Legal Foundation*

- 3/14 Disa Dieker

*Successful Strategies for Middle and High School Inclusion*

- 3/23 Roundtable lunch @ Conference

- 4/18 Open

*Extra Curricular Activities\**

- 5/23 Open

\*Scheduling speaker

# Scheduled presenters

- 6/20 Michael Giangreco  
*Paraprofessional support in inclusive classrooms & why we need alternatives*
- 7/18 Dianna Autin  
*Parent's role in ensuring access to learning*
- 8/8 Jim Delbianco  
*Social & sexual changes in middle school students*

*Hampton Township School District* supports equality of opportunity and human dignity. Consequently, the District ensures that all learning experiences, whether academic, social, athletic or co-curricular, are available to each and every student who wishes to participate. All learning opportunities, academic and special area courses, print and non-print instructional materials and technology, are similarly available to both regular and special education students. In Hampton, inclusion is not just a concept, it is an everyday practice.



**Judith Gran, Esq.**

**Public Interest  
Center of  
Philadelphia**

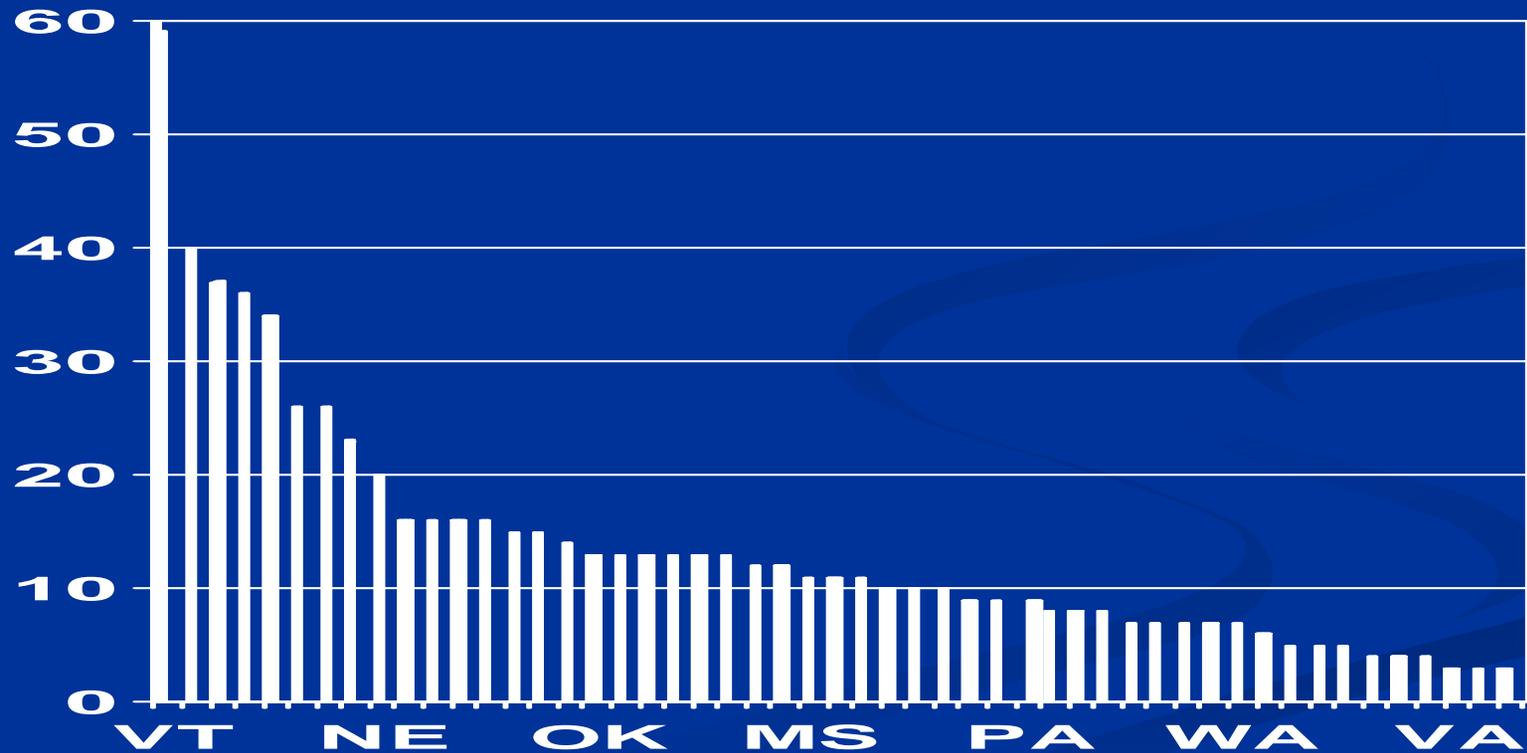
# Inclusion in Middle School and High School

The Legal Foundation

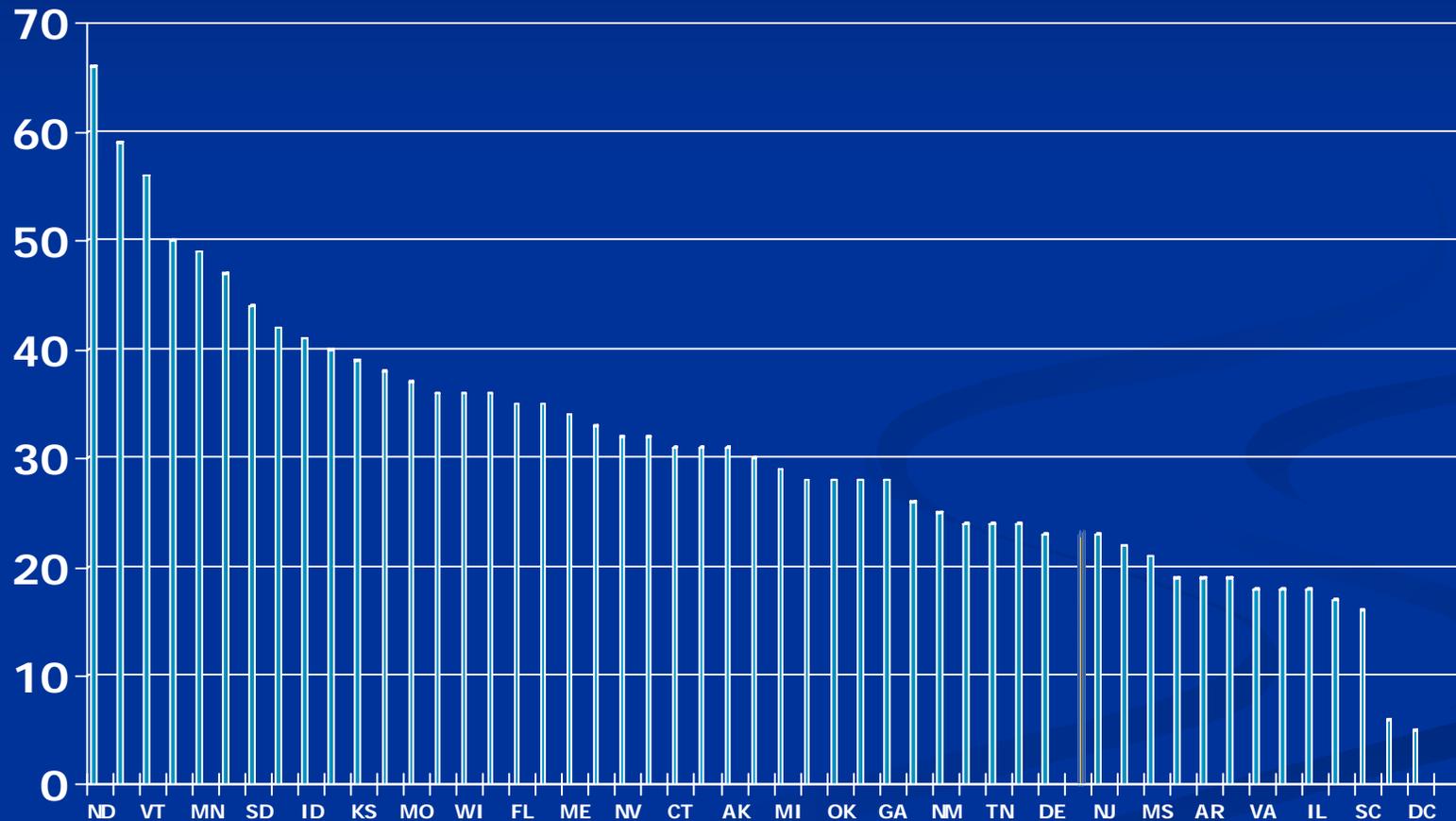
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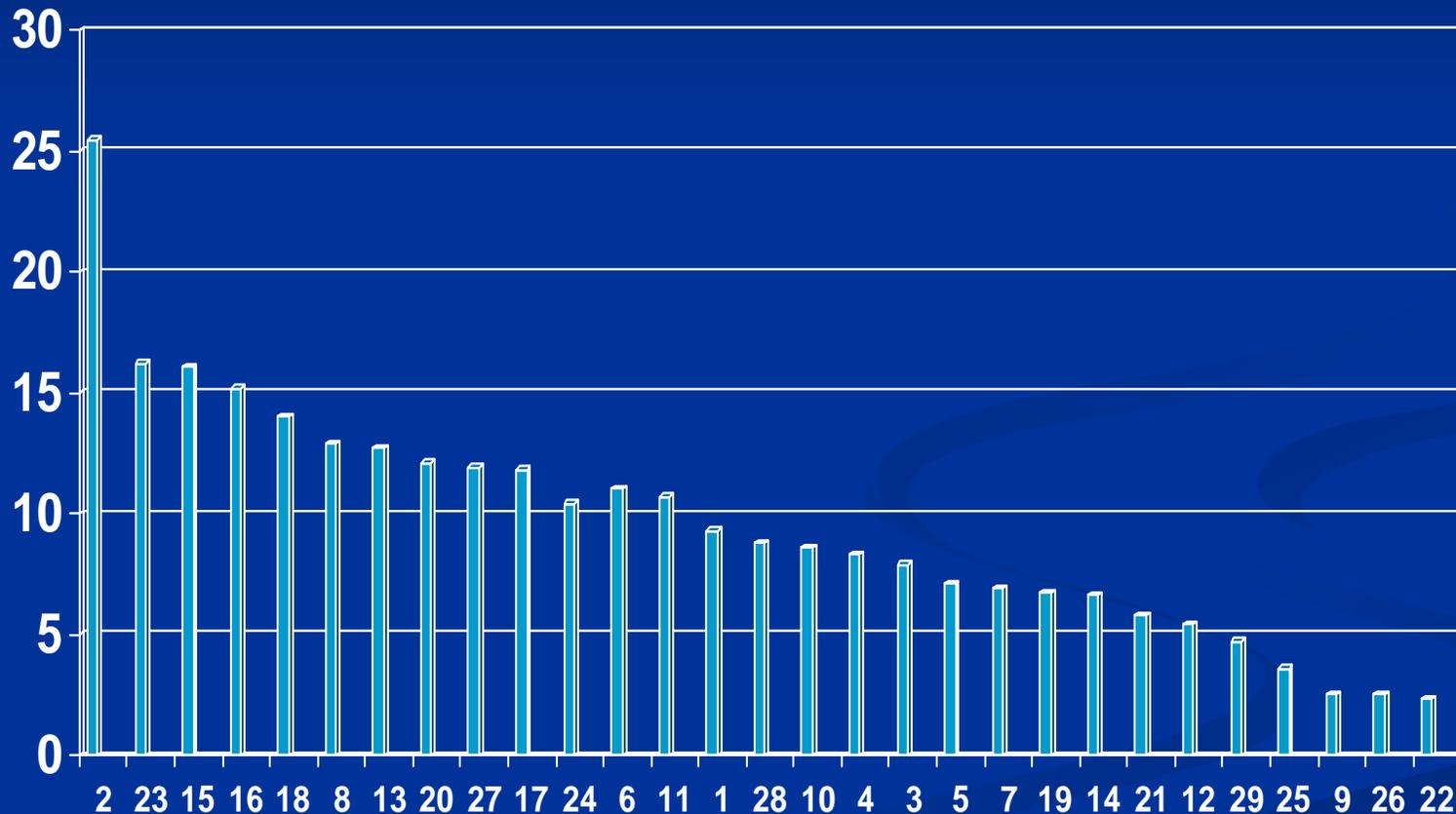
# Inclusion in the United States: Mental Retardation – OSEP 2003- 2004 data



# Inclusion in the United States: Emotional Disturbance OSEP 2003- 2004 data



# Inclusion of Students with Retardation – by Intermediate Unit



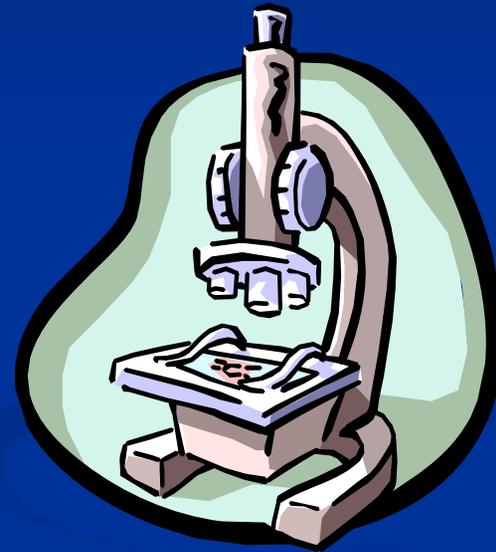
# Why inclusion?

- Children with disabilities must be included in school if they are to become productive adults.
- Equality and justice -- Inclusion is a civil rights issue



# Why Inclusion?

- Inclusion works!
- Research shows better outcomes for students educated in regular class compared to those educated in special classes.



# Research on Outcomes of Inclusion

- Baker, E., Wang, M., & Walberg, H. (1994). The effects of inclusion on learning. *Educational Leadership*, 52(4), 33-35.
- Found that regardless of the type of disability or grade level of the students, “special needs students educated in regular classrooms do better academically and socially than comparable students in non-inclusive settings”

# Research on Outcomes of Inclusion

- Rea, P., McLaughlin, A., & Walther-Thomas, C. (2002). Outcomes for students with learning disabilities in inclusive and pullout programs. *Exceptional Children*, 68, 203-222.
- Found that middle school students with disabilities educated in inclusive classrooms earned higher grades, achieved comparable or higher scores on standardized tests, had no more behavioral infractions, and attended class more days per year in comparison to students in segregated classrooms

# Research on Outcomes of Inclusion

- Keefe, E., & VanEtten, G. (1994, December). *Academic and social outcomes for students with moderate to profound disabilities in integrated settings*. Paper presented at the Annual Conference of the Association for Persons with Severe Disabilities, Atlanta, GA.
- Found higher academic achievement and lower levels of “competing behavior” (e.g., repetitive self-stimulation) in inclusive classrooms than in segregated settings.

# Research on Outcomes of Inclusion

- Freeman, S., & Alkin, M. (2000). Academic and social attainments of children with mental retardation in general education and special education settings. *Remedial and Special Education, 21*, 3-18.
- Found that children in inclusive settings demonstrated higher academic and social achievement than did their segregated counterparts.

# Research on Outcomes of Inclusion

- Hunt, P., Farro-Davis, F., Beckstead, S., Curtis, D., & Goetz, L. (1994). Evaluating the effects of placement of students with severe disabilities in general education v. special classes. *Journal of the Association for Persons with Severe Handicaps*, 19(3), 200-214.
- A large study covering 16 programs across California, compared inclusive and segregated programs for children with moderate to severe disabilities.

## Hunt *et al.*

- Found that inclusive programs generated higher quality IEPs, including a dramatic difference in the number of academic goals written at more complex and higher levels, student achievement of goals increased in inclusive settings, students demonstrated far higher levels of active engagement in academics in the inclusive settings, students engaged in higher level social encounters in the inclusive settings, used more complex language, and demonstrated heightened collaborative learning and play skills.

# Research on Outcomes of Inclusion

- Buckley, S. (1999). A comparison of literacy and math gains for students with Down syndrome who are included and students with Down syndrome who are educated in segregated environments. Paper presented at the International Down Syndrome Conference, Jerusalem, Israel.
- Found that students with Down syndrome who were in inclusive classrooms had higher academic gains in reading and mathematics than did their counterparts in segregated classrooms.

# Research on Outcomes of Inclusion

- Hollowood, T. M., Salisbury, C. L., Rainforth, B., & Palombaro, M. M. (1994). Use of instructional time in classrooms serving students with and without severe disabilities. *Exceptional Children*, 61, 242-253.
- Found that the inclusion of students with significant disabilities in regular classrooms actually enhanced all children's education in those settings meaning both that of the children with disabilities and their nondisabled counterparts.

# Benefits of separate schooling?

- “I know of no empirical evidence substantiating any benefit to educationally segregating students with developmental disabilities. None. Segregation is not scientific. It is not based on science. It is not based on actual research in the lives of actual children who must make their way in the actual world as we all must do.”
  - Christopher Kliever, professor of special education

# IDEA Requirements

- 34 C.F.R. 300.114(a)
- (2) Each public agency must ensure that–
- (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
- (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

# IDEA Requirements

34 C.F.R. 300.115

- (a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. (b) The continuum required in paragraph (a) of this section must-- (1) Include the alternative placements listed in the definition of special education under Sec. 300.38 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

# IDEA Requirements

- 34 C.F.R. 300.116
- (c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;
- (d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and
- (e) A child with a disability is not removed from education in age- appropriate regular classrooms solely because of needed modifications in the general education curriculum.

# IDEA Requirements

- Sec. 300.117 Nonacademic settings.
- In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods ... each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

## Inclusion in the Courts: *Oberti v. Board of Education* (3d Cir. 1993)

- The school district must consider “the full range” of supplementary aids and services during the development of the IEP.
- Four specific supplementary aids and services the school district must consider:
  - Curriculum modification
  - Teacher training
  - Behavioral support
  - Instructional assistant

## *Oberti*: Questions the IEP Team Must Ask Before Removal

- Can the child benefit from education in regular class from supplementary aids and services?
- Are there non-academic benefits to the child from inclusion?
- Will including the child have an adverse effect on the other children in the class?

# Can the child benefit?

- Can the child make satisfactory progress on his own IEP goals in the regular class?
- Will the child make *substantially* more progress in a separate class than in regular class?
- Will the child fall behind her peers in the separate class if she is educated in regular class with supplementary aids and services

# Are there other benefits from inclusion?

- Opportunity to model non-disabled peers?
- Will the child be more challenged and motivated to learn in a regular class?
- *Congress found* that children with disabilities benefit from being educated with children who do not have disabilities!

# What is the effect on other children?

- The child must be *so disruptive in a regular classroom that the education of other students is **significantly** impaired.*
- A child with disabilities who simply requires more teacher attention is *not* likely to significantly impair the education of other children.
- All reasonable means to minimize the demands on the teacher must be considered.

# Extracurricular and Nonacademic Activities

- To what extent, if any, will the student participate with nondisabled peers in extracurricular activities or other nonacademic activities?

# Girty v. Valley Grove

- *Girty v. Valley Grove* (2001) clarified that ability to master the regular curriculum is not a condition of inclusion.
- Spike Girty was a sixth grader whose assigned IQ score was 36.
- Teachers and staff had little or no training in inclusive practices.

# Girty v. Valley Grove

- Appeals Panel held that the district was not required to include Spike because of the severity of his intellectual disability.
- District Court reversed and held that there was no reason that Spike could not continue to be included in regular class.
- Court of Appeals affirmed.

# What does this mean for school districts and IEP teams?

- The team must begin by considering inclusion in regular class throughout the school day.
- Start with the student's IEP goals – how could the student work on his goals in a regular class with supplementary aids and services?

# What does this mean for school districts and IEP teams?

- Example of student's goals:
  - Type the first 3 letters of his name
  - Identify sight words
  - Identify numbers 1-10
  - Separate bills from coins
  - Attend to task
  - Track objects visually
  - Dressing/undressing

# Pennsylvania Cases on Inclusion

- By the early to mid-1990s, students with disabilities whose families sought inclusion were winning cases in the due process hearing system.
- These students had all types of disability, including severe and profound retardation, emotional support needs and physical disabilities.

# Greggory D.

- Quadriplegia
- Does not speak
- Thought to have profound retardation
- Needs breathing treatment, suctioning, tube feeding
- Many friendships outside of school
- 5<sup>th</sup> grade
- Placement at hearing: Full-time multihandicapped support class in another school district

# Greggory D.

- Multihandicapped support class teacher testified effectively about the quality of her program
- No evidence that Greggory could not learn in regular class with modifications
- Great social benefit from regular class and attending home school
- No disruptive behavior
- District claimed Greggory's tube feeding offended typical students
- Home school needed a portable ramp to be accessible.

# Greggory D.

## Result:

- Hearing officer ruled for the district and held that placement in multihandicapped support class was appropriate
- Appeals Panel reversed because the District had not met its legal burden to show that Greggory could not be included.

# Greggory D.

- Greggory was successfully fully included in regular class in his home school
- Greggory learned to speak with an electronic device



# Benjamin R.

- Cerebral palsy – uses a wheelchair
- Speaks with difficulty
- Moderate retardation
- Loves books
- Very sociable
- Enjoys school
- 5<sup>th</sup> grade

# Benjamin R.

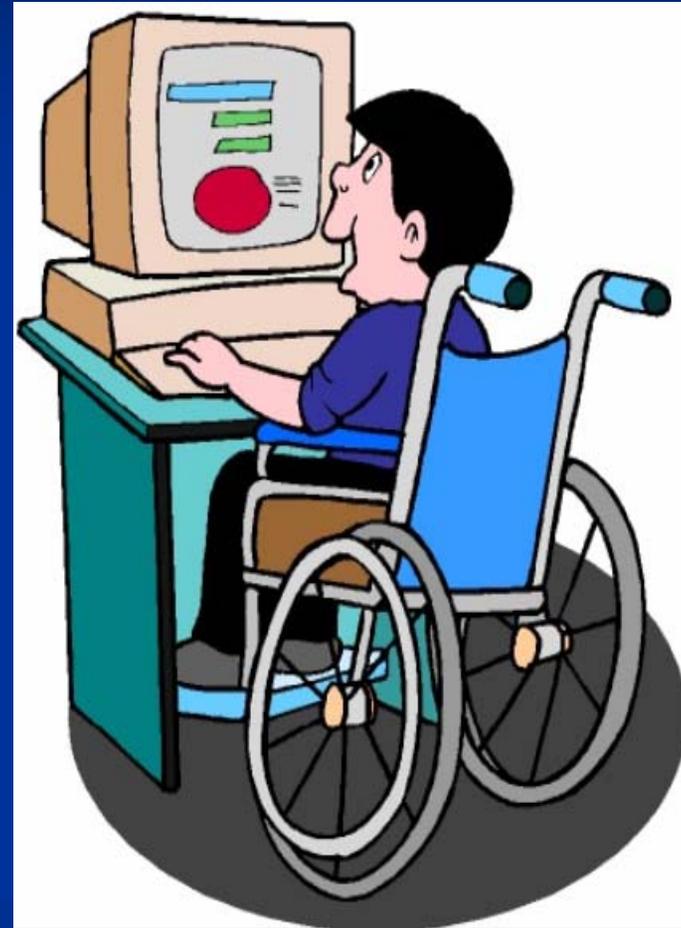
Placement at time of hearing:

- 20 minutes a day in regular class
- The rest of the day in special education class
- Had been included for half the day in regular class in 3d grade, but time in regular class limited by physical accessibility.

# Benjamin R.

## Results:

- Inclusion for half the day in regular class
- Teacher training and technical assistance
- 1.3 years of compensatory education
- Appeals Panel affirmed.



# Sarah T.

- Quadriplegia
- Profound retardation
- Many friendships in elementary school
- 5<sup>th</sup> grader – beginning middle school
- Placement at hearing most of the day in regular class with some time in a life skills class.
- District wanted to place in a middle school that was not her home school.

# Sarah T.

## Evidence:

- No special education class for multihandicapped students at Sarah's home-based middle school
- Elevator in the home school did not work
- District teachers testified it made no difference to Sarah whether she was with typical peers or not
- Parents presented evidence of Sarah's friendships with peers from elementary school

# Sarah T.

Result:

- Hearing Officer ordered full inclusion in home-based middle school.



# Billy T.

- Middle School student with Emotional Support label
- Placed in special education center for students with challenging behavior
- Could benefit greatly from exposure to regular academic classes

# Billy T.

- Billy had been placed in increasingly separate settings as his behavior deteriorated and finally in a separate school.
- He had never had an individualized behavior support plan.
- The special education center had a behavioral support plan for the whole school.

# Billy T.

- The Hearing Officer upheld the school district's program.
- The Appeals Panel reversed, and held that the school district should not have placed Billy in separate settings because of his behavior without providing him with a behavior support plan to address the challenging behavior.

# Billy T.

- The Appeals Panel awarded intensive services as compensation.
- Billy became a student in his neighborhood high school.



# The challenge of inclusion in Pennsylvania

- Little progress in inclusion of students with significant disabilities: retardation, autism, orthopedic disabilities, multiple disabilities, emotional support needs



# Why are students removed from regular class?

- Little or no justification for exclusion in most students' IEPs
- Teams fail to consider supplementary aids and services in regular class



# Justification:

- “Due to the gap between Peter’s cognitive level of functioning and that of peers in the regular classroom, he cannot be educated satisfactorily in the regular class.”



# Justification:

- “Rebecca needs an environment where her self-care-communication, cognitive and social-emotional needs can be met 100% of the time.”
- “Sarah needs a life skills curriculum.”

# Justification:

- “Delays in the development of academic skills prohibit Jason from learning at a rate commensurate with same age peers in a regular class setting.”



# Justification:

- “Children participating in [regular class] are learning at a level and rate significantly higher than Alice and have learning needs that differ so greatly from Alice’s that placement in such a setting would unduly isolate Alice for most of the day and would deny her a peer cohort with whom she could meaningfully interact during learning activities.”

# Lawyers call these statements ...

- CONCLUSORY!
- [Or, the statements assume what they seek to prove: that the student cannot be educated in regular class, no matter what supplementary aids and services are provided.]

# Systems that support inclusion

- Personnel development focused on building skills through on site technical assistance
- Not just didactic training (“sit and git”)



# Systems that support inclusion

- Technical assistance focused on educational benefit, not just procedural compliance
- Objective assessments of schools' training needs



# Systems that support inclusion

- Special education plans that effectively address barriers to inclusion
- Plans to bring back children placed outside the district and in IU programs.

# Systems that support inclusion

- Monitoring systems focused on educational benefit and placement in the least restrictive environment
- Monitoring should not be limited to procedural compliance

# The Key to Inclusion

- The *IEP Process*
- New BEC requires the team to ask specific questions based on the Oberti standards
- Make sure the team considers the full range of supplementary aids and services to enable the student to meet his goals in regular class before considering removal!

