

Inclusion and School Placement

Thomas L. Layton, Ph.D., CCC-SLP
ASHA Fellow
Professor
North Carolina Central University

I am frequently being asked whether a child with Down syndrome should be educated in a regular classroom or in a self-contained classroom for children with special needs. The question usually evolves around the rights of the child. Which is the best learning environment for the child, and whether a school has the right to place a child in a setting that the parents feel is wrong for their child. In this brief article, I would like to discuss some of the federal laws that pertain to placement and services for children with Down syndrome. I also will explain some of the terms and definitions that school personnel use while talking about children in the school settings. It probably is best to begin by defining some of these terms.

The term "self-contained" classroom refers to your child being educated in a classroom most if not all of the day, along with other children who have similar disabilities or who are functioning at the same level as your child. A special education teacher and a teacher's aide are responsible for the curriculum and instruction for these children. Children in self-contained classrooms are often "mainstreamed" into regular education classrooms for part of the day to socialize and learn with typical children. These mainstream opportunities often include music, art, P.E., lunch, and less often math, reading, and social studies.

Inclusion is a relatively new term. It infers that your child would be educated in a regular classroom with typical children. Some inclusion settings are "full," where the child is educated by the teacher and support instruction all day in the regular classroom. Other inclusive settings consider the regular classroom as the "home-base" for the child, and the child is "pulled-out" and removed to

different school settings for part of the day to be served by related services, such as, speech-language pathologists, occupational therapists, reading specialists, etc. (More about inclusion later on.)

Several other terms are best described by discussing them as they pertain to federal laws and your child's rights. IDEA stands for Individuals with Disabilities Act (IDEA, 1990, 1999). IDEA states that, "Each State must establish procedures to assure that, to the maximum extent appropriate, children with disabilities are educated with children who are not disabled, and that special education, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when 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." 20 U.S.C. 1412 (5)(B).

This placement is further strengthened by Section 504 of the Vocational Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990. Both of these laws indicate that, "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits or the services, programs or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. 12132.

The term "Least Restrictive Environment" applies here. This term assumes that the child is being educated in the setting that provides the best opportunity to learn. The federal code specifies that, "...special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when 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." 34 C.F.R. 300 550 (1) & (2).

Together these laws strongly suggest that regular educational placement should

be considered first for all children with special needs, and that alternative educational placements (i.e., self-contained classrooms) be considered only secondary to this placement. Often, parents are led to believe that the secondary placements are the legal settings and the regular educational environment is a privilege.

FAPE, a term from the IDEA statute, stands for Free Appropriate Public Education. FAPE requires that all children with disabilities must have available to them a free appropriate public education. This includes special education and related services designed to meet the child's unique needs. 20 U.S.C. 14000(c) Supp. 1994)

The Free part of this definition is quite clear. It means that services for your child are to be funded fully by the local education association (LEA). If the school system does not have those services, they are obligated to contract with other school districts or agencies to provide the services. This also refers to the purchase of equipment for alternative and assistive communication and for diagnostic evaluations. Remember, before they are obligated to pay for outside services, the school system must not have them. You can not seek similar outside services, for instance, to obtain an independent psychological evaluation, and expect the school district to pay. However, if the school system refers your child for an evaluation or services, the school system is obliged to pay. (School systems typically encourage the child to obtain other services without actually referring the child. In this way, the school system is not responsible for the outside cost. The parents or insurance companies are expected to pay for the costs.)

Appropriate, in the FAPE definition, is not so clear. This often becomes a judgment call with differences of opinions occurring between a school system and the desires of parents. The LEA may view appropriate as a self-contained classroom, while the parents view appropriate as a regular education environment. When such disagreements exist, and compromise

cannot be reached, the parents (and the school system) can ask for an independent arbitrator (usually chosen by the State). This arbitrator, sometimes called a Due Process Officer, serves to intervene between the two parties. If this still does not resolve the differences, an administrative law judge is appointed to review the decision and to make recommendations.

It is important, in other words, for parents to understand that the decision of the local school district is not final. There are several additional steps or procedures that parents can go through if they feel that the decision of "appropriate" education is not being served for the best interest of their child. The State of North Carolina has an excellent guide for parents on the rights of the child. It may be worthwhile to call and request a copy of the guide.

Inclusion, as noted earlier, is often considered a placement issue; however, inclusive programs across the country do not view it that way. Typically, they believe inclusion is more of a process, or a philosophy. Inclusion means educating the child in the regular classroom environment, and it means a good deal more than that. Inclusive educators acknowledge the importance of children learning to live in a pluralistic society and for children to accept individual differences. They believe strongly in schools happening for all students. Inclusion is a process, a problem solving approach to support education for all students.

The key to inclusion is a collaborative team approach where services are being offered to the child in the regular classroom by the teacher and all resource personnel. All special education and related services are offered in the regular classroom environment.

In the State of Washington, for example, several innovative inclusion programs have been developed. Washington has a manual to assist other school districts in implementing and providing inclusive programs. The manual is called: The MESH Manual for Inclusive Schools

(Making Effective Schools Happen for All Students). It can be located on the web:

www.newhorizons.org/spneeds_meshman.html

The MESH manual contains an introduction, a discussion of schools implementing inclusive education, the process, teamwork, and several resources.

One big concern reported by regular classroom teachers is when do they have the time to prepare for the student with special needs, or they do not feel adequately prepared to teach these students. One of the schools in Washington offers early release of all students one day a week so that the teaching staff can co-plan, receive inservice, and confer about student's needs.

Since all of the special education and related services are provided to the children within the regular classroom, this allows the regular classroom teacher to observe the success of the student in the related areas, and provides the related service personnel the opportunity to observe how the child is functioning with peers in the regular educational environment.

Inclusive instruction is flexible, creative, and a team approach. Frequently, new ways of meeting the needs of children are presented. All special education services are viewed as supportive to the general education program and not a separate system.

Few school systems in North Carolina have opted for Inclusive Education for children with Down syndrome. However, the author knows of a few individual children who are included in the regular classroom all day, many children who are mainstreamed part of the day, and some who are educated in self contained classrooms. Sometimes, it is the parents who opt for the class placement; however, most of the time, it is the school system that decides and the parents merely agree.

Hopefully, the information I have provided here in this article will help you make better decisions regarding the education of your child.

Sources:

Individuals with Disabilities Education Act, 20 U.S.C. 1400, as amended by PL 102-119, the IDEA amendments of 1991.

U.S. Department of Education. (1999). Assistance to States for the education of children with disabilities and the early intervention program for infants and toddlers with disabilities. Final regulations. Federal Register, 64(48), 12405-12454.

Section 504 of the Vocational Rehabilitation Act of 1973, Section 504, 29 U.S.C. 794

Americans with Disabilities Act (ADA) of 1990, ADA, 42 U.S.C. 12201-12204.