

It may appear that handicapped children are receiving more than their fair share of services, but they are not.

Equity in Educating the Handicapped

The Education for All Handicapped Children Act, PL 94-142, is both an education law and a civil rights law. From the educational point of view, the law's most salient features are its specified procedures for seeking out handicapped children, evaluating them, determining an appropriate education, and delivering and evaluating the services. From the civil rights perspective, the law's superordinate goal is to protect the rights of all handicapped children to a full educational opportunity. From this perspective, the law's most salient features are its prohibition against excluding handicapped children from educational services offered to others and its emphasis on procedural safeguards. The provision of individualized education programs (IEPs) in the least restrictive environment and nondiscriminatory evaluation are not simply pedagogical practices. They are procedures to protect each child's rights to a free appropriate public education.

Under contract to the Office of Special Education in the U.S. Department of Education, SRI International has been studying the implementation of PL 94-142 at the local level. Our results are based on case studies of 17 widely varying school districts.¹ We studied PL 94-142's implementation from an educational, rather than a civil rights, point of view. Nevertheless, we were able to see effects of both the educational and civil rights thrusts of the law.

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Although we did not focus directly on the rights of handicapped children or on comparisons between the services given handicapped and nonhandicapped children, some of our findings raise issues of equity.

Various personnel in the schools we studied pointed out that, in providing handicapped children individually appropriate education and the related services required to benefit from that education, schools may be treating handicapped children as "more equal" than others. That is, handicapped children may receive more than children who are not handicapped and who may be deprived of some services that they had received previously.

In some schools, people felt that all children should have a right to the same individualized educational plans given handicapped children under PL 94-142. They felt that by having IEPs, handicapped children receive not only a program tailored to their needs, but also a document that permits parents to file a complaint, request a hearing, and take advantage of other procedural safeguards if they feel their child's education is not appropriate. Nonhandicapped children and their parents do not enjoy similar benefits.

The related services that handicapped students receive in order to benefit from their special education are also a point of contention. In several instances, the related services requested by parents of handicapped children and paid for by school districts were considered inequitable. We were told that handicapped children were receiving more services than children in the regular education program. For example, in one

school, an expensive bathing and exercise unit was built especially to accommodate an overweight child requiring physical therapy, who could not use the facilities available for other children receiving physical therapy. The fairness of spending public resources on the needs of this one child was questioned.

The requirement to mainstream to the maximum extent possible also raised equity issues. We saw many examples of handicapped children benefitting academically and socially from placement in the regular classroom for part of their school day. We also saw examples of nonhandicapped children benefitting from this mutual exposure, as Congress intended. However, in the push to mainstream children, there were classrooms in which teachers spent a considerable amount of time working with handicapped children, while nonhandicapped children received less of the teacher's time and attention. In one school, for example, a first-grade teacher expressed frustration in dealing with a physically handicapped student who was slow in moving, talking, and writing. The teacher tried to help the girl be independent, while accommodating the needs of the other students in the classroom:

I'm not trained in it [special education] and it bothered me. My goal is to try and help her become as independent as possible, but I have lots of other kids who move quickly. How long do I wait? Am I being fair to others?

Another example involved a mainstreamed first-grader who needed the teacher to hold her finger on the book during reading in order to keep her attention on the task. The teacher commented on the loss to her other students:

I did take her—she's in a small group, but she needs individual attention. She can't follow the lessons. She can't work independently. Working with [her] does hold my group back.

Another regular education teacher remarked, "I really believe in mainstreaming, but . . . the regular student always gets the short end of the stick."

Finally, we have seen cutbacks in some regular education services (such as transportation), while the same services to special education students were not affected. In one school, because of an expansion of the special education and other programs when limits on construction funds prevented a corresponding expansion of other facilities, some students in the regular education program were on half-day sessions.

The issues raised by these examples led us to try to understand the underlying causes. It seems clear that some of the situations we observed resulted from problems in carrying out the law. Others stemmed from contradictions and ambiguous definitions in the law itself. As implementation proceeds, operational difficulties will be eliminated more easily than problems inherent in the law.

The mainstreaming examples illustrate both kinds of problems. The fact that a teacher had to spend an inordinate amount of time with a special education student may indicate an inappropriate placement for the individual child or inadequate preparation of the teacher. However, providing a handicapped child the right to be in the least restrictive environment might infringe on the educational program of the nonhandicapped students, even if the placement of the handicapped student were appropriate according to the law. In this case, under the law, benefits gained by handicapped and nonhandicapped children may be considered to compensate for any infringement.

In the area of related services, there are problems in interpreting the phrase, "required to assist a handicapped child to benefit from special education." Some related services are obviously necessary, as in the case of speech therapy for a hard-of-hearing child. However, it is not always a simple matter in practice to determine whether a service is "required"; misinterpretation may lead to real or perceived inequities.

Some problems arise from a conflict between the educational goals and the civil rights goals of the law, whereby *only* handicapped children are guaranteed individually appropriate education and provided with procedures to safeguard that right. This guarantee is manifested in the IEP process and document, provided only to handicapped children.

The law also set up a conflict between the rights of the individual and the interests of the group by establishing a system whereby parents can hold the school accountable for the education of handicapped students. There is a potential conflict of interest stemming from each side's primary responsibilities. Parents, as representatives of an individual child, want the best services they can get for their child.² The schools, on the other hand, are charged with responsibility for the entire group; they have limited resources that must be used to serve everyone.

In the current context of limited and even declining resources, the difficulties arising from these factors are exacerbated. When the law gives equal rights to handicapped individuals (or any other target group) in a time when resources are strained, educational opportunities become a zero-sum game. Since handicapped children generally require a lot more resources than nonhandicapped children, the handicapped individual may gain at the expense of the larger group.

Examples of handicapped children receiving a "more equal" education or an improved education at the expense of nonhandicapped children seem to be isolated instances. In fact, we mainly heard *fears* of losses on the part of regular education students, rather than cases of actual inequities. We heard over and over again that as regular education enrollments decline, and as the special education budgets increase relative to other education budgets, regular students will not receive the services they have always received.

Such fears are not new in the history of the struggle for equality of educational opportunity. There are always some real and some perceived injustices when we attempt to remedy existing patterns of discrimination.

We do not believe, however, that in general handicapped children are

receiving equal—or more than equal—educational opportunities. Overall, we have seen only the early stages³ of opening up opportunities for the handicapped. We are aware that handicapped children are still excluded (not identified or pushed out of special education) because the schools have no programs to serve them. We have seen the handicapped still shunted off to separate facilities and special education classrooms in the basements of schools where people can forget they are part of the educational system. In addition, we found that sorely-needed related services (such as speech therapy) were not available to the extent necessary to help special education children benefit from their education. Further, an IEP is not a guarantee of an appropriate education, as school personnel often write on the IEP the services that are available and not the services handicapped children need.

Although we have seen progress in expanding programs for the handicapped, increasing awareness of their problems, and increasing access to the regular education program by handicapped people, there is still a considerable distance to go. ■

¹ In this study, interviews have been conducted twice each year with school-level personnel (principals, special education teachers, regular education teachers), district-level personnel (superintendents, directors of special education, assessment personnel), as well as other persons affected by various requirements of PL 94-142 (parents, hearing officers, state education agency staff). Information from these case studies was synthesized to understand why, in implementing the provisions of the law, local education agencies made progress in certain ways and not in others. Details of the methods and findings from the first year (1978-79) of this longitudinal study can be found in M. S. Stearns, D. Greene, and J. L. David, *Local Implementation of PL 94-142: First Year Report of a Longitudinal Study* (Menlo Park, Calif.: SRI International, April 1980).

² We are assuming here, as the law does, that parents are acting as advocates for their children. Some parents, overburdened by the care of a handicapped child and other responsibilities, may also seek personal relief.

³ Compared with the enforcement of civil rights for racial minorities traditionally deprived of opportunities, we are in the early stages of enforcement of civil rights for the handicapped.

The term *mainstreaming* is familiar to educators in connection with efforts to implement PL 94-142, the Education for All Handicapped Children Act of 1975. The Act doesn't mention mainstreaming; it simply requires that handicapped students be educated in the Least Restrictive Environment (LRE). In other words, the educational setting must be as normal as possible while meeting students' individual learning needs. This can mean that students remain in special education programs most or all of the time they are in school, because that is the placement most appropriate for them, given their handicaps. But it can also mean that, depending on the school district's services and the student needs, students may spend most or all of the school day in a regular classroom with special help being provided to the regular classroom teacher.

Mainstreaming and LRE are often used interchangeably, but there is a difference. Sometimes in the school's hurry to meet the demands of the law, handicapped students are placed full- or part-time in regular classrooms without a close examination of their unique needs or of how those needs can best be met.

Frank Hewett of the University of California notes that the spirit of mainstreaming is found throughout society. People are becoming increasingly positive about sharing themselves and their lives with the handicapped. For example, as teachers and students work with handicapped students, they begin to lose their uneasiness about handicaps, and the youngsters themselves begin to feel more comfortable around those with whom they will interact as adults.

Teachers are also realizing that many students in the regular classroom have learning needs similar to those of special education students, and that teachers already have much of the knowledge and skills needed to work successfully with them. These realizations prompted Jack Birch of the University of Pittsburgh to predict that in the future, fewer and fewer students will be placed in special education programs and that efforts will increase to meet their needs within the regular classroom.

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Four crucial areas in the success of mainstreaming are good communication, administrative support, adequate time, and inservice.

MAINSTREAMING: an Unmandated Challenge

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Why Regular Class Placement?

Why Mainstreaming?

After decades spent designing special education programs, why is it now thought desirable to place exceptional children back into regular classrooms? Should handicapped students have remained in regular classrooms all along?

The development of special education has had many beneficial results. For example, it encouraged educators and medical personnel to examine closely both the learning process and learning impairments, promoted awareness of handicaps and of the need to provide appropriate help to the handicapped and their families, and resulted in the formation of parent groups and specialized training programs for parents, paraprofessionals, and teachers. It also brought attention to the lack of materials and techniques for the handicapped and, in many instances, resulted in the development of such materials.

Unfortunately, placement in special education programs also had negative results for many handicapped persons. One of these was the isolation of special students from normal peers who could model acceptable behaviors and attitudes. Students became so protected in the special education setting that they were out of touch with the "real world" in which they would someday function. Another result was the negativism and lowered expectations associated with

labeling.

Although mainstreaming will not automatically resolve these problems or guarantee that exceptional students will become functional members of society, it should help them learn to cope with the real world and help nonhandicapped students, parents, and professionals learn about and accept individual differences to a greater degree.

Mainstreaming is not for everyone; we still need to use self-contained special education classes when they are both the least restrictive and most appropriate setting for a given student. For the mildly handicapped, however, the concept of LRE demands participation in regular classrooms to some extent. The challenge is to go beyond legal requirements by wholly integrating mildly handicapped students into the class, to learn from them and allow them to learn from those without handicaps, providing the most effective education possible while still meeting the conditions imposed by their handicaps—and to do all this willingly.

The Mandate

Possibly the most far-reaching effect of PL 94-142 has been the creation of Individualized Education Programs (IEPs). The law requires that such a plan be written for each student before he or she is placed in any special education program, and that each IEP be reviewed annually. The IEP is to be based on regular teachers'

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