RESEARCH HIGHLIGHTS

Disability Policy


BOTTOM LINE

The accountability movement has been increasing its influence for more than a decade. It was only a matter of time before reformers began to trying to apply the standards-and-testing template to special education. Now the President’s Commission on Excellence in Special Education has headed in that direction too writing, “The current system often places process above results, and bureaucratic system often places process above results, and bureaucratic compliance over student achievement and excellence, and outcomes.” Never the less, the commission maintained, “The law must retain the legal procedural safeguards necessary to guarantee a ‘free appropriate public education’ to children with disabilities.” The challenge is to retain the legal rights and simultaneously move toward a different kind of accountability. Ann and Rud Turnbull investigate this challenge and how outcome based education must meet this challenge.
KEY FINDINGS

• The authors examine the six principles behind IDEA and the challenges to them: Zero Reject, Nondiscriminatory Evaluation, Appropriate Education, Least Restrictive Environment, Procedural Due Process and Parental Participation.

• Zero Reject is the principle that no student with a disability can be denied a free, appropriate education. Some schools avoid this principle through the following: refusing to identify students with disability, offering protection under 504 of the Rehabilitation Act (which provides fewer rights than IDEA) and placing students in the juvenile justice system. Monitoring based on outcomes must address both of these issues.

• Nondiscriminatory Education is the principle that schools must evaluate each student fairly and to determine if the student has a disability and if so, what kind of education the student needs. Children labeled with some disabilities such as specific learning disability has increased, minority populations are overly represented as having a disability and other irregularities which suggest that the evaluation process is not optimal. Outcome based monitoring should be directed and whether evaluations are timely, in an unbiased and competent way, resulting in the most appropriate placement for each child.

• Appropriate Education is the principle that students with disabilities are entitled to benefit from being in school. Most students go without related services for which they could benefit. Monitoring outcomes needs to include not just academic outcomes but emotional, physical and other types of outcomes as well.

• Least Restrictive Environments is the principle that students with disabilities must have access to the general curriculum and be taught with their nondisabled peers. There is a large body of literature about how to provide students access to the general curriculum. We must hold schools accountability for building the capacity to include students with disabilities in the regular classrooms.

• Procedural Due Process is the principle that students with disabilities and their parents have a right to be informed, be involved in decision-making in their education plans and protest any decisions that are not in the best interest of the student’s education.
Schools can also protest education decisions by parents. Some schools are using this right to sue parents for neglect. Preventive monitoring of outcomes and decisions can prevent such conflicts.

- Parental Participation is the principle that parents and older students have the right to participate in decision making regarding the students’ education. To encourage parent involvement in the process, measured outcomes should include more than academic outcomes.

- The Complexity of Compliance – There is too much paperwork, too much emphasis on procedural compliance makes fulfilling the principles behind IDEA legislation difficult. To fulfill principles of IDEA more than procedural compliance must be addressed and effective education needs to include research based instruction.

METHODS

- This article is based on the research and experience of Rud Turnbull and Ann Turnbull and is a response to a Patrick Wolf article in the same issue of Education Next.