

Social Equity in Special Education

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INTRODUCTION

In Public Administration, the term social equity sounds like a simple open and shut case; the theory that everyone deserves equal treatment, regardless of race, religion, sex or any other discriminating feature, or “Who gets what, when, and how,” (Lasswell, 1936). The debate comes in defining what is considered equal distribution for the service or product provided and is highly subjective. This is especially true when it comes to defining equality as it pertains to special education. “From the perspective of the students with disabilities and their families, special education services are the vehicle to achieve access to and benefit from the same range of curricula and extracurricular options available to any other student,” (Burness, 2001). In our paper, we will explore the definition of social equity and focus on how this equity has influenced and changed laws as they pertain to Special Education. Additionally, we will evaluate Special Education issues on the nation and state levels and also compare local data in an effort to determine whether or not special education services are equitable among the counties of Henrico, Chesterfield, Hanover and the City of Richmond.

SOCIAL EQUITY

While the concept of Social Equity is not new, it is only in recent years that society and the government are beginning to make progress on attaining social equity. It wasn't until the New Public Administration that the collaborative efforts were conceptualized as a social equity movement. “The new public administration prompted subtle, incremental shifts toward democratic management practices and social equity. The results of reinventing government, so far, are short-run increases in efficiency purchased at a likely long-range cost in administrative capacity and social equity,” (Frederickson, 1996). It was at this time that government agencies began to focus on

social equity as it pertained to different issues and began making budget changes in an effort to become more equitable.

Before the New Public Administration, John Stuart Mill fought for utilitarianism and, “was very much in favour of both human diversity of action and expression, and in his works he vigorously argued for both these freedoms,” (http://www.essaybank.co.uk/free_coursework/400.html). He wanted social equity on the basis of which decision would create the greater good.

In "A Theory of Justice", John Rawls sets forth the proposition that "Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override.

Therefore, in a just society the rights secured by justice are not subject to political bargaining or to the calculus of social interests," (<http://www.policylibrary.com/rawls/>).

“The social equity goals held by elected officials, practicing professionals, and the general population are ultimately the foundation of social equity in governance. As equity based policy evaluation tools gain sophistication, public administrators will be better able to assess the normative service allocation preferences of their constituents,” (Wicks & Backman, 1994).

The National Academy of Public Administration’s Standing Panel on Social Equity defines social equity as:

“The fair, just and equitable management of all institutions serving the public directly or by contract, and the fair and equitable distribution of public services, and implementation of public policy, and the commitment to promote fairness, justice, and equity in the formation of public policy.”

Social equity is also defined as “the principle that each citizen, regardless of economic resources or personal traits, deserves and has a right to be given equal treatment by the political system,” (Shafritz & Russell, 2000).

While there are several different definitions of social equity, there are an infinite number of ways to define equitable distribution of a product or service. There’s the idea of “horizontal and vertical equity, with horizontal equity meaning equal treatment of people in the same rank and vertical

equity meaning unequal treatment of people in different ranks,” (Stone, 2002). In James Svara and James Brunet’s paper “Filling in the Skeletal Pillar,” they describe the measurement of social equity in a series of steps including: Procedural Fairness, examination of problems or issues in procedural rights (due process); Access, or distributional equity; Quality, Process Equity and Outcomes. We will use these methods of measurement in defining the social equity of Special Education.

EDUCATION IN THE UNITED STATES

The importance of education is recognized and supported by all levels of government in the United States and goes straight to the top. President George W. Bush recently stated: “When it comes to the education of our children...failure is not an option.” Federal spending on K-12 education exceeds 500 billion dollars annually (<http://www.ed.gov/index.jsp>). The equity in education has been a hot topic for many years. In lower income cities, children are not privy to the same resources that communities with more money are.

HISTORY OF SPECIAL EDUCATION IN THE UNITED STATES

Special education has come a long way in the past century. It was the Sheppard-Towner Maternity and Infancy Protection Act of 1921 and The Social Security Act of 1935, Title V of the Act (Grants to States for Maternal and Child Welfare) that started to make headway for children with special needs. Nearly 30 years later, the Maternal and Child Health and Mental Retardation Planning Amendments of 1963 (Public Law 88-156) revised and expanded Title V to address the needs of young people with chronic and disabling conditions and those at risk for such conditions. Two years later, the Social Security Amendment of 1965 (PL 101-508) established Medicaid (Title XIX).

In 1975, the Education of All Handicapped Children Act or PL 94-142, amended to Individuals with Disabilities Education Act (IDEA), was enacted based on the assumption that “all children between ages 5-17 have the fundamental right to education. Because of the obstacles facing children with disabilities, PL 94-142 intended all school-age children, including those with the most severe limitations, to be eligible for free public education in "the least restrictive environment." (Oberg et al., 1994). Analysis of special education legislation for children with disabilities has been constructed into a three-level framework of seven values important to the delivery of health and social services. The values are then classified into three categories: access, quality and equity.

Slightly more than half of eligible children received special education and related services under the aegis of the Education of All Handicapped Children Act (EHA) and Chapter 1 of the Education Consolidation and Improvement Act. Such access gaps have existed since the inception of PL 94-142 in 1975. In 1980, Dickman called the situation "a national disgrace." It was clear that the funds were insufficient to meet demands. A 1988 Harris poll of teachers found that 38% reported students with disabilities in their classrooms who had not been so identified to receive services. Eligibility is the preeminent factor determining access to special education programs for children with special needs. It appears that, as with health care services, education legislation is more idealistic in rhetoric than implementation” (Oberg et al., 1994).

The Individuals with Disabilities Education Act (IDEA) Amendments of 1997, Public Law 105-17, were signed into law by President Bush on June 4, 1997 (www.ideapractices.org/law/index). The intent of the IDEA is to “provide equity in education for children with disabilities. But there are clearly multiple perspectives of "equity" in the broad area of special education. The 1997 IDEA aims to strengthen academic expectations and accountability for the nation’s 5.4 million children with disabilities, and to bridge the gap that has too often existed between what those children learn and the regular curriculum.

On October 3, 2001, President George W. Bush established a Commission on Excellence in Special Education to collect information and study issues related to Federal, State, and local special education programs with the goal of recommending policies for improving the education performance of students with disabilities. The President’s Commission delivered its report to President Bush on July 1, 2002...”

(<http://www.ed.gov/inits/commissionsboards/whspecialeducation/reports/index.html>).

“The point of all these services, accommodations and modifications is equity. Every child, regardless of disability, has the right to access the same opportunities that any other student has. This is true whether one is discussing gender, students of color, students with disabilities, students from economically deprived backgrounds, students who speak another language or any other student who is enrolled in our public education system” (Burness, 2001).

Special educational programs are hindered by quality issues beyond access. In fact, “while regular teachers have an average of three to four special students in class for at least part of the day, only 40% have training in special education,” (Parinno, et al., 1989). Graduation rates from high school are another indicator of quality. For nondisabled students this rate is approximately 75%; for those with disabilities it is roughly 56% (Wagner, 1989). If the special programs were conducted according to the values reflected in the legislation, it is unlikely that such a differential would be present.

EXPENDITURES ON SPECIAL EDUCATION IN THE UNITED STATES

The U.S. Department of Education funded a study entitled “Special Education Expenditure Project” which was printed in March 2002. The study evaluated the spending on special education services in the United States, 1999-2000. The highlights are shown below:

- During the 1999-2000 school year, the 50 states and Washington DC spent approx. \$50 billion on special education services, amounting to \$8,080 per education student.
- The total spending to provide a combination of regular and special education services to students with disabilities amounted to \$77.3 billion, or an average of \$12,474 per student.
- The difference between the total expenditure per student eligible for special education services (12,474) and the total expenditure per regular education student (\$6,556), is \$5,918 per student. This equates to about 1.9 times to educate the average student with no disabilities.
- The spending on special education represents over 21 percent of all elementary and secondary education in the U.S.

Local education agencies received \$3.7 billion in federal IDEA funding in 1999-2000 (about \$605 per student). This is about 7.5 percent of total special education spending.

NATIONAL ISSUES IN SPECIAL EDUCATION

In the 1997 reauthorization of the IDEA, Congress directed the U.S. Department of Education to undertake a national assessment of activities carried out under the Act. Here are some of the key findings: (<http://www.ed.gov/offices/OSERS/>).

- Graduation rates for students age 14 and older with disabilities have climbed steadily since 1993-1994.
- Graduation rates for students age 14 and older with disabilities varied by disability category; students with visual impairments had the highest graduation rate, while students with emotional disturbance had the lowest graduation rates.
- Graduation rates also varied by race/ethnicity, ranging from 63.4 percent among white students to 43.5 percent among black students.

- About 50 percent of students identified under IDEA as having emotional and behavioral disorders drop out of school.
- Poverty is the single greatest predictor of academic and social failure in America's schools.
- Black students with disabilities exceeded their representation among the resident population. The most striking disparities were in the mental retardation and developmental delay categories.

Dr. Fred Orelove, Director of the Virginia Partnership For People With Disabilities at the VCU Center for Excellence in Developmental Disabilities, stated in a personal interview that: "We are at a transition point in this county with the change in Federal Policy for Special Education." He was referring to the IDEA legislation of 1997 and the 2001 "No Child Left Behind" national campaign. Dr. Orelove said that the hot special education issues in the nation today are as follows:

- Trained personnel
- Inclusive education
- Alternative assessments
- Discipline for children with disabilities
- Over-representation of minorities in special education

TRAINED PERSONNEL

As part of the national assessment of the Individuals with Disabilities Education Act mandated by Congress, the U.S. Department of Education funded a "Study of Personnel Needs in Special Education" (SPeNSE) which was published in July 2002. The study was designed to address concerns about nationwide shortages in the number of personnel servicing students with

disabilities and the need for improvement in the qualifications of those employed

(www.spense.org).

Some key findings from the SPeNSE Study are:

- Administrators reported the greatest barrier to recruitment was a shortage of qualified applicants. Administrators were forced to hire less qualified applicants in special education. Positions for teachers of students with emotional disturbance seemed particularly difficult to fill.
- As of October 1999, 12,241 special education teaching positions nationwide were left vacant or filled by a substitute because a suitable candidate could not be found.
- Other indicators of teacher shortages include 33,262 special education teachers who were not fully certified for their main teaching assignment.
- There was an average of 50,024 person days of substitute teaching in special education that is used per week.
- Because 75 percent of students with disabilities spend much of their day in regular classes, general education teachers must be prepared to teach them.

INCLUSIVE EDUCATION

The 1997 IDEA law emphasizes that special education is a set of services to support the needs of children with disabilities to succeed in general education classrooms. From now on, the Individualized Education Plan (IEP) – the plan that spells out the educational goals for each child and the services he or she will receive for their education – must relate more clearly to the general curriculum that children in regular classrooms receive. The law also requires that regular progress reports be provided to parents, and that children with disabilities are included, not only in state and

district assessments, but also in the setting and reporting on performance goals in the same manner as for non-disabled children (www.ideapractices.org/qanda).

The law removes barriers to placing disabled children in regular classroom settings and ties the education of children with disabilities more closely to the regular education curriculum. The law is designed to remove financial incentives for placing children in more separate settings when they could be served in a regular classroom, and it will include regular classroom teachers in the meetings at which the academic goals of children with disabilities are set.

The law also eases some of the restrictions on how IDEA funding can be used for children served in regular classrooms. Specifically, such funds can be used for providing services to children with disabilities in regular classroom settings even if non-disabled children benefit as well.

Special education programs are moving towards combination with general education classes as much as possible. The IDEA requires that disabled children be placed in the least restrictive environment (LRE) possible.

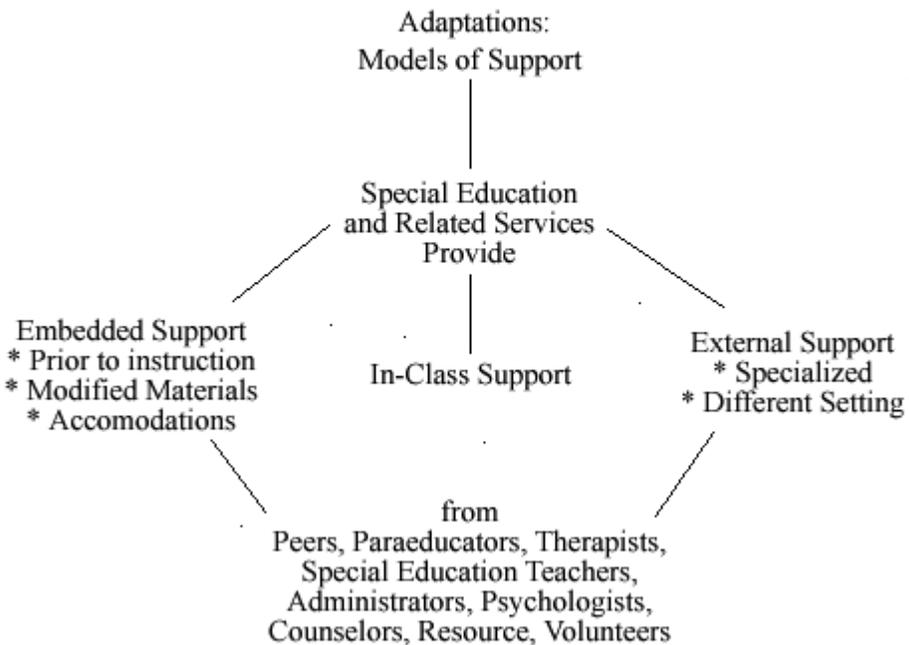
Each state must ensure “that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and that special classes, separate schooling or other removal of children with disabilities 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 Practices)

This encourages students to be part of the normal educational environment instead of being isolated academically and physically. It also increases the necessity of general education teachers being familiar with students’ disabilities and the proper ways to respond. The U.S. Department of Labor, Bureau of Labor Statistics notes that special education teachers are the communication point for the

parents, administrators, social workers, psychologists and other teachers. They coordinate everyone involved in order to get the maximum education benefit for special needs children (Bureau of Labor Statistics).

"Inclusive education operates from the assumption that almost all students should start in a general classroom, and then, depending on their needs, move into more restrictive environments. Research shows that inclusive education helps the development of all children in different ways. Students with specific challenges make gains in cognitive and social development and physical motor skills. They do well when the general environment is adjusted to meet their needs. Children with more typical development gain higher levels of tolerance for people with differences. They learn to make the most of whoever they're playing with. When we exclude people, it ultimately costs more than the original effort to include them." -- Dr. Melissa Heston, Associate Professor, University of Northern Iowa

The following is a model that depicts how special education students should be integrated with students enrolled in a general curriculum and how others support the education needs of special education students.



Created by the Department of Special Education at the University of Northern Iowa

ALTERNATIVE ASSESSMENT

Alternative assessments are required by the IDEA as a way to measure achievement in students who are unable to take standardized tests. Virginia special education students are tested in similar areas to those tested in the SOLs: English Language Arts, Math, Science and History/Social Science. Eligibility for alternative assessment is determined by a child's IEP team. The determination is not final, but is reviewed each time a child reaches a grade during which a standardized test is typically administered (<http://www.pen.k12.va.us/VDOE/sess/>). A student must meet all the following criteria in order to be considered for the Virginia Alternate Assessment Program (VAAP).

- The student has a current IEP

- The student demonstrates impairments that prevent completion of curriculum based on the Standards of Learning (SOL) even with program and testing accommodations.
- The student’s present level of performance indicates the need for extensive direct instruction and/or intervention in a life skills curriculum that may include personal management, recreation and leisure, school and community, vocational, functional academics, communication, social competence and motor skills to accomplish the application and transfer of life skills.
- The student requires intensive, frequent and individualized instruction in a variety of settings to show progress and acquire, maintain, or generalize life and/or functional academic skills.

And, for students in grades 8-12

- The student is working toward educational goals other than those prescribed for a modified standard, standard or advanced studies diploma program

(<http://www.pen.k12.va.us/VDOE/sess/>).

With the emphasis on SOLs, it is important that the alternative assessment program not be forgotten. After all, the scores will be added to the state average. According to the No Child Left Behind Act, at least 95% of students with disabilities must participate in assessments that measure the yearly progress of schools. If the 95% threshold is not met, the schools will not have met the yearly progress requirements (Virginia Department of Education).

An alternative assessment is an assessment that is different from the assessment given to most students. It is best viewed as a “process” for collecting information about what a student knows and can do. Some of the data collection strategies within an alternate assessment system may include:

- Observing the child in the course of the school day over a specified period of time;
- Interviewing parents or family members about what a child does outside of school;
- Asking the child to perform a specific activity or task and noting the level of performance;

- Administering a commercially developed assessment instrument and comparing the results with a set of state established standards; or
- Reviewing records that have been developed over a designated period of time.

Each state will need to clarify the role of the IEP team as it develops its alternative assessment process. The IEP team must determine whether a student will participate in the general assessment or if the student will need an alternate assessment.

The law allows states greater flexibility in determining the level of student assessments. Unnecessary assessments will be eliminated, saving school districts an estimated \$765 million per year (www.ideapractices.org/qanda).

DISCIPLINE FOR CHILDREN WITH DISABILITIES

Discipline of students with disabilities has long been a contentious issue. However, with the rise of the integrated classroom, the teacher must be able to maintain control of the classroom in order for learning to take place. Most importantly, teachers must be trained to provide behavioral interventions to prevent discipline problems from occurring. The IDEA declares that, “states and localities shall address the needs of in-service personnel as they relate to developing and implementing positive intervention strategies” (IDEA amendments 20 U.S.C.). Intervention entails “understanding why the student behaves in a certain way; and replacing the inappropriate behavior with a more suitable behavior that serves the same function (or results in the same outcome) as the problem behavior” (http://cecp.air.org/schools_special.htm). The first step of intervention is to get to the bottom of the behavior to see what is really motivating it. Then assessments must be made to determine how to satisfy the same function in the child, while removing the problem part. The four main functions of behavior are:

- 1) The function is to get:

- Social reinforcement (e.g., a response from an adult for calling out during a social studies lecture), or
 - Tangible reinforcement (e.g., a classmate's workbook or access to a preferred activity).
- 2) The function is to escape or avoid:
- An aversive task (e.g., a difficult, boring, or lengthy assignment), or situation (e.g., interaction with adults or certain other peers).
- 3) The function is both (e.g., get the attention of classmates and escape from a boring lesson).
- 4) The function is to communicate something (e.g., that she does not understand the lesson or that he does not like having to answer questions in front of his peers)
- http://cecp.air.org/schools_special.htm).

While negative conduct should be replaced, positive conduct should be praised and reinforced, so that students know they did something right. There are many obstacles to effective behavior intervention, including making the problem behavior unclear, applying an inappropriate intervention or applying the correct one inconsistently. Methodical attention to detail can eliminate most of these problems.

If a discipline problem does occur, there is more of a process to go through to punish a disabled student. A student can be suspended for up to 10 days without having to create extra paperwork for the disability. This may be done more than once if it is not a pattern. A more lengthy process is required for longer suspensions. The school must conduct a manifestation determination, provide services, and conduct a behavioral assessment, as the long term removal from school is considered a change in placement for the student. The IEP team must convene and decide what is best for the child. If the behavior problem is determined to not be related to

a student's disability, the child is treated like a regular student and given no special consideration (<http://www.pen.k12.va.us/VDOE/sess/>).

“The protections in the IDEA regarding discipline are designed to prevent the type of often speculative and subjective decision making by school officials that led to widespread abuses of the rights of children with disabilities to appropriate education in the past”

(www.ideapractices.org/qanda). Future behavior problems can be greatly diminished if not totally avoided if teachers and other school personnel have the knowledge and expertise to provide appropriate behavioral interventions. In order to reduce behavior problems in special education classrooms, teachers and parents must be familiar with intervention methods and given more authority to execute them.

“The new law permits schools to go to a hearing officer for an injunction to remove a child for up to 45 days if the child is considered substantially likely to injure himself or others. Previously, only a court had that authority” (www.ideapractices.org/qanda).

OVER-REPRESENTATION OF MINORITIES IN SPECIAL EDUCATION

Historically, special education services have been viewed as an unequal and separate system instead of a system that promotes equality for all students (Burness, 2001). Many school districts have demonstrated social inequity by over-representing minorities in special education. This inequity has reached national attention in the education system. This national concern also comes from the enactment of the “No Child Left Behind Act” and the potential problems that could arise as a result of the new legislation. Ultimately this concern and related legislation have forced school districts to rethink how they identify, assess and place special education students.

“Disproportionate representation of minority students in special education has been an issue at the forefront of educational research and policy for over 30 years.” (Hosp & Reschly, 2002, p.

225). Overrepresentation is defined as the high-incidence of minority (mainly African American) youth improperly placed in disability categories like mild mentally retarded, emotionally disturbed and learning disabled (Artiles, Aguirre-Munoz & Abedi, 1998; Hosp & Reschly, 2002).

“Overrepresentation occurs when the percentage of minority students in special education exceeds the percentage of these students in the total student population” (Zhang & Katsiyannis, 2002, p.180).

In 1993 the U.S. News Analysis of Department of Education reported that 39 states overrepresented African Americans in special education programs (Shapiro, Loeb, Bowermaster, & Toch, 1993). In 1992, researchers discovered African Americans represented 16% of the national student population, yet disproportionately, African Americans comprised 32% of mild mental retarded, 29% of the moderate mental retarded, 24% of the emotional disturbed, and 18% of the learning disabled students in special education nationally (U.S. Department of Education, 1997). Consequently, the displacement of minority students to a more segregated educational setting has created higher levels of social inequities than their Caucasian peers (Hosp & Reschly, 1988).

For many years educators argued that socioeconomic status was related to disability and achievement (Artiles & Trent, 1994; Chinn & Hughes, 1987; Dunn, 1968; Zhang & Katsiyannis, 2002). An overarching concern that leads to all the other equity issues in special education is the socioeconomic issue. According to Thomas Beatty, special education instructor at Thomas Jefferson High School in Richmond, socioeconomic inequality is currently the biggest problem in special education and can lead to overrepresentation (Interview). Parents who have fewer resources and less education have a harder time understanding the special education process. They don't know what questions to ask, what resources are available and how best to advocate for their children. Many people in this situation do not receive appropriate education and placement for their children. In Virginia, there are various processes to resolve disputes that parents have with the

placement of their children, such as mediation and complaints (Virginia Department of Education). Those who aren't educated on the system are unaware of the avenues open to them.

Generally, overrepresentation is detected in school districts with a large population of poor, ethnic/linguistic minority students. However, researchers have found similar minority overrepresentation in affluent urban and suburban school districts (Artiles, Aguirre-Munoz & Abedi, 1998; Harry, 1992; Noel & Fuller, 1985). Researchers have also discovered that overrepresentation is significantly seen in school districts that are predominantly white (Shapiro, Loeb, Bowermaster, & Toch, 1993). Today the causes for overrepresentation are not solely routed in socioeconomic status; but stem from inadequate identification, placement and discriminatory professional practices of school personnel (Artiles, Aguirre-Munoz, & Abedi, 1998; Gottlieb, Alter, Gottlieb, & Wishner, 1994; Singer, Palfrey, Butler, & Walker, 1989). Obiakor (1992) agrees, African American students “have been misidentified, misassessed, misdiagnosed, misplaced, and, in some cases, misinstructed” (p.104).

These discriminating practices have been so alarming that the Office for Civil Rights (OCR), a subsection of the U.S. Department of Education, began monitoring states' Department of Education and their school districts for unfair treatment of special education students. “The interest of OCR in placement issues derives from the Fourteenth Amendment to the Constitution and Title VI of the Civil Rights Act of 1964 which prohibits ‘the classification of persons in such a way that disproportionate harm—including the harm of separateness—accrues to members of a group identified by race, color or national origin’” (Wood, 1988, p. 369).

Under the IDEA, states must collect data on the races of children in special education programs. If disproportionality is found to exist, changes must be made in the identification and placement of children (<http://www.emstac.org/registered/topics/disproportionality/faqs.htm>).

There are several warning signs that OCR monitors to see if schools are in compliance with current IDEA regulations. Following are warning signs of overrepresentation:

- High proportions of special education students that are ethnically diverse
- High proportions of culturally diverse students within certain special education programs, such as programs for behavior impairment or mental retardation
- Students of all races and ethnic groups not having equal access to a district's pre-referral intervention program or the same quality of program
- High number of students from one race or ethnic group being referred for evaluation
- Reasons given for special education referrals being disproportionate by race or ethnicity
- Patterns of placement differing by race or ethnicity

(Indiana Wesleyan University).

The most alarming warning sign is the ratio of special education students to the overall student population. OCR uses a national average of 14% (minority placement in special education) to identify which schools are potentially over-representing minorities. This calculation can be further understood by studying the enrollment percentages of Chesterfield and Hanover County (two predominantly white school districts). This detailed information is provided later in the paper.

Many minorities are misclassified as special education students, a stigma which they carry throughout their school career. Overrepresentation of minorities also has the effect of segregating classes, which violates antidiscrimination laws. “Research has shown that reducing disproportionality requires a comprehensive approach that encompasses teacher training, culturally appropriate assessment and instruction, cultural sensitivity, home and school collaboration, and an effective pre-referral process” (EMSTAC).

Many teachers and administrators don't necessarily understand the cultural backgrounds of minorities and incorrectly recommend them for special education. Training and sensitivity seminars

for all professionals involved in the special education process would go a long way to reduce overrepresentation. Parents must also work with the school and advocate for their children, making sure that they are appropriately placed. Also, safeguards in the referral process ensure that minorities aren't identified for reasons other than a disability. Members of a child study team must discount cultural, economic and language barriers when considering a student for special education (Interview with Sherrell Sherron, Chesterfield County Public Schools).

Most educators and administrators are unaware when they overrepresent minorities in special education. Making them aware of their practices and emphasizing the importance of a balanced view are important first steps in making special education equitable for people of all races.

Furthermore states are now required to gather data to ensure that school districts are not disproportionately identifying and placing children with disabilities from minority or limited English proficiency backgrounds in separate educational settings, and that such children are not being disproportionately suspended or expelled.

Other components that ultimately influence overrepresentation of minorities are the referral, assessment, and placement practices of a school district. The *referral* begins the process of identifying youth for special education services. Teachers, principals, or counselors usually make referrals. These referrals generally are a result of students showing difficulties in general curriculum classrooms. These difficulties may have manifested due to poor academic performance or behavior problems. A general professional practice is that referrals are made only after all possible teacher interventions have been exhausted and when specific interventions are required that are not feasible in the general curriculum classrooms (Wood, 1988).

A referral does not automatically lead to a clinical diagnosis or eligibility for special education services. However, researchers have found that referrals of students for case studies often led to classification and placement in special education settings. This was reported at a rate of 88%

(Gottlieb, Gottlieb, & Trongone, 1991). Many researchers argue “special education classrooms often become convenient places for teachers to send struggling students they don’t want in their classrooms; academics, in such cases, takes a back seat” (Shapiro, Loeb, Bowermaster, & Toch, 1993, p. 48). OCR compliance monitor Lorraine Chapman states, “individual teachers, counselors, and principals can do injustice to general students (with minor problems) by making unjustified referrals. That is why OCR closely evaluates *who* is making referrals and *how* often” (Interview).

The second step in the special education process is the *assessment* phase. During this phase school clinicians, counselors and other health professionals evaluate referred students. The Virginia Office of Federal Program Monitoring (VOFPM) states the general professional practices related to evaluating youth is as followed:

- All school districts must utilize an approved assessment tool to evaluate referred students.
- All school districts are required to utilize multiple assessment tools to evaluate referred students.
- School districts must follow IDEA 97 evaluation time lines when determining special education eligibility. The designated team has 10 working days to confer from the date of the referral. The designated team has a maximum of 65 working days to determine special education eligibility (Individuals with Disabilities Education Act of 1997).

It is very important that placement procedures be monitored by state and local school jurisdiction. This self-monitoring can prevent inappropriate placement of students and avoid overrepresentation. Several authors are concerned that placement of minorities (African Americans) in special education can lead to lifelong labels that have significant implications (Dunn, 1968; P.Os, Coutinho, Best, & Singh, 1999; Zhang & Katsiyannis, 2002).

Providing proper *evaluations* continues to be an issue because school personnel are labeling more normal students as learning-disabled using vague criteria (Snell, 2002). When over-

representation is suspected OCR monitors the assessment practices of a school district. They review their compliance with the IDEA 1997, including the types of assessment tools used and who implements those assessments.

History has uncovered that sometimes the placement of students in alternative educational environments can turn out to be a harmful thing. Researchers argue that many diagnosed students are improperly placed in special education due to the lack of adequate reading instruction and teacher intervention practices. In 2001 the Fordham Foundation and the Progressive Policy Institute, reported that about 2 million youth were inappropriately diagnosed as learning disabled and needing special educational services. This practice is significant since historically children in special education classes are less likely to receive adequate reading instruction, ultimately impeding their ability to read (Snell, 2002). This practice also places African American special education students at a disadvantage compared to their Caucasian peers.

Ultimately school districts must rethink current identification, assessment, and placement practices in order to insure equal treatment of all students. They should remember the advice of Hillard (1992), “As we continue to try to provide remedial services for the students who gets behind and special education services for students with disabilities, we should follow the admonition sometimes heard in the medical profession, ‘when you are deciding about a treatment for a sick patient, first do no harm’.” (p.168). Unfortunately, many educators have forgotten this golden rule.

SPECIAL EDUCATION IN RICHMOND METROPOLITAN AREA

Chesterfield, Hanover and Henrico Counties and the City of Richmond School Data

Information was gathered and compiled from the 2000 United States Census, the Virginia Department of Education, and local public school departments. The information was categorized

and totaled by various groupings, and in particular by jurisdiction and race. The tables and charts that follow summarize the data compiled.

The social and demographic data of the Metropolitan Area was compiled from the 2000 United States Census on ethnicity, school enrollment, education attainment, employment, income and poverty status in order to provide a general characterization of the area by the different jurisdictions. The total population of the area is 809,313 and the total school enrollment is 219,979 students.

Demographic Data By Jurisdiction

	Chesterfield		Hanover		Henrico		Richmond	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Ethnicity								
Total Population	259,903	100	89,320	100	262,300	100	197,790	100
White	199,447	76.7	76,242	88.3	180,761	68.9	75,744	38.3
Black	46,195	17.8	8,065	9.3	64,805	24.7	113,108	57.2
Alaskan/Indian	851	0.3	289	0.3	920	0.4	479	0.2
Asian	6,154	2.4	686	0.8	9,451	3.6	2,471	1.2
Pacific Islander	111	0	7	0	82	0	157	0.1
Other Race	3,472	1.3	316	0.4	2,562	1	2,948	1.5
2 or More Races	3,673	1.4	715	0.8	3,719	1.4	2,883	1.5
School Enrollment								
Total	76,024	100	23,954	100	65,953	100	54,048	100
Nursery/Preschool	5,289	7	2,117	8.8	5,472	8.3	3,408	6.3
Kindergarten	4,162	5.5	1,349	5.6	3,652	5.5	2,610	4.8
Elementary (1-8)	35,833	47.1	10,878	45.4	29,761	45.1	20,092	37.2
High School (9-12)	16,782	22.1	5,309	22.2	13,487	20.4	8,822	16.3
College or Grad.	13,958	18.4	4,301	18	13,581	20.6	19,116	35.4
Education Attainment								
Pop. > 25 Years Old	167,037	100	56,897	100	177,191	100	128,555	100
< 9th Grade	5,705	3.4	2,247	3.9	7,213	4.1	9,859	7.7
9th - 12th Grade	14,123	8.5	5,370	9.4	16,502	9.3	22,048	17.2
High School Grad.	41,479	24.8	16,401	28.8	41,939	23.7	30,314	23.6
Some College	40,119	24	13,441	23.6	40,225	22.7	24,224	18.8
Assoc. Degree	11,097	6.6	3,109	5.5	9,425	5.3	4,249	3.3
Bachelor's Degree	37,076	22.2	11,245	19.8	41,102	23.2	23,951	18.6

Graduate or Professional	17,438	10.4	5,079	8.9	20,785	11.7	13,910	10.8
% High School or Higher	-----	88.1	-----	86.6	-----	86.6	-----	75.2
% Bachelor's or Higher	-----	32.6	-----	28.7	-----	34.9	-----	29.5

Employment Status

Pop. 16 Years and Over	195,326	100	65,561	100	204,487	100	158,612	100
Employed	140,775	72.1	46,256	70.6	143,197	70	99,009	62.4
Unemployed	54,551	27.9	19,305	29.4	61,290	30	59,603	37.6

Income in 1999

Per Capita	25,286	-----	25,120	-----	26,410	-----	20,337	-----
Male (Full-time)	43,030	-----	42,523	-----	40,203	-----	30,874	-----
Female (Full-time)	30,518	-----	30,689	-----	29,795	-----	25,880	-----
Median Family Income	65,058	-----	65,809	-----	59,298	-----	38,348	-----
Median Household Income	58,537	-----	59,223	-----	49,185	-----	31,121	-----

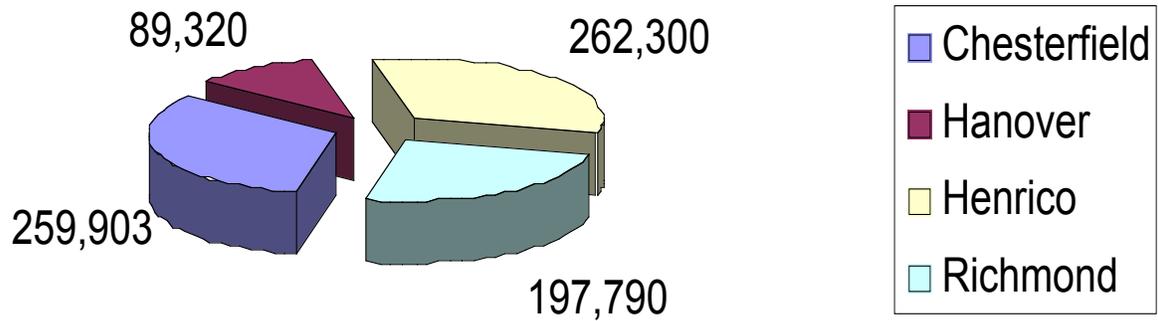
Poverty Status (1999)

Families	2,417	-----	620	-----	3,122	-----	7,568	-----
% Below Poverty Level	-----	3.3	-----	2.5	-----	4.5	-----	17.1

Source: 2000 United States Census

Based upon the employment, income and poverty data above, Hanover and Chesterfield are the more affluent counties, while Richmond is at the bottom of the list in every category. This means that Richmond has fewer resources available and more socioeconomic difficulties, including in special education.

Richmond Metropolitan Area Population



The school enrollment for grades K-12 of the 4 localities for the 2002-2003 school year were broken down by race. The following table provides the information in tabular format.

Virginia Department of Education
Fall Membership as of 9/30/02
 (Revised 3/12/03)

Chesterfield County

Race	Female	Male	Total	Percent
American Indian/Alaska Native	131	123	254	0.47
Asian/Pacific Islander	684	776	1,460	2.72
Black	6,348	6,495	12,843	23.95
Hispanic	965	1,024	1,989	3.71
White	17,927	19,145	37,072	69.14
Unspecified	1	2	3	0.01
Total			53,621	100

Hanover County

Race	Female	Male	Total	Percent
American Indian/Alaska Native	22	16	38	0.22
Asian/Pacific Islander	102	107	209	1.22
Black	838	872	1,710	10
Hispanic	78	61	139	0.81
White	7,322	7,682	15,004	87.74
Unspecified	-	-	-	0
Total			17,100	99.99

Henrico County

Race	Female	Male	Total	Percent
American Indian/Alaska Native	49	52	101	0.23
Asian/Pacific Islander	852	970	1,822	4.17
Black	7,476	7,821	15,297	35.01
Hispanic	554	546	1,100	2.52
White	12,177	12,833	25,010	57.23
Unspecified	179	189	368	0.84
Total			43,698	100

City of Richmond

Race	Female	Male	Total	Percent
American Indian/Alaska Native	6	9	15	0.05
Asian/Pacific Islander	68	95	163	0.6
Black	12,087	11,923	24,010	87.75
Hispanic	262	332	594	2.17
White	1,191	1,388	2,579	9.43
Unspecified	-	-	-	0
Total			27,361	100

Richmond Metropolitan Area (All Jurisdictions)

Race	Female	Male	Total	Percent
American Indian/Alaska Native	208	200	408	0.29
Asian/Pacific Islander	1,706	1,948	3,654	2.58
Black	26,749	27,111	53,860	37.99
Hispanic	1,859	1,963	3,822	2.7
White	38,617	41,048	79,665	56.19
Unspecified	180	191	371	0.26
Total			141,780	100.01

The 2002 school enrollment data was compared to the 2001 Special Education data to determine the overall percentages of students enrolled in special education from the various localities. The comparison data is shown in the following table.

2002 School Enrollment Compared to December 2001 Special Ed. Data

Chesterfield County	Kindergarten	Grades 1-8	Grades 9-12	Totals
Fall Enrollment No.	3,721	33,560	15,906	53,621
Special Ed. Students	280	5,663	1,698	7,939
Percent in Special Ed.	7.5	16.9	10.7	14.8
Hanover County	Kindergarten	Grades 1-8	Grades 9-12	Totals
Fall Enrollment No.	1,301	11,077	5,185	17,563
Special Ed. Students	109	1,589	549	2,377
Percent in Special Ed.	8.4	14.3	10.6	13.5
Henrico County	Kindergarten	Grades 1-8	Grades 9-12	Totals
Fall Enrollment No.	2,985	27,637	12,797	43,698
Special Ed. Students	143	4,005	1,536	5,905
Percent in Special Ed.	4.8	14.5	12	13.5
City of Richmond	Kindergarten	Grades 1-8	Grades 9-12	Totals
Fall Enrollment No.	2,049	16,510	6,288	26,136
Special Ed. Students	115	3,058	980	4,299
Percent in Special Ed.	5.6	18.5	15.6	16.4

Source: Compilation of Data From VA Department of Education Website

Hanover and Chesterfield County Public Schools provided detailed county level data by race on their education and special education programs. However, they required that the request be in writing and the requests had to go through their administrative departments before they were approved. Henrico County and the City of Richmond were contacted multiple times but were unresponsive and would not provide the detailed county/city data.

The county level information was utilized to compare the total school enrollment and percent with the special education enrollment and percent. The data from Hanover and Chesterfield counties are provided in the following tables and graphs.

Hanover County School and Special Education Enrollment

Total School Enrollment (2002-2003)

Race	Total	Percent
American Indian/Alaska Native	38	0.22
Asian/Pacific Islander	209	1.22
Black	1,710	10
Hispanic	139	0.81
White	15,004	87.74
Unspecified	0	0
Total	17,100	99.99

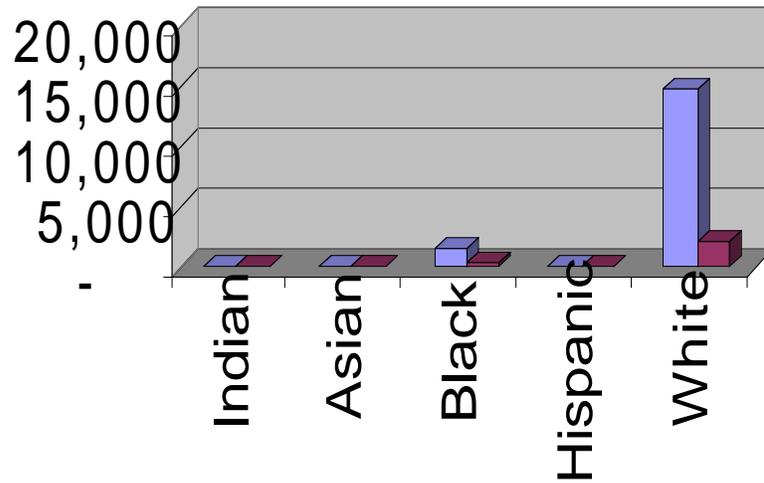
Special Education Enrollment (2001-2002)

Race	Total	Percent
American Indian/Alaska Native	3	0.11
Asian/Pacific Islander	13	0.50
Black	348	13.32
Hispanic	39	1.50
White	2,210	84.58
Unspecified	0	0
Total	2,613	100.01

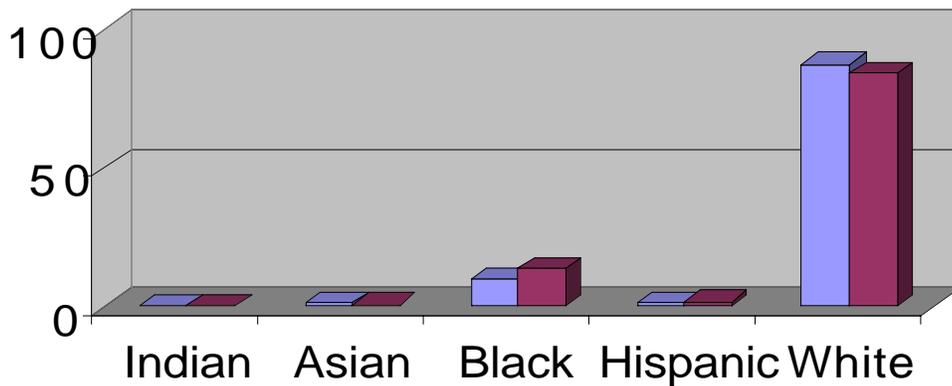
Source: Linda Welch, Hanover County Public Schools, March 26, 2003

Note that Blacks and Hispanics have a higher percentage enrolled in Special Education Programs than do the other race types when compared to the total enrollment percentages of these races.

Hanover County School and Special Education Enrollment (By Race)



Hanover County School and Special Education Enrollment (By Race Percentages)



Chesterfield County School and Special Education Enrollment

Total School Enrollment

Race	Total	Percent
American Indian/Alaska Native	226	0.42
Asian/Pacific Islander	1,483	2.75
Black	13,174	24.40
Hispanic	2,081	3.85
White	37,013	68.54
Unspecified	22	0.04
Total	53,999	100

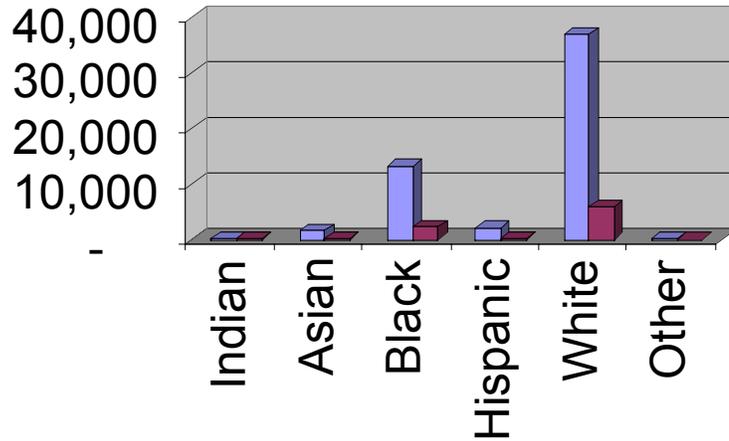
Special Education

Race	Total	Percent
American Indian/Alaska Native	33	0.40
Asian/Pacific Islander	83	1.00
Black	2,162	26.11
Hispanic	207	2.50
White	5,788	69.91
Unspecified	6	0.07
Total	8,279	99.99

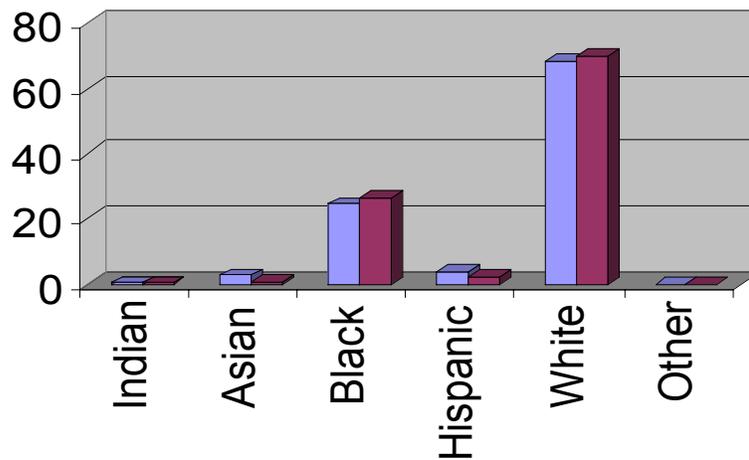
Source: Karen Jenkins, Chesterfield County Public Schools, March 27, 2003.

Note that Blacks, Whites, and Unspecified race categories have a higher percentage enrolled in Special Education Programs than do the other race types when compared to the total enrollment percentages of these races.

Chesterfield County School and Special Education (By Race)



Chesterfield County School and Special Education Enrollment (By Race Percentages)



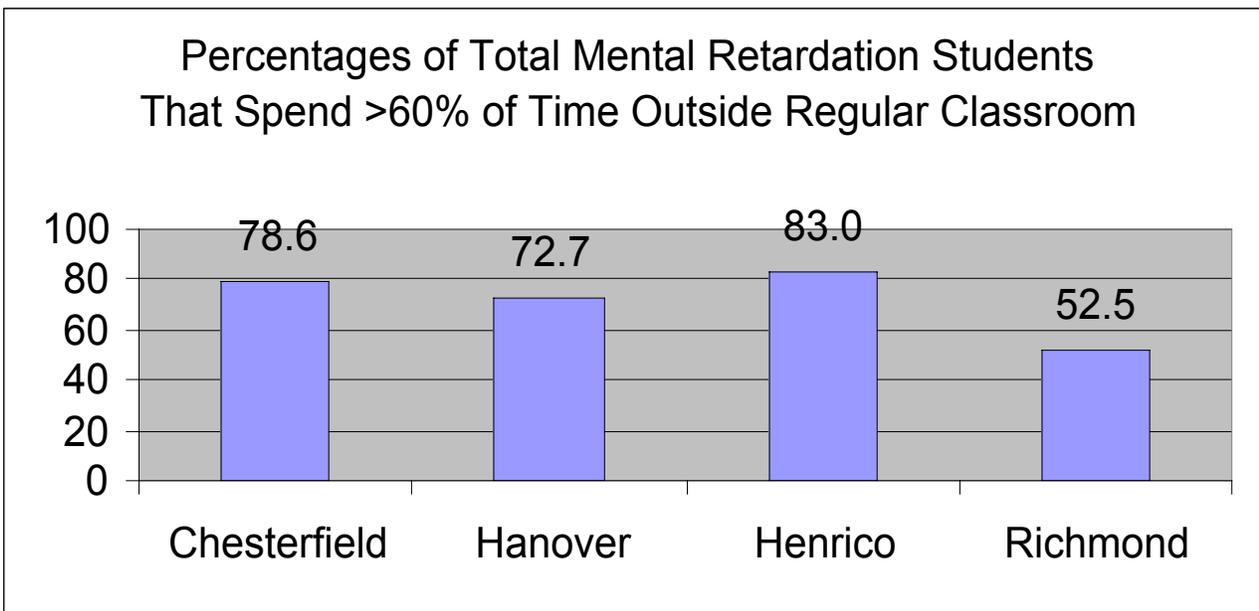
Students with Disabilities by Race and Type of Disability (2000)				
Chesterfield County				
	Total Mental	Emotional	Specific Learning	Developmental
Race/Ethnicity	Retardation	Disturbance	Disability	Delay
American Indian/Alaskan Native	0	0	10	0
Asian or Pacific Islander	10	5	35	5
Hispanic	5	5	75	5
Black	210	210	750	125
White	265	440	1,800	275
Totals	490	660	2,670	410
Hanover County				
	Total Mental	Emotional	Specific Learning	Developmental
Race/Ethnicity	Retardation	Disturbance	Disability	Delay
American Indian/Alaskan Native	0	0	0	0
Asian or Pacific Islander	0	0	5	0
Hispanic	0	0	5	0
Black	35	20	100	20
White	70	125	705	130
Totals	105	145	815	150
Henrico County				
	Total Mental	Emotional	Specific Learning	Developmental
Race/Ethnicity	Retardation	Disturbance	Disability	Delay
American Indian/Alaskan Native	0	0	5	0
Asian or Pacific Islander	10	0	35	5
Hispanic	10	5	25	5
Black	135	170	730	175
White	85	180	1,355	175
Totals	240	355	2,150	360
City of Richmond				
	Total Mental	Emotional	Specific Learning	Developmental
Race/Ethnicity	Retardation	Disturbance	Disability	Delay
American Indian/Alaskan Native	0	0	0	0
Asian or Pacific Islander	5	0	0	0
Hispanic	5	0	20	0

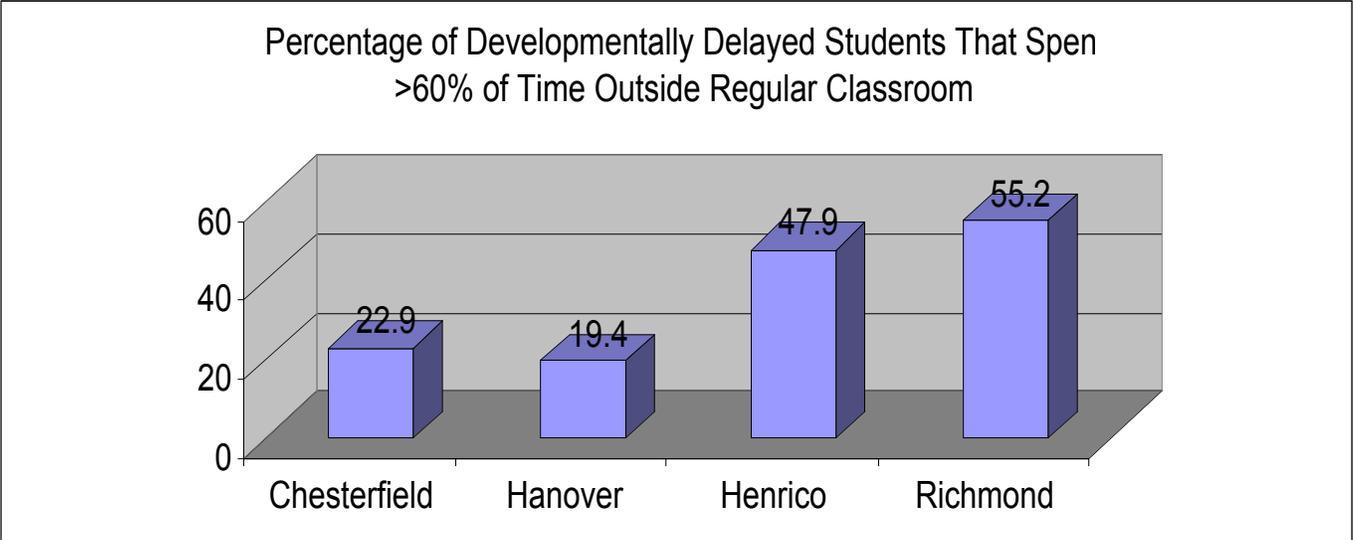
Black	1335	595	1320	250
White	75	65	150	25
Totals	1420	660	1490	275
Source: Office of Civil Rights Website Data from Year 2000.				

Placement of Students with Disabilities By Type of Disability						
	Less than 21% of time outside regular classroom		Between 21% and 60% of time outside regular classroom		More than 60% of time outside regular classroom	
Disability Type	Number	Percent	Number	Percent	Number	Percent
Chesterfield County	Less than 21% of time outside regular classroom		Between 21% and 60% of time outside regular classroom		More than 60% of time outside regular classroom	
Total Mental Retardation	10	2.0	95.0	19.4	385	78.6
Emotional Disturbance	180	27.5	215	32.8	260	39.7
Specific Learning Disability	1755	50.5	1575	45.3	145	4.2
Developmental Delay	125	30.1	195	47.0	95	22.9
Hanover County	Less than 21% of time outside regular classroom		Between 21% and 60% of time outside regular classroom		More than 60% of time outside regular classroom	
Total Mental Retardation	5	4.5	25	22.7	80	72.7
Emotional Disturbance	35	23.3	60	40.0	55	36.7
Specific Learning Disability	175	22.4	530	67.9	75	9.6
Developmental Delay	55	35.5	70	45.2	30	19.4
Henrico County	Less than 21% of time outside regular classroom		Between 21% and 60% of time outside regular classroom		More than 60% of time outside regular classroom	
Total Mental Retardation	5	2.1	35	14.9	195	83.0
Emotional Disturbance	70	19.4	110	30.6	180	50.0
Specific Learning Disability	620	28.8	960	44.7	570	26.5
Developmental Delay	80	21.9	110	30.1	175	47.9

			Between			
City of Richmond	Less than 21%		21% and 60%		More than 60%	
	of time outside		of time outside		of time outside	
	regular classroom		regular classroom		regular classroom	
Disability Type	Number	Percent	Number	Percent	Number	Percent
Total Mental Retardation	355	25.0	320	22.5	745	52.5
Emotional Disturbance	195	29.3	150	22.6	320	48.1
Specific Learning Disability	255	17.1	750	50.3	485	32.6
Developmental Delay	50	17.2	80	27.6	160	55.2

Source: Office of Civil Rights Website Data from 2000.





The previous graphs and tables indicate that the percentages of students educated inside and/or outside the regular classroom varies widely among the Richmond Area jurisdictions. There does not seem to be any consistency among the various jurisdictions regardless of the type of disabilities associated with the students involved.

For the 2002-2003 school year Hanover reported a total student population of 17,100. Out of the total population African Americans represented 1,170 (10%) youth. When analyzing special education enrollment African Americans represented 348 (13.32%) of the population. In contrast their Caucasian peers made up 15,004 or 87.74 % of the general population. Caucasian special education students made up 2,210 or 84.58% of the population. Based on 2002-2003 student enrollment figures, the Hanover school district has growing disproportionate levels of African Americans in special education. Their African American general population of 10% versus the 13.32% of blacks in special education is rapidly reaching the red flag mark set by the Office of Civil Rights (OCR). Chesterfield County figures show a similar situation with 24.4% of the population being African American and 26.11 % of the special education students being African American.

Once overrepresentation is suspected OCR investigates by evaluating school districts identification, assessment, and placement practices.

ACCESS TO GENERAL EDUCATION CURRICULUM

“One of the major issues facing educators today is how to ensure the successful inclusion of students with disabilities in standard-based educational programs within the general curriculum” (Williams, 2002). Efforts to reform current legislation regarding the implementation of student services have grown enormously. Focus has shifted to least restrictive environment (LRE) and more general education access. The move towards inclusion is appropriate because general education settings maintain special education accommodations in normal class environments (Praisner, 2003). Inclusion of special education students in general curriculum classes is a bold attempt to provide LRE’s for youth with special needs.

The access to the general education curriculum is mandatory under the IDEA ’97 Act. This contact with general population peers is believed to enhance the disabled student and provide increased likelihood that they will reach their full potential. But access to the general curriculum or LRE is also disproportioned. A study conducted by Hosp & Reschly (2002) revealed that males, younger students, students presenting behavior problems and African Americans had less access to the general education curriculum. Ultimately this lack of access impedes the success of many special education students. Therefore OCR continues to monitor the percentage of time special education students spend outside of the general curriculum classroom.

Larraine Chapman, a compliance monitor with the Office of Civil Rights explains “On average special education students should spend less than 60% of their time outside of the general curriculum classroom.” If any school jurisdiction surpasses this percentage then in-depth investigations occur. When analyzing the 2000 OCR placement data for the Richmond

Metropolitan Area schools, we find that quite a few students are spending over 60% of the time outside of the general curriculum classroom.

The report divides special education by four disabilities (mental retarded, emotional disturbed, specific learning disabled, and developmental delayed). The report also focuses on gender verses race or ethnic background (See OCR 2000 report data). As reported, Chesterfield had 295 females and 590 males who spent 60% of the time outside of general curriculum classes. In comparison Hanover had 90 female and 150 males who spent more than 60% of their time outside of the general curriculum classes. Of course these numbers are important when doing initial identification of schools that may be limiting access to general curriculum. However, the data is more significant when compared to the total special education population or by race/ethnic groups.

This data is very useful but does not mean that school jurisdictions are in violation of any regulation. Schools like Hanover can present a 60% out of class ratio but be in compliance with education regulations. The 60% is basically a red flag for OCR monitors to react on when present. This response includes an investigation of professional practices and evaluation of students' Individual Educational Plan (IEP). If schools have clearly written goals and objectives in students' IEPs that justify an out of class placement (with LRE) then no violation has occurred.

In the case of Chesterfield and Hanover there may or may not be disproportionate access to general curriculum settings, more investigation would be needed to come to a concrete conclusion. Nonetheless school districts must move towards inclusion and continue to monitor out of class placement.

School districts must remember that inclusion does not mean forgetting an individual's special needs. Teachers must provide IEP accommodations to all special education students. Failing to do so is a violation of their rights and creates an unsuccessful learning environment. A teacher cannot expect students with special needs to perform equally at all levels with the general

population. If they could perform the same at all levels there would be no need for IEPs, inclusion, or many of the other regulations that currently protect the special education population.

Furthermore, inclusive classrooms can help reintegrate special needs children into the mainstream, but they can also get lost that way. Parents, teachers and administrators can all be obstacles to inclusion. Parents of regular children might not want the level of their children's classes to be reduced because special education students are in the same classroom. General education teachers may be wary to take on special needs students and administrators might not want the hassle. It is important to educate and support all groups during this process.

AVAILABILITY OF TRANSITIONAL SERVICES

In 1993 the Secretary of Education Richard Riley expressed concern that special education students were not being prepared for life after high school. He argued that those youth (disabled students) leaving high school needed to be productive citizens also (Shapiro, Loeb, Bowermaster, & Toch, 1993). However, transitioning from being a special education high school student to a productive, working citizen does not always come automatically. Being a productive citizen means understanding and obeying laws, having the ability to obtain employment, and ultimately surviving independently.

Special education students receive this road to productive citizenship from *transitional services*. Transitional services are mandatory for all students age 16 and up. These services are geared to prepare special education students in high school with instructions in life skills. The focus of the instruction is on employment, vocational training, continued education and basic daily living skills (PR Newswire, 2002). Despite the current regulations, school districts still ineffectively prepare high school special education students for employment or college (Education USA, 2002).

LICENSED SPECIAL EDUCATION TEACHERS

The last social inequity addressed in our paper is the hiring of unlicensed unqualified teachers to teach special education students. Currently “special education leads all other school-subject areas in its ratio of unlicensed teachers” (Special Education Report, 2002, p.3). A 2002 report revealed that current special education teacher positions were more likely to be held by an unlicensed individual than in other subject areas (Special Education Report, 2002). The absence of licensed teachers is due to low salaries, increased responsibility, lack of training, and growing safety issues related to special education.

It is difficult to recruit special education teachers. In a focus group study of freshman and sophomore college students in education, published in *Connections Newsletter*, a publication of the National Clearinghouse for Professions in Special Education, it was found that there was a lack of awareness of the special education field, of what disabilities special education provided for and of the need and reward for being in the field (Boyer, 2000). In 2002, the results of a three year study of special education teacher recruitment and retention in Oregon reported that having administrative support, interaction with special education and general education staff, and a manageable caseload were important factors in the decision to accept a special education position (<http://www.tr.wou.edu/rfp/surveyresults.htm>).

The lack of licensed teachers is especially observed in relation to African Americans. The hiring of minority teachers in special education is essential to address the growing minority student population. In 2000 African American special education teachers made up 5% of all teaching staff (Ford, 1992). Since 2000 this number has decreased and is likely to decrease in years to come (Education Commission of the States, 1989; Gay, 1989; National Clearinghouse for Professions in Special Education, 1988). “The projected shortage of African American teachers will be a tremendous loss to all students; but particularly detrimental, because African American

administrators and teachers have traditionally served as role models and mentors for African American students” (Ford, 1992, p.109).

These factors have created enormous levels of stress for school districts and their administrations. This is because the regulations state “public education must be the same for all, that is, to help students achieve their fullest potential” (Franklin, 1992, p. 115). The absence of licensed teachers affects this goal. Qualified teachers are just important as licensed teachers. Qualified means possessing the basic skills and training to effectively address a diverse group of special education students. The literature suggests that trained teachers are required to properly address the needs of the growing African American special education population (Almanza & Mosely, 1980; Ford, 1992; Fox, Kuhlman, & Sales, 1988; Gay, 1989; Smith, 1988).

Qualified “teachers are reflective practitioners who are sensitive to student perspectives” (Artiles, Munoz, & Abedi, 1998 p.556). Issues that arise in educating African American students include cultural and family dynamic differences. Therefore teachers with training in the area of cultural diversity, male intervention strategies, and cultural learning styles are needed. Teachers possessing skills in these areas are able to teach minorities more effectively. “When learners are provided many opportunities to negotiate their cultural background, interests, and cognitive styles in the learning environment, they are more inclined to experience academic success” (Franklin, 1992, p.117). Villegas (1991), suggest effective teachers can create cultural learning environments that produce successful outcomes.

All Virginia children identified with disabilities have the right to free appropriate public education (FAPE) as proscribed in the IDEA and the Regulations Governing Special Education Programs for Children with Disabilities in Virginia (<http://www.pen.k12.va.us/VDOE/sess/>). Nationally, school jurisdictions have violated many social equity rules by failing to ensure procedural fairness, denying access to mandated services, providing poor quality programs, and

creating outcomes that are detrimental to many special education students. Therefore the issues outlined in this paper need to be addressed to remedy the inequities in the current special education system. While these are serious problems, there are several strategies to overcome them and make special education as fair and useful as possible.

INDICATORS

Standardized testing is an important way to measure achievement, even for special education students. All special education students are required to be assessed. In Virginia, most special education students take one or more Standards of Learning (SOL) tests, some with special accommodations, if needed. It is vital that special education students be included in standardized assessment systems, such as the SOLs, in order to ensure equal access, appropriate representation and prepare the students for the future (<http://www.cec.sped.org>).

Other indicators that are crucial to evaluate are general curriculum access, minority population size, percentage of licensed teachers, graduation rates, and referral, assessment and placement percentages.

School Jurisdictions will provide equal education services and support to students with disabilities.

- ❖ Schools are effective in providing special education access to general curriculum.
- ❖ Special education students are prepared for life after high school.
- ❖ Special education students will develop positive social skills.
- ❖ Students with disabilities are supported by individualized services and accommodations.
- ❖ Students are referred, assessed, and placed in appropriate disability categories and educational setting.
- ❖ Parents are supportive of students with disabilities.

IMPACT GOAL	INDICATORS
Schools are effective in providing special education access to general curriculum.	<ol style="list-style-type: none"> 1. % of special education students' time spent in general curriculum. 2. % of special education students placed in least restricted environments. 3. # of special education students participating in standardized test.

IMPACT GOAL	INDICATORS
Special education students are prepared for life after high school.	<ol style="list-style-type: none"> 1. # of special education students participating in transitional services. 2. % of special education students graduating from high school. 3. % of special education students who transition on to higher education and trade schools. 4. % of special education students who obtain employment.

IMPACT GOAL	INDICATORS
Special education students will develop positive social skills.	<ol style="list-style-type: none"> 1. # of special education students referred for disciplinary issues. 2. # of special education students exceeding 10 day out of school suspension limit. 3. # of student (general/special education) conflicts. 4. # of special education students arrested for misdemeanor and felony offenses.

IMPACT GOAL	INDICATORS
Special education students are supported by individualized services and accommodations.	<ol style="list-style-type: none"> 1. # of students with disabilities that have up to date IEPs. 2. # of teachers implementing IEPs. 3. % of individualized time teachers spend with special education students. 4. # of qualified teacher aides.

IMPACT GOAL	INDICATORS
Qualified licensed teachers will support special education students.	<ol style="list-style-type: none"> 1. # of hired licensed special education teachers. 2. # of qualified teachers aides. 3. % of licensed teachers trained in cultural diversity. 4. % of minority special education teachers.

IMPACT GOAL	INDICATORS
All students are referred, assessed and placed in appropriate disability categories and class settings.	<ol style="list-style-type: none"> 1. % of minorities referred for special education services. 2. % of minorities placed in special education (specifically mental retardation emotional disturbed and learning disabled categories). 3. # of civil rights complaints and lawsuits. 4. # of referrals individual teachers, counselors and principles submit. 5. # of assessment tools used to evaluate students.

IMPACT GOAL	INDICATORS
Parents are supportive of students with disabilities.	<ol style="list-style-type: none"> 1. % of parents attending IEP meetings. 2. # of parents volunteering on special needs advisory boards. 3. # of parents informed about special education services through schools. 4. # of parent complaints.

SPECIAL EDUCATION STRATEGIES

The current climate of change is helping to ensure that special education systems are as equitable as possible. One example is Hawaii's Department of Education, which redirected its focus to special education personnel recruitment and retention in 2000. Hawaii's Special Education Recruitment and Retention Support Center has six components:

- 1) Teacher certification program
- 2) Personnel support section
- 3) Special projects
- 4) Educational assistant training program
- 5) Marketing and recruitment
- 6) Technology integration and evaluation

(<http://rrsc.k12.hi.us>)

Virginia has a similar program, but it is not as developed. Teach Virginia is “dedicated to providing resources to those interested in pursuing a career in the field of special education” and provides information on local colleges and universities with special education licensure programs, traditional programs, information on tuition assistance programs funded by the state and federal Departments of Education, and other financial aid resources. There are 25 colleges and universities in Virginia with state recognized special education licensure programs. Teach Virginia is supported by the Virginia Department of Education, Teachers-Teachers, and the National Clearinghouse for Professions in Special Education (<http://teachvirginia.org>).

A program such as Teach Virginia will help improve teacher recruitment, but not teacher retention. A guide prepared by the National Clearinghouse for Professions in Special Education and the Council for Exceptional Children lists retention strategies at the classroom, school and district levels. Below are some examples:

I. Teacher strategies

- Get involved in professional organizations
- Stay informed
- Communicate with general education teachers and parents

II. Strategies for school administrators

- Support and advocate for special education teachers
- Provide collaborative opportunities and adequate resources
- Create a mentoring program for new teachers

III. Strategies for school districts

- Create a mentoring program for new teachers
- Provide networking and professional development opportunities
- Ensure that district personnel and principals have mutually realistic expectations regarding work scope and accountability of special education personnel.
- Make sure that special education personnel feel that they can and do participate in district-wide projects and programs (<http://www.special-ed-careers.org/>).

IV. Strategies for teachers in the classroom

- Setting/Environment – alter environment to accommodate special education students.
- Selection/Identification of Materials – Use IEP appropriate instructional material.
Use new teaching techniques to assist student in the learning process.
- Presentation of Materials or Lesson – Alter how you present or introduce instructional material to students. Make your decision based on the individuals learning ability and needs.

- Response Mode – Alter your manner of getting students to respond. Provide different ways that special education students can communicate or respond to your instruction.
- Assessment/Evaluation of Student Knowledge – Establish how you will measure the student’s knowledge of the instructional material. Include special education students in standardized tests (with accommodations) and also evaluate your teaching ability regularly. Ensure that you are effectively teaching the student in a manner that compliments his learning style (Williams, 2002).

V. Teacher mentoring, mentioned under the school-wide category, is a vital training tool that pairs new special education teachers with veteran teachers who provide support and advice and make the initial period much easier. The No Child Left Behind Act of 2001 stresses the importance of mentoring programs for all teachers (<http://www.cec.sped.org>). The Council for Exceptional Education developed the Mentoring Induction Project (MIP), whose goals are to:

- Develop a model of support for special education teachers
- Improve existing teaching conditions
- Strengthen the experiences of new teachers
- Establish and pilot national mentoring guidelines for first year special education teachers

In order to increase the number of qualified special education personnel in the Richmond metro area, schools should strengthen recruiting, training and mentoring. General education teachers who work with special education students should also receive some form of training, even if they are typically accompanied by a special education teacher. An obstacle to recruiting and retaining trained special education personnel is knowledge. Teachers and potential teachers need to

be educated about special needs children in order for them to feel comfortable joining the special education field.

CONCLUSION

The special education system is far from perfect. However, the recent changes to the IDEA and other legislation have gone a long way towards rectifying the grave social inequity issues in special education. These issues have been gaining more prominence in the local and national media lately. With scrutiny comes the impetus for change. Special education strives to properly educate students with special needs and prepare them for the future. Special education is designed to help, not hinder students.

Recent legislation, such as the IDEA Amendments, aim to correct many of the social equity problems in special education. The main barriers to increasing equity are lack of knowledge and lack of resources to implement the new legislation. Special education is one of the most widely misunderstood fields. At schools, special education is often a largely invisible program, operating in the shadows, kept hidden so as not to bother the general education classes. The more comfortable and familiar that educators, parents and students become with special education, the more likely it will be for special education students to receive equal treatment. The recent move to inclusion in general education classrooms and training of general education teachers both further this aim.

Lack of resources is also a potential barrier which can again be overcome through training about what is available for special education and through federal funding for special education. Special education, long ignored by many, now has many supporters. Federal and state governments are well aware of the problems and have vowed to improve. There is much work to be done, but the proper framework is in place. America has to uphold its promise to provide equal education to

special needs children across the country. Everyone deserves a chance, especially those who have a harder time getting one.

In this paper, we touched on many facets of special education. We covered some basic social equity issues and then looked at special education topics such as legislation, key issues, demographics of the Richmond Metropolitan Area, county specific data for Hanover and Chesterfield, social inequities, indicators of improvement, and strategies for overcoming some of the problems. We discovered there were other many other areas in special education that could be explored and researched which would be beneficial in determining the status of special education in the surrounding area. Some of these areas include comparing data from medium and high income areas with those of low income areas, predominantly white neighborhood schools with predominantly black neighborhood schools, and looking at specific school data versus county or state data.

When all the research was completed and everything was said and done, it all came down to two simple questions:

- 1) Did we find a social equity problem with special education students in the Richmond Metropolitan Area or;
- 2) Did we find a social equity problem in either Hanover or Chesterfield County – the jurisdictions where we had county specific data?

The answer to these questions is, “It depends”. It depends on a lot of factors and interrelated issues that are extremely complex and difficult to fully assess and evaluate. We certainly found that there are some concerns and/or problems with special education on a national, state, and local scale. We found that there is a renewed interest and focus on these issues. However, when it comes to special education, success or failure of the program should depend largely upon the assessment, placement, education plan, and treatment of each individual student. In order to bring about

positive change in special education, it must begin, and be repeatedly accomplished, one child at a time.

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