

## HISTORY AND EXPLANATION OF AMERICAN SPECIAL EDUCATION

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У статті висвітлена історія розвитку інклюзивної освіти в Сполучених Штатах, а також короткий опис різнопланової роботи педагогів та адміністраторів, що надають освітні послуги сім'ям, які мають дітей з особливими потребами. Обов'язки адміністраторів стосовно учнів із обмеженими можливостями включають необхідні технічні знання освітнього права, адже його дія поширюється на учнів із ІНП та їх сім'ї, а також розвинені навички спілкування та співпраці із іншими педагогами задля дотримання цього права.

У підсумку статті ми висвітлюємо поняття етичного лідерства або ж цінностей, що лежать в основі адміністративних дій у відношенні до учнів із ІНП та їх сімей, а також усіх учнів, що мають соціально-економічні, культурні та расові відмінності.

**Ключові слова:** інклюзивна освіта, етичне лідерство, навички спілкування, обов'язки керівника, учні з обмеженими можливостями.

В статье изложена история развития инклюзивного образования в Соединенных Штатах, а также краткое описание разноплановой работы педагогов и администраторов, предоставляющих образовательные услуги семьям, имеющим детей с особыми потребностями. Обязанности администраторов относительно учеников с ограниченными возможностями включают необходимые технические знания образовательного права, ведь его действие распространяется на учеников с ИУП и их семьи, а также навыки общения и сотрудничества с другими педагогами для соблюдения этого права.

В заключении статьи мы раскрываем понятие нравственного лидерства или же ценностей, лежащих в основе административных действий в отношении учеников с ИУП и их семей, а также всех учеников, имеющих социально-экономические, культурные и расовые отличия.

**Ключевые слова:** инклюзивное образование, нравственное лидерство, навыки общения, обязанности руководителя, ученики с ограниченными возможностями.

The paper includes the history of special education services provided to students in the United States and an introductory description of how administrators in different roles work together to provide services to children and their families. Administrator responsibilities towards students with disabilities include the requisite technical knowledge of school law as it applies to students with an IEP and their families, strong communications skills, and working well with other educators to comply with those laws. We conclude the paper with a section on ethical leadership or the values underlying administrative actions affecting students with an IEP, their families and indeed, all students who are different whether due to socio-economic status, cultural differences, or race.

**Key words:** building administrators, district administrators, special education administrators, US special education school law, ethical leadership, collaboration between IEP parents and administrators.

## History of American Special Education from a Legal Perspective

American education to a great extent is defined and funded by each of the 50 states according to the prevailing cultural attitudes. There are great differences between the attitudes towards individuals or groups who stand out as «different» from the perceived majority. Differences in services provided can be based upon race, nationality, citizenship status, socio-economic status, or by physical, mental, or intellectual characteristics. Parents and other advocates demanded, through the American court system, educational services for students with special needs for many years. The federal government steps in when regional attitudes are determined to conflict with the US Constitution.

The turning point for special education services came in the landmark Supreme Court case of *Brown v. Board of Education* in 1954, which was brought to the nation's highest court. *Brown v. Board* was brought to the Supreme Court over racial discrimination in schools. The case overturned *Plessy v. Ferguson* (1896) in which the «separate but equal» doctrine was implanted as a national standard that justified segregation of students, often in inferior schools, by race. *Brown* resulted in sweeping changes in school policies and eventually, approaches to students with disabilities. Essentially this case established the centrality of the 14<sup>th</sup> amendment to the US Constitution, which guarantees equal protection under the law and due process for citizens who believe their rights have been violated. The Supreme Court decision determined that if states have undertaken to educate their citizenry, then they must do so for all of their citizens.

Subsequent court decisions applied *Brown v. Board* to cases related to educational services to children with disabilities which included The Court mandated that the school district provide all children with disabilities a publicly supported education and clearly outlined due process procedures for labeling, placement, and exclusion. Four key points were established:

- Children with mental retardation (intellectual disability or cognitive impairment) are capable of benefiting from a program of education and training.
- Education cannot be defined as the only provision of academic experiences for children.
- Since the state had established a system of public education, they could not deny students with mental retardation access to free public education and training (14th amendment).
- The earlier students with mental retardation were provided education, the greater the amount of learning that could be predicted.

In 1975, Public Law 94-142 established the national expectation that all American children be provided educational services. The principles include:

1. Zero Reject Principle
  - All children are entitled to a Free Appropriate Public Education (FAPE)
  - All children can learn and be taught
  - All children, no matter the severity or type of disability are entitled to a free and appropriate public education FAPE
2. Nondiscriminatory Assessment
  - Testing and evaluation materials used in identification must be racially and/or culturally free of bias
  - Administered in the child's native language by trained personnel
  - Be statistically reliable and valid
3. Procedural Due Process
  - Parents and educators must be equal partners and facilitate parental participation in the process
  - Protects schools and parents when disagreements occur
4. Parental Participation
  - Defined parent or one acting as so
  - Central in IDEA as parents became part of the Multidisciplinary Team (MDT)
5. Least Restrictive Environment (LRE)
  - Assumption is that the preferred placement of students with disabilities is in the regular classroom
  - Other placements on a continuum of alternative placements is provided
6. Individualized Education Program
  - Written statement developed in accordance with the regulations
  - Process for developing the program and a product that directs the education of the child
  - Viewed as a legal contract between the parent/child and the school district.

The Individuals with Disabilities Education Act (IDEA) in 1997 furthered the rights of special education students and clarified the roles of educators in providing services. The main principles include zero rejection of students meaning all must be served, the process for Identification, Assessment and Evaluation, procedural safeguards, parental participation, least restrictive environment (LRE), Free Appropriate Public Education (FAPE), confidentiality of information, technology-related assistance, personnel development, and placements in private schools.

Changing attitudes about education for all American students in an increasingly global society requires constant consideration to determine how to serve students with disabilities. Increased accountability, which in the United States involves federally mandated testing, brings up multiple issues of student rights. Instructional and curricular changes also cause educators, parents, and the judicial system to consider changing societal needs, rights and responsibilities of educators and families to serve students with disabilities. None of these changes occur quickly and it is at the district or school level that educators collaborate to educate students with disabilities. The next section will describe broadly how that works in the American system.

### Educating Students with Disabilities at the District and School Levels

Principals (administrators at a school site), superintendents (administrators responsible for multiple schools), and special education administrators (leaders with specific training and experience in special education services) commit to work together to make school environments optimal places for all children to learn. An equally important role for school administrators is to create and maintain cultures where faculty understand their advocacy role for all children, but in particular, those children most in need of support. Effective administrators hold themselves and other professionals to high standards related to knowledge of school law, particularly special education school law; communication with parents and other professionals; and collaborations based upon the concept of what is best for the student. This section concludes with a section on ethical leadership or the values underlying administrative actions affecting special education students, their families and all students who are different whether due to socio-economic status, cultural differences, or race.

School administrators wear many hats in American schools and districts. In many cases their work is behind the scenes and encompasses many different responsibilities. Those include: (a) create conditions where other educators can develop curriculum and teaching strategies, (b) ensure processes as prescribed by law and district policy are followed by both the spirit and letter of the law for special education students, (c) support and evaluate teachers in the classroom, (d) create effective parent/teacher/community relationships, (e) establish and implement universal codes of behavior for students and others, and (f) other duties as assigned which typically means making sure other processes of school life such as the cafeteria, bus, and hall passing are organized and maintained in an orderly fashion that is generally followed by all. Of all these responsibilities, none is greater than the moral obligation to provide that all students under the care of an administrative team receive a meaningful education, including students whose abilities fall outside the mainstream.

Universal education designed around factory models was instituted at the beginning of the turn of the last century and was characterized by bureaucratic methods that included standardization of operation, routine, and at minimal cost (English, Papa, Mullen, & Creighton, 2012). Special education students, by definition, test these boundaries. School administrators by the nature of their roles find themselves in the cross paths between conflicting assumptions, routines, procedures of school business organized around bureaucratic models created at the beginning of the Industrial Era and individualized education program (IEP) students and their families whose needs and rights frequently fail to fit into standardized methods.

Knowledge of and adherence to school law related to students with IEPs is one of the core foundations upon which all administrative actions be taken (Bateman & Bateman, 2015). Administrators create and support learning environments that support learning needs of diverse students and involve families in all decisions (Sanders & Sheldon, 2009). IDEA provides parents the right to examine children's records, challenge school evaluations, make formal complaints, and pursue due process proceedings when they feel the school failed to meet the required legal standards. Administrators must ensure that regular and special education teachers are well informed and hold them to meet the required legal expectations included in each child's IEP. In all cases, administrators who are either unaware of or fail to follow the federal guidelines known as the Individuals with Disabilities Education Act or IDEA regulations in the end cause unnecessary difficulties for students, families, their districts, and other educators (Bateman & Bateman, 2015).

Communications with families and other professionals is another critical school leader responsibility. When dealing with differences in opinion related to an IEP student's program, effective administrators act upon the premise that the educators know pedagogy and the parent(s) know their child. When administrators work with those concerned with the outcomes of the education of students with disabilities, administrators create avenues for communication, provide transparent shared decision making, and promote pathways for student progress (Sanders & Sheldon, 2009).

Collaborations with other professionals (such as special education and regular education teachers, paraprofessionals, special education leaders, and leaders of other agencies) provide necessary foundations upon which to adopt and implement effective programs for students with an IEP. Consideration must also be given to different roles played by the principal/assistant principal, superintendent, and special education coordinator.

### Common Acronyms in Special Education

Special education is a field of specialists governed by many laws and regulations, both federal and state. As a result, this complex field contains numerous acronyms. The complexity of the field and the enormity of the use of acronyms dictate the table below that outlines the most common acronyms utilized throughout the field of special education.

IDEA	Individuals with Disabilities Education Act – first passed by Congress in 1975 as Public Act 97-142 – The Education of All Handicapped Children's Act. Since then 97-142 has been reauthorized several times with the name changing in 1997 and last reauthorized in 2004.
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LEA	Local Educational Agency or school district (Murdick, Gartin and Fowler).
MDT -Multi-Disciplinary Team	Another name for the local education agency committee that determines whether a student is in need of special education services and if so, what services. The team members must include at a minimum the parents of the child, the child (when appropriate), a regular education teacher familiar with the child, a special education teacher with knowledge of the child's suspected disability, the LEA rep (person with authority to authorize resources – usually the principal), a person with knowledge to interpret test results, at the discretion of either party other members (Murdick, Gartin and Fowler).
IDEA – Individuals with Disabilities Education Act.	The federal law that provides the legal authority for early intervention and special educational services for children from birth to age twenty-one. Part B outlines services for children ages three to twenty-one. Part C outlines services for children from birth to age three.
IEP – Individualized Education Program	A written statement of a child's current level of educational performance and an individualized plan of instruction, including the goals, specific services to be received, the staff who will carry out the services, the standards and timeline for evaluating progress, and the amount and degree to which the child will participate with typically developing peers (Murdick, Gartin and Fowler).
ADHD – Attention Deficit Hyperactivity Disorder	Attention deficit hyperactivity disorder is a psychiatric disorder of the neurodevelopment type in which there are significant problems of attention, hyperactivity, or acting impulsively that are not appropriate for a person's age. These symptoms must begin by age six to twelve and persist for more than six months for a diagnosis to be made. In school-aged individuals, inattention symptoms often result in poor school performance. However, a diagnosis of ADHD does not ensure IDEA eligibility. The key question is does the child's disability adversely affect educational performance? To be eligible for a free, appropriate public education (FAPE) under the IDEA, the child must have a disability and must need special education and related services (Wrightslaw).
ODD – Oppositional Defiance Disorder	The Diagnostic and Statistical Manual of Mental Disorders (DSM-5), published by the American Psychiatric Association, lists criteria for diagnosing ODD. This manual is used by mental health providers to diagnose mental conditions and by insurance companies to reimburse for treatment. <ul style="list-style-type: none"> <li>• Includes at least four symptoms from any of these categories – angry and irritable mood; argumentative and defiant behavior; or vindictiveness</li> <li>• Occurs with at least one individual who is not a sibling</li> <li>• Causes significant problems at work, school or home</li> <li>• Occurs on its own, rather than as part of the course of another mental health problem, such as a substance use disorder, depression or bipolar disorder</li> <li>• Lasts at least six months</li> </ul> DSM-5 criteria for diagnosis of ODD include both emotional and behavioral symptoms (DSM-5).
OT – Occupational Therapy	In its simplest terms, occupational therapy helps children to participate in the things they want and need to do through the therapeutic use of everyday activities (occupations). Common occupational therapy interventions include helping children with disabilities to participate fully in school and social situations (American Occupational Therapy Assoc.),
FAPE – Free Appropriate Public Education	The Supreme Court has determined that school districts meet the requirements of a FAPE when the districts can demonstrate they have followed all of the required procedures of the IDEA and that these procedures have produced an IEP for the student that is designed to provide the student with a «floor of opportunity» to receive educational benefit (Rowley vs. Board of Education of Hendrick Hudson School District).
IAES- Interim Alternative Educational Setting	The school district's authority to remove a student from the current placement for up to 45 days to a more restrictive placement when the student's behavior involves weapons, drugs, or serious bodily harm (Murdick, Gartin and Fowler).

LRE – Least Restrictive Environment	The placement that is as close as possible to the general education environment. This educational setting includes providing the IEP student with the greatest amount of opportunity to be educated with the IEP student's non-disabled peers to the maximum extent appropriate for each IEP student. LRE is a requirement under IDEA. (Sanders & Sheldon, 2009, p. 67-68).
IEE Independent Educational Evaluation	Under the IDEA, parents have a right, under certain circumstances, to request an independent evaluation of the student at public expense. The circumstances include when a hearing officer orders such an evaluation, or the parent requests the outside evaluation and the district either agrees to the cost or files a due process notice to defend the district's current evaluation (Murdick, Gartin and Fowler).
SLD – Specific Learning Disability	In 2004, the IDEA changed the manner in which students are identified as students with a specific learning disability. Districts are no longer required to utilize the discrepancy model whereby students are tested to determine if there is a significant discrepancy between ability and achievement in the areas of oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation or reasoning. Districts now have the option to consider whether the child responds to scientific, research based interventions. Those who do not, can be considered to be eligible for special education as a child with a SLD (Osborne).

### Administrator Responsibilities for Students with Disabilities and their Families

Knowledge of the law related to special education students and their families, clear communication skills, and effective collaborations with educators and agencies involved with students with an IEP are absolutely essential. When administrators fall short in any of these capacities, the consequences for the student, his/her family, the school community, and school district are significant. Failure to act according to the law and what is best for the student is detrimental to all in terms of lost educational opportunities for the student, distraction from the processes of teaching and learning by educators, and often significant financial reparations incurred by districts when an IEP student's rights are violated. We turn now to illustrate how effective administrators handle responsibilities with students with an IEP, their families, and programs.

Knowledge of special education law, effective communication, and collaboration are absolutely necessary, but not sufficient for school administrators who lead effective special education programs. Ethical responsibilities compel principals, special education coordinators, and superintendents to hold high expectations for themselves and others so that all students with IEPs receive the requisite opportunities to achieve to the maximum extent appropriate.

«Increasingly, value conflicts have become a defining characteristic of school administration, thereby promoting interest in the study of values and ethical decision-making» (Begley, 1999, p. 318). It is precisely these conditions under which administrators distinguish themselves as either compliance driven or ethically driven. The values and ethics of leaders centers on the moral purpose of leadership (Fullan, 2003; Sergiovanni, 1992) which in turn is concerned with right and wrong, serving the common good, and developing a common sense of purpose (Furman, 2003; Sergiovanni, 1992, 1994). «Moral leadership involves much more than compliance towards bureaucratic rules or authorities. Moral leadership requires thoughtful consideration of the value, meaning, and purpose of schooling to meet increasingly diverse and complex challenges in a pluralistic society» (Lyman, Ashby, & Tripses, 2005, p. 119).

Moral leadership or ethics can seem esoteric and fine for scholarly discussion but unrealistic in the complex world of school administrators. However, those administrators whose moral compass and integrity are grounded in strong beliefs that all children deserve an education that meets their needs will employ values when working with others to resolve conflicts related to providing services to students with an IEP. In practical terms, this means that an administrator who is ethically grounded will not only be knowledgeable about laws related to special education, but will also seek out other professionals who take seriously their responsibility to keep up to date on school law.

A strong ethical foundation compels an administrator to ensure that everyone involved with special education students is well informed about legal requirements and local efforts to meet those requirements. The principal, special education administrator, and superintendent then would ask subordinates to share the processes of communication including newsletters, notices of IEP meetings, and parent involvement efforts.

The principal in most cases is the administrator most familiar with students with an IEP, educational environment in the classroom, and families. This familiarity provides ample opportunities to hold high expectations for classroom instruction, quality of IEP meetings, problem solving as inevitable issues arise, and

expectations that other faculty members engage fully in providing appropriate learning conditions for the student. Responsible principals will proactively model partnerships with parents based upon high expectations and mutual respect grounded upon the principle that educators know how to provide the best educational program and parents know their child. Other educators will also be expected to develop and maintain partnerships with parents. Responsible principals establish clear expectations with all educators and support staff about necessary adaptations for IEP students and follow up to ensure plans put in place are implemented with integrity. Finally, the responsible principal recognizes his/her responsibility to consult with and work closely with the special education administrator. The principal's responsibility to consult with the superintendent immediately at the first sign of a conflict with other faculty or families regarding a placement, discipline, or services involving a student with an IEP cannot be overestimated.

The special education director is frequently the «problem solver» when it comes to addressing the most complex and thorny issues that frequently present themselves when educating children with disabilities. Typically, the special education director leads one or more service teams (i.e., school psychologist and social worker) who then work directly with the special education teachers and related service providers (i.e., speech and language pathologist, occupational therapist, physical therapist, and assistive technology specialist) to provide services to students with an IEP and their families.

The superintendent is critical to establish a strong culture of high expectations for all students and educators. The superintendent's role in most cases is to ensure that processes are in place to hire and oversee other administrators who are knowledgeable about special education law and practices and who hold themselves and others to high standards of providing each student with a quality education. The superintendent is the local educational leader and as such, must also ensure that students with an IEP receive the programs and services they are entitled to by federal and state regulations. Superintendents who understand this responsibility think in terms of doing what is best for the student rather than what is best for the organization. Anytime a school leader makes a decision that is in the best interest of the student, it is difficult to make the wrong decision.

The ideal organizational model in US schools includes a superintendent of schools, principal(s) and special education director (or other special education administrator) who are all well versed in both the requirements of the law and the pedagogy of teaching children with disabilities. The key components are the principal(s) and special education director. The special education administrator leads and coordinates the regular education and special education staff and administrators in the process of identifying, developing and implementing programs for students with disabilities.

Successful administrators ensure that procedures and policies are followed for students with an IEP. Collaborations with others involved with special education students will be nurtured in order to meet the needs of such students. In practical terms, that means the administrators will work together and stay the course in situations when parents and educators have differing opinions about a child's IEP. In the words of the now retired superintendent Carol Struck, «All people have valuable input. They have a different perspective that can help you view a problem from a different angle, from different life experiences. Rarely ever is input worthless» (Lyman, Ashby, & Tripses, 2005, p. 135).

Successful administrators strive to work with all constituents to achieve the vision «What can we do together to make this school the best possible place for children to learn and faculty to work?» Making this vision a reality requires the special education director and special education coordinators (special education administrator similar to a principal) to work collaboratively with school principals and unit office administrators to advocate for those students with IEPs who cannot advocate for themselves.

The most important responsibility for the team is ensure the appropriate data and best practices are consistently shared with the IEP team members to provide a lawful IEP to each student that provides that the student receives some educational benefit. This problem solving and collaboration approach is critical to the success of any administrator (Leithwood & Steinbach, 1995). It becomes even more important for the special education administrator or director as the students these administrators oversee are very typically the students who cannot self-advocate, who are dependent on others for their own individual success, and who are frequently shunned or shut out by the mainstream population of the school if efforts are not made to provide for these students with an IEP.

### Conclusion

Principals, superintendents, and special education administrators committed to the vision to make their school the best possible place for children to learn and faculty to work understand their advocacy role for all children, but in particular, those children most in need of support. Quality education happens when administrators are well qualified in their particular area and grounded in the moral obligation to provide that all students under the care of an administrative team receive an effective education, including students whose abilities fall outside the mainstream. Equally important are the capacity and commitment to respect contributions of other professionals and the family while at the same time holding self and others to high standards of accountability.

Gone are the days when principals would say a special education teacher «really cares about those kids» with little to no consideration given to whether or not the students learned. Often behind the scenes, effective administrators work together to ensure that care for IEP students and their families involves also ensuring the student learns to his/her potential. Nothing less will do.

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