



NCCD

Nebraska Consortium for Citizens with Disabilities

STATE OF EDUCATION IN NEBRASKA
FOR STUDENTS WITH DISABILITIES

Policy Brief on Education

By

Nebraska Consortium for Citizens with Disabilities

Introduction:

When it comes to educating our children, most parents only want what is best. Parents who have children with disabilities are no different in this regard. Parents often pick the best competitive schools for their children to attend and value the success in their children's educational career.

However when a child has a disability of any kind, often they find themselves at a disadvantage from their peers who do not have a disability but also left behind in many instances due to a stigma, stereotypes or even just plain bias and prejudice. In order for us to live in a more inclusive world, we must ensure equal access to education and emphasize full participation in classrooms so then all children are guaranteed a prosperous and fulfilled life.

Stigmatization of Special Education:

Historically students who are enrolled in Special Education within their school districts are subjected to an array of obstacles. From teasing/bullying by peers, to classrooms that can be ill-suited, outdated and inaccessible due to schools being built before a more enlightened time in terms of teaching students with disabilities, and possibly uninformed school teachers and administrators over how to best handle the needs of students who require special accommodations just to be on par with other children in the classroom.

All these examples could possibly single out students with disabilities because the focus is on dealing with their disabilities as opposed to dealing with their education; and this ought to change. Children who have disabilities don't need daily reminders on how they are different from others; they just want to enjoy the same activities, access to educational standards in classrooms and other daily school functions.

Most often, children who are in special education programs are segregated from their peers because of their needs; however, most accommodations are simple fixes and relatively inexpensive. Again, the focus should be on the child's education and not on the child's disability because when teachers, administrators and parents perceive that a disability as an impediment to learning, then they fail to see the bigger picture of the potential that child has.

Inclusion:

The Individuals with Disabilities Education Act (IDEA) specifies that the placement of preference for children identified for Special Education services is the regular classroom. The degree of disability of the child receiving services is only taken into account as justification for children not served in regular education classrooms and requires evidence that the child would not receive a reasonable, appropriate education alongside his or her typical peers.

This is not the case in a large number of Nebraska school districts: in these school districts, there exists a Special Education "track" that often involves segregation of these children from the regular curriculum. The fact is that there are reports from students and parents that many schools are not meeting the intent of the IDEA and Rule 51. In addition, this heterogeneity of practices in regards to placement across school districts creates difficult circumstances for parents and students in regards to garnering the maximum benefit from their educational experience.

Empirical data have shown that inclusion with supports that ensure student success benefit not only children in Special Education, but their typical peers as well. Segregated practices are part of a set of antiquated policies that invariably lead to what can be described as “the tyranny of low expectations.”

That is, children who are segregated have a “glass ceiling” imposed on them through no fault of their own that impairs their opportunity to optimally benefit from their educational experience. This is an intolerable circumstance in that, as life course theory has shown, will lead to students unprepared to fully participate in their communities. The NDE could address this through an initiative to homogenize practice across districts on student inclusion.

Ensuring Full Participation:

Having classrooms, school buildings and equipping teachers with the right accommodations, technology and/or curricula for students with disabilities has certain costs but those costs shouldn't affect the bottom line of educating our future generations because our world is becoming more and more integrated and inclusive with the advancement of technology. Some of the accommodations are relatively inexpensive while others require a heavier investment but the basic principle of granting access to full participation in the classroom should be a universal practice.

Sadly the reality of funding comes into mind and many school districts are faced with tough choices on how to fund these needs. School districts maintaining budgets are always weighing in with how to be equitable to the needs of students when compared to the resources available but more and more resources are withering away with either restrictions, regulations and/or a lack of money. Tragically, this often means that special education takes a back seat to the more popular aspects of running school districts like extracurricular activities such as sports.

Full participation in classrooms is not near as exciting as sports but having full participation for students will uphold our standard of living because students are better endowed to access of high paying jobs, upward mobility in socio-economic standards and contribute to society in general.

Guidelines:

A second area of problems arises from the variability of interpretation of guidelines around eligibility for related services. In truth, cognitive indexing is a continuing and illegal practice in some Nebraska school districts (denying a related service as the child is deemed unable to benefit from the service due to their intellectual level). Many districts do not make available and promote certain related services, for example parent education and counseling where indicated.

Districts often provide a pamphlet in legal language on educational rights in Special Education – this has repeatedly been shown to be an inadequate attempt to meet the minimum requirements. This is evidenced by the lack of use of the formal complaint process. We do not infer that there should be a plethora of educational complaints; however, given that there are practically little to no use of due process practices by families and youth, especially compared to other states, indicates families are uninformed. This has been an area of concern cited by the federal Department of Education in reviews of Nebraska programs.

Transitions:

In education, particularly Special Education, transition remains an area of difficulty reported by families. This involves transitions across the age span: early education, elementary and secondary transitions, etc.

By far the areas where families report the most difficulty are in the Part C to Part B Section 619 services transition process and the transition from high school to post high school transition services and finally the transition into adult services when appropriate and/or post-secondary education and/or work settings.

Despite the fact that the IDEA specifies that Individualized Family Service Plan (IFSP) and Individualized Education Program (IEP) Teams devote time and attention to this issue, transitions remain a weakness of our educational system. Again, families and students report being ill informed (or uninformed) on navigating these processes.

This becomes particularly salient in regards to wards of the state who need continuing services on leaving the educational system. There are also concerns in the area again of differences between school districts in regards to, for example, graduation policies. It does not serve Nebraska families who might be mobile to encounter marked differences in services and policies between school districts, yet this remains the case.

One possible solution would be to establish a component of the NDE that identifies gaps and barriers in this area and is empowered to address any concerns through implementing policy and programs.

Additionally, while Nebraska has wisely provided transition services for Special Education students who qualify for Developmental Disability services, there is a gap in opportunity for students who want to further their education. This is especially the case for students with intellectual and developmental disabilities.

A number of other states have initiated post-secondary supported educational opportunities through, for example, their state and community college systems. Pilot attempts to implement these practices are occurring in our state, but these fall far short of providing this opportunity to all students with disabilities who would exercise this option as compared to their typical peers. The state should investigate the means to make this a reality.

Family Involvement:

An overwhelming 86 percent of people who live in the U.S., according to statistics from the Michigan Department of Education -- say that they feel parental involvement is the No. 1 factor when it comes to making schools a better place for students. Extensive evidence shows that the effectiveness of educational programs for children with disabilities is increased when parents and families are actively involved (e.g., Cronin, Slade, Bechtel, & Anderson, 1992; Guralnick, 1997; Hardin & Littlejohn, 1995; Keith et al., 1998).

Parent involvement was a key element in the Education of All Handicapped Children Act (P. L. 94-142), the original federal special education law. Each reauthorization of the law has strengthened and extended parent and family participation in the education of children with disabilities.

For example, Congress reaffirmed and made clear its belief in the importance of parent and family involvement in the introduction to IDEA 1997: “Over 20 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by . . . strengthening the role of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home” (U.S.C 601[c][5][B]).

Student Safety & Wellbeing:

An area of national discussion that has application in Nebraska involves student safety. A number of unfortunate examples of abuse to students through restraint or seclusion have led to initiatives on the national level that has led to federal initiatives to regulate and in some cases ban these practices. It is NCCD’s position (see the policy statement on Restraint and Seclusion) that the Nebraska Department of Education in concert with state law-makers take a leadership role in crafting policy in this area of concern.

At the national level, abuse of these practices has resulted in some unfortunate cases where the student died – should the state wait for something like this to occur here before acting, or is this preventable? The answer to this is clearly apparent.

In a related subject, bullying of any sort cannot be tolerated in our schools. Students with disabilities are disproportionately affected by bullying. Students who are targets of bullying behavior are more likely to experience lower academic achievement and aspirations, higher truancy rates, feelings of alienation from school, poor relationships with peers, loneliness or depression.

The state of Nebraska must develop policies and procedures consistent with Federal, State and local laws to address bullying of all students. Anti-bullying policies should include a statement that harassment against a student on the basis of disability is prohibited under Section 504, Title II, and other Federal civil rights laws enforced by the U.S. Department of Education’s Office for Civil Rights. These policies and practices should be aligned and consistently implemented state wide across school districts, general and special education, all grade levels and all school settings and activities.

Recommendations:

- Schools should use a comprehensive, multi-tiered behavioral framework which includes evidence-based instruction, and intervention strategies for preventing and addressing bullying. One example of this is Positive Behavioral Interventions and Supports (PBIS). A multi-tiered approach ensures that schools will be prepared to respond to problematic behavior using a team-based, data driven problem solving process when needed.
- Schools should widely disseminate their anti-bullying policies and procedures to staff, parents, students and post the policies in the school and on the schools website.
- All students should receive instruction on how to respond to and report bullying. For students with disabilities this instruction should be provided in a manner consistent with their abilities.
- Parents should be notified when bullying occurs.

Conclusion:

Students with disabilities often face barriers in their daily life because of their disability, so it would make no moral justification to add to their challenges through poor educational practices. After all, we want all children to be successful and contributing individuals to our communities.

The best way to achieve that goal is by ensuring access to full participation in educational settings for all students.

References:

United States Department of Education Office of Special Education and Rehabilitation Services – August 20, 2013 Letter about Bullying.

Gini G., & Pozzoli T. (2009) Association between bullying and psychosomatic problems: A meta-analysis. *Pediatrics* 123(3): 1059-1065

O'Brennan, L.M., Bradshaw, C.P., & Sawyer, A.L. (2009). Examining developmental differences in the social emotional problems among frequent bullies, victim and bully/victims. *Psychology in the Schools*.

Swearer, S. M., Wang, Cl, Maag, J.M., Siebecker, A. B., & Frerichs, L.J. (2012). Understanding the bullying dynamic among students in special and general education. *Journal of School Psychology*

<http://www.pewstates.org/projects/stateline/headlines/sequester-hits-special-education-like-ton-of-bricks-85899503686>

<http://www.ncd.gov/publications/2014/01402014/>