



## IDEA Series

### The Segregation of Students with Disabilities



**National Council on Disability**

February 7, 2018

National Council on Disability (NCD)  
1331 F Street NW, Suite 850  
Washington, DC 20004

***(IDEA Series) The Segregation of Students with Disabilities***

National Council on Disability, February 7, 2018  
Celebrating 30 years as an independent federal agency

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## National Council on Disability

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An independent federal agency making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families.

### Letter of Transmittal

February 7, 2018

President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

On behalf of the National Council on Disability (NCD), I am pleased to submit this report titled *The Segregation of Students with Disabilities*. This report is part of a five-report series on the Individuals with Disabilities Education Act (IDEA) that describes the legal and scientific basis for an inclusive versus segregated education, summarizes national patterns for educating students with disabilities in general education classes, examines federal and state guidance, and state compliance with federal mandates, describes effective educational practices for reducing segregation, and provides findings and recommendations for improvement.

As you know, the right of students with disabilities to receive a free and appropriate public education in the least restrictive environment is solidly rooted in the guarantee of equal protection under the law granted to all citizens under the Constitution. In enacting IDEA, Congress sought to end the long history of segregation and exclusion of children with disabilities from the American public school system. IDEA requires that students with disabilities be educated to the maximum extent possible with students without disabilities. However, many students with disabilities remain segregated in self-contained classrooms or in separate schools, with limited or no opportunities to participate academically and socially in general education classrooms and school activities. Many do not have access to the same academic and extracurricular activities and services provided to other students. Frequently, these students leave school unprepared for adult life in the community.

NCD stands ready to assist the Administration in ensuring the right to a free and appropriate public education for students with disabilities as set forth in IDEA.

Respectfully,

A handwritten signature in black ink, appearing to read "Clyde E. Terry".

Clyde E. Terry  
Chairperson

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(The same letter of transmittal was sent to the President Pro Tempore of the U.S. Senate and the Speaker of the U.S. House of Representatives.)



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# Executive Summary

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The legal and scientific basis for special education services points to the positive outcomes for students with disabilities when they receive an inclusive versus segregated education. Yet nationally, students with disabilities, in particular students of color and students in urban settings, as well as students with specific disability labels (such as autism or intellectual disability), continue to be removed from general education, instructional, and social opportunities and to be segregated disproportionately when compared to White students who live in suburban and rural areas and those who have less intensive academic support needs.

## Key Findings

For this report, national student placement patterns, as well as federal and state policies, were reviewed to understand the state of special education service delivery and administrative guidance. This was supplemented by a review of research and input from families and educators about their experiences in educating students with disabilities. We found that, although states are required to first consider that a student with a disability should attend the school that they would attend if they did not have a disability and only if the student's needs cannot be met, this consideration was not always present. States

are expected to only remove the student to the extent needed to implement the student's individual plan and meet individually designed goals. Further, research demonstrates that inclusive education results in the best learning outcomes; there is no research that supports the value of a segregated special education class and school. The emerging picture, however, is one in which the opportunity for students to participate in their neighborhood school alongside their peers without disabilities is influenced more by the zip code in which they live, their race, and disability label, than by meeting the federal law defining how student placements should be made. While there are states and examples of schools that are indeed meeting the learning needs of students—even those with extensive support needs—that is more the exception than the rule. While the Federal Government monitors and reviews state performance on a number of indicators, including placement practices, there does not appear to be sanctions or strong guidance that directs states to attend to this concern.

## Key Recommendations

It is recommended that Congress support full funding for special education, and that any funding authorized by Congress emphasize the delivery of special education services in general

education settings. Further, discretionary grants for research and development should establish expectations for inclusive school practices, particularly those that address personnel development and organizational changes to sustain effective education services that address the needs of all students in an equitable manner to achieve equitable outcomes. This report also recommends that the U.S. Department of Education (ED) stand boldly in its support of inclusive education, and maintain data collection on the amount of time students spend in general education and the location of student placements. Funding opportunities for national

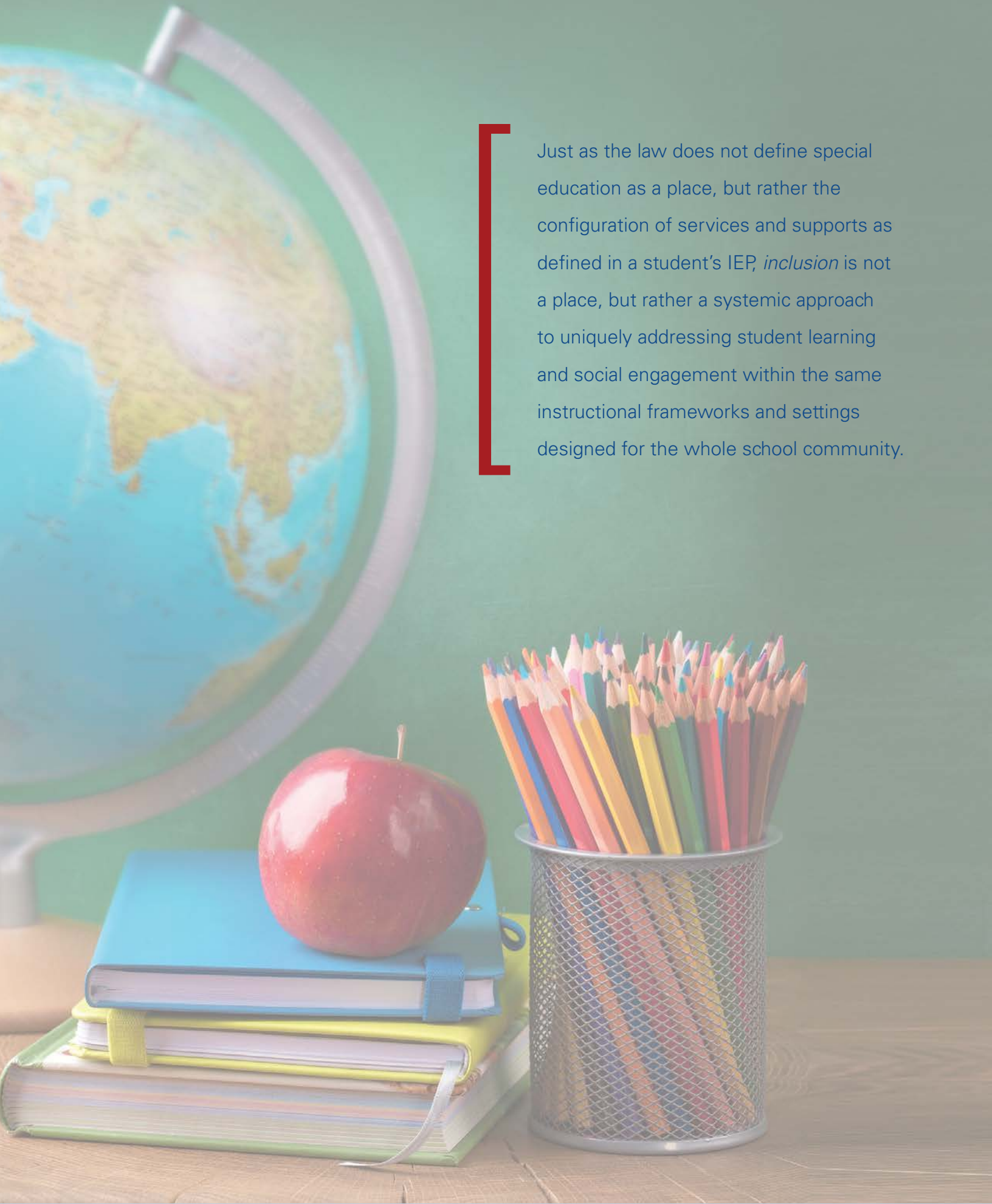
centers and significant projects should ensure that recipients plan to:

- prepare teachers, administrators, and related service providers to implement effective schoolwide, equity-based educational services; and
- build state and local capacity for sustainable inclusive education practices. States should be expected to carefully analyze their placement data, and consider it with respect to disproportionate placement practices for students by disability label and race, across their local jurisdictions.

# Acronym Glossary

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APR	annual performance report
ASL	American Sign Language
COPAA	Council of Parent Attorneys and Advocates
DCL	Dear Colleague Letter
DOJ	US Department of Justice
ED	US Department of Education
EHA	Education for All Handicapped Children Act
FAPE	free appropriate public education
HHS	US Department of Health and Human Services
IDEA	Individuals with Disabilities Education Act
IEP	individualized education program
IES	Institute for Educational Sciences
LEA	local education agency
LRE	least restrictive environment
MTSS	multi-tiered system of supports
NCD	National Council on Disability
OCR	Office for Civil Rights
OSEP	Office of Special Education Programs
OSERS	Office of Special Education and Rehabilitative Services
PAL	peer-assisted learning
PBIS	positive behavior interventions and supports
RJ	restorative justice
RP	restorative practices
RTI	response to intervention
UDL	universal design for learning

A composite image featuring a globe in the background, a stack of three books (blue, yellow, and green) in the foreground, a red apple resting on the blue book, and a silver mesh pencil holder filled with various colored pencils on a wooden desk. The background is a solid light green color.

Just as the law does not define special education as a place, but rather the configuration of services and supports as defined in a student's IEP, *inclusion* is not a place, but rather a systemic approach to uniquely addressing student learning and social engagement within the same instructional frameworks and settings designed for the whole school community.

## Introduction

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Education is universally accepted as a human right and the means to transform lives, especially for children who are marginalized by mainstream society. Education is critical for closing the opportunity gap for disenfranchised children, particularly children living in poverty or remote areas with limited resources, children with disabilities, and children from diverse cultures and racial backgrounds.<sup>1</sup>

Children and youth with disabilities and their parents have long fought for equal access to education. As late as the 1960s, it was standard for students with disabilities to be completely excluded from the public education system. In the 1960s and 1970s, parents began successfully asserting that their children *could learn* and demanded that their children's right to an education be codified into law. As a result, Congress sought "to end the long history of segregation and exclusion of children with disabilities from the American public education system,"<sup>2</sup> and made a promise that every eligible child, regardless of the nature or severity of the child's disability, could go to school and learn alongside their peers. In 1975, the Education for All Handicapped Children Act (EHA)<sup>3</sup> was passed, which opened school house doors and mandated free and appropriate public education for children with disabilities, and the provision of special education and related services designed to meet

their unique needs and prepare them for further education, employment, and independent living.

When EHA was amended as the Individuals with Disabilities Education Act (IDEA) in 1997 and 2004, each amendment required states that accepted IDEA funding to ensure that all students with disabilities receive a free and appropriate public education, and that they do so in the least restrictive environment (LRE).<sup>4</sup> To ensure these standards are met, the U.S. Department of Education (ED) obliges each state to submit an annual performance report (APR) that details the extent to which their local education agencies (LEAs) comply with federal requirements and demonstrate results for children with disabilities, including placement, academic, and behavioral data for all students and across various subgroups.<sup>5</sup> Among the data collected is the extent to which preschool and school-age students with disabilities are educated alongside peers without disabilities in "regular" (i.e., general education) classes versus the amount of time they are taught in segregated settings and groups only for students with disabilities.

In addition to a legal base for educating students with disabilities alongside peers without disabilities, researchers and practitioners have sought to identify the most effective practices for teaching students with disabilities and demonstrate their impact. Using scientific

## Research Questions Addressed in Report

1. To what extent are students with disabilities participating in, and being removed from, general education opportunities with peers without disabilities?
2. What is the Federal Government's response to states that are segregating students with disabilities?
3. What are the evidence-based practices that schools, districts, and states should implement to include students with disabilities in general education and minimize unnecessary removal?

methods as well as documenting practices, a body of literature points to instructional methodology that is most effective in teaching students with a variety of educational needs. With an interest in promoting effective strategies, ED funds demonstration projects, research, technical assistance centers, personnel preparation projects, and parent centers to promote the most successful and equitable practices.

This report describes the legal and scientific basis for an inclusive versus segregated education, summarizes national patterns for educating students with disabilities in general education classes, examines federal and state guidance and state compliance with federal mandates, and describes effective educational practices for reducing segregation. Input from stakeholders was collected to provide

an accurate and current picture of what is experienced by educators, families, and children with disabilities. As part of the research, the following global research questions were explored:

1. To what extent are students with disabilities participating in, and being removed from, general education opportunities with peers without disabilities?
2. What is the Federal Government response to states that are segregating students with disabilities?
3. What are the evidence-based practices that schools, districts, and states should implement to include students with disabilities in general education and minimize unnecessary removal?

## Research Methods

To address these questions, the National Council on Disability (NCD) research team conducted a mixed-methods study gathering stakeholder perspectives, as well as policy and quantitative information. With this information, we describe experiences for these populations of students, identify any potential gaps in services, policy, and research, and make recommendations particularly as they relate to the placement and participation of students with disabilities in general education.

## Qualitative Analysis

To gather stakeholder perspectives, the NCD research team conducted interviews, and held four regional forums and one national forum. Specifically, we conducted semistructured interviews with state and local educators, parents, students or adults with disabilities,



attorneys, and educational advocates to determine current challenges to the placement and participation of students with disabilities in general education.

In the second phase of research, we gathered perspectives from parents and students through four regional forums in California, Illinois, Texas, and Virginia. NCD recruited participants through the Council of Parent Attorneys and Advocates (COPAA)'s member network, local parent networks, and state and national partners in the forum locations. In total, 72 people participated in the regional forums. Thirty percent of regional forum participants were COPAA members and 70 percent were non-COPAA members. Of the 72 participants in the regional forum, 38 percent were parents or students of color.

Forum input was supplemented with individual interviews with seven individuals from Maryland, Texas, Louisiana, Pennsylvania, and Florida about their experiences with student placement practices and the factors that influence the segregation and inclusion of students with disabilities. Of these respondents, three were parents (two of whom actively advocated for their own as well as other children with disabilities), one was a recent high school graduate with a disability, one was a lawyer and educational advocate, and two were educators for more than 20 years. A structured questionnaire was used to ask each interviewee similar questions, and gave them the opportunity to expand based on their experience and knowledge of the educational system. Responses were recorded verbatim in writing.

The third phase of data collection was an online forum at COPAA's national conference. In total, 58 people participated in the forum. Twenty-three percent were people of color. An additional 23 people responded through an email address.<sup>6</sup>

In all settings, NCD used a semistructured question protocol to gain perspectives about parent and child experiences with IDEA. Data were recorded and transcribed to identify themes among the experiences (see Appendix for protocols).

## **Policy Analysis and Literature Review**

Federal law is interpreted by federal agencies in regulations, policy letters, and other guidance documents. In addition, ED issues individual letters to states regarding their compliance and the results for children with disabilities, and compiles these outcomes into a publicly available report.<sup>7</sup> The analysis of IDEA state regulations and compliance, and a sample of state determinations were reviewed and viewed with respect to their placement data and trends over time. In addition, publicly available statutes, policies, and guidance from a sample of states were reviewed with respect to the kind of direction offered to local school districts, particularly as it relates to the placement and participation of students with disabilities in general education.

## **Literature, Case Law, and Legislative Review**

Litigation and legislation related to placement requirements and interpretation of the law were reviewed and summarized, as well as peer-reviewed research and descriptions of policies and practices affecting the education of students as published in a variety of professional journals. Articles related to methods, influences, and impact of inclusive versus segregated placements are summarized.

## **Quantitative Data**

### ***National Data Review***

In addition to annual Reports to Congress, the U.S. Department of Education Office of Special Education Programs (OSEP) regularly provides data on students with disabilities through a data website.<sup>8</sup> The most recent placement data available, quantified by amount of time in and removed from general education, was reviewed for all states for the 2015–2016 school year. Further analysis of placement by disability label and by race was reviewed and compared to data from the 2005–2006 school year. We provide narrative descriptions on placement patterns in the report, and the actual data is provided in tables in the Appendix.

### ***Limitations***

In this study, NCD recruited participants through COPAA's member network, local parent

networks, and state and national partners in the forum locations, and purposefully selected interview participants based on location and position. Therefore, the qualitative data identified in the report should not be viewed as generalizable, but rather as perspectives of individuals within those positions. The qualitative data offers individual first-person perspectives to complement the quantitative aspects of this report. The national data regarding student placement is based on the interpretation of "removal" from general education settings by individual members of school teams, and might not accurately reflect the intent of the Federal Government in its efforts to determine if students are participating in general education. It is, however, the only quantifiable measure that exists related to teaching students with disabilities across various setting configurations.

# Chapter 1: Legal Foundation for Inclusion

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## Early Litigation and Legislation

In 1954, the Supreme Court ruled in *Brown v. Board of Education* that separate schooling for African American children was not an equal education because separate educational facilities were inherently unequal.<sup>9</sup> Ten years later, Section 601 of the *Civil Rights Act of 1964* was passed, holding that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”<sup>10</sup> On the heels of these developments, advocates and parents of children with disabilities fought for the same kind of equal access to education. They not only sought the right to attend school, but also the right to participate in and benefit from a quality education. Two landmark cases were brought in 1972: the *Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania*,<sup>11</sup> and *Mills v. Board of Education of District of Columbia*.<sup>12</sup> In both *PARC* and *Mills*, the judges agreed that local laws that excluded children with disabilities from public schools were a violation of the Constitution, and laid the

groundwork to establish the right of students with disabilities to access a public education.

## The Right to a Public Education

In the wake of *PARC* and *Mills*, Section 504(a) of the Rehabilitation Act of 1973 was passed, and established that “[n]o otherwise qualified individual with a disability in the United States, . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity

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*In both PARC and Mills, the judges agreed that local laws that excluded children with disabilities from public schools were a violation of the Constitution . . .*

receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.”<sup>13</sup> In 1975, Congress passed

EHA,<sup>14</sup> which would later be reauthorized as IDEA,<sup>15</sup> mandating a free public education for all children with disabilities and requiring states to ensure that all students with disabilities receive a free and appropriate public education in LRE.<sup>16</sup> This law continues today as a means of ensuring that states establish policies and procedures for special education services that comply with the law, monitor implementation at the local level, and promote the intended outcomes for

all children and youth with disabilities: access to general education and extracurricular activities with peers without disabilities.

## Individuals with Disabilities Education Act

IDEA defines *special education* as specially designed instruction “so that the child can meet the educational standards . . . that apply to all children.”<sup>17</sup> Each student must have an individualized education program (IEP) with goals designed by an IEP team to meet the child’s needs that result from the disability for two reasons:

1. To enable the child to be involved in and make progress in the general education curriculum, and
2. To meet each of the child’s other educational needs that result from the disability.<sup>18</sup>

Each IEP must identify the special education, related services, supplementary aids and services, program modifications, and support for school personnel to enable the child to achieve his or her annual goals, make progress in the general education curriculum, and be educated alongside children with and without disabilities.<sup>19</sup> Students with disabilities, even those who take an alternate assessment based on alternate achievement standards, are explicitly expected to have IEP goals aligned with their grade level curricula. Each state must ensure that personnel are “appropriately and adequately prepared and trained, and have the content knowledge and skills to serve children with disabilities.”<sup>20</sup>

## The LRE Requirement

IDEA states that each public agency shall ensure, “that to the maximum extent appropriate,

children with disabilities . . . are educated with children who are nondisabled,” “as close as possible to the child’s home,” “in the school he or she would attend if not disabled.”<sup>21</sup> It also stipulates that removal from general education classes to separate special classes or schools “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.”<sup>22</sup> Each public agency must ensure that each child with a disability has the supplementary aids and services needed for the child to participate with children without disabilities in extracurricular services and activities “in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.”<sup>23</sup>

## Placement Decisions

The starting point for all placement decisions is intended to begin with the general education classes in the school the student would attend if they did not have a disability. IEP teams may consider removing a student to more restrictive placement if the nature or severity of a child’s disability is such that, even with the provision of supplementary aids and services in the general education setting, an education in the regular class will not be appropriate or successful.<sup>24</sup> If the student will not participate in the general education setting, curriculum, or in nonacademic or extracurricular activities, then the IEP team must offer an explanation of the extent to which such removals will occur and are necessary.

The regulations describe a “continuum of alternative placements” that public agencies must be ready to provide if needed, including: regular classes, special classes, special schools,

home instruction, hospital settings, and private and public facilities, such as separate day schools or residential programs.<sup>25</sup> The law does not require each and every possible placement option along the continuum be filled with students, but only that public agencies make these options available when, and if, needed. Clearly, the LRE requirements express a strong preference, not a mandate, for educating children with disabilities in regular classes alongside their peers without disabilities.<sup>26</sup> In selecting the educational environment, IEP teams must consider any potentially harmful effect on the child or on the quality of services that he or she receives that might result from the change in placement. The US Department of Education's Office for Civil Rights (OCR) addressed placement questions regarding LRE and free appropriate public education (FAPE) for deaf children using American Sign Language (ASL) as their primary means of communication. OCR guidance emphasized that "[m]eeting the unique communication and related needs of a student who is deaf is a fundamental part of providing . . . FAPE to the child. Any setting, including a regular classroom that prevents a child who is deaf from receiving an appropriate education that meets his or her needs including communication needs is not the LRE for that individual child."<sup>27</sup> For some deaf or hard-of-hearing students or students with other disabilities who communicate through ASL, LRE and FAPE might be best met by utilizing both languages (i.e., ASL and English) used by the child's family, community,

and culture. The students' language development and communication needs, as well as their ability to further learn English and other academic content, might be best met in a part-time or full-time immersion bilingual and bicultural setting within their school or in a school that offers full immersion. These determinations must be made on an individualized basis.

Importantly, IDEA instructs that students with disabilities should not be removed from regular classrooms solely because of the needed modifications to the general education curriculum.<sup>28</sup>

## Case Law

Several courts have addressed LRE, each setting forth a slightly different standard. The Sixth Circuit Court was the first to address

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***IDEA instructs that students with disabilities should not be removed from regular classrooms solely because of the needed modifications to the general education curriculum.***

educational placements and the "least restrictive" requirement. In *Roncker v. Walter*,<sup>29</sup> the court developed a two-part test to guide the appropriate placement for a student with a disability:

1. Could the educational services provided in the segregated setting be feasibly provided in a nonsegregated setting? (If so, the segregated placement is inappropriate.)
2. Is the student being mainstreamed to the maximum extent appropriate?

This is commonly referred to as the "portability" doctrine that separates services from setting. A few years later, another federal court relied on the *Roncker* decision in developing a two-part test for meeting the LRE requirement.

In *Daniel R.R. v. State Board of Education*,<sup>30</sup> parents appealed a hearing decision that placed their six-year-old son in a special education classroom. The Fifth Circuit Court of Appeals declined to follow the *Roncker* test and developed its own approach, asking the following questions:

1. Can education in the general education classroom be achieved satisfactorily with the use of supplementary aids and services and with modifications?
2. Will the student receive benefit from general education?
3. What is the students overall educational experience in the mainstreamed environment, balancing the benefits of regular and special education for each individual student?
4. What effect does the student's presence have on the regular education environment that the other students are receiving?

The *Daniel R.R.* Court went on to say that if a student's education cannot be achieved satisfactorily, the next question is whether the student has been mainstreamed to the maximum extent appropriate, noting that the statute does not contemplate an all-or-nothing approach, that is, either all regular or all special education placement: that a student might be appropriately placed in some regular and some special education academic classes or special education academic classes and regular nonacademic classes.

The continuum of placements concepts was also emphasized in the case of *Greer v. Rome*,<sup>31</sup> where parents of a child with an intellectual disability disagreed with a team recommendation to place her in a self-contained kindergarten classroom. The Eleventh Circuit determined that the school had failed to consider less restrictive settings prior to placing the student in a self-contained classroom. The court went on that IDEA requires an IEP team to at least consider, discuss, and justify why they would recommend not placing a student in the general education classroom, and, only then, to systematically move to less restrictive placement options.

The term *inclusion* replaced the term *mainstreaming* in the case of *Oberti v.*

*Clementon*.<sup>32</sup> Rafael

Oberti was an eight-year-old child with Down syndrome whose behavior was alleged to disrupt the classroom

and therefore required a self-contained special education class located outside of the school district. Rafael's parents wanted him to be included in his neighborhood school. The Third Circuit court said that:

a determination that a child with disabilities might make greater *academic* progress in a segregated, special education class may not warrant excluding that child from a regular classroom environment. We emphasize that the Act does *not* require states to offer *the same* educational experience to a child with disabilities as is generally provided for nondisabled children." "To the contrary, states must address the unique needs of a disabled child, recognizing that

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***The term inclusion replaced the term mainstreaming in the case of Oberti v. Clementon.***



that child may benefit differently from education in the regular classroom than other students.” “In short, the fact that a child with disabilities will learn differently from his or her education within a regular classroom does not justify exclusion from that environment.<sup>33</sup>

In *Sacramento v. Rachel H.*,<sup>34</sup> the parents of Rachel Holland, a third-grade student with intellectual disabilities, argued that with appropriate supplementary aids and services, she could be educated in the general classroom. The school district proposed that Rachel be placed in special education for academic subjects, and attend the general education class only for nonacademic activities. The Ninth Circuit court ruled that, in determining the appropriate

placement, schools must take into consideration four factors:

1. The educational benefits of integrated settings versus segregated settings
2. Nonacademic benefits (primarily social interaction with peers without disabilities)
3. The effect the student with a disability can have on the teacher and his or her peers, and
4. The cost of supplementary services that will be required for that student to stay in the integrated setting.

Since then, there have been other courts that have applied these seminal rulings. See, for

example, *T.R. v. Kingwood Tp. Bd. Of Educ.*<sup>35</sup> and *P. v. Newington*.<sup>36</sup>

Despite the strong legal support for including students with disabilities in general education settings and activities, parents attending regional forums described some of the reasons they were given by IEP teams for more restrictive placements that are clearly at odds with IDEA: the convenience of the school, teachers not having the skills to address specific disability support needs, or because schools did not have needed special education services available in the regular education setting.

As one parent explained:

All the children with moderate to significant needs for autism go to certain schools. They live right across the street from the neighborhood school, but the student attends a school that is 25 minutes away because “support services can’t be provided at the neighborhood school.” There was no explanation for why this is the case.<sup>37</sup>

Families report that school representatives do not understand how to provide specialized instruction in a regular classroom or how to teach positive, pro-social behavior for students with and without disabilities. Some parents felt that students are grouped according to disability labels or type of supports needed, which often

leads to lowered or limited expectations. This was verified in an interview with an autistic student:

... (for) middle school I was in a mix of special education classes and regular classes ... (and) absolutely felt segregated and despised that fact, especially since, from my perspective, the special education course material did not challenge me at all.<sup>38</sup>

To this student, the negative experience in the special education class was exacerbated by “the condescending, peculiar attitude of many of the special educators.”

A parent and advocate interviewed for this report emphasized that there are limits placed on educating students with disabilities when they are viewed as if they belong in a group:

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***“[T]he greatest disservice we do to . . . students with disabilities, is to view them as one homogeneous group . . . labeling a group of children . . . and lumping them in one bucket and one classroom does them a disservice.”***

When I tell people that my children have intellectual disabilities and autism, I’ve told (them) nothing . . . the greatest disservice we do to people with disabilities, including students with disabilities, is to view them as one homogeneous group . . . labeling a group of children . . . and lumping them in one bucket and one classroom does them a disservice. All inclusion, all the time, everywhere, every day—does the same thing. It doesn’t recognize the fact that students need the services uniquely (designed) to meet their particular needs.<sup>39</sup>



## Chapter 2: National Placement Data

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ED submits annual reports to Congress on how states are implementing IDEA, which includes data on the extent to which students with disabilities participate in general education with their peers without disabilities, among other data sets.<sup>40</sup> States are required to submit statistics that track the amount of time students spend in general education settings, and when in separate, segregated facilities (e.g., special school or residential facility), what kind of separate setting. When a student attends a regular public school, their placement is recorded as follows:

- Participation in general education classes **80 percent or more of the day**<sup>41</sup>
- Participation in general education classes **40–79 percent of the day**
- Participation in general education classes **less than 40 percent of the day**<sup>42</sup>

### Placement Practices across States

Table 1 in the Appendix displays data for each state and U.S. territory, and demonstrates the

wide variance in the amount of time that students access general education settings and instruction with peers without disabilities. In 2015–2016, the Pacific Islands had the highest rate of including students with disabilities 80 percent or more of the time in general education (an average of 88% for the four islands), followed by Alabama (84%), Vermont (76%), Nebraska (76%), North Dakota

(74%), and Kentucky (74%). States with the lowest rates of including students 80 percent or more of the time are Hawaii (37%), New Jersey (46%), Montana (47%), Illinois (53%), and Arkansas (53%). States with the highest rates of placing students in separate classes are California, Hawaii,

New York, and New Mexico; while Connecticut, North Dakota, South Dakota, and Vermont have the lowest rates of segregated special class placement. On the other hand, Connecticut joins New Jersey, Massachusetts, and Maryland with the highest rates of placements in special facilities (special schools or residential programs); 12 states have fewer than 1 percent of their population in separate facilities, and

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*States with the highest rates of placing students in separate classes are California, Hawaii, New York, and New Mexico; . . . Connecticut joins New Jersey, Massachusetts, and Maryland with the highest rates of placements in special facilities (special schools or residential programs).*

the Pacific Islands do not have any students in separate facilities.

## Disproportionate Placement Practices across Disability Labels

Table 2 in the Appendix compares the placement of students in general education 80 percent of the time or more by disability category from 2005 to 2015. In the 2015–2016 school year, students with intellectual disabilities and multiple disabilities participated in general education classes with peers without disabilities at rates far lower than any other population: at 17 percent and 13 percent respectively, with little to no difference over the

past 10 years. Students most likely to spend the most time in general education settings are students with speech/language impairments, at a rate relatively similar to that of 2005; followed

by students with other health impairments and specific learning disabilities, both groups increasing the proportion of students included in general education by 10 percent or more over the past 10 years.

Smith examined state level trends between 1992 and 2003 for students with intellectual disability.<sup>43</sup> The gap between the then most inclusive state (Vermont) and the most restrictive state (Utah) was substantial and remained so over time. Kurth<sup>44</sup> similarly found a wide gap across states for students with autism, and concluded that states west of the Mississippi River tend to be more inclusive of this population than states in the east. Brock and Schaefer<sup>45</sup> used state level data in Ohio

to map the restrictiveness of placements, and discovered that students in urban districts spent less time in general education classrooms than their more rural counterparts. This discrepancy was further impacted by size: districts with the largest enrollments placed proportionately fewer students in general education settings.

A more recent examination of national trends by Morningstar, Kurth, and Johnson<sup>46</sup> focused on placement data for students with “significant disabilities” (autism, intellectual disability, multiple disabilities, and Deaf and hard of hearing, or blindness). For students with disabilities other than those with significant

disabilities, there was an increasing trend toward placement in general education classes for 80 percent or more of the school day. Students with significant disabilities were more likely to be in separate

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*In the 2015–2016 school year, students with intellectual disabilities and multiple disabilities participated in general education classes with peers without disabilities at rates far lower than any other population . . .*

classes, and the most prevalent setting for students with intellectual and multiple disabilities was separate special education classrooms, with little change during a 15-year period.

Regional forums and interviews validated the wide variation in student experiences and the extent to which families felt they needed to advocate for their children. One parent of a high school student with significant support needs reported that her son participates in general education academic classes and other high school activities throughout his day, where he has both learning and social opportunities with peers without disabilities: music classes, a school job, team sports, and extracurricular activities at his neighborhood high school. This parent said:

Our son is 20 years old. And there were 19 IEP team members. All came on time . . . We talked about placement. We talked about what his schedule would look like. . . . every person at that team was sitting up straight, paying attention, and truly excited about planning out our son’s transition program. And they were extremely supportive . . . I couldn’t be happier.<sup>47</sup>

Other parents, however, cite their ongoing struggles at IEP meetings throughout the school year as they tried to obtain and maintain inclusive placements, particularly for children with intellectual and developmental disabilities. Two different parents interviewed for this report who had children with Down syndrome described how they had to constantly work with their school, sometimes “one teacher at a time” to convince them that they should try the less restrictive placement. These parents regularly dealt with teams that recommended a special class placement, sometimes regardless of a student’s progress in a less restrictive setting or the student and family’s preferences. One of these parents noted that each and every year she needed to be heavily involved in her son’s education, and that “a lot of my friends didn’t include their kids because they couldn’t do the work.”<sup>48</sup> The other parent similarly lamented that other parents did not have the ability, resources, or stamina to promote inclusive placements for their children: “We know that parents have

chosen not to fight or even prefer their children to be in a more segregated setting . . . I wish it wasn’t easy for people to give up. For some, they can’t fight the system anymore.”<sup>49</sup>

## Disproportionate Placement across Racial/Ethnic Groups

Table 3 in the Appendix provides data from 2005 and 2015, tracking the placement of students with disabilities in general education 80 percent of the time or more, for students of different racial groups and ethnicities. While the proportion of students attending general education classes

for 80 percent or more of the day has increased across all categories of race and ethnicity over time, discrepancies between racial and ethnic groups persist. White students and Native American students continue to be included in general education

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*White students and Native American students continue to be included in general education classrooms more often than African American students, Asian students, and those from the Pacific Islands, including Hawaii.*

classrooms more often than African American students, Asian students, and those from the Pacific Islands, including Hawaii. Most troubling, because variables other than child-related factors (such as IQ or communication skills) appear to be at play in placement decisions. Kurth, Mastergeorge, and Paschall<sup>50</sup> extended Kurth’s earlier analysis of placements for students with autism by looking at the demographic, economic, and educational variables associated with placements. States were clustered into four groups: highly inclusive, moderately inclusive, moderately restrictive, and highly restrictive. They found that highly inclusive states tended to have more rural, White, and educated adults.

They suggested that African American students with autism are disproportionately placed in more restrictive educational settings.

As a result of concerns with the overrepresentation of certain racial groups in special education identification and removals from general education, IDEA regulations were amended in January 2017 to promote equity in education by ensuring that states identify LEAs

with significant disproportionality and that “[s]tates assist LEAs in ensuring that children with disabilities are properly identified for services, receive necessary services in the least restrictive environment, and are not disproportionately removed from their educational placements by disciplinary removals.”<sup>51</sup> This includes not only disciplinary removals (i.e., suspensions) but also restrictive placements.

## Chapter 3: Federal and State Response

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### Federal Policy Letters and Guidance

OSEP regularly issues policy letters and Dear Colleague Letters (DCLs) to clarify legal requirements and provide guidance on systemic issues. A number of major policy letters or guidance related to the placement of students with disabilities and removal from educational settings available to all other children have been issued in the past 20 years:

- In 1994, the Office of Special Education and Rehabilitative Services (OSERS) issued a memo on the relationship of the LRE requirements to inclusion. Noting that the term “inclusion” is not mentioned in IDEA, they emphasized the need for “individualized inquiry into the unique educational needs of each disabled student in determining the possible range of aids and supports that are needed to facilitate the student’s placement in the regular educational environment before a more restrictive placement is considered.” Specifically, they noted that placement decisions based solely on the following factors are prohibited: category of disability, severity of disability, configuration of delivery system, availability of educational or related services,

availability of space, or administrative convenience.<sup>52</sup>

- In February 2012, OSEP issued a DCL reiterating that the LRE requirements of IDEA apply to the placement of preschool children with disabilities, recommending that LEAs “that do not have a public preschool program that can provide all the appropriate services and supports for a particular child with a disability must explore alternative methods to ensure that the LRE requirements are met for that child” and recommend that “a variety of strategies, including staffing configurations, community collaboration models, and professional development activities that promote expanded preschool options are available.”<sup>53</sup>
- In September 2015, the U.S. Department of Health and Human Services (HHS) and ED issued a joint policy statement providing extensive recommendations to states and LEAs regarding inclusion in early childhood programs. HHS and ED cited the need to create a culture of inclusion based on legal and scientific data, and outlined specific steps to guide states and local agencies to ensure that the expectations and supports

needed for children with disabilities are always considered with those of other children.<sup>54</sup>

- On November 16, 2015, OSEP issued a DCL that clarified the interpretation of “general education curriculum” for students with IEPs. OSEP emphasized that the IEP is intended to support instruction and access to the general education curriculum rather than to create an alternate curriculum. Recognizing that some children with significant cognitive disabilities perform significantly below their grade level, the letter guides IEP teams to select goals that are aligned with, and are pre-requisite for, grade level standards, and estimate the extent of growth expected during the course of a year. The purpose of the DCL was to “ensure that annual IEP goals for these children reflect high expectations and are based on the State’s content standards for the grade in which a child is enrolled.”<sup>55</sup>
- In August 2016, noting concerns with the rates of disciplinary removal, particularly for children of color with disabilities, OSERS issued significant guidance through a DCL to clarify that children with disabilities must receive appropriate behavioral supports to receive a free, appropriate public education in LRE. The letter describes alternatives to disciplinary removal, including a system of tiered behavior supports, warning that a failure to provide behavioral supports could

result in an inappropriately restrictive placement.<sup>56</sup>

- On January 9, 2017, OSERS issued a DCL to affirm the need for young children with disabilities to access inclusive high-quality early childhood programs to enable them to meet high expectations, noting that the expansion of early childhood programs has not been accompanied by a proportionate expansion of inclusive options. Reiterating the legal requirement for presuming that the first placement consideration be the regular public preschool program that a child would attend if the child did not have a disability, OSERS encouraged state and local agencies to plan to expand inclusive options.<sup>57</sup>

## State Regulations and Guidance

Unsurprisingly, given that there is great variation across states in placement practices, there is a wide range of publicly available policy and guidance related to LRE decision making between states. In Table 1 of the Appendix, the 50 states and 10 territories are ranked in order of the rate at which they educate students with disabilities in general education for 80 percent or more of the time. For ease of viewing, the rankings are divided into quantiles. The following list shows publicly available regulations, policy, or other guidance for educating students with disabilities in LRE from six states that were randomly selected: two from the quartile with the most inclusive practices, two from the quartile with the most segregated practices, and one each from each of the middle quartiles:

## Random Sample of Publicly Available State Policy Guidance for Educating Students with Disabilities in LRE

- **Nebraska** includes students with disabilities at a rate of **75** percent, with only 7 percent of students, ages 6–21, removed for more than 60 percent of the time. In addition to state regulations, Nebraska Department of Education has an extensive technical assistance guide for IEP development and offers nine questions for teams to ask when making placement decisions. Nebraska state guidance includes some questions that seem to go beyond IDEA requirements, such as: “Would the student require so much of the general education teacher’s time that the teacher cannot give adequate attention to the needs of other students in the classroom?” and “Does the student require the curriculum to be modified so significantly that it bears little relation to the instruction in the classroom?” The guidance includes a caution that: “A child or youth with disabilities is never to be placed in a particular educational setting based solely upon the disability category or on the staff, space and/or services currently available at a school.”<sup>58</sup>
- **Florida** includes **72** percent of its students with disabilities in general education for 80 percent of the time or more, and has 14 percent of its students removed for more than 60 percent of the time. Interestingly, the Florida statute provides a definition for inclusion:

A school district shall use the term “inclusion” to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a teacher is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student’s needs based on current research.<sup>59</sup>

The Florida statute also requires each school district to complete a Best Practices in Inclusive Education Indicators self-assessment to evaluate and plan improvements in inclusive practices.

- **Kansas** has **69** percent of its students with disabilities participating in general education settings for 80 percent of the time or more, and 7 percent are educated outside of general education for more than 60 percent of the time. The Kansas Department of Education publishes an extensive handbook for special education, which includes a chapter on

*(continued)*

## Random Sample of Publicly Available State Policy Guidance for Educating Students with Disabilities in LRE, *continued*

educational placement.<sup>60</sup> For the team to make placement changes after the initial IEP, “parents must provide consent for any substantial change in placement (more than 25% of the child’s school day) or material change in services (increase or decrease of 25% or more of the duration or frequency of a special education service, a related service, or a supplementary aid or a service).”

- **Pennsylvania** includes **62** percent of its students with disabilities for 80 percent or more of the time, with 10 percent of students removed from general education more than 60 percent of the time. The Pennsylvania Department of Education relies on a 2002 publication as a resource for making educational placement decisions.<sup>61</sup> It restricts schools from refusing general education placements for any of the following reasons:
  - the student cannot do the same work at the same level as the other students in the regular education class if the student can make meaningful progress on the goals in their IEP in a regular education class;
  - the placement would be more expensive or inconvenient to the school;
  - the student has a certain type of disability or because the disability is severe in the school’s view (e.g., a school cannot have a policy that places all students with autism in an autistic support classroom);
  - there is no room in the regular classroom for more students, but there is room in the special education classroom; and/or
  - the curriculum used in that classroom has to be modified for the student because of their disability.

Oddly, though, in a discussion of classroom space, it notes that “using an old storage closet for a special education classroom may be a violation of the law,” and that classrooms must be close to the ebb and flow of school activities. In addition, it allows a three-year age span for students placed in elementary special education classrooms and a four-year age span for students in secondary special education classes. So, further investigation may be needed into these topics.

- **Washington** falls in the most restrictive quartile, including only **55** percent of its students with IEPs and removing 13 percent of students from general education 60 percent or more of the time. The recently published rules for the provision of special education reflects IDEA language. Limited guidance for families is offered,<sup>62</sup> though no other Washington-issued resources could be found.



## Random Sample of Publicly Available State Policy Guidance for Educating Students with Disabilities in LRE, *continued*

■ **New Jersey** is the third most segregated of the U.S. states and territories when it comes to including students with disabilities for at least 80 percent of the time. In New Jersey, only **46** percent of its students with disabilities included 80 percent or more of the time, and 15 percent spent more than 60 percent of their day in special education settings. Following years of litigation brought by advocates against the New Jersey Department of Education, claiming that students with disabilities were not being educated in LRE, a settlement agreement was reached in January 2014.<sup>63</sup> It required a statewide needs assessment, three years of training and technical assistance regarding LRE (including specific topic areas for designated districts), designation of state and local personnel to provide local assistance, and regular monitoring. While the agreement focused on attempts to change educator knowledge and practice, there was no attention to the state administrative code, which extensively details service delivery options and a variety of special education (group) programs. For example, the code defines the following:

- Supplementary instruction is provided in addition to general education instruction in one or more subjects and provided individually or in small groups by a teacher certified in the subject area or level. This instruction can be provided through in-class programs or pull-out programs.
- Replacement resource programs offer specialized instruction in a single subject area by a certified special education teacher through an in-class resource program or pull out replacement program. “Instruction in more than one subject areas may be provided in a pull-out resource program.”<sup>64</sup>

There are serious contradictions within the code related to who can provide specialized instruction or how many subjects can be addressed in such a program. Other programs for students based on disability label (e.g., severe to profound cognitive disabilities) are referenced in the code, and group sizes for various programs are prescribed (e.g., three students for an autism program without an aide and four to six students with an aide); further distinctions in staffing programs made on the basis of whether students have, for example, “mild,” “moderate,” or “severe” disabilities. Such descriptions clearly lead educators to consider special education as a group program based on the type and severity of a disability label. Language in the code also sets the expectation that students of similar behavioral or academic needs should be grouped together: “A special class program shall serve students who have similar intensive educational, behavioral, and other needs related to their disabilities in accordance with their individualized education program.”

*(continued)*

## Random Sample of Publicly Available State Policy Guidance for Educating Students with Disabilities in LRE, *continued*

And: "The nature and intensity of the student's educational needs shall determine whether the student is placed in a program that addresses moderate to severe cognitive disabilities or severe to profound cognitive disabilities," and programs for students with learning disabilities are categorized as "mild to moderate" or "severe" with correspondingly different teacher-student ratio requirements.<sup>65</sup> Taken as a whole, it is easy to see how New Jersey LEAs are designing restrictive settings in violation of the IDEA requirements.

### Monitoring and Technical Assistance

In addition to tracking rates of inclusion, ED makes efforts to hold states accountable for IDEA's LRE requirements by determining whether states are meeting procedural requirements. ED reviews "compliance" indicators (e.g., timelines for evaluations, due process hearings, and transitioning children into preschool services) and "results" indicators (e.g., percent of students dropping out of high school, participation on statewide assessments, and percent of children served in inclusive vs. segregated settings). Directions for states on how to submit annual performance reports (APRs) and other related documents can be found on the OSEP website.<sup>66</sup> ED makes annual determinations for each state, and categorizes states according to the level of assistance they need (e.g., no assistance/meets requirements, needs assistance, needs intervention for one or multiple years, or needs substantial intervention). A report prepared by the National Center for Systemic Improvement for OSEP detailed the progress states were making toward Indicator 5 (LRE)<sup>67</sup> and Indicator 6

(Preschool LRE).<sup>68</sup> The authors concluded that there is very little change or progress and little movement toward realizing IDEA's mandate of LRE and inclusion over time.

Despite the complex determination procedures and extensive reporting requirements for states, ED is not holding states accountable for their failures to uphold

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*ED is not holding states accountable for their failures to uphold the IDEA's LRE requirements.*

the IDEA's LRE requirements. Annual targets are based on only slight improvements over previous years, and setting minimum

thresholds for the percentage of students who should be in any setting conflicts with IDEA's requirement that each child's IEP is based on their individual needs. For example, despite New Jersey's low levels of educating students with disabilities with their peers without disabilities in general education settings, they were determined by ED to "meet requirements,"<sup>69</sup> even when their annual LRE targets were not achieved and, in fact, the percent of students who were educated in general education classes was lower in 2013 than in the preceding three years.<sup>70</sup>

## Chapter 4: Challenges to Inclusive General Education Placement

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### Continuum of Placements

There is more than a little controversy about the LRE continuum in terms of its philosophy related to an equitable education and how it actually impacts students with disabilities. In 2004, Taylor proposed replacing the LRE requirements with a policy for the integration of people with disabilities, to encourage and cultivate relationships between people with disabilities and those without disabilities. He discusses flaws in the LRE continuum philosophy that can result in limiting integrated life experiences. Among those flaws are the following:<sup>71</sup>

- **Linear restrictiveness.** The idea that the continuum is often thought to be a linear representation as defined by the amount of time that students are in or out of the general education classroom. Implicit in this concept is the notion that students require services located somewhere along this arbitrary line, and as they develop more independent skills might be able to transition to less restrictive placements. This construct ignores the evidence that for many students the supports and services they need can be provided in a less restrictive setting. The intensity of the services required does not by necessity

lead to a requirement for restrictiveness. Furthermore, there is an assumption that placement in a restrictive setting inherently equates greater levels of quality of services and support, for which there is no evidence.

- **Readiness for inclusion.** Decisions to move students to less restrictive placements are often based on the perceived readiness of the student to learn grade level material. Separate programs for students with behavioral challenges often include a requirement that students “earn” increased participation in regular school environments and activities through demonstration of specific behavior and conduct. This discriminatory practice places the burden on students to develop normative behavior and skills in a non-normative setting rather than placing the burden on educators to devise appropriate interventions. “The irony is that the most restrictive placements do not prepare people for the least restrictive placements.”<sup>72</sup>
- **Confusion of service with placement.** The philosophy of a continuum assumes that students need to be removed from the general education classroom to receive more intensive services. However, intensity of service and segregation from peers are two different dimensions, and

not necessarily related, particularly when the quality of instruction and services in inclusive versus segregated settings are compared. In an analysis of more than 2,000 articles,<sup>73</sup> Rix, Sheehy, Fletcher-Campbell, Crisp, and Harper found that the level of intensity of educational services provided to students with disabilities was not synonymous with participation in, or segregation from, general education classes and

instruction on the general education curriculum. They also suggest that recognizing one end of the placement continuum as “inclusive” (i.e., the general education class) does not

stop that placement from actually being isolating or exclusive. Similarly, considering alternate self-contained special education placements as *special* “does not mean that it [the placement] is doing anything that is special or different from that which is done elsewhere.”

Sauer and Jorgensen elaborate on the flaws in the LRE mandate and the requirement for a continuum, noting the disproportionate segregation of certain students with disabilities, such as students with intellectual disabilities, results in disproportionately limited school experiences. They link the cultural practice of segregating students with more obvious disabilities or intensive support needs to society’s devaluation of disability, also known as “ableism.”<sup>74</sup> The LRE continuum provides a

rationale for taking away opportunities from a group of students, those with disabilities, and assumes a hierarchical value for who may go to their neighborhood school or school of choice. Sauer and Jorgensen also note the idiosyncratic nature of placement decision making, based on school traditions, teacher skills, strength of parent advocacy, and sometimes funding. To a large extent, the LRE continuum places a burden of fitting in or being able to access the

classroom on the student who is seen as having deficits, rather than encouraging schools to create systems designed to benefit all students in the community and make access by those with disabilities more seamless.

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*[T]he LRE continuum places a burden of fitting in or being able to access the classroom on the student who is seen as having deficits, rather than encouraging schools to create systems designed to benefit all students in the community . . .*

## Attitudes and Beliefs

The driving force behind a student’s educational experience might be an understanding of roles and the attitudes that educators have about adult responsibilities and expectations for student outcomes. A teacher described her frustration when general classroom teachers send students with disabilities to a computer “to get them out of the way.” She said “. . . it is very important for these children to feel like a part of the classroom . . . Because (a student) needs different strategies doesn’t mean he needs to be removed or put in the back of the class.”<sup>75</sup> A parent of twins with disabilities was faced with the option of choosing between two early childhood programs. He described the importance of a teacher’s willingness to try: at a placement meeting, the teacher “made a

comment that sold the deal—she looked at my wife and me (after understanding my twins’ special needs) and said, ‘I want your children in my classroom.’”<sup>76</sup> One principal described her efforts to assist teachers who are not prepared to collaborate and deliver specialized instruction in general education settings: “Some teachers think more ‘help’ is in the self-contained class, but they are just thinking someone else has a better answer . . . Segregation makes the building run smoother . . . (but) leadership needs to be the proponent of inclusion and not allow segregation.”<sup>77</sup>

## Organizational Traditions

Once school districts have made financial and personnel investments in creating or maintaining segregated settings and allocating teachers and other staff in small teacher-student ratios, there is an organizational tendency to maintain the status quo. Ryndak, Taub, Jorgensen, Gonsier-Gerdin, Arndt, Sauer, Ruppert, Morningstar, and Allcock<sup>78</sup> suggest that given the relatively stagnant rate of change in student placements over time, the LRE principle “legitimizes segregated settings as acceptable for some students.”<sup>79</sup> While the LRE requirement should lead schools to make objective decisions based on data, this does not seem to be the case, considering the variation in placement patterns across states, the disproportionate segregation of students with certain disabilities (e.g., autism and intellectual disabilities), and the disproportionate segregation of students of color by both race and disability, as noted in this

report. Ryndak et al. emphasize that the LRE principle supporting a continuum of placements perpetuates the misrepresentation of special education as a location, rather than supports and services to make progress in the curriculum, and the misperception that more intensive service needs require more restrictive placements.

## Organizational and Workforce Capacity

When schools have a clear vision for including all students with disabilities, they work to develop schoolwide structures that support educators and empower them to succeed in instructing students with disabilities through collaboration. One advocate interviewed for this report noted that the “systemic challenges are less about placement and more about best and evidence-

based practices: how to differentiate, how to manage the classroom. Those are the biggest challenges for teachers.”<sup>80</sup>

Most stakeholders expressed frustration with teachers and school

personnel not being qualified or trained to deal with behavioral problems. They described how students who experience bullying (often because of disability-related factors) led to an increase in behavioral reactions from the child with a disability. They describe how a negative school environment exacerbates problem behavior, resulting in multiple and unnecessary suspensions, without proactive behavior support planning. “Rather than reaching a consensus through . . . behavioral assessment, often the child is pushed out through suspension or expulsion.” One parent described the

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*“Segregation makes the building run smoother . . . (but) leadership needs to be the proponent of inclusion and not allow segregation.”*

“environmental controls” that a teacher put in place: “a cardboard box on his desk so that he is separated from others in the classroom, . . . to a makeshift cubicle in the hallway, separated from other classrooms.”<sup>81</sup> Another parent described her child being “placed in a corner of the classroom away from all of the other activities. Facing the wall throughout the day and unable to sit for the full day.”<sup>82</sup> When a child is frequently removed from the classroom, they are missing valuable instructional time and the opportunity to develop the type of social skills and relationships needed to become full and participating members of society. When a child is segregated within the classroom or placed in a hall as a disciplinary action, there is no teaching moment and only negative stigma. More than one parent reported that they believed their child “could be doing a lot better if the school had identified and addressed his issues” rather than administering negative discipline.<sup>83</sup>

While having a teacher’s aide assigned to a student might seem to some as a support, to others an aide is seen as a barrier to both quality

instruction as well as social inclusion. One parent reported: “I felt he didn’t need it (the aide) as much, and it allowed the teachers not to take ownership for teaching him. We wanted him to have independence from having an aide.”<sup>84</sup> An extra adult assigned to a student, especially as the student enters high school, poses a barrier to

natural peer interactions. There is little evidence supporting the value of one-to-one aides in improving participation or performance of students with disabilities. To the contrary, Giangreco reports:

. . . there is a substantial amount of data documenting that overreliance on paraprofessionals can lead to a wide range of inadvertent detrimental effects, such as unhealthy dependency, stigmatization, interference with teacher engagement, and interference with peer interactions.<sup>85</sup>

Additionally, Azad, Locke, Downey, Xie, and Mandell found that child-specific aides were only engaged in support or instruction for 57 percent of class time.<sup>86</sup>

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*One parent described the “environmental controls” that a teacher put in place: “a cardboard box on his desk so that he is separated from others in the classroom . . .”*

## Chapter 5: The Research Base: Why Include Students with Disabilities

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Just as the law does not define special education as a place, but rather the configuration of services and supports as defined in a student's IEP, *inclusion* is not a place, but rather a systemic approach to uniquely addressing student learning and social engagement within the same instructional frameworks and settings designed for the whole school community. For example, Skrtic, Sailor, and Gee defined *inclusive schooling* as a system of supports to address the needs of a subset of students.<sup>87</sup> Artiles and Kozleski describe *inclusive education* as an "equity movement" supported by research in effective teaching and service delivery, and a focus on equity within whole-school restructuring to create school communities in which all students are valued.<sup>88</sup> Olson, Leko, and Roberts<sup>89</sup> describe inclusion as a school culture in which educators share instructional responsibilities, collaborate in teaching teams, and believe that general education classes and other contexts are most appropriate for all students. Within this school culture, students with disabilities engage in the same instructional

activities as their peers of all abilities and are viewed positively by their peers without disabilities. McLeskey, Waldron, Spooner, and Algozzine<sup>90</sup> describe inclusive schools as places where students are in the same classes and schools as their same-age peers, are "valued and active participants[,] and where they are provided supports needed to succeed in the academic, social, and extra-curricular activities of the school."<sup>91</sup> Examples of the type of

inclusion interactions contemplated by these authors can be seen in videos created by the SWIFT Center, such as *Whatever it Takes* filmed by Dan Habib in schools in Oregon, Mississippi, and Maryland.<sup>92</sup> In these videos, students with a variety of differences,

including complex physical and intellectual disabilities, can be seen alongside peers in typical classrooms.

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*[W]hen students are included, they have more access to the general curriculum and effective instruction, they achieve at higher rates of academic performance, and they acquire better social and behavioral outcomes.*

### Benefits to Students with Disabilities

Data shows us that when students are included, they have more access to the general curriculum and effective instruction, they achieve at higher rates of academic performance, and they acquire



better social and behavioral outcomes.<sup>93</sup> In addition, when educated in inclusive classrooms, peers without disabilities experience either a positive academic and social impact or at least no negative impact on academic achievement.<sup>94</sup> Since 1990, research studies have demonstrated a variety of benefits for students with intellectual and developmental disabilities who are educated in general education classes. Membership and participation benefits include increased student engagement,<sup>95</sup> improved communication,<sup>96</sup> improved expressive language and literacy skills,<sup>97</sup> more satisfying and diverse friendships,<sup>98</sup> higher levels of social engagement with peers without disabilities,<sup>99</sup> less disruptive behavior,<sup>100</sup> and more social competence.<sup>101</sup> The National Longitudinal Transition Study examined the outcomes of 11,000 students with a range of

disabilities, and found that more time spent in a general education classroom was positively correlated with a) fewer absences from school, b) fewer referrals for disruptive behavior, and c) better outcomes after high school in the areas of employment and independent living.<sup>102</sup>

Although students with extensive support needs (i.e., students with intellectual disabilities, multiple disabilities, autism) have higher rates of segregated schooling, research shows that these students actually acquire more academic benefits when included in general education instruction, particularly increases in literacy skills.<sup>103</sup> Hehir et al. describe several studies that demonstrate significant improvement for students with disabilities who require extensive supports in the areas of language and math who spent a larger portion of their day in general education classes



with peers without disabilities—compared to those who spent a smaller proportion of their school day with peers without disabilities in general education classes.<sup>104</sup>

## **Benefits to Students without Disabilities**

A large-scale study by Waldron, Cole, and Majd demonstrated that students without disabilities made comparable or greater gains in math and reading when taught in general education classes with students who had learning disabilities and were engaged in the same instruction;<sup>105</sup> a few other studies also found a positive impact on the academic achievement of peers without disabilities when students with and without disabilities are taught together.<sup>106</sup> A recent review of international research discovered that the vast majority of studies conducted in the United States, Australia, Canada, and Ireland demonstrated either a positive effect or no negative effect on the academic, social, and personal development of students without disabilities when they were educated with peers who had intellectual, learning, or other disabilities.<sup>107</sup>

Other benefits to students without disabilities who learn in general education classes with students who need extensive supports include reduced fear of human differences, increased comfort and awareness of differences, growth in social cognition, improvements in self-concept, growth of ethical principles, and caring friendships.<sup>108</sup> Teachers, parents, and para-educators also believe that students without disabilities benefit when educated with peers who have extensive support needs by developing greater empathy, greater awareness and tolerance of differences, learning to help

others, and acquiring specific skills (e.g., sign language).<sup>109</sup>

## **Opportunity to Learn: Special Versus Regular Classes**

Early studies, such as those described by Helmstetter et al., found that teachers in general education classes offer more instruction, a comparable amount of 1:1 instructional time, more academic content, and are more likely to use peers without disabilities to support instruction than teachers in special education classes. When comparing special versus regular education classes, they found significant differences in the amount of time spent in noninstructional activity: in special education classes, 58 percent of the time was not devoted to instruction, in contrast with only 35 percent of noninstructional time in general education classes.<sup>110</sup> Along these lines, Soukup, Wehmeyer, Bashinski, and Boyaird found that students who spent a greater amount of time in the general education classroom worked more of the time on grade-level standards and were more likely to have higher access to the general curriculum than students with low general education participation rates.<sup>111</sup>

In an analysis of self-contained classes, Kurth, Born, and Love examined special education classes that were spacious, well-staffed by educators and paraprofessionals, and supplied with adequate resources. Despite these supports and resources, they found a remarkable lack of time that students spent in instruction, and the instruction that did occur was provided primarily by paraprofessionals. There were few opportunities for students to respond to instructional cues, a high level of distractions in the classroom, a lack of

communication supports for students, and a lack of individualization of instruction.<sup>112</sup> In contrast, McDonnell, Thorson, and McQuivey compared the instructional contexts for students with and without disabilities in general education setting. They found that in general education settings, students with disabilities were 13 times more likely than their peers without disabilities to receive instruction directed exclusively toward them during whole-class

activities, and 23 times more likely to receive 1:1 instruction when educated in general education classes.<sup>113</sup>

Research consistently paints a picture that depicts students with disabilities who are educated in segregated special education placements

as receiving less instruction, having fewer opportunities to learn, and fewer opportunities to use knowledge and skills during instruction and other meaningful activities.

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*[I]n general education settings, students with disabilities were . . . 23 times more likely to receive 1:1 instruction when educated in general education classes.*

## Chapter 6: The Research Base: Strategies That Promote Effective Inclusive Education

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Just as researchers have studied the impact of inclusive education placements on students with and without disabilities, they have also studied instructional strategies to determine what works and what organizational systems are likely to sustain inclusive education over time. The following are a sample of the research-based practices that show evidence of leading to positive academic and/or behavioral outcomes for all students, especially those likely to be marginalized by their differences from the majority of students.

### Universal Design for Learning

Universal design for learning (UDL) is a set of frameworks that shifts education planning from considering barriers to learning as existing within the student to understanding the barriers presented by curricula that are not designed for the variety of student learning needs in a diverse school community. UDL reimagines the role of the teacher as a thoughtful designer of the class environment, curricula, instruction, and materials in order to remove or reduce potential barriers to learning. Research on UDL has promise for addressing the needs of all

students. Nelson and Johnson describe studies on a variety of UDL strategies that facilitate the academic learning for students with disabilities.<sup>114</sup>

### Cooperative Learning

Cooperative learning requires students to work with their peers to accomplish a shared or common goal within a classroom lesson. The goal is reached through interdependence among all group members rather than working alone.

Many early studies (e.g., Slavin 1984) found cooperative learning had a positive effect on student achievement, as well as improved the social acceptance and friendships among students with disabilities

and their peers without disabilities.<sup>115</sup> More recently, Copeland and Cosbey reported that cooperative learning strategies were effective for improving social and academic skills for students with intellectual disabilities while having no negative impact on students who do not have an IEP.<sup>116</sup> It is notable that Causton-Theoharis, Theoharis, Orsati, and Cosier found that in the self-contained classrooms, there was little opportunity for cooperative learning to occur.<sup>117</sup>

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*UDL reimagines the role of the teacher as a thoughtful designer of the class environment, curricula, instruction, and materials in order to remove or reduce potential barriers to learning.*

## Differentiated Instruction

Differentiated instruction is a process to teach students of differing abilities in the same class to maximize each student's growth and individual success by meeting each student at their current skill level rather than expecting students catch up to the curriculum.<sup>118</sup> Huebner reports that a growing body of research shows positive results for differentiated instruction in mixed-ability classrooms and cites several studies that confirm the benefits of differentiation for learners of varying abilities.<sup>119</sup> For example, Baumgartner, Lipowski, and Rush evaluated the use of differentiation, including flexible grouping, student choice of learning tasks, self-selected reading time, and access to a variety of texts on a program to improve reading achievement among elementary and middle school students. All students improved their decoding, phonemic, and comprehension skills, and their attitudes about reading and their own abilities improved.<sup>120</sup>

## Data-Based Instructional Decisions

An important part of any curriculum and instruction is the appropriate use of student data to inform instruction to promote learning. Formative assessments are generally products that demonstrate student knowledge or skill, and are a means of involving students in assessing their own learning. Summative assessments compare student performance and progress to a benchmark or standard. As teachers and schools set policy related to student testing and performance measures, the goal is to ensure

that students with disabilities—even those with extensive support needs—not only access the same content as their peers but also participate in an assessment system designed for them to demonstrate their knowledge and skills. School teams collaborate and analyze data to identify how to plan the interventions and supports for learners who struggle academically, behaviorally, socially, and emotionally.

## Positive Behavior Interventions and Supports

One of the most common reasons for segregating students is behavior that interferes with teaching or learning or threatens harm to one or more students.

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*Positive behavior interventions and supports (PBIS) is a proactive, positive schoolwide approach to teaching appropriate social behavior and understanding the messages behind the problem behavior . . .*

If a student's behavior disrupts their own learning or that of others, then that student is at risk for removal, suspension, expulsion, or placement in an alternative educational

setting. Positive behavior interventions and supports (PBIS) is a proactive, positive schoolwide approach to teaching appropriate social behavior and understanding the messages behind the problem behavior, and has been demonstrated to reduce problem behavior and risk for removals.<sup>121</sup> A variety of strategies for supporting and responding to student behavior, using data to determine appropriate behavior interventions, and developing an equitable school discipline approach can be found on the PBIS website, [www.pbis.org](http://www.pbis.org). In addition to schoolwide and individually designed positive behavior interventions and supports<sup>122</sup> as a means to prevent problem behavior and

teach socially appropriate behavior, there is a movement to shift the focus from disciplining behavior with punitive consequences to helping students understand the impact of their behavior. Restorative practices (RP) or restorative justice (RJ) emphasize the importance of positive relationships within the school as a community. These approaches are perceived to work best when integrated into the school's overall philosophy and have the potential for improving student behavior and relationships, as well as relationships among teachers.<sup>123</sup> Together, PBIS and RP have the potential to reduce disciplinary removals and keep students engaged in their school.

### Peer-Assisted Learning

Peer support interventions are an effective alternative to traditional paraprofessional support models.<sup>124</sup> Involving peers in tutoring or mentoring relationships can have positive outcomes for students with and without disabilities; classwide peer tutoring models have been shown to result in increased academic and social gains for students with and without disabilities.<sup>125</sup> A highly researched strategy, peer-assisted learning (PAL) involves reciprocal tutoring roles, opportunities to respond and experience success, structured activities, and supplemental practice of skills taught in the core curriculum. Several years of studies and large-scale experiments have shown that PAL results in improvement in the reading achievement of low-, average-, and high-achieving students, including those with disabilities.<sup>126</sup>

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*Involving peers in tutoring or mentoring relationships can have positive outcomes for students with and without disabilities . . .*



### Culturally Responsive Teaching

Culturally responsive teaching requires that educators value students' cultural and linguistic resources and build upon this understanding, rather than view it as a barrier to learning. Culturally responsive teachers examine their own heritage and bias, and use students' personal experiences and interests as the base upon which they facilitate student learning and skill development. As described in a recent publication from the CEEDAR Center, various research studies show the power of drawing upon students' culture,

language, or other aspects of their identify (e.g., disability) to learn academic subjects.<sup>127</sup>

### **Multi-Tiered System of Supports**

In the past several years, education reform efforts recommend response to intervention (RTI) and PBIS systems be braided to address the complex social, emotional, behavioral, and academic learning needs of a wide variety of learners.<sup>128</sup>

Such an integrated system emphasizes the value of core general education services, in a multi-tiered system of supports (MTSS) to determine the specific interventions needed for struggling students, within a data-informed decision model. It addresses students who struggle because of academic learning needs, students

with disabilities, those whose first language is not English, students coming from cultural backgrounds that differ from the majority of families and educators in the school community, and students living in poverty who may have access to fewer resources. MTSS requires that administrators, district personnel, classroom teachers, and specialized educators work together in a cohesive and collaborative culture with shared responsibilities for all learners.<sup>129</sup> In a MTSS approach, students with disabilities have access to a variety of academic and behavioral interventions, alongside their peers without disabilities, and removal for specific specialized instruction is offered as needed to address specific disability-related educational needs.

# Chapter 7: Findings and Recommendations

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## Findings

### *Policies*

There has been very little change and little movement toward realizing IDEA's mandate of LRE and inclusion over time.

### *Effectiveness*

Inclusive special education services are more effective than segregated special education services:

- When students are included in general education instruction, they have more access to the general curriculum and effective instructional methods, they achieve at higher rates of academic performance, and they acquire better social and behavioral outcomes.
- When educated in “inclusive” classrooms, peers without disabilities experience no negative impact, and some studies show that peers without disabilities experience a positive academic and social impact.
- Segregated special education placements offer less instruction, have fewer opportunities to learn, and fewer opportunities to use knowledge and skills during instruction and other meaningful activities.

### *Demographics*

The extent of restrictiveness of placements is impacted by where students live: States in urban areas are more restrictive than rural areas; states on the east and west coast are more restrictive. Further, districts with the largest enrollments place proportionately fewer students in general education settings.

### *Disability*

Students with certain disabilities are more likely to be educated in separate, segregated classes; and the most prevalent setting for students with intellectual and multiple disabilities was separate special education classrooms. While inclusive placements have increased over time, there is little to no change in placement practices for students with intellectual and multiple disabilities during the past 10 years.

### *Race*

White students and Native American students continue to be included more often in general education classes than African American students, Asian students, and those from the Pacific Islands, including Hawaii.

### *ED Response*

Despite the complex determination procedures and extensive reporting requirements for states,

ED is not holding states accountable for their failures to uphold IDEA's LRE requirements.

- While the LRE requirement should lead schools to make objective decisions based on data, this does not seem to be the case, considering the variation in placement patterns across states, the disproportionate segregation of students with certain

disabilities (e.g., autism and intellectual disabilities), and the disproportionate segregation of students of color by both race and disability, as noted in this report. Further, ED is not offering sufficient guidance, incentives, or restrictions for states that continue to disproportionately segregate students with disabilities over time.

## Recommendations

### Recommendations for Congress

1. Fully fund IDEA to cover the cost of educating students with disabilities so that necessary supports and services are available to ensure full participation and learning.
2. Emphasize inclusive education expectations in the development of all funding programs. Strengthen expectations for full participation of students with disabilities in general education settings and activities with peers without disabilities.
3. Authorize and appropriate funds for competitive systems—change grants to build state and local capacity to implement and scale up inclusive, whole-school reforms that address the needs of each and every student with a focus on promoting equitable practices and reducing disproportionate outcomes.
4. Maintain or increase funding levels for IDEA appropriations for technical assistance and dissemination, personnel preparation, and state personnel development grants, and target funding to a) prepare teachers, administrators, and related service providers to implement effective schoolwide, equity-based services, and b) build state and local capacity for sustainable inclusive education practices.
5. Target funding for the Institute for Educational Sciences (IES) to support research to identify and disseminate practices that improve educational outcomes for students with disabilities *in inclusive environments*.



## Recommendations for the U.S. Department of Education:

6. Engage in more aggressive enforcement and utilize its authority to withhold federal funds and make referrals to the U.S. Department of Justice (DOJ) for enforcement for noncompliance with the LRE mandate of IDEA as permitted by IDEA.
7. In the presence of contemporary research that shows improved outcomes when students are educated in inclusive environments with evidence-based instruction and organizational systems, maintain data collection on the amount of time students spend in general education and the location of student placements.
8. Design funding for technical assistance and dissemination centers, personnel preparation projects, and state personnel development grants to a) prepare teachers, administrators, and related service providers to implement effective schoolwide, equity-based educational services, and b) build state and local capacity for sustainable inclusive education practices.
9. Emphasize inclusive education expectations in the development of all funding programs. Strengthen expectations for full participation of students with disabilities in general education settings and activities with peers without disabilities.
10. Design funding opportunities that result in exemplary demonstration sites, which can be used as national models for replication. A short list of examples of school-based, district-led, evidence-backed practices include:
  - *Universal design for learning (UDL) frameworks:* Support and train teachers to understand and employ the principals of UDL as a part of core instruction.
  - *Multi-tiered system of supports (MTSS):* Support states and districts in the development of systemic practices to include universal screening for academic, behavioral and mental health risk coupled with collaboratively selected and developed data-informed interventions within a school community. This results in opportunities for uniquely designed instruction to address individual student needs for all students, with and without disability labels.
  - *Culturally responsive instruction:* With a commitment to increase and maintain educator competence to serve diverse populations of students and families, states need to provide professional development and action planning based on district self-assessments.
  - *Cooperative learning, flexible grouping, and collaboration:* Increase instructional competencies to enable specialized and general educators to collaboratively plan and deliver instruction based on student performance and increase opportunities for small group instruction that supports heterogeneous peer assisted learning.

(continued)

## **Recommendations for the U.S. Department of Education:, *continued***

11. Analyze state data by disability, ethnicity, and other available demographics to identify where subgroups of students with disabilities are in more segregated settings:
  - a. Prepare and widely disseminate disaggregated data reports in a timely fashion (for the previous school year) based on disability label, race, and geographic and demographic disparities.
  - b. Require states to address segregating placement practices, and provide technical assistance and incentives for states to remove group programs based on labels.
12. Develop and disseminate a resource guide of evidence-based practices that increase access to the general curriculum and support students, including students with intellectual and developmental disabilities, to fully participate with peers without disabilities in inclusive settings. Develop and disseminate guidance for teacher preparation programs emphasizing the development of general and special educator competencies for delivering collaborative instruction and assessment for all students, including students with disabilities. Include in teacher and administrator preparation programs knowledge and exemplars to increase school capacity to provide schoolwide positive academic and behavior support structures, including a positive and preventive approach to problem behavior.
13. Require funding for research grants (e.g., through IES) related to educating students with disabilities be conducted in general education settings and address improved outcomes in inclusive environments.

## APPENDIX

### National and State Placement Practices

**Table 1: Percent of Students Ages 6 through 21 Served Under IDEA, Part B, by Educational Environment and State: 2015–2016**

State	Inside Regular Class 80% or More of the Day (%)	Inside Regular Class 40% through 79% of the Day (%)	Inside Regular Class Less than 40% of the Day (%)	Separate School or Residential Facility (%)
Hawaii	36.83	41.32	20.24	0.84
Guam	45.23	45.18	5.81	0.00
New Jersey	45.99	27.30	14.72	7.19
Montana	46.96	38.83	12.02	1.29
New Mexico	49.80	29.44	19.19	0.75
Illinois	52.65	26.22	13.29	6.04
Arkansas	52.68	30.67	13.55	1.84
California	54.07	20.05	21.54	3.31
Washington	54.35	31.06	13.24	0.73
Virgin Islands	54.42	22.70	17.40	3.53
District of Columbia	55.49	16.54	17.34	9.98
Maine	56.69	29.25	10.78	3.04
Missouri	57.59	27.65	8.76	3.05
New York	57.98	11.60	19.82	5.14
Republic of Palau	58.24	26.37	13.19	0.00
Louisiana	59.67	21.85	13.91	0.45
Utah	60.45	25.58	11.37	2.29
Minnesota	60.45	23.59	10.08	3.89
Idaho	60.55	27.53	9.86	1.49
South Carolina	60.71	20.50	16.31	0.81
Pennsylvania	61.84	23.25	9.53	4.75
Ohio	62.28	18.33	11.25	3.17
Massachusetts	62.34	15.93	14.05	6.68
Mississippi	63.02	18.41	15.10	1.32
Virginia	63.36	20.45	11.15	3.46
Alaska	63.39	24.61	8.84	2.60

(continued)

State	Inside Regular Class 80% or More of the Day (%)	Inside Regular Class 40% through 79% of the Day (%)	Inside Regular Class Less than 40% of the Day (%)	Separate School or Residential Facility (%)
Nevada	63.48	19.86	14.66	1.26
West Virginia	64.46	24.79	8.07	0.58
Georgia	64.70	17.94	15.00	1.86
Arizona	64.94	17.74	14.76	1.87
Wyoming	65.38	25.39	6.49	1.83
Iowa	65.63	22.51	8.90	1.53
Wisconsin	66.22	21.22	9.16	1.23
Delaware	66.34	13.05	15.10	4.59
Michigan	66.39	15.46	10.86	4.97
Oklahoma	66.76	22.20	9.44	0.62
North Carolina	66.78	17.07	13.87	1.24
Connecticut	67.74	17.67	5.21	7.97
Texas	68.13	15.88	14.60	0.62
Kansas	68.91	20.61	6.97	2.05
Maryland	68.95	9.88	12.95	6.67
South Dakota	69.21	21.57	5.64	2.09
Rhode Island	69.51	9.94	13.17	5.55
Puerto Rico	70.26	15.62	6.94	1.87
Tennessee	70.46	15.67	11.11	1.14
Indiana	71.40	12.02	10.42	1.39
Florida	71.87	9.08	13.69	3.08
New Hampshire	72.44	15.68	8.44	2.70
Oregon	73.37	14.29	10.15	0.94
Colorado	73.62	16.80	6.68	2.13
Bureau of Indian Education	73.66	20.49	5.33	0.40
Kentucky	73.73	15.47	8.28	0.95
North Dakota	74.08	16.90	5.33	1.54
Nebraska	75.54	12.30	6.62	1.90
Vermont	75.76	11.96	5.72	5.85
Alabama	83.56	6.24	7.19	2.20
Republic of the Marshall Islands	83.85	12.76	x	0.00
Northern Marianas	84.87	8.20	2.14	0.00
American Samoa	88.96	3.25	4.22	0.00

State	Inside Regular Class 80% or More of the Day (%)	Inside Regular Class 40% through 79% of the Day (%)	Inside Regular Class Less than 40% of the Day (%)	Separate School or Residential Facility (%)
Federated States of Micronesia	94.41	0.94	0.31	0.63
TOTAL: United States, Outlying Areas, and Freely Associated States	62.69	18.66	13.49	<b>3.10</b>

Source: U.S. Department of Education, ED*Facts* Data Warehouse (EDW), "IDEA Part B Child Count and Educational Environments Collection," 2015–2016, <http://www2.ed.gov/programs/osepidea/618-data/index.html>. Data extracted as of July 14, 2016, from file specifications 002 and 089.

**Table 2: Number of Students with Disabilities by Disability Label in the Total Special Education Population and Percent Educated at Least 80 Percent of the Time in General Education**

	2005–2006 <sup>1</sup>		2015–2016 <sup>2</sup>	
	Total # Students with Disabilities (SWD)	% Included 80% or More (%)	# Students with Disabilities (SWD)	% Included 80% or More (%)
Autism	193,875	31.3	550,405	39.6
Deaf-blindness	1,592	22.1	1,280	23.7
Developmental delay	79,072	59.5	149,306	63.9
Emotional disturbance	472,274	34.7	346,488	47.1
Hearing impairment	72,403	48.3	67,426	61.1
Intellectual disabilities	545,484	13.9	418,540	16.6
Multiple disabilities	133,974	13.3	125,232	13.3
Other health impairment	560,994	55.8	907,207	65.6
Orthopedic impairments	63,156	49.4	41,232	53.6
Specific learning disabilities	2,779,562	53.6	2,348,891	69.7
Speech or language impairments	1,158,664	88.0	1,044,286	86.7
Traumatic brain injury	23,502	40.0	25,488	50.1
Visual impairments	26,277	57.3	24,944	67.22
<b>All Disabilities</b>	<b>6,110,829</b>	<b>53.6</b>	<b>6,050,725</b>	<b>62.7</b>

<sup>1</sup> U.S. Department of Education, 29th Report to Congress, 2010 Table 2.2, p. 174.

<sup>2</sup> Source: U.S. Department of Education, ED*Facts* Data Warehouse (EDW), "IDEA Part B Child Count and Educational Environments Collection," 2015–2016, <http://www2.ed.gov/programs/osepidea/618-data/index.html>. Data extracted as of July 14, 2016, from file specifications 002 and 089.

**Table 3: Number of Students with Disabilities by Race in the Total Special Education Population and Percent Educated at Least 80 Percent of the Time in General Education**

	2005–2006 <sup>1</sup>		2015–2016 <sup>2</sup>	
	Total # Students with Disabilities (SWD)	% Included 80% or More (%)	# Students with Disabilities (SWD)	% Included 80% or More (%)
American/Alaskan Native	91,814	52.9	85,690	64.1
Asian/Pacific Islander	133,271	52.2	140,382	56.5
Native Hawaiian/Pacific Isl.			23,420	55.3
Black	1,245,304	43.9	1,107,606	58.0
Hispanic	1,089,171	47.1	1,531,699	61.0
White	3,551,269	59.1	2,966,782	65.5
Two or more races			195,147	64.1
<b>All Disabilities</b>	<b>6,110,829</b>	<b>53.6</b>	<b>6,050,725</b>	<b>62.7</b>

<sup>1</sup> U.S. Department of Education, 29th Report to Congress, 2010 Table 2.2, pp. 210–219.

<sup>2</sup> Source: U.S. Department of Education, ED*Facts* Data Warehouse (EDW), “IDEA Part B Child Count and Educational Environments Collection,” 2015–2016, <http://www2.ed.gov/programs/osepidea/618-data/index.html>. Data extracted as of July 14, 2016, from file specifications 002 and 089.

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