Government eyes special ed requirements

5.7.07

May 3, 2007
by The Associated Press

WASHINGTON (AP) -- Many children in special education classes may not belong there, the government says.

A new policy is aimed at intervening early with intensive teaching to give struggling students a chance to succeed in regular classrooms and escape the 'special ed' label.

There are nearly seven million special education students in the United States, and roughly half have learning disabilities. Most of those are reading related, such as dyslexia or problems in processing information.

The Bush administration, following passage of a broad special education law, issued rules in October that rewrote the way schools determine if a child has a learning disability.

States have largely relied on a 1970s-era method that looks for disparities between a child's IQ and achievement scores.

'The fundamental concept here is unexpected underachievement,' said Tom Hehir, a special education expert at Harvard University . He said a child with a normal IQ who is lagging behind in learning would generally be identified as having a learning disability.

Such a diagnosis often is made around 4th grade. At younger ages IQ tests are seen as less reliable, and it often takes that long for severe achievement problems to become apparent.

But that, critics say, is a wait-to-fail approach. They point to research showing that intervening early can make it easier for children to overcome their problems.

Under the new rules, states can no longer rely solely on the IQ-vs.-achievement method. Instead the guidelines give states more latitude, allowing them, for example, to observe how well children respond to intensive instruction in the subjects where they're having problems.

The new federal rules also make another important change: they allow schools for the first time to use up to 15 percent of their special education funds to provide the required early intervention. That could help reduce the number of children who ultimately are labeled as learning disabled.

Schools nationwide get roughly $11 billion a year in federal money for special education.

In cases where districts have a disproportionately high number of minorities in special education, the set-aside becomes mandatory -- educators must use 15 percent of special education funds on intensive services in the early grades.

Hehir says the goal is to address an old problem: 'There is over-placement of minority kids, particularly African American males, in special education.'

One reason is that black students, who are more likely to be poor than whites, could be behind in school due to socio-economic disadvantage -- not disability. They may have lacked quality preschool experience or had few books at home, and are less likely to have the best teachers, experts say.

Alexa Posny, director of the Education Department's Office of Special Education Programs, has been traveling the country talking about the new rules. She concedes not everyone likes them -- particularly parents of special ed students who object to money earmarked for their children being used for non-disabled students.

Madeleine Will, who has an adult son with Down Syndrome and is vice president for public policy at the National Down Syndrome Society, said the federal government already underfunds special education. She said it's unfair to take money from students with disabilities to pay for services for students who haven't yet been diagnosed with a disability.

Will said she also is concerned that there isn't enough research behind the early instructional approach highlighted in the new rules. The approach, called 'response to intervention,' recommends giving targeted instruction of increasing intensity. Those students are then monitored and tested frequently to see how they respond. Failing to improve academically at an adequate pace could indicate a learning disability.

Experts such as Vanderbilt University's Doug Fuchs say research suggests the approach can help prevent children from being labeled incorrectly as learning disabled, particularly when their problems are related to

reading. However, they add, more research is needed.

The Department of Education recently said it will award $14 million over five years to set up model programs and disseminate information to schools about the response-to-intervention approach.

Lisa Soloff, who directs programs for low-income students in the Augusta, Ga., area, said school officials are trying to figure out how to implement the change with limited resources. Some interventions require working in small groups or even one-on-one.

That, Fuchs says, requires money. 'Who is going to collect these data? What measures and procedures will be used? Who will interpret the data, and who will use the data?' asked Fuchs, a special education researcher.

He said the law may be premature. 'It presumes we have our technical ducks in a row, and we do not have them in a row,' he said.

Already, the response-to-intervention method is being tried in districts in Iowa, Minnesota, and California, among others.

David Gordon, the school superintendent in Sacramento, Calif., was among the first to implement it when he was leading schools in nearby Elk Grove in the 1990s. He asked the state board of education for the change when he saw schools helping students only after they qualified for special ed services.

'We said this is crazy,' he said, adding that teachers knew which students needed help early on. 'They could forecast that you're going to put this kid in special ed in about the third grade.'

Gordon said the change required a lot of training, but was worthwhile.

'The idea of correcting reading deficiencies early is obviously much, much better than putting a kid in special ed,' he said. 'The more you can create the incentive to not give the kid a life sentence in special ed simply because he has a deficiency in reading makes a lot of sense.'

You can always click here to download this article in .pdf format.