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How are Students Placed in Special Education Treated with Equity and Provided a Free and Appropriate Education in the Least Restrictive Environment?

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How are Students Placed in Special Education Treated with Equity and Provided a Free and
Appropriate Education in the Least Restrictive Environment?

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A Literature Review Presented
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Abstract

Special education legislation was introduced into America schools in 1975. The goal of the legislation was to ensure students with special needs were receiving and having access to a public education. Over the past nearly 45 years, special education legislation has evolved and also remained the same. The question becomes how has the legislation benefited the overall education for students with special needs? Has special education legislation allowed for students to have access to a free and appropriate education (FAPE) in the least restrictive environment (LRE)? Are students, who receive special education services, being provided equity in their education? This paper explores the current research surrounding how students placed in special education may be treated with equity and provided a free and appropriate education in the least restrictive environment. In exploring the literature, topics explored include special education legislation, LRE, inclusive education environment, self-determination, response to intervention (RTI), and data-informed decision making (DIDM). After reviewing the literature, it was determined that students in special education are not receiving FAPE in the LRE or with equity. The question then becomes why does special education legislation mandate FAPE in the LRE for students but this is not being done in reality. Additionally, what can school districts and educators do to promote equity for students with special needs in the general education classroom and ensure a FAPE in the LRE is achieved for each student?

How are students placed in special education treated with equity and provided a free and appropriate education in the least restrictive environment?

The old saying that fair is not always equal very well could be considered applicable to the classroom and working with students on an individual basis. Welch (2000), states there are three types of fairness: equality in which every participant receives the same treatment and reward; equity where the reward is proportionate to the input and the person who puts in the most gets the biggest reward; and need where those who need the most receive the greatest reward. As a result, many general education teachers forego following the recommendations to assist students with disabilities because they believe the accommodations are not fair for the rest of the students (Welch, 2000). Furthermore, individuals with special needs are viewed as having a problem, or a deficit, and that it should and can be fixed (Kirby, 2016). This particular belief cultivates the stigma students with special needs face in society, in turn resulting in students with special needs being excluded from many academic and social opportunities (Kirby, 2016).

There is a long history of students in special education being separated from their general education peers. Additionally, there is a stigma that follows students with disabilities throughout their life; consequently students with disabilities have a hard time finding employment and/or continuing their education post-high school (Fellner, 2015). Students who are not included in educational opportunities or who participate in separate educational opportunities can reinforce and face life long societal barriers and access to public spaces, employment, healthcare, civic participation opportunities, and continuing educational opportunities (Kirby, 2016). “The result of the exclusion is the perpetuation of stereotypes and inequality. For individuals with disabilities, the journey to equity in education has been influenced by the same factors” (Kirby, 2016, p. 176). The question then becomes if students

who receive special education services are receiving an equitable, free and appropriate education (FAPE) in the least restrictive environment for them? Some educators view inclusive education as a privilege for students with special needs to be included in the general education classroom; while other educators see inclusion as a means-to-an-end in gaining social skills but losing out on the expertise of a special education teacher (Kirby, 2016). Ben-Porath (2012), states that the demand to include students with disabilities in public education has required shifts in policies, regulating resource allocation, pedagogical approaches, teacher training, and other dimensions of public schooling” (p. 27). Teachers in general and special education are expected to respond to student diversity by providing culturally, linguistic, academic, and behavioral differentiated instruction (Welch, 2000). It’s necessary that teachers and students know what modifications and accommodations are appropriate and fair in various circumstances for specific students (Welch, 2000). While accommodations and modifications are needed, and even fair, for students with disabilities, it is not fair to provide accommodations for students, which are not needed, “foster dependence, or violate the rights of the majority to provide for a minority” (Welch, 2000, p. 39).

A majority of students in special education spend the majority of their day within the general education classroom and environment; however, there are still many students in special education who spend a majority of their day segregated from their peers without special needs. Kirby (2016) found “68.2% of students with learning disabilities spend 80% or more of their school day in the general education classroom, while 24.1% spend 40-79% of the day in the general education classroom” (p. 176). This paper will review the literature, currently available, in regards to how students in special education are provided academic instruction in the general education classroom, and if the academic instruction provided is done with equity towards

students in special education. The paper will conclude with implications for best practices and exploring what areas of information still need to be explored.

Review of the Literature

Special education legislation

The education system was designed to serve a large number of students as efficiently and effectively as possible while also positively responding and providing services to underserved student population with diverse and challenging academic needs (Ferretti & Eisenman, 2010). In 1975 it was mandated by the United States Congress that all states establish programs for children with special needs to be educated in special education programs. Equality of educational opportunity for students with disabilities comes from “the concerns, and the strenuous requirements it imposes” (Ben-Porath, 2012, p. 32). By acknowledging students have diverse academic needs and putting special education legislation and services into place, some would say this diverse and challenging underserved student population is being provided an equitable education. “The practice of special education violates the spirit of the laws upon which it was founded, targets students of color disproportionately and so is discriminatory, excluding special education students from the promise of academic learning at its best and too often carries with it long-term consequences for those it was established to serve” (Fellner, 2015, p. 1089).

By considering what the special education legislation truly mandates, one can determine if the educational services are truly equitable. The 2004 Individuals with Disabilities Education Improvement Act (IDEA) and the 2001 Title I of the Elementary and Secondary Education Act (ESEA) are the two primary pieces of legislation governing special education. IDEA states “all children, including those with disabilities, must receive appropriate education in an inclusive environment...[by] providing equal educational opportunities to all children” (Ben-Porath, 2012,

p. 25). An additional objective of IDEA 2004 is to make sure the “rights of children with disabilities and parents of such children are protected” (Ben-Porath, 2012). Marx, Hart, Nelson, Love, Baxter, Gartin, and Whitby (2014) point out that IDEA 2004 makes the point of stating, “Special education is not a ‘place’, but rather a set of services delineated in the student’s IEP” (p. 45).

The IEP is supposed to be a tool to empower students and make sure they have the supports they need to be successful with their academics; however, the IEP is the area where there are the most citing’s of noncompliance within a school and a district (O’Dell & Schaefer, 2005). An IEP has several parts to it and making sure all parts are completed accurately and fully in the best interest of the student is sometimes a challenge due to lack of resources, time manpower, and financial. Some of the areas where an IEP has been found to be out of compliance include the “specific number of academic, behavior, and other goals; short-term objectives met; and congruency between annual goals and present level of performance” (O’Dell & Schaefer, 2005, p. 10). Research has found that school administrators believe IEPs to be “too procedural, cumbersome, and time-consuming” (O’Dell & Schaefer, 2005, p. 10). When the administrator finds an IEP to be an inconvenience and does not support what the special education teacher in the classroom, it can be hard to motivate the teacher to stay in compliance with the IEP.

Least Restrictive Environment

The concept of students in general being provided the least restrictive environment (LRE) for participating in academics goes back to 1954 and *Brown v. Board of Education of Topeka, Kansas*, where the concept of “separate is never equal” was stated by the court (Marx et al., 2014). This particular court case, and many that followed, helped to shape and bring forth the

requirement that students receiving special education services be provided an education in the LRE for their particular academic needs, as outlined in the Individuals with Disabilities Education Act (IDEA) in 1975. The LRE is the place where education and related services can be provided to students with disabilities while also participating in the general education classroom to the greatest possible scope (Marx et al., 2014).

Determining the LRE for each student is often a challenge, as there are not hard and fast rules or guidelines to follow to determine what precisely is considered the LRE. The courts have stated the rule is that placement must be made based upon each individual student's needs and that school districts must provide a continuum of placement options starting with the child's neighborhood and in the general education classroom with supplemental supports and services, as appropriate (O'Dell & Schaefer, 2005). Marx et al. (2014) point out what may be considered the LRE in one school district may in fact not be the LRE in another district. There seems to be two conflicting ideologies about what constitutes the LRE in an academic setting, based upon literature. The first ideology states that regardless of what the general education classroom instruction looks like, the LRE is always the general education classroom, as students with special needs are to be with general education peers for the most possible time each day and the removal of a student from the general education classroom must be justified (Marx et al., 2014). The second ideology believes that the LRE is the academic setting or settings that can best meet each individual child's needs based upon the judgment of the IEP team (Marx et al., 2014). This means, while the general education classroom may be preferable, a student should not be placed in the general education classroom simply for the sake of being in the general education classroom. The IEP team must determine if the general education classroom truly is

the best place to meet the needs of the student with special needs or if there would be a more appropriate and preferable environment for the student's education to be provided.

Some alternative educational settings for students with an IEP include a resource setting where students receive academic support in a classroom outside of their general education classroom; students will typically go to the resource classroom for a specific timeframe or for support with a specific content area (Obiakor, Harris, Mutua, Rotatori, & Algozzine, 2012). An alternative educational placement is when a student receives their educational services outside of the public school setting. Some students receive all their education strictly within the special education classroom; this is known as a self-contained classroom. Students may leave the classroom for classes such as physical education, music, and art during the day.

Parents and students with special needs want to be part of the general education classroom, a classroom where there is active learning, avoiding stigma and feeling excluded; however, it is possible for the students to fall into the system that damages their academic and social achievements (Obiakor et al., 2012). Often when a student is removed from the general education classroom, the lessons, objectives, and curriculum become less rigorous than that of what their peer group is exposed to. "Students labeled with a [learning disability] may experience subtler forms of academic stratification through course placement processes" (Shifrer, Callahan, & Muller, 2019, p. 658). When students with special needs are placed in low-level courses, their academic progress could be hindered in subjects, which are hierarchically ordered, such as courses in math and science (Shifrer et al., 2019). In turn, students who have gone through these lower-level courses may not be as prepared for post-secondary coursework or life, in general, post-high school (Shifrer et al., 2019).

Equity vs. Inequity in Education

It is important to note the differences between an equitable education and an equal education. McLaughlin (2010) states, “Inequity always implies injustice.... Persons may be treated unequally but also justly” (p. 266). Therefore, McLaughlin (2010) continues, it is possible that equitable treatment in education may not align with what is considered equal depending upon individual interpretation and measurement. Title I and IDEA hold a belief that students with disabilities very possibly are being treated unjustly when they are held to universal academic standards. “We cannot [provide] an education that is uniquely suited... for each individual and at the same time give to each an education that is as good as that provided for everyone else” (McLaughlin, 2010, p. 267). Students with special needs have been provided protection and a guarantee to an education based upon *Pennsylvania Association for Retarded Children (PARC) v. Pennsylvania* and *Mills v. Board of Education of the District of Columbia* (Kirby, 2016).

In 1975, the United States Congress determined that the educational needs of address children with special needs were not being met as they should be (Murdick, Gartin, & Fowler, 2014); therefore, Congress used outcomes from Right to Education and Right to Treatment court cases as a basis when developing IEP legislation. Congress stated the purpose of an IEP is to ensure a free and appropriate public education (FAPE) is provided to each child with special needs, with the emphasis being on “appropriate” (Murdick et al., 2014). In a nutshell, the IEP outlines the modifications, accommodations, and services a school will provide to a student with special needs to ensure a student is provided with an education that is appropriate for them. By taking into consideration FAPE and student’s IEP, it is assumed that society has a moral imperative to provide equitable educational opportunities to students with disabilities regardless

if the student, or their family, elects to access the educational opportunity (McLaughlin, 2010). IDEA asks schools to provide for a student's functional needs in addition to their academic needs (Ferretti & Eisenman, 2010). The students' overall school experience, such as relationships and interactions with peers, caring adults, and support for personal goals help encourage students to complete school. Additionally, students with disabilities would receive an equitable education when "the students'/IEPs address academic, career, and personal/social goals; delivery of comprehensive curriculum; and effective instruction and supports that prepare students to reach those goals" (Ferretti & Eisenman, 2010, p. 380).

Students with disabilities are considered being treated equitably when the student is considered an individual and provided complete access to all aspects of life persons without disabilities have, including making decisions about both big and small life events, and has the opportunity to become independent and self-sustaining (McLaughlin, 2010). This means, students with disabilities should have the opportunity to decide something as trivial as which writing utensil to use, which foods they would like on their lunch tray, and what they would like to spend their time doing at recess. Students with disabilities should have the opportunity to decide larger life choices, such as which classes to take in high school, exploring self-autonomy, and what plans they have for life outside and after high school. Students, regardless of abilities, should have the opportunity to explore potential careers, potential post-secondary housing choices, and how to navigate the community.

Inclusive Education

In recent years there has been a push for inclusive education within all classrooms. "Inclusion is usually defined as occurring when general and special education teachers work together in the same classroom, which incorporates students with disabilities with their typically

developing peers,” (Shoulders & Krei, 2016, p. 23). The research supports students with special needs being more successful when they have access to academic learning, functional skill acquisition, social relationships, and positive adult relationships gained in the general education classroom (Ballard & Dymond, 2016). “Inclusive education means that all students within a school regardless of their strengths or weaknesses, or disabilities in any area become part of the school community” (Obiakor et al., 2012, pp. 477-478). Put into practice, students with disabilities go to the same school as their neighborhood peers and participate in the same classes while receiving academic support to fully participate in the same curriculum as their general education peers. When the inclusion process is properly utilized, students from both general and special education services are allowed to be full participants in their school, while embracing diversity and participating in a rigorous curriculum, high quality teaching, and receiving needed supports to reach success (Shoulders & Krei, 2016). Student diversity is embraced as strength rather than being viewed as a liability within the inclusive classroom setting (Giagreco, Baumgart, & Doyle, 1995). Some educators might say inclusion may be more successful, both academically and socially, for students with special needs when they are included in the general education classroom during elementary years verses middle school and high school years due to the difference in classroom emphasis (Tkachyk, 2013). In the later grades, secondary classrooms, there is a heavier emphasis on content knowledge, which can cause frustration for students with special needs as they work to keep up with the pacing of the lessons (Tkachyk, 2013).

Students with disabilities being included in the general education classroom, both academically and socially, is a matter of equity and social justice, according to Obiakor et al., (2012). Giagreco et al., (1995) agree that inclusive education is a matter of equity, as it is a

generic educational access, equity, and quality issue, and it is not a disability issue. In an inclusive classroom, students with disabilities are expected to be successful both academically and emotionally while they learn with their general education peers. Inclusive classrooms are more than just a place or setting; instead they are a set of values that are used to help make educational decisions (Giagreco et al., 1995). An inclusive classroom provides many benefits to students with disabilities, including having access to a meaningful, rigorous curriculum with specifically designed instruction to support the student in reaching their highest potential (Obiakor et al., 2012). Inclusion is supported by special education law, which requires students who receive special education be educated in the same environment as their general education peers to the maximum extent possible; at the same time students can be taken out of the general education classroom “only if they cannot be satisfactorily educated with the use of supplementary aids and services” (Obiakor et al., 2012, p. 479).

In order to truly make an inclusive classroom work, there needs to be true collaboration and consultations between the special education teacher, general education teacher, other IEP team members, and additional stakeholders. In order to fully include students with special needs in the general education classroom, teachers need to use a diversified, flexible approach to their instruction, assessments, and lesson goals and objectives in order to meet the full range of a student’s needs; additionally, teachers need to adjust the curriculum and instruction to meet the students where they are at instead of expecting the students to modify themselves for the lessons (Obiakor et al., 2012). Tkachyk (2013) discusses the importance of educators using differentiated instruction within their inclusive classrooms. When the instruction is differentiated, all learners, regardless of abilities, are able to access the curriculum and be

successful in reaching the intended outcomes. Differentiated instruction is a way to support the curriculum and instruction and not a way to replace curriculum and instruction.

Ballard and Dymond (2016) conducted a study on social and academic inclusion for students with severe disabilities. The study took place in a small urban community in a Midwestern high school, serving students in grades 9-12. There are approximately 1,500 students in the building with approximately 20% of the student population having an IEP. Students with an IEP were often placed within a self-contained special education classroom focusing on independent living and job skills; it should be noted the school has minimal history of general education inclusion for students served in the self-contained special education classroom through by including students in music classes. The study focused on one specific tenth grade student, Nolan, with a severe disability and five members of the education team. Nolan was part of the general education student population until he suffered a major medical event during his eighth grade academic year. Nolan spent his ninth grade academic year being home-schooled and returned to his public school during his tenth grade. Ballard and Dymond (2016) were interested in Nolan's experiences and access to inclusive education upon his return to school. After interviewing the members of Nolan's education team, including his mom, and conducting observations both in the special education and general education classroom, Ballard and Dymond (2016) found that Nolan has very little meaningful access to inclusion in the general education classroom, as he was only included in one core content area with his general education peers, and even then, the classroom environment was not set up to be truly inclusive. Ballard and Dymond (2016) suggested had the classroom been set up to include Nolan in peer group activities, not drawn special attention to Nolan, had Nolan not been segregated from his peers due to an educational associate and a nurse sitting on either side of him, and had

proper psychological and academic supports have been put in place for Nolan, then it is possible Nolan could have had a meaningful inclusive education experience.

As evidenced by Nolan's experience, students with special needs are often socially excluded from their peers, even when they are educated in the general education classroom. Tkachyk (2013) states, "students with disabilities experienced low social acceptance whether or not they were integrated" (p. 19). Research has found that students with special needs are placed in situations, such as being teased, abused, and ignored, that are harmful to their self-image when placed in general education settings (Tkachyk, 2013). The same research has found that students with special needs tend to have a lower social status than their non-disabled peers. When general education teachers rely heavily on paraprofessional support in the classroom, it is possible to have more harm come from the situation than good. For instance, in Nolan's case, he was further isolated by peers instead of included in peer work groups (Ballard and Dymond, 2016). Carter, Moss, Asmus, Fesperman, Conney, Brock, Lyons, Huber, and Vincent (2015) also indicate that the general education teacher may have the paraprofessional provide the instruction to students with special needs, foster dependency on the paraprofessional, or further segregate the students with special needs from their classmates. When peers see a paraprofessional with a particular student or group of students all the time, the peer may falsely assume the paraprofessional is who they should talk to and work with verses working with and talking directly to the student with special needs (Cater et al., 2015).

It seems to go without saying that classroom inclusion and the use of differentiated instruction cannot be successful without classroom teachers being supportive of using teaching methods to support students with special needs. That being said, research has found that many teachers do not feel properly equipped to provide the academic and social supports students with

special needs require to be successful (Pinar & Sucuoglu, 2013; Shoulders & Krei, 2016; and Tkachyk; 2013). It's also important to note that while teachers may have demographically inclusive classrooms, the inclusive classroom practices may not be in place in the classroom (Tkachyk, 2013).

Self-determination

In recent years, schools have accepted self-determination as part of special education programming, allowing students to be actively involved in developing their IEP's and making life decisions (McLaughlin, 2010). Educators and research professionals have recognized and emphasized the vast importance of students with special needs learning self-determination skills (Konrad, Walker, Fowler, Test, & Wood, 2008). Self-determination is defined as "the combination of skills, knowledge, and beliefs that enable a person to engage in goal-directed, self-regulated, autonomous behavior. It includes components of the following skills: self-management, independent living skills, internal locus of control, choice making, decision making, problem solving, goal setting and attainment, self-advocacy, self-efficacy, self-awareness and understanding, and self-evaluation and reinforcement" (Konrad et al., 2008, p. 54).

While self-determination skills are typically thought of as a secondary skill set, there is research to show the importance of including self-determination skills in the classroom as early as pre-school. Palmer et al. (2012) state children as young as 15 months old are able to learn self-determination skills through building of their autonomy in active play and cleanup. Children are able to learn self-determination skills from a young age through support of caring adults and modeling of the skill by caring adults. Problem solving, choice making, goal setting, and engagement with one's environment are skills that can be modeled for children to help them

learn self-determination. There are several benefits of children learning self-determination skills at an early age. Such benefits include the children having adequate practice and guidance in making decisions on their own, practice and refining of abilities, promoting positive self image, and reducing overdependence on others (Palmer et al., 2012).

Children with special needs are often not given the opportunity to make choices and decisions for themselves due to others having perceptions of limited ability and understanding of the children with special needs (Palmer et al., 2012). All children, regardless of ability, need to have the opportunity to make choices so they can, in turn, develop their autonomy. Autonomy is developed as children learn how and gains confidence in determining preferences and form opinions of things they like and dislike. Adults and others can offer choices to children with special needs verbally, pictures, or other means. When choices are offered to children, they feel more control over their environment and also learn how consequences may accompany specific choices (Palmer et al., 2012). In addition to learning how to make choices, students with special needs should learn how to problem solve with simple solutions. The students may need visuals or other manipulatives to help them think through and process the problem and solutions. Problem solving and decision-making skills are closely related and lead themselves to the skills of self-regulation (Palmer et al., 2012).

Students who are involved in their education and learn life skills are more likely to complete high school. Students with disabilities are no different. Students with disabilities complete high school with a standard diploma at a rate of 79.3% (McLaughlin, 2010). The graduation rate is higher among students with visual impairments and lower (61.5%) for students with emotional disturbances, according to McLaughlin (2010). Some states allow students with disabilities to graduate with a standard diploma without completing all the requirements for

graduation of students in the general population. McLaughlin (2010), states this difference in academic treatment is most likely an attempt to provide the students with disabilities “an equitable opportunity to receive a diploma” (p. 272); however, while the treatment may be considered fair, it is possible the students with disabilities are actually at a greater risk for inequities if they are missing out on the opportunity to obtain knowledge and skills, which are needed to have a successful life post school.

When students learn not only academic skills but also self-determination skills, they are more likely to be successful after high school (Konrad et al., 2008). While educational professionals recognize the importance, to all students, to learn both academic and self-determination skills, there seems to be some controversy with educators at how they are to focus on both academic skills and self-determination skills simultaneously due to a lack of time for teaching all the needed academic skills. It’s critical for all students, especially students with special needs, to learn both academic skills and self-determination skills before leaving high school in order to be successful in adulthood and life in general.

Response to Intervention

Response to Intervention (RTI) has been a hot topic in recent years in education. The objective of RTI is to provide all students with high-quality instruction and universal screening in the general education classroom; hence identifying students who need higher level academic and behavioral supports to be successful in the classroom (Gorski, 2019). “RTI is designed for use when making decisions in both general education and special education, creating a well-integrated system of instruction and intervention guided by child outcome data” (Gorski, 2019, p. 1). Fletcher and Vaughn (2009) further explain RTI by stating the purpose of RTI is to “screen all children for academic and behavioral problems; monitor the progress of children at risk for

difficulties in these areas; and provide increasingly intense interventions based on the response to progress monitoring assessments” (p. 30). RTI services can be provided to students by a variety of education professionals, such as the classroom teacher, special education teacher, paraprofessionals, and/or specialists (Gorski, 2019). In order to make RTI supports successful, it’s important for the general education, special education, Title I, and other specialized teachers to collaborate to make sure the implementation of supports is done with validity (Fletcher & Vaughn, 2009). “When properly implemented, response to intervention is integral to making effective special education referral and eligibility decisions” (Hoover, 2010, p. 290).

RTI provides assistance to students who struggle in an immediate manner compared to making students wait for academic assistance after they have gone through a time consuming approval process for special education services (Hoover, 2010). IDEA clearly states students struggling with academics should have access to academic interventions before a formal referral for special education services is made (Hoover, 2010). The RTI process is a contemporary way for educators to provide the needed interventions to identified students before the student is put through the process of qualifying for special education services. It is of importance to note that RTI data collected may have discrepancies in it compared to the data needed for determining special education eligibility. Such discrepancies could be due to potential achievement, expected achievement, or dual discrepancy. According to Hoover (2010), potential achievement is when the student’s intellectual capacity is compared to what their actual capacity is; expected discrepancy occurs when the student’s intellectual capacity is compared to what is expected based upon the student’s grade or age level; and dual discrepancy takes place when both the expected rate of intellectual capacity is compared to what is expected based upon the student’s age or grade and the expected intellectual capacity is compared to the student’s actual capacity.

There are three tiers or steps to RTI. The idea is that with each tier or step, instructional or behavioral support become more individualized and in-depth to better support the students. Tier 1 is where the high-quality classroom instruction, screening, and large group interventions take place (Gorski, 2019). All students in the classroom partake in Tier 1. It is the everyday classroom instruction and supplemental instruction that takes place, directed by the general education classroom teacher. All students are screened, with those showing signs of possible academic or behavioral concerns being assessed frequently with progress monitoring probes (Fletcher & Vaughn, 2009). Teachers continue to receive on-going professional development so they can provide effective classroom instruction and differentiate instruction and intensity with flexible strategies and evaluations.

Should a student not make academic or behavioral progress after classroom supplemental instruction, the student would be moved to Tier 2 with targeted interventions (Gorski, 2019). During Tier 2, more intensive instruction is provided to the student for the student to increase their level of success and progression rate. The student may receive academic or behavioral support in a small-group setting while also accessing the general education classroom lessons. Typically Tier 2 supports are conducted in groups of about three to five students for 20-40 minutes each day (Fletcher & Vaughn, 2009). Should Tier 2 supports not be enough to assist a student to academic or behavioral success, the student will access Tier 3 supports.

Through Tier 3 supports, students are able to “receive individualized, intensive interventions that target the students’ skill deficits” (Gorski, 2019, p. 2). Tier 3 supports are traditionally provided in even smaller groups of only one or two students with an increased time of 45-60 minutes each day with a specialized teacher (Fletcher & Vaughn, 2009). Should a student still not reach the needed level of progress, and then the student may be evaluated for

special education services, using data collected through each of the Tiers. While RTI is traditionally provided to students in the general education classroom, RTI supports can also be provided to students already accessing special education services (Fletcher & Vaughn, 2009).

Data-Informed Decision-Making

When data is collected on a student's academic progress through RTI and informed, appropriate academic and behavioral decisions are made, educators are taking part in data-informed decision-making (DIDM). DIDM is defined as "the practice of teachers and administrators systematically collecting and analyzing a variety of data to guide instructional decisions and advance the performance of students and schools" (Curry, Mwavita, Holter, & Harris, 2014). Teachers continually collect data and analyze during nearly every moment they are in their classroom and with students. They collect and analyze data in various forms, such as assessments, observations, and assignments (Marsh, Pane, & Hamilton, 2006). Teachers face the decision of how to use the data they collect, and how the data will impact their classroom, teaching practices, and student's learning. The data could be simply collected and then ignored or it could be collected and used to make a positive difference in the learning environment. Marsh et al. (2006) indicate that teachers are drowning in too much data. Additionally, data could be collected but not needed or appropriate for a given situation. Educational data-informed decision-making, according to Curry, Mwavita, Holter, and Harris (2016) is the practice of teachers and administrators comprehensively collecting and analyzing a variety of data to inform instructional decisions and improving the performance of students and students. In theory, the more data an educator has should lead to more informed and better decisions and improved educational practices.

Educators collect data from their students through observing the students in academic environments, academic practice, labs, various assessments, demographic information, school attendance records, and grades (Schifter, Natarajan, Ketelhut, & Kirchgessner, 2014). Each type of data collected can serve a purpose in informing educators what they can do to better educate their students; however, the correct type of data has to be collected to inform the question being posed. For example, if a teacher has observed a student struggling with reading at grade level but feels they need more data to support their gut instinct would want to collect data from formative, summative, and standardized assessments; timed readings; grades; and practice work verses collecting demographic information and attendance records. While knowing a student's demographics and attendance record may predict a student's reading ability, the data collected are not the appropriate types of data to support determining the student's reading ability.

Once the appropriate data is collected, the data needs to be analyzed in a way that will provide meaningful information for the teacher to improve either their teaching or assist a student to improve their academic performance. Schifter et al., (2014) points out "the key to successful use of [data-informed decision-making] principles is helping teachers understand how to use disparate data to further understand their own students' misunderstandings or misinterpretations, as evinced through test scores or experiential evidence" (p. 428). In turn, this means a teacher must use the data to make an informed decision to make an informed decision about educational practices and instruction. All the data collected by teachers, on an ongoing basis, becomes like a puzzle for teachers to put the pieces together to determine the best practice for moving forward. "At the classroom level, [data-driven decision-making] is a learner-centered teaching tool that supports differentiated instruction by providing information that helps

teachers tailor instruction to fit both class and individual learning needs” (Schifter et al., 2014, p. 428).

When data has been collected and analyzed, the findings of the data need to be given to the appropriate person(s) so that the needed steps can be taken to put an academic plan of improvement into place (Marsh et al., 2006). While a district administrator would be interested in literacy assessment results for seventh grade students, the district administrator would not be the appropriate person to have assessment data, grades, and observation notes and academic plan of improvement on a specific student. At the same time, should a district take a comprehensive look at literacy data across a specific grade level across the district and develop a plan of action for professional development, a single teacher would not be the appropriate person to implement the professional development plan for the district.

Data collection is important in the classroom to improve a teacher’s strategies; to assist a student with their academic performance; and for a district to develop and implement a professional development plan (Marsh et al., 2006). Without data, educators would not know where they need to focus their efforts or even if there was a need for additional attention in a specific area. Educators are charged with the task of seeing their students succeed in the classroom. Teachers who are effective and focus their efforts where the data shows are necessary are the most important factor in how their students perform (Curry et al., 2016).

Analysis

The literature and research indicates that students with special needs are in fact being provided services in the special education setting; however, the services are not always provided with equity in the least restrictive environment or the most appropriate environment for each student. “At its core, IDEA is about delivering individualized, effective instruction for every

child with a disability who needs it and providing reasonable people at the local level with the tools, decision-making authority, and procedural safeguards needed to assure equitable treatment” (Ferretti & Eisenman, 2010, p. 382). Research indicates many general education teachers are not familiar and/or comfortable with educating students with special needs in an inclusive classroom setting. Special education teachers perceive themselves slightly better equipped to provide engaging academic activities for students with special needs in an inclusive classroom setting than their general education teacher counterparts (Shoulders & Krei, 2016); however, the research indicates that all teachers, regardless of specialty area, are in need of more instruction, and guidance, both pre-service and as professional development, for actively engaging and including all students in academic lessons and the classroom (Kahn, Lindstrom, & Murray, 2014 and Shoulders & Krei, 2016). “It can be said that the amount of hours spent in professional development in co-teaching is directly correlated to teacher efficacy in student engagement” (Shoulders & Krei, 2016, p. 27).

Students with IEP’s, while placed in a general education classroom, do not always have access to an inclusive education simply from being placed in the general education classroom; additionally, students with IEP’s do not always have their educational needs met in a general education classroom (Ballard & Dymond, 2016). When students with IEP’s have an adult, such as a paraprofessional, attend general education classes with them, often times the student with special needs is overlooked for participating in peer group activities (Ballard & Dymond, 2016). It is often assumed; the paraprofessional will be part of the group and assist the student with special needs; hence forcing the student with special needs to be further separated from their peers and over relying on adult support (Ballard & Dymond, 2016). While paraprofessionals are needed to help meet the academic and behavioral needs of students with special needs, it is

possible for the paraprofessional indirectly inhibit the student's access to an inclusive education and classroom (Ballard & Dymond, 2016). "Students with disabilities are not receiving the same [academic experiences as their peers]" (McLaughlin, 2010, p. 274). It is possible that the label of student with special needs can and does determine how other students and teachers perceive and treat the student; in turn, adversely impacting the student's academic potential (Shifrer et al., 2019). Additionally, the label of "special needs" may strongly affect what the students think and believe about themselves, in turn impacting what the student believes they are capable of achieving.

Ben-Porath (2012) points out that while students with special needs cannot be denied access to a free public education simply based upon a disability, students are often denied an appropriate education in the least restrictive environment due to being placed in a special education classroom for all or most of their academic day. While some schools may offer what is known as pullout services in a resource or supplemental service model, the student is still removed from the general education classroom and their peers, causing the student with special needs to be further separated and segregated from their peers. Students with special needs should be educated alongside their general education peers, while being provided academic modifications and accommodations to meet their educational needs (Marx et al., 2014). It is important for all members of the IEP team to know what accommodations are both needed and fair to be provided to a student with special needs). When the appropriate supports are put into place for a student with special needs, their potential to reach grade-level benchmarks greatly increases (Shifrer et al., 2019).

Application

IDEA outlines what educators need to do in order to provide students with special needs an appropriate education in an appropriate environment and with equity. While what is required of me, as a special educator, is detailed in IDEA, it is important that I make sure I am using a checks and balances system to ensure the academic and behavioral supports I am providing to students fall under the umbrella of what is appropriate and equitable in each student's circumstance. What may be equitable for one student may not be equitable for another student. At the same time, I need to make sure I take every precaution to ensure my students are truly being educated in the LRE for them. Again, what might be the LRE for one student does not mean it is the LRE for another student.

I believe the best way to ensure my students are having their academic and behavioral needs met is to operate an inclusive classroom and collaborate with my general education peers to help them establish a truly inclusive classroom. This inclusive classroom will allow all students to have the same opportunities to participate in hands-on learning activities, labs, and group work. Additionally, the inclusive classroom will strive to have all students as active participants in the classroom, learning from each other, regardless of their abilities. Paraprofessionals will be trained on how to support students in the classroom while encouraging students to be as independent as possible academically; therefore, reducing the student's reliance on adult support. The paraprofessional will also be trained in how to facilitate social interactions between general education students and students with special needs; often times students with special needs want to interact with their general education peers but do not know how to do such appropriately. At the same time, general education peers are deterred from interacting with their peers with special needs when there is a paraprofessional sitting near the students they are

supporting. By working with both paraprofessionals and general education classroom teachers to know how to facilitate interactions among all students, it is my hope that students with special needs will feel part of the academic environment with their peers and feel less segregated.

In creating an inclusive classroom and inclusive school, I believe it is important to have a mindset shift of teachers, administrators, and students alike when creating a welcoming environment for all students. It is important for the teachers and administrators to believe that all students are able to accomplish academic goals and objectives of the various lessons; however, this goals and objectives may not be accomplished in the same manner for each student. It's important to include differentiation in lessons and activities so all students can participate. When mindset changes are made by teachers, administrators, and students alike, there will most likely be less negative effects for all students but especially students with special needs, as they will be seen as simply a classmate and individual.

While it would be ideal for schools to shift away from segregated classroom for students with special needs, from an inclusive stand point, it may be difficult for students with special needs to have their academic needs met. While the segregated special education classroom and resource room do not promote inclusion of all students, the special education classroom and resource room are ways to help ensure students have their academic needs met. I believe it is important to promote peer-to-peer mentoring programs within the special education classroom. This could be a way to promote inclusion, where general education peers come into the special education classroom for one or two class periods a day and participate in academic lessons with the students with special needs. This would be a time to include differentiated learning and incorporate RTI supports into the classroom and lessons. This would also be a beneficial time to

help all students understand what equity in education means and what equity in education looks like for each of them, on an individualized basis.

In addition to having peers come into the special education classroom, the concept of co-teaching can be beneficial in the inclusive classroom environment. All students can be educated in one classroom, regardless of abilities, and there is the benefit of two teachers in the classroom, the general education teacher and the special education teacher. Both teachers are able to support all the students and promote the inclusive classroom environment. Through an inclusive co-taught classroom, I can help send the message to students that they are all-important and have a place within the school. This can be a way to promote acceptance of each other and acknowledge that having a disability is as natural as breathing for many. This is also away to remove academic labels, such as learning disabled or gifted, and ensures all students have the same academic opportunities. If their peers accept students with special needs, how will their social-emotional health improve in the long run? Will there be less stigma and segregation both in school and in society as a whole? Are there ways to promote acceptance of students with special needs with their peers in addition to the models discussed within this paper? One would think, if all students are accepted, despite their abilities, there would be more equity within the classrooms; if students are accepting of one another's differences and uniqueness's, then perhaps teachers and other adults would learn to be both comfortable and confident in their ability to educate all students.

All students are currently monitored academically for their progress through various academic assessments. Using the data from these assessments is critical in determining what types of academic accommodations and modifications are needed to support each individual student. The use of DIDM is especially important for students with special needs. I need to

make sure I continually and consistently monitor my students with IEPs to ensure they are being provided an appropriate education for them in the LRE. Additionally, DIDM can help drive professional development opportunities for teachers in becoming better equipped to work with students with special needs. This professional development could be centered on RTI and other interventions for working with students who have academic challenges and struggles. In order for the RTI process to be beneficial to students both before special education services and after, all teachers need to make a shift from the education models of yesteryear to a true RTI model in order to ensure the value of the special education eligibility decision-making (Hoover, 2010).

In looking forward, I wonder how teaching self-determination skills in an inclusive, co-taught classroom might impact the success of students with special needs? While there is some research centered on this, there seems to be unanswered questions about the intensity of the instruction and the frequency. At the same time, I wonder how incorporating the teaching of self-determination skills into an IEP and using DIDM to drive the teaching of the self-determination skills might improve or reduce the stigma and segregation students with special needs experience in the classroom and society. Is it possible that if the stigma and segregation students with special needs currently experience lessened or disappeared entirely that they would have access to an education with equity in an appropriate environment? Would there be less stigma and segregation for students with special needs if all students were taught self-determination skills beginning as early as preschool? How does having a positive, caring adult role model impact the success of students learning and being successful with self-determination skills? I strongly believe there needs to be further research into beliefs teachers, educators, and society have and how those beliefs impact how we, as teachers, educate our students with special academic needs.

Conclusion

All students, regardless of their abilities, are guaranteed access to a free and appropriate education in the least restrictive environment through federal education legislation. IDEA further ensures that students with special needs have access to an appropriate education with appropriate modifications and accommodations for the student's individualized needs, also known as the LRE (O'Dell & Schaefer, 2005). While IDEA mandates that students with special needs have access and be placed in the LRE, more often than not the students are placed in a more restrictive educational setting than is needed (O'Dell & Schaefer, 2005). By placing students in an educational environment that is more restrictive than what they need, the educational team is not providing the student with equity in their education. Ben-Porath (2012) states that "the demand to include children with disabilities in public education has required shifts in policies regulating resource allocation, pedagogical approaches, teacher training, and other dimensions of public schooling" (p. 27).

The literature shows that students with special needs are in fact not being provided equity in their education while also being educated in the LRE and being provided a FAPE. There are years of court cases to support the lack of equity, LRE placement, and FAPE. Each court case has a different outcome; however, the message has been clear in each court case, that students are required to have access to an education to meet their individualized needs; however, what the court determines to be appropriate and acceptable in meeting those individualized educational needs varies.

Over the years, schools have attempted to use inclusive classroom practices to meet the needs of all learners. True inclusive practices have not been accomplished in many classrooms and districts due to lack of administrative support and teacher professional development or

knowledge. Additionally, many general education teachers do not feel comfortable in providing academic instruction and support to students with special needs. In turn, most students with IEPs end up being segregated from their general education peers by being placed for the entire academic day or most of the academic day into a special education classroom that is not near the general education classroom. This act of segregating students with special needs from their peers is similar to the time when blacks were separated from whites in American schools. While it may not be the intent of the school district or the building administration, when students with special needs are segregated from their general peers more harm than good comes from the classroom segregation. Students with IEPs may also be pulled out of their general education classroom for supports and services in a resource type environment; again, further labeling and segregating the student from their general education peers.

While segregating students with special needs does not provide them with equity in their education, placing students with special needs in the general education classroom but not truly including them in the activities or with their peers also does not provide equity in their education. Educators need to take a look at what is being expected of all students, from a standards standpoint, and then differentiate lessons and materials to meet the academic needs of each student. Educators can use assessment information to help drive their lesson modifications through DIDM. When DIDM is used to guide lesson modifications and individualize work for students with special needs, the students are more likely to get the most out of their academic career.

Students with special needs also need access to lessons and practice in building self-determination skills. Students who have the opportunity to make decisions about their life in a safe environment or through role-playing tend to be more successful in adult life and make better

choices. Students need the opportunity to self-advocate, determine which classes to take, and even what foods to put on their lunch trays. These choices will help the student not only be more successful in life skills, but also help them establish better academic skills and social skills.

When students with special needs have the opportunity to be successful in both school and life, they are more likely to feel part of their community and school peer group.

There is still much work to be done to ensure all students with special needs are provided a free and appropriate education in the LRE with equity. If teachers, both special education and general education, take time to learn about their students and the student's needs, continue to seek professional development opportunities, and use DIDM, it is possible students with special needs can be provided a more equitable education. It will take time, practice, and patience on the parts of both educators and families to reach the point of students with special needs receiving the education they need and deserve. Continued research on methods to better include students with special needs in the general education environment, while providing an appropriate education is also needed. This further research could also look into how educators, in general, can gain self-confidence in educating all students, so students with special needs are not separated from their peers.

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