

Critical Public Policies

School social workers and other advocates have been working to make sure that students like David and Luis are not socially segregated from other children and that students like Jamika make it to school every day. Certain public policies and laws are relevant to advocating for the rights of students like David, Luis, and Jamika. The most critical policy is the one that guarantees the right to free access to the least restrictive and most effective learning environment.

Students with Disabilities



EP 5a, 5b

Special education does not have to mean separate education. As noted earlier, the Education for All Handicapped Children Act of 1975, which set legal standards and requirements for education of children with disabilities, was reauthorized in 1990 as the **Individuals with Disabilities Education Act (IDEA)**, and most recently reauthorized again in 2004. The intent of IDEA is to limit removal of children with disabilities from regular education classes or schools. IDEA's policy of **inclusion** involves making every effort to educate a child with a disability in his or her own neighborhood school and with his or her own peers. Support services are brought to the child, rather than taking the child to services in a special school. Unless the IEP stipulates a special reason to move the child, he or she should attend the regular neighborhood school or be moved to an appropriate school as close as possible to his or her home. In other words, significant efforts must be made by the school district to find an inclusive placement.

By itself, the law does not protect David's interests. If school administrators, teachers, parents, and especially school social workers do not develop a culture of inclusion, children like David are often stared at and called names and receive inadequate support services. Sometimes, the school social worker and the parents have to fight the school district to be sure each child receives a free and appropriate education.

For example, in 1994, the Sacramento City school district was challenged in court by the Holland family (*Sacramento City School District v. Rachel H.*, Ninth Circuit Court, 1994). Rachel Holland has a moderate intellectual disability with an IQ of 44. In 1989, when Rachel was seven, her parents asked the school district to mainstream her full-time in a regular education class. **Mainstreaming** is the act of removing a child with a disability from special education classes and placing him or her in one or more regular education classes. The school district rejected the request, instead proposing that Rachel be placed in a special education classroom for academic subjects and a regular education classroom for nonacademic activities such as art, music, and recess. The Hollands put Rachel in a private school while they battled the school district in the courts. The court eventually decided in their favor.

The judge used four questions to guide his decision.

1. *What were the educational benefits of placing Rachel in a full-time regular education program?* The judge decided that the academic benefits favored placing Rachel in a regular education classroom. Rachel's private school

teacher testified that Rachel was a full member of the class, that she was doing well in math and the English and Hebrew alphabets, and that her communication skills were improving.

2. *What were the nonacademic benefits of a regular education placement?* The Hollands submitted evidence that Rachel was doing well with her social and communication skills. Her self-confidence was also high. The district's evidence showed that Rachel had been isolated from her classmates during the time she spent in special education classes.

3. *What effect might Rachel have on the teacher and other students in the regular education classroom?* The judge determined that Rachel was not disruptive or unruly in class and that she did not require a disproportionate amount of the teacher's time.

4. *What are the costs to the school associated with this placement?* The district argued that it would take \$109,000 to educate Rachel full-time in a regular education classroom. The figure was based on providing a full-time aide for Rachel, plus \$80,000 for schoolwide sensitivity training. The court found that the training could be provided at no cost by the California Department of Education if it was needed. The judge also felt that Rachel would not need a full-time aide.

Each child's situation, particularly the nature of the child's disability, will result in varying answers to these questions. Evidence is mounting that students with mild disabilities benefit enormously from inclusion. Students with disabilities who are included in regular education classes rank in the 80th percentile academically, while their counterparts in special education rank in the 50th percentile. In addition, students benefit from warm and caring friendships, growth in social cognition, and improvement of self-concept, and their classmates experience reduced fear of human differences, accompanied by increased comfort and awareness (Mastropieri, Scruggs, Guder, Thompson, & Weiss, 2013).

In a landmark case, *Garret Frey*, a student who is quadriplegic, sued his local school district for refusing to furnish a trained aide to provide extensive assistance while he was in school. Garret's case went all the way to the Supreme Court (*Frey v. Cedar Rapids Community School District*, 1998). In 1999, the Court ruled that the school district must provide an aide because IDEA guarantees a "free and appropriate public education" to students with disabilities (NAMI E-News, 1999).

Many children cannot afford to go to private school while their parents battle for their rights. To prevent long court battles, school social workers need to educate school districts about the requirements of IDEA, facilitate the inclusion of children with disabilities into regular education, and ensure that students are provided needed services.



EP 2

Poor and Homeless Students

The **Education of Homeless Children and Youth (EHCY)** program was established under the Stewart B. McKinney Homeless Assistance Act of 1987. The EHCY program provides grants to state and local educational agencies to ensure that homeless children like Jamika have access to the same free and appropriate