

SPECIAL EDUCATION

WHAT IS SPECIAL EDUCATION?

With the passage of federal legislation in the 1970s, students with disabilities were guaranteed legal rights to access a public education that would accommodate their specific learning needs. Prior to guaranteeing the right to access education, it was common practice for students with disabilities to be actively excluded from public education settings. Federal legislation was intended to ensure that all students have the ability to access the public education system through the program of special education.¹

The program of special education serves over 130,000 students across 295 Washington school districts. Special education provides services and supports to students with disabilities to help students access a “free and appropriate education.” In order to qualify for special education services, students must have their school performance “adversely affected” by one of the following qualifying conditions.²

- Deaf-blindness
- Emotional disturbance
- Multiple disabilities
- Specific learning disability
- Visual impairment
- Autism
- Hearing impairment
- Orthopedic impairment
- Speech or language impairment
- Deafness
- Intellectual disability
- Other health impairment
- Traumatic brain injury

A challenge in special education is that the terms ‘adversely affected’ and ‘school performance’ are not terms that have been specifically defined in federal or state law, so there can be variation in how those are interpreted from school to school. That means a student in one school may be identified for special education, whereas if they were in another school, they may not be identified.

WHAT IS A FREE AND APPROPRIATE PUBLIC EDUCATION?

A **free education** means that all eligible students with disabilities are required to be educated at public expense. Schools are not allowed to charge families



of students with disabilities to pay for their child’s special education services.³

An **appropriate education** may comprise education in general education classes, education in general education classes with the use of individual supports, or special education and related services in separate classrooms for all or portions of the school day.

Special education may include specially designed instruction in classrooms, at home, or in private or public institutions, and may be accompanied by related services such as speech therapy, occupational and physical therapy, psychological counseling, and medical diagnostic services necessary to the child’s education.

An appropriate education is designed to meet the educational needs of a student as outlined in a student’s Individualized Educational Program (IEP) in the “Least Restrictive Environment.”

Least Restrictive Environment (LRE) is a principle that guides the provision of special education services. LRE is an educational setting that prioritizes the inclusion of students with disabilities in a general education setting with their peers without disabilities whenever possible. In other words, special education students are general education students first.

The public school system must provide the required services and supports to every school-aged child with a qualifying disability, regardless of available funding.

INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP)

An IEP outlines what special education services and supports each student with a disability needs, as identified through an evaluation of a student's strengths and areas of growth, in order to access a free and appropriate public education. An IEP guarantees certain legal protections to a student and their family as a student accesses a free and appropriate education. The team involved in developing, maintaining, and amending a student's IEP includes: a parent or guardian, at least one of the student's general education teachers (if applicable), a special education teacher, a qualified district representative, a person who can interpret and relate evaluation results, a student (if appropriate), and other individuals as determined by the district or parent/guardian.

SPECIAL EDUCATION IN WASHINGTON STATE

The program of special education is part of the program of basic education and therefore is part of Washington's paramount duty. But our special education system is not adequately funded and resources are not effectively deployed, forcing local education agencies to have to backfill with funding from other, potentially unreliable sources, such as local levy money that should be allocated for other purposes.

Factors other than funding also prevent many students in Washington from reaching their full human potential. In Washington, we push out students with disabilities. Suspensions and expulsions are 2.5 times higher for students with disabilities.⁴ Our drop-out rate for students with disabilities is one of the nation's highest, while our inclusion rate is one of the nation's lowest.⁵

LOOKING AHEAD

We believe Washington state needs to assess and adjust how we accommodate and support the diverse and complex needs of students in public schools. Human potential is our state's most important asset. When we design schools and learning to be accessible and inclusive, we reach the greatest number of learners – and ultimately benefit from what they later contribute to our communities.

Goals for improving how students with disabilities are served:

- Build capacity of school staff and empower educators to support diverse learners and better meet the needs of all students.
- Build capacity and confidence of all students – including those with disabilities – to transition to post-secondary education, work, and life.
- Learning must be accessible. We do this by taking into account the physical space, communication and sensory needs, and social-emotional needs.
- Make sure the right supports and resources are available in every school. Every student should get what they need, when they need it.

¹ U.S. Dept. of Education, Free and Appropriate Education for Students with Disabilities, August 2010, <https://www2.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html>

² United States Code 2011, Title 20 Education, <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title20/html/USCODE-2011-title20-chap33-subchapl.htm>

³ Office of Civil Rights, Protecting Students with Disabilities – Frequently Asked Questions, <https://www2.ed.gov/about/offices/list/ocr/504faq.html>

⁴ OSPI Performance Indicators, Discipline Rates <http://www.k12.wa.us/DataAdmin/PerformanceIndicators/DisciplineRates.aspx>

⁵ Drop out and inclusion rate from the 39th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2017 <https://www2.ed.gov/about/reports/annual/osep/2017/parts-b-c/39th-arc-for-idea.pdf>.