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## TO ASSURE THE FREE APPROPRIATE PUBLIC EDUCATION OF ALL CHILDREN WITH DISABILITIES

Individuals with Disabilities Education Act, Section 618

### Twenty-second Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act

U.S. Department of Education

2000

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# Preface<sup>1</sup>

This *Twenty-second Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act* (IDEA) marks the 25<sup>th</sup> anniversary of the passage of P.L. 94-142, the Education for All Handicapped Children Act of 1975. The annual reports published since that time have informed Congress and the public of the steady progress made in implementing the Act and reflect a history of persistent commitment and efforts to expand educational opportunities for children with disabilities. The 25<sup>th</sup> anniversary of IDEA offers an opportunity to consider this important law and its history, to acknowledge the progress that has been made, and to look forward to the challenges ahead.

The terms used in the Act, and indeed the title of the law itself, reflect the nation's changing attitudes over the past 25 years toward persons with disabilities. For the first 15 years of its history, the Act referred to "handicapped children." A decade ago, however, Congress made significant changes in the title and wording of the law. The Education of the Handicapped Act Amendments of 1990 (P.L. 101-476) renamed the statute the Individuals with Disabilities Education Act (IDEA), and throughout the text, references to "handicapped children" were amended to read "children with disabilities." These changes reflected both the activism of persons with disabilities and their advocates and an increasing public awareness that "disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society" (U.S. Department of Education, 1995a, p. 5). Throughout this preface, quotations from the different versions of the law will reflect the language used in the law at that time.

Prior to the 1970s, millions of children with disabilities received inadequate or inappropriate special education services from the public schools; another 1 million children were excluded from school altogether (U.S. Department of Education, 1995a). In fact, for much of the history of American public schools, services to children with disabilities "were minimal and were provided at the discretion of local school districts" (Martin, Martin, & Terman, 1996, p. 26). Many States had laws that specifically excluded certain children, such as those who were deaf or blind, those with emotional or behavioral problems, and those who were "feeble-minded" (Weintraub, Abeson, & Braddock, as cited in U.S. Department of Education, 1995a). As Martin, Martin, and Terman (1996) report, "Only after Public Law 94-142 became effective in 1978 and, in several States, after Federal and State court cases, did 'education for all' policies become a fact" (p. 26).

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<sup>1</sup> This preface was prepared by Westat with the assistance of Dr. Thomas Hehir, former director of the Office of Special Education Programs, who is now at Harvard University.

## Background and History

In the 1960s, advocates sought a Federal role in providing leadership and funding for efforts to provide a free appropriate public education, or FAPE, to children with disabilities. Congress took a step toward this in 1966 when it established the Bureau for Education of the Handicapped under Title VI of the Elementary and Secondary Schools Act (ESEA). Subsequently, a number of initiatives earmarked small amounts of Federal funds for serving children with disabilities. As these programs proliferated, the Bureau recommended that they be codified under a single law (Martin, Martin, & Terman, 1996). The resulting Education of the Handicapped Act, P.L. 91-230, was passed in 1970.

During the same period--the 1960s and early 1970s--parents began to pursue State laws that would require local education agencies (LEAs) to offer special education services to students with disabilities and that would provide partial funding for those services. Despite the passage of such laws in a number of States and the provision of some Federal funding through P.L. 91-230, “many children with disabilities remained unserved or underserved by public schools” (Martin, Martin, & Terman, 1996, p. 28). It was clear that further Federal legislation would be required in order to ensure that students with disabilities were provided FAPE.

Two landmark Federal court decisions, *Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania* in 1971 and *Mills v. Board of Education of the District of Columbia* the following year, established that “the responsibility of States and local school districts to educate individuals with disabilities is derived from the equal protection clause of the Fourteenth Amendment of the United States Constitution” (U.S. Department of Education, 1995a, p. 1). These decisions set the stage for the enactment of a major new law, and “. . . States joined advocates in seeking the passage of Federal legislation to provide consistency, Federal leadership, and Federal subsidy of the costs of special education” (Martin, Martin, & Terman, 1996, p. 29).

By 1975, Congress had determined that millions of American children with disabilities were still not receiving an appropriate education, finding that “More than half of the handicapped children in the United States do not receive appropriate educational services which would enable them to have full equality of opportunity” (Education for All Handicapped Children Act (EAHCA), §3(b)(3)). Public Law 94-142 was enacted to remedy this situation by requiring that all students with disabilities receive FAPE and by providing a funding mechanism to help defray the costs of special education programs (Martin, Martin, & Terman, 1996).

Today, IDEA includes broad mandates for the provision of services to all children with disabilities, from the first grader with a speech impairment to the junior high

student with a history of emotional and behavior difficulties and the college-bound high school student who uses a wheelchair (Martin, Martin, & Terman, 1996). Despite the challenges involved in serving such a heterogeneous group, the key tenets of IDEA have remained intact since 1975 (U.S. Department of Education, 1998). Although provisions have been added or amended in order to expand the provision of services to younger groups of children with disabilities, or to improve the quality of the services provided under the law, the four purposes of IDEA have remained essentially the same: “to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their particular needs; to ensure that the rights of children with disabilities and their parents or guardians are protected; to assist States and localities to provide for the education of all children with disabilities; and to assess and ensure the effectiveness of efforts to educate children with disabilities” (U.S. Department of Education, 1995a, p. 1).

## Key Components of IDEA

The next section of this preface discusses some of the key components of IDEA. This discussion necessarily involves comparisons between different versions of the law and allows for reflection on the progress made in the 25 years since P.L. 94-142 was first enacted. Many of these constructs were included in the 1975 statute and have evolved over time. Other components were added as new challenges were identified.

### *Identification of Children with Disabilities*

When P.L. 94-142 was first passed, Congress was especially concerned that many children with disabilities were not succeeding in school because their disabilities had not been identified (Martin, Martin, & Terman, 1996). The emphasis on identifying children with disabilities, or child find, was a hallmark of the 1975 statute and of subsequent amendments. In addition, one of the basic purposes of IDEA has always been to ensure that children with disabilities are not excluded from school. The most recent data available suggest that the goal of seeing that children with disabilities are not excluded from school is being met: More than 11 percent of students ages 6 through 17 received special education and related services during the 1998-99 school year.

### *Funding Formula*

Because of the importance of child find efforts, the initial funding formula for P.L. 94-142 based allocations on the number of children with disabilities receiving special

education and related services in each State (Martin, Martin, & Terman, 1996). This funding mechanism remained essentially unchanged until 1997, although the amounts of the grants to States rose considerably in the intervening years.

Under the 1997 amendments, grants to States continued to be based on child counts. Starting in Federal Fiscal Year (FFY) 2000, with allocations made available beginning July 1, 2000, the year in which the Federal appropriation for Part B, Section 611 exceeded approximately \$4.9 billion, the funding formula changed. States now receive a base allocation consisting of the amount of Section 611 funds that the State received in FFY 1999. Eighty-five percent of the remaining funds after base allocations are made are distributed to States based on the relative populations of children ages 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of FAPE under IDEA. Fifteen percent of the remaining funds are distributed to States based on the relative populations of children that fall within the age range for which the State ensures the availability of FAPE under IDEA who are living in poverty.

### *Service Provision in the Least Restrictive Environment*

Prior to the passage of P.L. 94-142, the educational prospects for children with disabilities were bleak. This was particularly true for children with mental retardation and other severe developmental disabilities, many of whom were institutionalized. Today most of those children can expect to live at home, and many receive special education and related services in regular schools. For example, by 1997-98, just 8 percent of children with significant developmental disabilities<sup>2</sup> were served in separate schools or in residential facilities.

IDEA has long included provisions to ensure that students with disabilities are educated in the least restrictive environment possible, with a continuum of placements designed to meet the individual needs of each student with a disability (S. Rep. No. 105-17, 1997). Seventy-five percent of the more than 5.5 million 6- through 21-year-olds with disabilities served under IDEA in 1997-98 were educated in regular classrooms, with their nondisabled peers.<sup>3</sup>

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<sup>2</sup> This figure includes students with mental retardation, autism, multiple disabilities, orthopedic impairments, and deaf blindness.

<sup>3</sup> This figure includes students who spent 60 percent or less of their time outside the regular classroom.

## *Services to Infants, Toddlers, and Preschoolers*

As the importance of early identification and service provision has become apparent, Congress has acted to expand IDEA's support for services to younger groups of children with disabilities. The EHA Amendments of 1986 established the Early Intervention Program for Infants and Toddlers with Disabilities under Part H (now Part C) of IDEA. The program was created in response to congressional findings of "an urgent and substantial need" to provide early intervention services to infants and toddlers with disabilities (EHA Amendments of 1986, §101(a)). By September 30, 1994, all States and jurisdictions had ensured full implementation of the Early Intervention Program (U.S. Department of Education, 1995b). Full implementation has made a substantial difference in the number of young children served. In 1991-92, 145,313 infants and toddlers were served under Part C, while nearly 189,000 children ages birth through 2, along with their families, were served under Part C in 1998-99.<sup>4</sup> The Early Intervention Program provides the supports necessary to help families meet their young children's special needs.

In the EHA Amendments of 1986, Congress emphasized the importance of the preschool years by amending Section 619 of IDEA to replace the Incentive Grants Program with a new Preschool Grants for Children with Disabilities Program. In order to continue their eligibility to receive funding under this program, States were required to make FAPE available to all children ages 3 through 5 with disabilities by the 1991-92 school year. Today more than 573,000 3- through 5-year-olds with disabilities are served in preschool programs that help prepare them to be successful in school.

## *Parent Support*

Having a child with a disability means that parents must develop an understanding of how the disability influences development; it also means that parents need to become familiar with their rights under IDEA in order to ensure that their children receive appropriate services. To this end, in 1986 Congress required that awards for Parent Training and Information Centers (PTIs) to support parents be made in every State. Now there are 94 PTIs across the country, plus a Technical Assistance Alliance. In addition, 13 Community Parent Resource Centers work to meet the needs of racially and ethnically diverse communities.

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<sup>4</sup> Infants and toddlers were first under Part C in 1987-88; however, the data collection was unreliable in the early years of the program. Consequently, counts of children served under Part C are generally included in totals only from 1991-92 forward.

## *Improving Results*

The IDEA Amendments of 1997 reaffirmed the strong Federal commitment to the education of children with disabilities and did so within the context of education reform. Acknowledging that the nation had made great progress in expanding educational opportunities for children with disabilities, the Senate committee report that accompanied the 1997 amendments attested to congressional intent to place greater emphasis on improving educational results, moving away from the low expectations that have often plagued students with disabilities, and seeking expanded opportunities necessary for students with disabilities to prosper in the 21st century.

Section 612 of the 1997 amendments contained several new provisions that aligned IDEA with general education reform efforts. One of the most notable additions was the requirement that children with disabilities be included in State- and districtwide assessments, with or without accommodations as appropriate for each individual child. Alternate assessments must be developed for students who cannot participate in regular assessments. The law further stipulated that assessment reports were to include disaggregated data on children with disabilities. And Congress made a further effort to include students with disabilities in accountability programs by requiring each State to establish performance goals and indicators for children with disabilities.

The 1997 amendments also made some changes to the individualized education program (IEP), long a cornerstone of IDEA, in order to align the statute with general education reform. One purpose of the amendments was to ensure that students with disabilities would have access to the general education curriculum. The Senate Committee on Labor and Human Resources wrote, “The majority of children identified as eligible for special education and related services are capable of participating in the general education curriculum to varying degrees with some adaptations and modifications. This provision is intended to ensure that children’s special education and related services are in addition to and are affected by the general education curriculum, not separate from it” (S. Rep. No. 105-17, 1997, p. 20). To this end, the 1997 amendments required that the IEP address how a student with disabilities will access the general education curriculum. Similarly, the IEP must include a statement of any individual accommodations or modifications a student requires in order to participate in State- and districtwide assessments.

Congress also sought to make IDEA a part of overall education reform efforts by allowing IDEA funds to be used in conjunction with other Federal funds to assist in the development of schoolwide programs under Title I of the Elementary and Secondary Education Act and by establishing new State Improvement Grants (SIGs) to assist States in their efforts to improve education for students with disabilities. The purpose of the SIG program is to assist State education agencies and their

partners in engaging in comprehensive reform and improvement of their efforts to provide services to children with disabilities.

### *Personnel*

A comprehensive system of personnel development has always been an integral part of IDEA. With each set of amendments to the law, Congress has encouraged the expansion of the professional workforce to support the millions of children served under IDEA. When data were first reported in 1976-77, there were 331,453 teachers and related services personnel providing services to children with disabilities; today there are more than 800,000. Personnel preparation efforts supported under IDEA have helped States staff their classrooms with teachers and paraprofessionals trained in special education and related services fields and have promoted innovation in teacher preparation. Recent IDEA-funded projects have focused on using the Internet to provide distance education for teachers of the visually impaired in rural areas, developing effective models of in-service training for veteran teachers, and integrating the preparation of general and special educators.

### *Transition*

By 1990, researchers and practitioners had recognized the importance of careful planning to help students with disabilities move from school to adult life. The inclusion of transition planning in the EHA Amendments of 1990 “occurred in the context of at least a decade of attention to the need to develop transition policies, programs, and services for youth with disabilities that would allow them to make successful transitions. . . .” (U.S. Department of Education, 1999, p. IV-53). The 1997 amendments reinforced the importance of transition planning by requiring that IEPs for students age 14 and older include a statement of the student’s transition service needs; this statement must be updated annually. In addition, beginning at the age of 16 (or younger if appropriate), the IEP must include a statement of needed transition services for the student, including interagency responsibilities and necessary linkages. According to the U.S. Department of Education (1999), “These transition statements are designed to provide instruction, related services, and community experiences that lead to positive postschool results in postsecondary education and training, employment, adult services, independent living, and community participation” (p. IV-53).

Through IDEA, Congress has funded systems change grants to the States in order to help States develop the capacities and collaborations necessary to ensure successful transitions. Congress also funded State- and local-level implementation studies of Federal transition policies to determine progress in meeting IDEA’s transition mandates (U.S. Department of Education, 1999). To further bolster transition

efforts, the Office of Special Education Programs (OSEP) funded a series of projects in the area of self-determination. These projects have demonstrated to educators, parents, and young people with disabilities how students can take a substantive role in planning for their own future. Rising rates of employment and postsecondary enrollment among students with disabilities suggest the importance of transition planning and services for these students.

### *Research*

Early versions of IDEA authorized discretionary grants for research related to the education of children with disabilities, including studies designed to increase the special education knowledge base and improve the educational services provided to children with disabilities. But the EHA Amendments of 1986 brought an increased focus on research in the special education field, as Congress authorized several specific studies designed to provide more information about children with disabilities. For example, the 1986 amendments called for a major longitudinal study of the educational and occupational results experienced by students with disabilities. The National Longitudinal Transition Study (NLTS) examined the educational progress of a sample of students in special education, then followed those students to determine their educational, occupational, and independent living status after their exit from special education. The 1986 amendments also included a mandate for a study of special education expenditures, as well as a series of studies of special populations of children with disabilities. Special populations specifically mentioned in the amendments included American Indian children with disabilities, Native Hawaiian and other native Pacific basin children with disabilities, migrant children with disabilities, children with disabilities living in rural areas, and children with disabilities who had limited English proficiency (EHA Amendments of 1986, §406).

More recent amendments to IDEA have also emphasized the importance of conducting and disseminating research to add to the knowledge base and improve results for students with disabilities. In the 1990 amendments, for example, Congress authorized “the establishment of a center or centers designed to organize, synthesize, and disseminate current knowledge relating to children with attention deficit disorder. . . .” (EHA Amendments of 1990, §501). Another example is an investigation of the early reading problems of students with learning disabilities. This work pointed out the importance of early attention to phonemic awareness and is now used throughout the country to improve reading instruction for students both with and without disabilities.

Section 674(b) of the IDEA Amendments of 1997 authorized a full national assessment of activities carried out under the Act, including a series of research studies. Four of the studies will be child-based. The first of these, the National Early

Intervention Longitudinal Study (NEILS), will follow children entering early intervention services. Preliminary findings from NEILS are included in this *Annual Report to Congress*. Another project, the Pre-Elementary Education Longitudinal Study (PEELS), will involve a nationally representative sample of 3- through 5-year-olds with disabilities. The study will follow the children through their experiences in preschool and into early elementary school.

The Special Education Elementary Longitudinal Study (SEELS) will follow a cohort of students in special education who are 6 through 12 years old at the beginning of the study. SEELS will focus on these students' school experiences during the elementary and middle school years and as they transition from elementary to middle school and from middle to high school. The second National Longitudinal Transition Study (NLTS-2) is a 10-year project that will follow a sample of 13- to 17-year-old students receiving special education until the oldest reach age 25.

Three of the National Assessment studies are policy based. The Study of Personnel Needs in Special Education (SPeNSE) was designed to address concerns about nationwide shortages in the number of personnel serving students with disabilities and the need for improvement in the qualifications of those employed. SPeNSE will provide information on the quality of the special education workforce nationally, within each geographic region, and within and across personnel categories. In addition, researchers will explore ways to assess the quality of the workforce based on State and local policies, preservice education, continuing professional development, and working conditions.

Another study, State and Local Implementation of IDEA (SLIIDEA), will examine how the IDEA Amendments of 1997 are being implemented by States, school districts, and schools. In particular, the project will address issues focused on student performance, access to the curriculum, behavioral supports, parental involvement, and transitions for young children to school and youth to adult life. Finally, the Special Education Expenditure Project (SEEP) will be the first comprehensive look at special education expenditures in 15 years.

The group of studies that constitute the national assessment represent important investments in research designed to address particular areas of concern within the special education field. Findings from these studies will be reported in the *Twenty-third Annual Report to Congress on the Implementation of IDEA* and in subsequent annual reports.

## Conclusions

Although some of the emphases of IDEA have changed since P.L. 94-142 was first passed in 1975, the central tenets and purposes of the law have remained the same. In the intervening 25 years, Congress has repeatedly acted to strengthen IDEA, to further align the law with movements in general education, and to address emerging needs among the population of students with disabilities.

As we look to the next 25 years, the nation will need to address many critical issues if the progress begun under IDEA is to continue. The special education knowledge base and the data presented in this report suggest a number of questions: How will we as a nation address the growing shortage of qualified special education teachers and related services personnel, particularly those from culturally and linguistically diverse backgrounds? How will we ensure that special education personnel have the skills they need to effectively serve students with disabilities? What strategies are most effective in helping students with disabilities to meet higher educational standards? What are the most effective models for serving infants and toddlers and their families in natural environments? How can our school systems best respond to the needs of language minority children? What are the best approaches for increasing the involvement of parents from racial/ethnic minority groups in the education of their children with disabilities? How can school districts use assessment data to improve educational opportunities for students with disabilities? How can the Federal government ensure that all school systems properly implement IDEA?

Our response to these and many of the other challenges facing the field of special education will depend on the same stakeholders that have helped achieve the progress made thus far--parents, teachers, researchers, and advocates--working in partnership with the States and the Federal government to develop innovative methods of addressing those challenges. As it has been for the past 25 years, IDEA, with its guarantee of a free appropriate public education for all children, backed by Federal monitoring and guided by vigorous support for research, technical assistance, parent training, personnel development, and technological innovation, is the foundation upon which future progress depends.

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# Executive Summary

## Section I

**Context/Environment:** This section contains background information on the setting within which special education services are provided to children and youth with disabilities. The first module in this section describes the importance of minority institutions of higher education in the preparation of special education personnel. It also discusses some of the OSEP-sponsored programs at minority institutions that are anticipated to improve the quality of the workforce teaching children and students with disabilities.

The second module discusses prenatal exposure to alcohol and nicotine and its implications for special education. Prevalence of use and effects, service delivery for prenatally exposed children, and OSEP research initiatives are also discussed.

### *The Importance of Minority Institutions of Higher Education in the Preparation of Special Education Personnel*

- The need for personnel who are trained to work with minority students with disabilities is most acute in rural, remote, and urban districts. There is also a high demand for male practitioners.
- The supply of culturally and linguistically diverse related services personnel is not adequate.
- Programs in speech-language pathology or communication disorders are the most prevalent Minority Institution of Higher Education (MIHE) personnel programs in related services.
- MIHE graduates may expedite progress in educating culturally and linguistically diverse students with disabilities and contribute to the development of greater cultural competence among their colleagues. Collectively, they represent 24 percent of the nation's special education personnel preparation programs.

### *Prenatal Exposure to Alcohol and Nicotine: Implications for Special Education*

- Prenatal exposure to alcohol or nicotine can result in significant and far-ranging intellectual, behavioral, and emotional effects and thus have particular implications for special education.
- It is apparent that significant numbers of children prenatally exposed to alcohol and nicotine will require special education and related services.
- OSEP currently funds several research and personnel preparation projects intended to improve results for this population.

## SECTION II

**Student Characteristics:** This section contains five modules related to the characteristics of students served under IDEA and the Federal funding that States receive to serve these students. The modules on infants and toddlers, preschoolers, and students ages 6 through 21 served under IDEA summarize State-reported data. The fourth module describes a special population of children--those with co-occurring disabilities. This module presents a review of the literature, findings from the National Health Interview Survey-Disability Supplement (NHIS-D), and recommendations drawn from the literature. The final module, children with orthopedic impairments, describes this population, provides prevalence data, and discusses special education issues, personnel serving this population, and educational results for these children.

### *Infants and Toddlers Served Under IDEA*

- Comparisons of the children served under Part C with the general population of infants and toddlers by race/ethnicity showed a generally comparable distribution. However, race/ethnicity data were a new component of the 1998 data collection and should be interpreted cautiously.
- States continue to emphasize the home setting as a natural environment in providing services to infants and toddlers with disabilities.

### *Preschoolers Served Under IDEA*

- Over the past 7 years, the number of 3- and 4-year-old children being served grew at a faster rate than that of 5-year-old children, suggesting that children with disabilities are being identified and served at an earlier age.
- Race/ethnicity data suggest that minority enrollment in special education was similar in 1998-99 to the resident population of 3- through 5-year-olds.
- The majority of 3- through 5-year-olds served under IDEA received services in regular education classrooms with their nondisabled peers for 80 percent of the school day.

### *Students Ages 6 Through 21 Served Under IDEA*

- The number of students with disabilities served under IDEA continues to grow at a greater rate than both the resident population and school enrollment. State-reported reasons for this continued increase include better diagnoses and identification.
- In the 6 through 21 age group, Asian and white students were underrepresented in the special education population.
- Black students were overrepresented and Native American students were slightly overrepresented in the special education population.

### *Meeting the Needs of Students with Co-occurring Disabilities*

- One-third of students with disabilities who received special education and related services had co-occurring disabilities. The most common combinations were learning disability and speech/language impairment and learning disability with emotional disturbance.
- Caregivers of children with co-occurring disabilities requested services more often than caregivers whose children had only one disability and were less likely to report that they were satisfied with services provided to their children.

- OSEP is designing or completing a series of child-based studies that may be used to confirm or refute the findings of the NHIS-D related to the prevalence of co-occurring disabilities, demographic factors associated with co-occurring disabilities, services provided to this group of students, and education outcomes.

### *Students with Orthopedic Impairments*

- In 1997-98, 94 percent of students with orthopedic impairments attended schools with their nondisabled peers, and 47 percent of these students received special education and related services outside the regular classroom for less than 21 percent of the school day.
- In 1997-98, 72.4 percent of students ages 17 and older with orthopedic impairments graduated with a diploma. Another 12.8 percent received a certificate of completion. Data also indicate that students with orthopedic impairments have high rates of postsecondary enrollment.

## SECTION III

**School Programs and Services:** The three modules in this section examine some of the programs and services available within schools for children and youth with disabilities and their families. The module on educational settings for students with disabilities presents State-reported data on serving students in least restrictive environments. Applying positive behavioral support (PBS) in schools, the second module, describes the context in which PBS and functional behavioral assessment exist, features of the concepts, and their application to the school environment. The final module in this section, considering assistive and instructional technology for students with disabilities, provides a brief review of how past Federal investments in technology for special education have been instrumental in improving the lives of children with disabilities.

### *Educational Environments for Students with Disabilities*

- Over the past 10 years, the percentage of students with disabilities served in schools and classes with their nondisabled peers has gradually increased.

- The environments in which students receive special education and related services vary by student age and disability. More elementary-aged than secondary-aged students with disabilities are served in schools with their nondisabled peers across all disability categories.
- OSEP currently funds a significant number of grants that target placement issues, primarily inclusion.

### *Applying Positive Behavioral Support in Schools*

- PBS represents an important approach to identifying and organizing effective school practices, especially for students who present significant problem behaviors.
- PBS emphasizes teaching as a central behavior change tool and focuses on replacing coercion with environmental redesign to achieve durable and meaningful change in the behavior of students.
- PBS implementations consider community, family, district, school, classroom, nonclassroom, and individual contexts.

### *Office of Special Education Programs Technology and Media Services Program: A Focus on Implementation and Utilization*

- Beginning in the mid-1980s, OSEP focused resources on programs that would study pertinent issues about the use of technology in achieving educational results for students with disabilities.
- The overarching goals of the OSEP national technology program are: fostering lifelong learning; encouraging participation in diverse educational, domestic, work, and community environments; promoting equity in opportunity for individuals with disabilities; and enabling individuals with disabilities to be productive and independent.
- With OSEP's support, appropriate technology and media continue to be researched, developed, demonstrated, and made available in timely and accessible formats to parents, teachers, and other personnel who provide services to children with disabilities.

## SECTION IV

**Results:** There are three modules in this section. The first module provides a description of the characteristics of children and families entering early intervention. The module on high school graduation presents State-reported data on the graduation rates of students with disabilities by disability and by State. The third module, state improvement and monitoring, discusses OSEP's monitoring system and areas of compliance and noncompliance for both Parts B and C.

### *Characteristics of Children and Families Entering Early Intervention*

- Preliminary data from the National Early Intervention Longitudinal Study (NEILS) indicate that most children are eligible for early intervention because of a developmental delay, and these children are likely to enter early intervention later than children with a diagnosed condition or a risk condition.
- Data also indicate that there are more males in early intervention than are represented in the general birth-through-3 population and that families in early intervention are more likely to be receiving public assistance.
- Future analyses of NEILS data will provide information about the location, amount, and nature of services provided to children with disabilities; types of programs serving young children and their families; and the costs of early intervention relative to the benefits achieved.

### *High School Graduation*

- In 1997-98, 25.5 percent of students ages 17 and older with disabilities graduated from high school with a standard diploma.
- High school graduation rates for students with disabilities vary considerably by disability. Among those least likely to graduate were students with mental retardation, multiple disabilities, and autism.
- The percentage of students with disabilities graduating with a standard diploma varied considerably by State, ranging from a low of 6.8 to a high of 45.4.

- OSEP's efforts to understand factors influencing graduation rates for students with disabilities include funding for a second national longitudinal transition study, which will provide information on associations among high school completion, student characteristics, and educational services.

### *State Improvement and Monitoring*

- OSEP uses research, technical assistance, dissemination, demonstration, systems change, and other strategies to provide State and local early intervention providers and education agencies with tools to assist them in improving results for children with disabilities.
- OSEP's Continuous Improvement Monitoring Process is built around continuity, partnership with stakeholders, State accountability, State self-assessment, data, public process, and the provision of technical assistance.
- In States where there is evidence of substantial compliance with IDEA requirements, OSEP's focus is on the identification and implementation of best practices; in States not demonstrating compliance, OSEP works with the State to develop improvement strategies.



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## Introduction

The landmark Education for All Handicapped Children Act was passed in 1975 as a reflection of congressional determination that all children with disabilities be offered a free appropriate public education, or FAPE (U.S. Department of Education, 1981). The annual report to Congress on the implementation of IDEA dates back to 1979, when *Progress Toward a Free Appropriate Public Education: A Report to Congress on the Implementation of Public Law 94-142* was published by the U.S. Department of Health, Education and Welfare. By the time the second annual report was published in 1980, the Department of Education had been established and responsibility for the report had passed to that agency.

The primary purpose of the report to Congress has always been to examine progress in the implementation of the nation's special education law. Early reports looked at who was being served under the law and in what settings those services were provided. Those publications included State-reported data in an appendix, a feature that is still seen in today's annual report. However, the body of the report has been organized in a number of different ways over the past 22 years.

The first two annual reports were organized around six questions that constituted the evaluation plan for the Act, with a focus on data and administrative issues (U.S. Department of Education, 1981). The publication of the third annual report in 1981 saw the introduction of a number of lengthy chapters describing the State-reported data, State and local accomplishments and challenges in implementing the Act, and administrative strategies for implementation. Subsequent reports in the 1980s examined the impact of the Act and its implementing regulations (e.g., see U.S. Department of Education, 1983).

The *Sixth Annual Report to Congress*, published in 1984, began to shift the emphasis from the procedures of implementation to the quality of educational programs for children with disabilities (U.S. Department of Education, 1985). This trend continues today. Changes to the annual report have also resulted from changes to the law. For example, the *Ninth Annual Report to Congress* incorporated changes resulting from the EHA Amendments of 1983 (U.S. Department of Education, 1987). Specific changes included a more detailed statistical description of the children receiving services, a description of monitoring activities, and more information on discretionary programs. The ninth annual report was organized around four lengthy chapters based on the four purposes of the Act: to assure that all children with disabilities received a free appropriate public education, to assure that the rights of children with disabilities and their families were protected, to assist State education agencies

(SEAs) and local education agencies (LEAs) in their efforts to provide FAPE to children with disabilities, and to assure the effectiveness of efforts to educate children with disabilities (U.S. Department of Education, 1987).

The report format that was introduced in 1987 was in use for the next 9 years. In addition, the 1992 publication of the fourteenth annual report saw the introduction of a series of papers on special populations of students with disabilities, mandated by the EHA Amendments of 1986. The 1992 report included an appendix on two special populations, migrant students with disabilities and Native Pacific Basin and Native Hawaiian students with disabilities. Limited English proficient students with disabilities were studied as the special populations topic for the fifteenth annual report.

In 1994, the special populations study, this time on Native American students with disabilities, was moved to the main body of the report. The *Seventeenth Annual Report to Congress*, published in 1995, included a special populations report on serving students with disabilities in rural areas, and the eighteenth report looked at the needs of students with disabilities in the inner cities.

The *Nineteenth Annual Report to Congress* introduced a new format based on a conceptual framework that was designed to aid in the understanding of the different factors that affect educational results for students with disabilities. The 1997 report was divided into four sections: Context/Environment, Student Characteristics, Programs and Services, and Results. The issues discussed in the first three sections were envisioned as influencing the results described in the fourth section. Each section contained several individual modules on different topics of interest in the special education field. Taken together, the sections provided an overview of important issues affecting the education of students with disabilities (U.S. Department of Education, 1997).

The first section describes societal and educational forces that have an impact on the education of children with disabilities. The nineteenth annual report included modules on topics such as general education reform, poverty among children, and the disproportionate representation of racial/ethnic minorities in special education. The Student Characteristics section focuses on the population of students receiving services under IDEA, with individual modules on infants and toddlers, preschoolers, and students ages 6 through 21. The nineteenth report also included a module on students with attention deficit/hyperactivity disorder in the Student Characteristics section. The third section looks at school programs and services, and presents data on educational environments, as well as other topics. In the 1997 report, modules on promising classroom interventions, conflict resolution, and the inclusion of students with disabilities in statewide assessments appeared in the Programs and Services

section. Finally, the Results section of the nineteenth annual report highlighted State-reported exiting data and OSEP monitoring efforts and also included a module on the Part H Longitudinal Study. This four-section format is the one in current use for the annual report, and the data-based modules, monitoring module, and State-reported data tables are included in the report each year. Modules are typically written by staff members from OSEP-funded research centers and technical assistance projects and by Westat staff members; the monitoring module is traditionally written by OSEP staff.

The 1998 report was the second to rely on the modular format. The Context/Environment section included an overview of the IDEA Amendments of 1997 and a module on State accountability systems and students with disabilities. In addition to the data-based modules, the Student Characteristics section also presented a paper on gender as a factor in special education, which was the 1997 special populations topic. Under Programs and Services, there were modules on using individualized family service plans (IFSPs) with preschoolers and on national trends in the demand for and shortage of special education teachers. The Results section included papers on standards-based reform and students with disabilities and developing alternate assessments for students with disabilities.

The *Twenty-first Annual Report to Congress*, published in 1999, included modules on parent involvement in educating children with disabilities, developing a highly trained teacher workforce, school discipline and students with disabilities, paraprofessionals in the education workforce, and a special populations study on special education in correctional facilities. Modules in the Results section included an interim report from the National Assessment and a look at progress in implementing IDEA's transition requirements.

This volume of the annual report to Congress, the twenty-second, examines contextual and environmental factors such as the role of minority institutions of higher education in recruiting and training minority educators, and the implications of fetal alcohol and nicotine exposure for special education. In the Student Characteristics section, readers will find modules based on the State-reported data for infants and toddlers, preschoolers, and students ages 6 through 21, as well as papers on students with orthopedic impairments and students with co-occurring disabilities. School Programs and Services looks at positive behavioral interventions and supports, assistive and instructional technologies, and the State-reported educational environments data. In addition to the exiting and monitoring modules, the Results section also includes initial findings from the National Early Intervention Longitudinal Study (NEILS). The *Twenty-second Annual Report to Congress* also includes a special preface reflecting on the progress made in the 25 years since the initial passage of the Education for All Handicapped Children Act. Modules were written by staff from OSEP-funded research, training, and technical assistance projects, as

well as by OSEP staff, outside consultants, and Westat staff. The report was reviewed at multiple levels within the Department of Education. This report was produced by Westat under contract with the U.S. Department of Education and under the direction of the Office of Special Education Programs.

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