



**COUNCIL FOR EXCEPTIONAL CHILDREN**

**2010 POLICY MANUAL  
SECTION THREE - Part 1**

**Basic Commitments and Responsibilities to  
Exceptional Children**

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## **CHAPTER 01**

### **RESPONSIBILITIES OF THE COUNCIL FOR EXCEPTIONAL CHILDREN**

#### Para. 1 - Purpose

The Council for Exceptional Children is an association of professional and other persons whose principal purpose is to obtain optimal educational opportunity for all children and youth with exceptionalities. These children's needs differ sufficiently from other children's so that they require special educational and related services in addition to those presently available through regular education programs and other human service delivery systems. While the legal criteria that define children and youth with exceptionalities vary greatly from one governmental jurisdiction to another, The Council for Exceptional Children is primarily concerned about children and youth having sensory deficits, physical handicaps, mental retardation, behavioral disorders, communication disorders, special learning disabilities, multiple handicaps, gifts and talents, and children who are developmentally delayed or abused and neglected. Children and youth with exceptionalities are found in all communities regardless of socioeconomic or cultural factors.

#### Para. 2 - Governmental Relations

Public policy legislation, litigation, appropriation, regulation, and negotiated agreements are the means by which children and youth with exceptionalities have been guaranteed the educational opportunities of our society. The Council is deeply committed to the effective implementation of existing public policy in the interest of children and youth with exceptionalities. In addition, The Council seeks extension and creation of public policy in a manner which will encourage and augment quality service programs at all governmental levels. To provide the scope and kind of services needed, The Council endorses public policies that strengthen and enhance instructional programs for all children and youth. While such general provisions should benefit the exceptional child, The Council believes that specific policy provisions are necessary to offer those children and youth with exceptional needs the opportunity to develop to their fullest potential. In carrying out its governmental activities, The Council will be guided by the policies adopted by its members and by the directives of its governance.

#### Para. 3 - Advocacy by Members

The Council believes that all persons concerned about the education of children and youth with exceptionalities must initiate and maintain efforts to ensure that appropriate public policy is adopted, fully implemented, and enforced.

The Council recognizes that the provision of public services to children and youth with exceptionalities is a function of the governmental process. For this reason, The Council urges and supports the active involvement of its members in activities which will build greater awareness on the part of parents, communities, and governmental officials regarding the needs of children and youth with exceptionalities and will extend appropriate information to such bodies in their efforts to carry out the objectives of this policy statement.

The Council believes that it is the responsibility of all persons concerned about the needs of children and youth with exceptionalities to continually seek to improve government provisions for their education. In this regard, The Council pledges its assistance in providing needed information and in helping to develop the necessary strategies to attain improvement of educational services for children and youth with exceptionalities.

In our democratic societies, we have created systems of law to protect the individual from the abuses of society, particularly from abuses of the agencies established by society to serve its needs. In the attempt to provide what appear to be needed services, the rights of the individual may be overlooked. For this reason, The Council urges constant vigilance on the part of all persons engaged in the education of children and youth with exceptionalities to assure that the rights of these individuals and their families are understood and observed. The Council further suggests that all public programs and private programs utilizing public funds be open to review and that flexibility be provided to allow for judicial consideration of such matters.

#### Para. 4 - Accessibility

The Council for Exceptional Children provides a physical and emotional environment which is sensitive to the needs, feelings, and opinions of persons with varying mobility and communication needs. CEC makes special efforts to encourage the participation of members with exceptionalities in its activities and the utilization of its services. The Council for Exceptional Children:

- a. Identifies CEC members and other professionals with exceptionalities who would make use of communication, accessibility, and mobility resources.
- b. Facilitates communication between professionals with exceptionalities and CEC Headquarters staff.
- c. Orients CEC members and headquarters staff to the needs of professionals with exceptionalities.
- d. Informs professionals with exceptionalities about the resources available through CEC to enable their equitable participation in all CEC activities.
- e. Guarantees that all CEC sponsored activities are conducted in accessible and usable facilities and communication modes to ensure full and equitable participation of professionals with exceptionalities.

## **CHAPTER 02 EDUCATIONAL RIGHTS AND RESPONSIBILITIES**

#### Para. 1 - Education is the Right of All Children

The principle of education for all is based on democracy's philosophical premise that every person is valuable in his or her own right and should be afforded equal opportunities to develop his or her full potential. Thus, no democratic society should deny educational opportunities to any child, regardless of the child's potential for making a contribution to society. Since the passage of the first public school laws in the mid-nineteenth century, this principle has received general endorsement and qualified execution. While lip service has been paid to the intent of the principle, various interpretations of the terms "education" and "all children" have deprived many children of their rights.

The ordinary educational opportunities provided by the schools have tended to neglect or exclude children with unusual learning needs: the gifted and talented; those having sensory deficits, physical handicaps, mental retardation, behavioral disorders, communication disorders, specific learning disabilities, or multiple handicaps; and children who are developmentally delayed or abused and neglected. These children need special education and, in order to be able to benefit fully from this education, they need the opportunity to view themselves as acceptable to society. They need stable and supportive home lives, wholesome community interactions, and the opportunity to view themselves and others in a healthy manner.

Because of their exceptionality, many children need to begin their school experiences at an earlier age than is customary; many need formal educational services well into adulthood; and many require health and social services that are closely coordinated with school programs. Meeting these needs is essential to the total development of children with exceptionalities as individuals and as members of society.

For some decades now, educators and schools have been responding to the challenges of educating children with exceptionalities. Still, not all children are being provided for fully; the intellectually gifted child, for example, and many other children who need highly specialized services, are not receiving them. The community should extend its demand that school personnel learn to understand and serve the individual needs of these children as well as those more easily accommodated in the educational system. The surge of interest among educators in individualizing instruction hopefully will mean more sensitivity to the educational needs of all children, and particularly those with special needs.

Programs for children and youth with exceptionalities should be varied in nature and conducted in a variety of settings, depending on the individual needs of the child, the child's family, and the community. It is The Council's belief that society should have the legal responsibility to extend the opportunity for every individual to be educated to the full extent of his or her capacities,

whatever they may be or however they may be attenuated by special circumstances. There is no dividing line which excludes some children and includes others in educational programs. Clearly, every exceptional child has the right to a free appropriate public education which may not in any instance be compromised because of inadequacies in the educational system or existing public policies.

#### Para. 2 - Government Responsibilities for Special Education in Intermediate and Local School Districts

Intermediate and local school districts carry major responsibility for the quality of educational services to children and youth with exceptionalities and for leadership and coordination with other agencies to achieve comprehensive child centered services. Intermediate and local school districts should provide continuing leadership for all educational services in the community, including participation in the financing of every education program in the district and of any program outside the district which serves children and youth with exceptionalities at the district's request.

The Council believes that school districts should be responsible for an annual review of children and youth with exceptionalities who are legal residents of the district to assure that their education is proceeding adequately, even though they may be receiving their educational services outside their district of residence.

#### Para. 3 - State or Provincial Governments

The basic responsibility for guaranteeing an education to all children rests with state or provincial governments through their state or provincial education agencies; however, the fulfillment of this responsibility is effected in cooperation with federal and local education authorities. The Council believes that it is the responsibility of the state/province to guarantee each child comprehensive educational opportunities without cost to the child or the child's family. Special financial support should be offered to the intermediate and local districts or combinations of these units so that no excess local cost is involved in providing specialized quality programs, services, and facilities. While the cost of services for children and youth with exceptionalities varies greatly, such considerations should not affect the goal of optimal programming for every child. The Council believes that no financial incentive should be provided to encourage the adoption of a less than optimal education program. A particular responsibility of state/province governments is to provide progressive leadership and direction to coordinated state/provincial programs of special education and to provide coordination among the several departments of government other than education which may be called upon to serve children and youth with exceptionalities and their families.

#### Para. 4 - Federal Governments of the United States and Canada

The Council believes the federal government should give major attention to guaranteeing educational opportunities to children and youth whose education has been neglected. The federal government has a responsibility for assuring that the rights of children with exceptionalities are not violated. Because education of children and youth with exceptionalities has, in general, been a neglected area, special categories of support should be directed to meeting their needs. Federal financial aid should be directed to state or provincial governments for the education of children with exceptionalities.

The federal government should provide for support of professional leadership in the field of special education with emphasis on assessment of needs, planning of needed programs, preparation of personnel, and research.

The federal government should provide financial support to colleges, universities, and other appropriate agencies to assist in operating programs to prepare all needed personnel to conduct comprehensive special education programs and services.

The federal government should provide financial support to school districts and combinations of school districts that wish to provide innovative or exemplary programs for children and youth with exceptionalities or that, for any reason, enroll an unusually high proportion of children and youth with special needs.

The federal government should provide major support to programs in the field of special education that serve regional or national needs such as the education of migrant children.

In instances where the federal government assumes primary responsibility for the education of a group of children (i.e., American Indian and Alaska Native children in Bureau of Indian Affairs operated and contracted schools and the education of dependents in Department of Defense schools and programs), it must also provide appropriate special education to these groups. As one means of accomplishing this goal, the Department of Interior, Bureau of Indian Affairs, should maintain a specific budget line item for special education and related services for children with exceptionalities.

#### Para. 5 - Intergovernmental Planning

The success of the functions of federal, state/provincial, and local government requires close cooperative planning of a short- and long-term nature. Such planning requires excellence in communicative skills and facilities. Such plans for the education of children and youth with exceptionalities should form the basis for new and improved legislative and government policies at all levels of government.

#### Para. 6 - Compulsory Services and Attendance

The provision for universal education of children in a democratic society has been translated as a commitment to providing educational opportunities for every child, whatever may be his or her socioeconomic status; cultural or racial origins; physical, intellectual, or emotional status; potential contribution to society; and educational needs. This commitment to every child thus includes a commitment to children with unusual learning needs and to those with outstanding abilities and talents. Although providing education for these children may require a variety of specialized services and instructional programs, some costly and some requiring radical innovations in traditional educational structures, there is no basis for including some children and excluding others where the principle of universal education is concerned.

Some of the specialized services that may be essential if children with exceptionalities are to attend school include the provision of specialized transportation, functional architectural environments, personalized equipment and aids, individualized instructional programs, and special education and support personnel. Certainly the fiscal requirements for such programs may be great; if they are not instituted and maintained, however, the cost of neglect is infinitely greater and must be borne mainly by the children as well as by their families, communities, and society as a whole.

The commitment to education for all encompasses the responsibility for providing special forms of education to children and youth with exceptional characteristics and needs. This responsibility extends to all types of exceptionalities, regardless of the degree to which a child may eventually be able to contribute to society. To this end, The Council supports efforts to eliminate exclusionary clauses in compulsory school attendance laws and other such laws and administrative practices which deny children and youth with exceptionalities the educational opportunity they require.

#### Para. 7 -Maintenance of Educational Opportunity

The requirement to provide a free, appropriate, public education is constitutionally-based and cannot be abrogated for any child or group of children, regardless of any characteristics, disabilities, or traits of such children. Many children, including children with exceptionalities have been excluded from schools on the unacceptable grounds that they are disruptive, are perceived to be uneducable, or have undesirable characteristics.

Schools today face a growing challenge in educating students who are dangerously violent or destructive. In order for educational environments to be acceptably conducive to learning, behavior which impedes the ability of children to learn and teachers to teach must be minimized or eliminated. Schools have the responsibility to immediately consider changing the educational setting for any students who behave in a dangerously violent or destructive manner. If such an alternative educational placement is determined to be appropriate, such students must be placed in educational settings designed to meet their learning, safety, and behavioral management needs.

Few students receiving appropriate special education services become a danger to self and/or others. Rather, students with disabilities are more likely to be victimized than their nondisabled peers and would benefit directly from safer schools.

**Policy:** The exemption, exclusion, or expulsion of any child from receiving a free, appropriate, public education creates a greater problem for society and therefore should not be permitted. At the same time violent and destructive behavior is unacceptable in our schools. Acknowledging that such behavior occurs, CEC believes that schools have the responsibility to quickly and unilaterally move students who exhibit dangerously violent or destructive behavior to an alternative educational setting in which ongoing safety/behavioral goals and educational goals are addressed by appropriately trained or qualified personnel. This setting must meet the school's dual responsibilities of providing an appropriate, public education *and* a safe learning/working environment in an age- and culturally-appropriate manner.

Alternative placements and programs should meet standards of quality that promote learning environments that benefit students in positive and productive ways. Less than desirable alternative placements that serve to merely contain students without meaningful learner benefits should not be used. If the student has a disability, this setting must be selected by the student's individualized education program committee. If the student does not have a disability, another appropriate education committee should make this decision. If the alternative setting is contested, the current alternative setting will continue until the resolution of applicable due process procedures for a student with or without disabilities.

During the time a student is in an alternative educational setting, the local education agency must conduct a committee meeting (in the case of a student with a disability, an individualized education program committee meeting) as soon as possible. During this meeting, the following must be considered:

- a. Whether the student's violent behavior was an isolated incident and is not likely to happen again;
- b. Whether the environment in which the violent behavior occurred was appropriate given the student's age, cultural background, disability, related needs, and characteristics;
- c. Whether or not there are new characteristics within the student or environment necessitating further evaluation or, in the case of a student with a disability, a revision of the individualized education program;
- d. Whether the student's return to the previous educational setting with appropriate supports and related services would provide safety for self and others; and
- e. Whether the placement was the least restrictive environment for the student.

In determining an appropriate temporary placement for a student or when developing a new program if one is necessary, educators, parents, and other appropriate professionals should consider a variety of possibilities, such as:

- a. Maintaining the current placement with additional support services.
- b. Providing educational alternatives to suspension that afford students quality learning experiences.
- c. Utilizing documented effective behavioral interventions, curricular modifications, and accommodation strategies appropriate to the student's culture and designed to assist the student in controlling behavior.

Schools should ensure that all general and special educators involved in implementing the student's education program have opportunities for staff development to acquire the knowledge and skills necessary for effective implementation of the student's program. Providing systematic education about appropriate behavior to all students in the educational environment is also necessary. CEC also stresses the importance of the involvement and commitment of families and communities. CEC recommends that school districts, in collaboration with state/provincial agencies, community agencies, and juvenile justice systems, create appropriate alternative settings. The creation and maintenance of appropriate educational settings provide positive opportunities for all to work and learn and thus reduce the likelihood of future inappropriate behavior.

#### Para. 8 - Responsibility of the Schools for Early Childhood Education

Schools have traditionally assumed educational responsibility for children beginning at about age 5 or 6 and ending with late adolescence. Increasingly, it is apparent that formal educational experiences at earlier ages would pay rich dividends in the full development of the capabilities of many children with exceptionalities. Special educators have useful knowledge and many techniques for working with very young children with exceptionalities. What is needed is the identification of children who could benefit from early education and the actual implementation of programs.

Communities should make their schools responsible for conducting search and census operations through which children who may need specialized education at very early ages can be identified.

The voluntary enrollment of such children by their parents is inadequate because many parents may not be aware of the child's special needs or of available forms of assistance. Procedures for child study that encourage adaptations to the particular needs of very young children with exceptionalities are an important part of early education programs.

Schools should provide educational services for individuals according to their needs and regardless of age.

Schools should actively seek out children who may have specialized educational needs in the first years of their lives. A particular commitment should be made to initiate home care training programs for parents of infants with special needs, to establish specialized early childhood and kindergarten programs, and to utilize specialized components of regular early education programs to serve children with exceptionalities.

#### Para. 9 - Services to Children with Exceptionalities Ages Birth Through Five

The provision of services to children with exceptionalities from birth through 5 years of age must be made a priority. It is the premise of The Council that lack of such services currently represents the most serious impediment to the development of children with exceptionalities. There is mounting evidence of the effectiveness of programs for very young children with exceptionalities and their families.

Services to young children with exceptionalities are presently provided by a variety of systems at national, state, provincial, and local levels. There is little systematic coordination between agencies, and major service gaps remain unfilled. A national initiative is needed to establish plans for systematic coordination among the social, educational, and health agencies currently serving children with exceptionalities from birth through 5 years so as to ensure maximum benefits for these children and their families, and to plan for the future provision of additional programs to fill major gaps in service to this population.

Wide variations in service arrangements are necessary to meet the individual needs of children. The Council strongly supports the principle that services for young children with exceptionalities, whenever appropriate, be provided in a context which includes children without exceptionalities. Effective integrated experiences can further the development of children with exceptionalities and also can form the roots of respect for diversity in all children. Since the success of integrated programs relies heavily on the provision of specialized teacher training and supportive resources, the importance of such supports should be reflected in legislative and funding directives.

In expanding services for children with exceptionalities from birth through 5 years, it is essential that the central role of the parent in the young child's development be recognized. Programs must be designed to incorporate parental participation and to provide support for families in their role as the child's primary care provider. The training of teachers of young children with exceptionalities should be expanded to include skills in working with parents in mutually helpful ways so that parental and agency efforts in helping the child are strengthened.

#### Para. 10 - Responsibilities for Providing Continuing Education Services to Exceptional Youth

The Council believes that education is a lifelong process and that, instead of age, competency and maximal development should be the terminating factor with regard to formal schooling. It also believes that individuals with learning problems, particularly exceptional youth, frequently need education and periodic reeducation beyond the traditional school attendance ages to encourage their continuing development. These options might include postsecondary education, vocational education, job training, employment counseling, community living skills, and placement services in order to maximize their ability to contribute to society.

### Para. 11 - Migrant Exceptional Students

Exceptional students who are mobile, due to their parents' migrant employment, experience reduced opportunities for an appropriate education and a reduced likelihood of completing their education. Child-find and identification policies and practices, designed for a stationary population, are inadequate for children who move frequently. Incomplete, delayed, or inadequate transfer of records seriously impedes educational continuity. Interstate/provincial differences in special education eligibility requirements, programs and resources, minimum competency testing, and graduation requirements result in repetition of processing formalities, gaps in instruction, delays in the resumption of services, an inability to accumulate credits for graduation, and other serious inequities. In addition to the disruption of learning, mobility disrupts health care, training, teacher-student rapport, and personal relationships.

The Council believes that educational policies and practices should be developed at federal, state/provincial, and local levels to improve access to education for migrant children and youth with exceptionalities. These policies should include:

- a. A national system for the maintenance and transfer of special education records for migrant students with exceptionalities.
- b. Intrastate/provincial and interstate/provincial cooperation in the transfer of records and of credits.
- c. Flexibility in high school credit accumulation for migrant students with exceptionalities.
- d. Joint planning, coordination, and shared responsibility among special education, migrant education, bilingual education, and related programs.
- e. Funding patterns that adjust for variations in enrollment.
- f. Flexible scheduling and other programming options that adjust for student mobility.
- g. Routine monitoring of activities undertaken to identify the migrant exceptional student and to ensure educational continuity.
- h. Ongoing research efforts to promote, improve, support, and evaluate the education of migrant students with exceptionalities.
- i. Personnel training.
- j. Parent and family information programs to facilitate record transfer.

### Para. 12 - Children with Exceptionalities in Charter Schools

CEC vigorously supports educational reforms within the public schools which promote rigorous learning standards, strong educational outcomes, shared decision making, diverse educational offerings, and the removal of unnecessary administrative requirements. Charter schools, a form of public schools, are one approach many believe can be effective in achieving these objectives. However, such schools must reflect this country's commitment to free and universal public education, with equality of educational opportunity for all -- including students with disabilities.

Regardless of who takes responsibility for the delivery of educational services for children with disabilities who attend a charter school, the chartering agency -- and, ultimately, state or provincial authorities -- must ensure that the rights of children with exceptionalities are upheld. It is the position of CEC that the following criteria with respect to children with disabilities be adhered to when parents, professionals, and school district authorities consider the development of charter school policy, the content of contracts or agreements establishing individual charter schools, and the actual operation of charter schools.

- **Student Access.** Charter schools must be required to abide by the same federal or provincial nondiscrimination and equal education opportunity laws that apply to other public schools. Charter schools must not discriminate in their admissions policies, nor should they charge tuition or other mandatory fees. Disability status cannot be used as a criterion for excluding a child with a disability from attending a charter school, and policies governing admissions and students' participation in the school program should not inadvertently exclude children with disabilities.

- **Provision of Free, Appropriate Public Education.** As public schools, charter schools must be required to provide a free, appropriate, public education to students with disabilities, and to ensure all of the other basic fundamental procedural rights in accordance with applicable federal and provincial laws, such as the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act in the United States, including children's physical access to the education program offered. Enrollment in a charter school cannot be used to deny to a student with disabilities the free, appropriate education to which they have a right.
- **Financing the Education of Children with Disabilities.** Educational and other services required by children with disabilities, including special education and related services, can be provided directly by the charter school, or through alternative arrangements with other public schools, with local school districts, or with state or provincial education agencies. State, provincial and local policies for charter schools and, when appropriate, charter agreements themselves should explicitly identify responsibility for providing and paying for any special services associated with educating children with disabilities in charter schools, including the cost of building renovations and the provision of education and related services.
- **Accountability.** Charter schools must be held accountable by state or provincial education agencies and, when appropriate local school districts, for providing special education and related services to children with disabilities, consistent with applicable federal, provincial and state laws, just as other public schools are. The standards that apply to educating children with disabilities in charter schools must be the same as those that apply to other public schools, and enforcement of these standards must be conducted in a manner that is consistent with enforcement activities and penalties that apply in determining compliance of other public schools.

#### Para. 13 – Safe and Positive School Climate

CEC recognizes the important impact a safe and positive school climate has on the personal development and academic achievement of all students. Research has shown that schools implementing supportive and positive school climate strategies are more successful in creating environments conducive to learning. Recent incidents of school violence, including harassment directed at students with disabilities and/or gifts and talents, have drawn attention to the unacceptable cost of not assuring a safe and positive climate in our schools for all students. Furthermore, students with disabilities may be more at risk because they do not necessarily have the ability to understand and report what is happening to them.

Such incidents, as well as surveys of students and faculty regarding safety, document continuing and pervasive harassment and bullying experienced by students and reveal that these actions are more likely to be perpetrated on the basis of appearance and actual or perceived differences in ethnicity, race, language, abilities, gender, sexual orientation, gender expression, or religion.

As student enrollment becomes increasingly diverse, schools are challenged to assure that all students feel valued and supported. Available research confirms that students feel safer and learn better when schools have clear policies prohibiting harassment and discrimination and when all members of the school community (students, parents, educators, administrators, and other school personnel) actively uphold the right of every student to a safe learning environment. Harassment can take many forms, including cyber bullying and other technological/electronic methods. In addition, although overt acts easily come to the attention of schools, it is essential that covert acts are recognized and addressed. CEC believes that all members of the school community have a critical role to play in assuring that students have access to a safe and supportive school environment.

In light of legal mandates and professional standards that promote the use of evidence-based practices to increase positive academic and social-emotional behaviors among students, CEC believes that special educators must acquire and use a knowledge base of effective practices for promoting supportive school climates in ways that support human and civil rights and promote social justice for the diverse student populations in today's schools.

Discrimination or harassment directed at students or adults on the basis of ethnic and racial backgrounds, language, age, abilities, family status, gender, sexual orientation, socioeconomic status, religious and spiritual values, and geographic location violates the human and/or civil rights of individuals who are the targets of such behavior.

To ensure the creation of safe learning environments that contribute to all students' cognitive, academic, social-emotional, and ethical development, it is the policy of the Council for Exceptional Children that:

- All schools should have clear policies that prohibit harassment and discriminatory behaviors of any kind, including those related to ethnic background, language, age, abilities, family status, gender, sexual orientation, socioeconomic status, religious and spiritual values, and geographic location. Students and staff should be clearly informed of such policies and procedures, including data collection, reporting, sanctions, and indemnity to those reporting incidents. Educational efforts at the federal, provincial, state, and local levels should promote policies, guidelines, and universal interventions designed to reduce or prevent discrimination or harassment as well as to create a school climate that is conducive to respect and dignity for all individuals.
- Because bullying and harassment create emotional wounds that amplify the hardships of exceptionality as well as jeopardize the emotional and mental well-being of students, teachers, administrators, and other school support personnel with knowledge of harassment or bullying carry the responsibility to report these behaviors to relevant authorities and school personnel similar to the professional obligation to report child abuse.
- In recognition that students' families, professionals, and staff may also be at risk of experiencing discrimination on the basis of factors including ethnic and racial backgrounds, language, age, abilities, family status, gender, sexual orientation, socioeconomic status, religious and spiritual values, and geographic location, school policies, activities, and interventions related to a positive school climate should address the needs and safety of adults as well as students.
- School-based implementation of anti-discrimination policies must equally support and provide open access for the participation of students in activities and student-led groups designed to enhance a respectful, safe, and positive school climate and to promote respect for diversity in general or with respect to one or more diversity elements.
- To support antidiscriminatory policies, schools should provide students, staff, and administrators with access to a range of resources, including designated professionals with expertise in intercultural and diversity-related counseling and human-relations.
- School policies should promote practices and curricula that build a sense of community and understanding for and among all students in recognition of the positive relationship between school climate, learning environments, and educational outcomes for all individuals.
- Professional development for educators and educational administrators should build schools' capacity to implement a diversity-rich curriculum as well as to respond effectively to instances of harassment, bullying, or intimidation. To this end, such activities should enhance educators' skills and strategies for effectively delivering culturally-sensitive educational experiences within the context of current standards-based curricula. Similarly, professional development for administrators should develop their leadership skills and strategies for developing and implementing anti-discrimination policies and for ensuring positive learning environments for all students. Schools should provide opportunities for parent education to complement professional development for educators.
- Teacher and educational leadership preparation programs should prepare educators, administrators, and related services personnel to create safe learning environments and to intervene effectively in the event that harassment or discriminatory behaviors occur. This includes understanding about the range of ways that schools can evaluate school climate comprehensively using evidence-based practices as well as how school climate findings can be used to build authentic learning communities that support positive youth development and academic achievement.

## **CHAPTER 03**

### **SPECIAL EDUCATION WITHIN THE SCHOOLS**

#### Para. 1 - The Relationship Between Special and Regular School Programs

Special education is an integral part of the total educational enterprise, not a separate order. In any school system, special education is a means of enlarging the capacity of the system to serve the educational needs of all children.

The particular function of special education within the schools (and the education departments of other institutions) is to identify children with unusual needs and to aid in the effective fulfillment of those needs. Both regular and special school programs play a role in meeting the educational needs of children with exceptionalities. A primary goal of educators should be to help build accommodative learning opportunities for children with exceptionalities in regular educational programs. In the implementation of this goal, special education can serve as a support system, and special educators can assist regular school personnel in managing the education of children with exceptionalities.

When the special placement of a child is required, the aim of the placement should be to maximize the development and freedom of the child rather than to accommodate the regular classroom.

Special education should function within and as a part of the regular, public school framework. Within this framework, the function of special education should be to participate in the creation and maintenance of a total educational environment suitable for all children.

From their base in the regular school system, special educators can foster the development of specialized resources by coordinating their specialized contributions with the contributions of the regular school system. One of the primary goals of special educators should be the enhancement of regular school programs as a resource for all children.

#### Para. 2 - Administrative Organization

The system of organization and administration developed for special education should be linked with regular education (a) to increase the capability of the total system to make more flexible responses to changes in the behavior of individual pupils and to changing conditions in schools and society, and (b) to permit all elements of the system to influence the policies and programs of the others.

Special education must provide an administrative organization to facilitate achievement for children with exceptionalities of the same educational goals as those pursued by other children. This purpose can be achieved through structures that are sufficiently compatible with those employed by regular education to ensure easy, unbroken passage of children across regular-special education administrative lines for whatever periods of time may be necessary, as well as by structures that are sufficiently flexible to adjust quickly to changing task demands and child growth needs.

The major purpose of the special education administrative organization is to provide and maintain those environmental conditions in schools that are most conducive to the growth and learning of children with special needs.

Under suitable conditions, education within the regular school environment can provide the optimal opportunity for most children with exceptionalities. Consequently, the system for the delivery of special education must enable the incorporation of special help and opportunities in regular educational settings. Children should spend only as much time outside regular class settings as is necessary to control learning variables that are critical to the achievement of specified learning goals.

#### Para. 3 - Scope of Program

Education for children and youth with exceptionalities requires the well planned and purposeful coordination of many disciplines. Special education is a cross-disciplinary, problem-oriented field of services which is directed toward mobilizing and improving a variety of resources to meet the educational needs of children and youth with exceptionalities.

#### Para. 4 - The Goal and Commitment of Special Education

The fundamental purposes of special education are the same as those of regular education: the optimal development of the student as a skillful, free, and purposeful person, able to plan and manage his or her own life and to reach his or her highest potential as an individual and as a member of society. Indeed, special education developed as a highly specialized area of education in order to provide children with exceptionalities with the same opportunities as other children for a meaningful, purposeful, and fulfilling life.

Perhaps the most important concept that has been developed in special education as the result of experiences with children with exceptionalities is that of the fundamental individualism of every child. The aspiration of special educators is to see every child as a unique composite of potentials, abilities, and learning needs for whom an educational program must be designed to meet his or her particular needs. From its beginnings, special education had championed the cause of children with learning problems. It is as the advocates of such children and of the concept of individualization that special education can come to play a major creative role in the mainstream of education.

The special competencies of special educators are more than a collection of techniques and skills. They comprise a body of knowledge, methods, and philosophical tenets that are the hallmark of the profession. As professionals, special educators are dedicated to the optimal education of children with exceptionalities and they reject the misconception of schooling that is nothing but custodial care.

The focus of all education should be the unique learning needs of the individual child as a total functioning organism. All educators should recognize and accept that special and regular education share the same fundamental goals.

Special education expands the capacity of schools to respond to the educational needs of all students.

As advocates of the right of all children to an appropriate education, special educators affirm their professionalism.

#### Para. 5 - Educational Environments for Exceptional Students

Special education takes many forms and can be provided with a broad spectrum of administrative arrangements. Children with special educational needs should be served in regular classes and neighborhood schools insofar as these arrangements are conducive to good educational progress. The Council believes that the goal of educating children with exceptionalities together with children without exceptionalities is desirable if the individual program is such that it will enhance the child's (with exceptionalities) educational, social, emotional, and vocational development.

It is sometimes necessary, however, to provide special supplementary services for children with exceptionalities or to remove them from parts or all of the regular educational program. It may even be necessary to remove some children from their homes and communities in order for them to receive education and related services in residential schools, hospitals, or training centers. The Council believes that careful study and compelling reasons are necessary to justify such removal.

The Council charges each public agency to ensure that a continuum of alternative placements, ranging from regular class programs to residential settings, is available to meet the needs of children with exceptionalities.

Children with exceptionalities enrolled in special school programs should be given every appropriate opportunity to participate in educational, nonacademic, and extracurricular programs and services with children who are not disabled or whose disabilities are less severe.

While special schools for children with exceptionalities and other separate educational facilities may function as part of an effective special educational delivery system, it is indefensible to confine groups of exceptional pupils inappropriately in such settings as a result of the failure to develop a full continuum of less restrictive programs. The Council condemns as educationally and morally indefensible the practice of categorical isolation by exceptionality without full consideration of the unique needs of each student, and the rejection of children who are difficult to teach from regular school situations. When insufficient program options exist and when

decisions are poorly made, children with exceptionalities are denied their fundamental rights to free public education. In so acting, education authorities violate the basic tenets of our democratic societies.

Like all children, children with exceptionalities need environmental stability, emotional nurturance, and social acceptance. Decisions about the delivery of special education to children with exceptionalities should be made after careful consideration of their home, school, and community relationships, their personal preferences, and effects on self-concept, in addition to other sound educational considerations.

#### Para. 6 - Inclusive Schools and Community Settings

The Council for Exceptional Children believes all children, youth, and young adults with disabilities are entitled to a free and appropriate education and/or services that lead to an adult life characterized by satisfying relations with others, independent living, productive engagement in the community, and participation in society at large. To achieve such outcomes, there must exist for all children, youth, and young adults a rich variety of early intervention, educational, and vocational program options and experiences. Access to these programs and experiences should be based on individual educational need and desired outcomes. Furthermore, students and their families or guardians, as members of the planning team, may recommend the placement, curriculum option, and the exit document to be pursued.

CEC believes that a continuum of services must be available for all children, youth, and young adults. CEC also believes that the concept of inclusion is a meaningful goal to be pursued in our schools and communities. In addition, CEC believes children, youth, and young adults with disabilities should be served whenever possible in general education classrooms in inclusive neighborhood schools and community settings. Such settings should be strengthened and supported by an infusion of specially trained personnel and other appropriate supportive practices according to the individual needs of the child.

#### *Policy Implications*

Schools. In inclusive schools, the building administrator and staff with assistance from the special education administration should be primarily responsible for the education of children, youth, and young adults with disabilities. The administrator(s) and other school personnel must have available to them appropriate support and technical assistance to enable them to fulfill their responsibilities. Leaders in state/provincial and local governments must redefine rules and regulations as necessary, and grant school personnel greater authority to make decisions regarding curriculum, materials, instructional practice, and staffing patterns. In return for greater autonomy, the school administrator and staff should establish high standards for each child, youth, and young adult, and should be held accountable for his or her progress toward outcomes.

Communities. Inclusive schools must be located in inclusive communities; therefore, CEC invites all educators, other professionals, and family members to work together to create early intervention, educational, and vocational programs and experiences that are collegial, inclusive, and responsive to the diversity of children, youth, and young adults. Policy makers at the highest levels of state/provincial and local government, as well as school administration, also must support inclusion in the educational reforms they espouse. Further, the policy makers should fund programs in nutrition, early intervention, health care, parent education, and other social support programs that prepare all children, youth, and young adults to do well in school. There can be no meaningful school reform, nor inclusive schools, without funding of these key prerequisites. As important, there must be interagency agreements and collaboration with local governments and business to help prepare students to assume a constructive role in an inclusive community.

Professional Development. And finally, state/provincial departments of education, local educational districts, and colleges and universities must provide high-quality preservice and continuing professional development experiences that prepare all general educators to work effectively with children, youth, and young adults representing a wide range of abilities and disabilities, experiences, cultural and linguistic backgrounds, attitudes, and expectations. Moreover, special educators should be trained with an emphasis on their roles in inclusive schools and community settings. They also must learn the importance of establishing ambitious goals for their students and of using appropriate means of monitoring the progress of children, youth, and young adults.

#### Para. 7 - Staff Preparation for Placement

Essential to the appropriate placement of the child with an exceptionality is the preparation of the environment for that child through preservice and/or inservice training of staff and any other necessary accommodations.

Teacher training institutions are challenged to instruct all teacher candidates about current trends in the education of exceptional children.

State and provincial departments of education are charged with the responsibility to promote inservice activities that will update all professional educators and provide ongoing, meaningful staff development programs.

Administrators can have a significant positive influence upon the professional lives of teaching staff and, therefore, upon the educational lives of children. Administrative personnel of school districts are, therefore, charged with the responsibility to promote inservice education and interprofessional exchanges which openly confront contemporary issues in the education of all children.

#### Para. 8 - Individualized Education Programs

The creation and operation of a series of alternative settings for exceptional persons to live their lives and to develop to the greatest degree possible requires that service providers continuously strive to deliver the highest quality services possible. The Council believes that the central element for the delivery of all the services required by a person with an exceptionality must be an individually designed program. Such a program must contain the objectives to be attained, resources to be allocated, evaluation procedures and time schedule to be employed, and a termination date for ending the program and procedure for developing a new one. The process for developing an individualized program must adhere to all the procedural safeguards of due process of law and must involve the individual person and his or her family, surrogate, advocate, or legal representative.

#### Para. 9 - Due Process Protections (Procedural Safeguards)

As a final component of quality control, The Council believes that no decisions can be made on behalf of any individual without strict adherence to due process of law. Most significant is our position that all individuals are entitled to adequate representation when such decisions are being made. We support the increasing efforts on the part of governments to officially require the assignment of a surrogate when a family member is not available for purposes of adequately representing the interests of the person with an exceptionality. Ultimately, however, whenever possible, a member of the individual's family provides the most desirable representation. It is also our position that the individual consumer must be given every opportunity to make his or her own decisions, that this is a right provided to all citizens, and that any abridgement of that individual right can only occur upon the proper exercise of law.

#### Para. 10 - Confidentiality

The Council for Exceptional Children urges members to adhere to ethical principles and act in compliance with laws and regulations which protect children and their family's right to privacy and which control the use of confidential information regarding children.

#### Para. 11 - Program Evaluation

Programs designed for the purpose of providing educational opportunities for children and youth with exceptionalities must not be viewed as static, for the end product must always be the exceptional child and his or her personal improvement. For this reason, all programs should contain plans to evaluate their effectiveness, and the results of such evaluations should be presented for public review.

The Council believes that all legislation to fund existing programs or create new programs should contain mechanisms for effective evaluation and that governmental advisory bodies should review the findings of evaluations on a regular basis. External as well as internal systems of evaluation should be developed to aid in the evaluation of programs for children and youth with exceptionalities.

## Para. 12 - Labeling and Categorizing of Children

The field of special education is concerned with children who have unique needs and with school programs that employ specialized techniques. As the result of early attitudes and programs that stressed assistance for children with severe disabilities, the field developed a vocabulary and practices based on the labeling and categorizing of children. In recent decades, labeling and categorizing were extended to children with milder degrees of exceptionality. Unfortunately, the continued use of labels tends to rigidify the thinking of all educators concerning the significance and purpose of special education and thus to be dysfunctional and even harmful for children.

Words such as "defective," "disabled," "retarded," "impaired," "disturbed," and "disordered," when attached to children with special needs, are stigmatic labels that produce unfortunate results in both the children and in the community's attitudes toward the children. These problems are magnified when the field organizes and regulates its programs on the basis of classification systems that define categories of children according to such terms. Many of these classifications are oriented to etiology, prognosis, or necessary medical treatment rather than to educational classifications. They are thus of little value to the schools. Simple psychometric thresholds, which have sometimes been allowed to become pivotal considerations in educational decision making, present another set of labeling problems.

Special education's most valuable contribution to education is its specialized knowledge, competencies, values, and procedures for individualizing educational programs for individual children, whatever their special needs. Indeed, special educators at their most creative are the advocates of children who are not well served by schools except through special arrangements. To further the understanding of and programming for such children, special educators as well as other educational personnel should eliminate the use of simplistic categorizing.

No one can deny the importance of some of the variables of traditional significance in special education such as intelligence, hearing, and vision. However, these variables in all their complex forms and degrees must be assessed in terms of educational relevance for a particular child. Turning them into typologies that may contribute to excesses in labeling and categorizing children is indefensible and should be eliminated.

In the past, many legislative and regulatory systems have specified criteria for including children in an approved category as the starting point for specialized programming and funding. This practice places high incentives on the labeling of children and undoubtedly results in the erroneous placement of many children.

It is desirable that financial aids be tied to educational programs rather than to children and that systems for allocating children to specialized programs be much more open than in the past.

Special educators should enhance the accommodative capacity of schools and other educational agencies to serve children with special needs more effectively. In identifying such children, special educators should be concerned with the identification of their educational needs, not with generalized labeling or categorizing of children.

Decisions about the education of children should be made in terms of carefully individualized procedures that are explicitly oriented to children's developmental needs.

To further discourage the labeling and categorizing of children, programs should be created on the basis of educational functions served rather than on the basis of categories of children served.

Regulatory systems that enforce the rigid categorization of pupils as a way of allocating them to specialized programs are indefensible. Financial aid for special education should be tied to specialized programs rather than to finding and placing children in those categories and programs.

## Para. 13 - Group Intelligence Testing

- a. Psychological tests of many kinds saturate our society and their use can result in the irreversible deprivation of opportunity to many children, especially those already burdened by poverty and prejudice.
- b. Most group intelligence tests are multileveled and standardized on grade samples, thus necessitating the use of interpolated and extrapolated norms and scores.
- c. Most group intelligence tests, standardized on LEAs rather than individual students, are not standardized on representative populations.

- d. In spite of the use of nonrepresentative group standardization procedures, the norms are expressed in individual scores.
- e. Most group intelligence tests, standardized on districts which volunteer, may have a bias in the standardization.
- f. Many of the more severely handicapped and those expelled or suspended have no opportunity to influence the norms.
- g. Group intelligence tests are heavily weighted with language and will often yield spurious estimates of the intelligence of non-English speaking or language different children.
- h. A group intelligence test score, although spurious, may still be a good predictor of school performance for some children.
- i. School achievement predicts future school performance as well as group intelligence tests, thus leaving little justification for relying on group intelligence tests.
- j. One of the most frequent abuses of group intelligence tests is the use of such tests with populations for which they are inappropriate.

The Council goes on record in full support of the recommendations of the "Classification Project" (Hobbs, The Futures of Children, 1975, pp. 237-239) pertaining to group intelligence testing as follows:

- a. "... That there be established a National Bureau of standards for Psychological Tests and Testing."
- b. That there be established "minimum guidelines with respect to the utilization of psychological tests for the classification of children."
- c. "That organizations that make extensive use of educational and psychological tests...should establish review boards to monitor their testing programs."

Until these three recommendations are accomplished, The Council encourages a moratorium on the use of group intelligence tests by individual school districts for the purpose of identifying children with exceptionalities.

#### Para. 14 - Exit Exams for Students with Exceptionalities

To ensure that exit exams are appropriately carried out regarding students with exceptionalities, it is the position of the Council for Exceptional Children that:

- a. No single test score should be used to make critical educational decisions for students with exceptionalities. Multiple measures that document student learning and skills development should be used with accommodations when appropriate, in the decision-making process.
- b. All students with exceptionalities must be given the opportunity to learn the material that is covered on exit exams. This includes the provision of individualized instructional services and supports that address the general education curriculum that is aligned with standards, test content, and the student's IEP. An alternate assessment should be an option for a student as recommended by the IEP team.
- c. Advance notice should be given to all students with exceptionalities and their parents on the consequences of exit exams. This should include (1) a description of the steps to be taken to prepare students and teachers for the tests themselves; (2) any additional resources/supports that are available to ensure adequate performance on the tests; and (3) a clear statement for parents and students that explains what decisions may be made on the basis of the test results.
- d. On-going research should be conducted on the impact of exit exams for students with exceptionalities that address issues, such as, grade-level retention/promotion, referral rates for special education, and any limits on future employment and educational experiences resulting from alternative high school diplomas.

## Para. 15 - Assessment and Accountability

To ensure that students with disabilities are appropriately assessed under educational assessment and accountability systems, it is the position of the Council for Exceptional Children that:

- a. All students with exceptional learning needs shall be included in all assessment and accountability systems, and shall have available the opportunity to participate in general assessments, assessments with accommodations including off-grade level testing or alternate assessments that reflect valid and reliable performance for them, rather than cultural diversity, linguistic diversity, disability, or other exceptionality.
- b. All students with exceptional needs in all settings shall be included in the assessment and accountability systems. This includes students in traditional public school placements and students who change schools or placements, as well as all students receiving publicly-funded educational services in settings such as home schools, private schools, charter schools, state-operated programs and in the juvenile justice system.
- c. Only assessment processes and instruments that have been developed and validated on student samples that included students who have exceptionalities and that validly demonstrate their performance shall be used. Test designers shall be required to develop universally designed assessments.
- d. State and provincial determinations of adequate yearly progress must address the progress made on grade promotions and graduation rates for exceptional students, as well as addressing other appropriate achievement indicators for students with exceptionalities, and toward making well-grounded appraisals of the particular schools.
- e. The IEP team will determine student participation in assessments as part of the review of the overall individualized education program and be based on individual student needs.
- f. All students with exceptionalities shall be included when assessment scores are publicly reported, whether they participate with or without accommodations or participate through an alternate assessment - subject to personal confidentiality protections. If standards-based reform is to succeed all students must be held to higher standards, and every student must therefore be counted. However, assessment data focused on school system accountability shall never be the sole basis for making individual student educational decisions.
- g. To ensure equal access and opportunity for all students and to ensure inclusive accountability in all local and state/provincial accountability indices, the performance on assessments of students with exceptionalities must have the same impact on the final accountability index as the performance of other students, whether or not these students participated with accommodations or in an alternate assessment.
- h. Policy makers and all other stakeholders must be committed to the continuing development of a unified system of assessment and accountability for all students.
- i. There must be a firm commitment to the continuing improvement of the assessment and accountability system in the challenging years ahead, through the processes of structured monitoring, intensive ongoing evaluation, and systemic professional training based on emerging research and best practice.
- j. The successful implementation of an appropriate assessment and accountability system, including its application to students with exceptional needs, requires the cooperative efforts of all teachers, related service personnel, paraprofessionals, administrators, parents, and students in its planning, application, and evaluation.
- k. The support of legislators, other policy makers, and state/provincial educational service personnel is essential to guarantee that each student is afforded the opportunity to be assessed with a measure for her/his abilities.

## Para. 16 - Surgical and Chemical Interventions to Control the Behavior of Human Beings

The Council condemns the inappropriate use of surgical and chemical interventions to control the behavior of human beings. Although these procedures often simplify care and maintenance, the integrity of the individual must transcend any institution's desire for administrative convenience. The Council recognizes that in certain circumstances such interventions may be appropriate; however, they should never be used without the approval of the individual to be

treated, or the individual's parents or guardians, or, in circumstances where the individual is a ward of the state, the approval of an appropriate review body before which the individual or his or her representatives are guaranteed all legal due-process rights.

#### Para. 17 - Policy on Physical Restraint and Seclusion Procedures in School Settings

The Council for Exceptional Children (CEC) recognizes access to the most effective educational strategies as the basic educational right of each child or youth with a disability. CEC believes that the least restrictive positive educational strategies should always be used to respect the child's or youth's dignity and that this especially pertains to the use of physical restraint and seclusion.

A physical restraint is defined as any method of one or more persons restricting another person's freedom of movement, physical activity, or normal access to his or her body. It is a means for controlling that person's movement, reconstituting behavioral control, and establishing and maintaining safety for the out-of-control individual, other individuals, and school staff. Physical restraints have been in widespread use across most human service, medical, juvenile justice, and education programs for a long period of time. While some have proposed physical restraint as a therapeutic procedure for some children and youth, this view has no scientific basis and is generally discredited. Today most schools or programs that employ physical restraint view it as an emergency procedure to prevent injury to the child or youth or others when a child or youth is in crisis.

Seclusion is the involuntary confinement of a child or youth alone in a room or area from which the child or youth is physically prevented from leaving. This includes situations where a door is locked as well as where the door is blocked by other objects or held closed by staff. Any time a child or youth is involuntarily alone in a room and prevented from leaving should be considered seclusion, regardless of the intended purpose or the names applied to this procedure and the place where the child or youth is secluded. Seclusion is often associated with physical restraint in that physical restraint is regularly used to transport a child or youth to a seclusion environment. However, seclusion may occur without employing physical restraint.

In addition, schools may employ a variety of environments that may not meet the definition of seclusion (confinement alone without immediate ability to leave), but which have at least some of the elements of seclusion. These might include detention rooms and in-school suspension rooms where children and youth may not be alone or where they are not technically prevented from leaving, although they may perceive that they are prevented from leaving.

CEC supports the following principles related to the use of physical restraint and seclusion procedures in school settings:

- a. Behavioral interventions for children and youth must promote the right of all children and youth to be treated with dignity.
- b. All children and youth should receive necessary educational and mental health supports and programming in a safe and least-restrictive environment.
- c. Positive and appropriate educational interventions, as well as mental health supports, should be provided routinely to all children and youth who need them.
- d. Behavioral interventions should emphasize prevention and positive behavioral supports.
- e. Schools should have adequate staffing levels to effectively provide positive supports to children and youth and should be staffed with appropriately trained personnel.
- f. All staff in schools should have mandatory conflict de-escalation training, and conflict de-escalation techniques should be employed by all school staff to avoid and defuse crisis and conflict situations.
- g. All children and youth whose pattern of behavior impedes their learning or the learning of others should receive appropriate educational assessment, including Functional Behavioral Assessments. These should be followed by Behavioral Intervention Plans that incorporate appropriate positive behavioral interventions, including instruction in appropriate behavior and strategies to de-escalate their own behavior.

It is the policy of the Council for Exceptional Children that:

- a. Physical restraint (excluding prone and supine restraint) or seclusion procedures should be used in school settings only when the physical safety of the child or youth or others is in immediate danger.
- b. Mechanical or chemical restraint should never be used in school settings when their purpose is simply to manage or address child or youth behavior (other than by law enforcement or when children or youth require travel restraint in vehicles). Their use for other instructional purposes should be supervised by qualified and trained individuals in accordance with professional standards.
- c. Neither restraint nor seclusion should be used as a punishment to force compliance or as a substitute for appropriate educational support.
- d. All seclusion environments should be safe and humane and should be inspected at least annually, not only by fire or safety inspectors, but for programmatic implementation of guidelines and data related to its use.
- e. Any child or youth in seclusion must be continuously observed by an adult both visually and aurally for the entire period of the seclusion. Occasional checks are not acceptable.
- f. Guidelines or technical assistance documents are generally not adequate to regulate the use of these procedures, since abuses continue to occur in states or provinces where guidelines are in place and these guidelines have few mechanisms for providing oversight or correction of abuses. Policy is needed in the form of legislation or regulation.
- g. Federal, state, and provincial legislation or regulations should:
  1. Recognize that restraint and seclusion procedures are emergency, not treatment, procedures.
  2. Require that preventive measures such as conflict de-escalation procedures be in place in schools where restraint or seclusion will be employed.
  3. Require that individualized emergency or safety plans are created for children or youth whose behavior could reasonably be predicted to pose a danger. If an emergency or safety plan is deemed necessary for a child or youth with a disability, that document should be created by the IEP team and may be appended to the child's or youth's IEP.
  4. Require that comprehensive debriefings occur after each use of restraint or seclusion and that reports of the incident are created including parental notification.
  5. Require that data on restraint and seclusion are reported to an outside agency such as the state or provincial department of education.
- h. Any school that employs physical restraint or seclusion procedures should have a written positive behavior support plan specific to that program, pre-established emergency procedures, specific procedures and training related to the use of restraint and seclusion, and data to support the implementation of positive behavior supports and specific uses of restraint and seclusion in that environment.
- i. Additional research should be conducted regarding the use of physical restraint and seclusion with children or youth across all settings.

#### Para. 18 - Corporal Punishment

The Council for Exceptional Children supports the prohibition of the use of corporal punishment in special education. Corporal punishment is here defined as a situation in which all of the following elements are present: an authority accuses a child of violating a rule and seeks from the child an explanation, whereupon a judgment of guilt is made, followed by physical contact and pain inflicted on the child. The Council finds no conditions under which corporal punishment so defined would be the treatment of choice in special education.

### Para. 19 - Child Abuse and Neglect

The Council recognizes abused and neglected children as children with exceptionalities. As professionals concerned with the physical, emotional, and mental well-being of children, educators must take an active role in the protection of children from abuse and neglect. The Council reminds its members and citizens in general, of the availability of assault and battery statutes and calls upon its members to utilize such statutes when applicable in cases of child abuse. When child abuse occurs, swift action must be taken to report the incident and protect the child. Delays caused by not knowing what to do or failure to take action, contribute to the child's injury. Educators and related personnel are urged to learn how to recognize and report child abuse and neglect and to know the community resources for treating suspected cases.

### Para. 20 - Managing Communicable and Contagious Diseases

Controlling the spread of communicable and contagious diseases within the schools has always been a problem faced by educators, the medical profession, and the public. Effective policies and procedures for managing such diseases in the schools have historically been developed by health agencies and implemented by the schools. These policies and procedures were primarily designed to manage acute, temporary conditions rather than chronic conditions which require continuous monitoring and remove children from interaction with other children while the condition is contagious or communicable.

Recent public awareness of chronic infectious diseases such as those with hepatitis B-virus, cytomegalovirus, herpes simplex virus, and HIV have raised concerns necessitating the reassessment or at least clarification of school policies and procedures. The Council believes that having a chronic infection does not in itself result in a need for special education. Further, The Council believes that schools and public health agencies should assure that any such infectious and communicable disease policies and procedures:

- a. Do not exclude the affected child from the receipt of an appropriate education even when circumstances require the temporary removal of the child from contact with other children.
- b. Provide that determination of a nontemporary alteration of a child's educational placement should be done on an individual basis, utilizing an interdisciplinary/interagency approach including the child's physician, public health personnel, the child's parents, and appropriate educational personnel.
- c. Provide that decisions involving exceptional children's nontemporary alterations of educational placements or services constitute a change in the child's Individualized Education Program and should thus follow the procedures and protections required.
- d. Recognize that children vary in the degree and manner in which they come into contact with other children and school staff.
- e. Provide education staff with the necessary information, training, and hygienic resources to provide for a safe environment for students and educational staff.
- f. Provide students with appropriate education about infectious diseases and hygienic measures to prevent the spread of such diseases.
- g. Provide, where appropriate, infected children with education about the additional control measures that they can practice to prevent the transmission of the disease agent.
- h. Enable educational personnel who are medically at high risk to work in environments which minimize such risk.
- i. Provide educational personnel with adequate protections for such personnel and their families if they are exposed to such diseases through their employment.

The Council believes that special education personnel preparation programs should:

- a. Educate students about infectious diseases and appropriate methods for their management.
- b. Counsel students as to how to determine their level of medical risk in relation to certain diseases and the implications of such risk to career choice.

The Council believes that the manner in which policies for managing infectious diseases are developed and disseminated is important to their effective implementation. Therefore the following must be considered integral to any such process:

- a. That they be developed through the collaborative efforts of health and education agencies at both the state, provincial and local levels, reflecting state, provincial and local educational, health and legal requirements.
- b. That provision is made for frequent review and revision to reflect the ever-increasing knowledge being produced through research, case reports, and experience.
- c. That policies developed be based on reliable identified sources of information and scientific principles endorsed by the medical and educational professions.
- d. That such policies be understandable to students, professionals, and the public.
- e. That policy development and dissemination be a continual process and disassociated from pressures associated with precipitating events.

#### Para. 21 - Career Education

Career education is the totality of experience through which one learns to live a meaningful, satisfying work life. Within the career education framework, work is conceptualized as conscious effort aimed at producing benefits for oneself and/or others. Career education provides the opportunity for children to learn, in the least restrictive environment possible, the academic, daily living, personal-social and occupational knowledge, and specific vocational skills necessary for attaining their highest levels of economic, personal, and social fulfillment.

The individual can obtain this fulfillment through work (both paid and unpaid) and in a variety of other social roles and personal lifestyles, including his or her pursuits as a student, citizen, volunteer, family member, and participant in meaningful leisure time activities.

Children with exceptionalities (i.e., those whose characteristics range from profoundly and severely disabled to those who are richly endowed with talents and/or intellectual giftedness) include individuals whose career potentials range from sheltered to competitive work and living arrangements. Children with exceptionalities require career education experiences which will develop to the fullest extent possible their wide range of abilities, needs, and interests.

It is the position of The Council that individualized appropriate education for children with exceptionalities must include the opportunity for every student to attain his or her highest level of career potential through career education experiences. Provision for these educational experiences must be reflected in an individualized education program for each exceptional child, which must include the following:

- a. Nondiscriminatory, ongoing assessment of career interests, needs, and potentials which assures recognition of the strengths of the individual which can lead to a meaningful, satisfying career in a work oriented society. Assessment materials and procedures must not be discriminatory on the basis of race, sex, national origin, or exceptionality.
- b. Career awareness, exploration, preparation, and placement experiences in the least restrictive school, living, and community environments that focus on the needs of the exceptional individual from early childhood through adulthood.
- c. Specification and utilization of community and other services related to the career development of exceptional individuals (e.g., rehabilitation, transportation, industrial and business, psychological).
- d. Involvement of parents or guardians and the exceptional student in career education planning.

Career education must not be viewed separately from the total curriculum. Rather, career education permeates the entire school program and even extends beyond it. It should be an infusion throughout the curriculum by knowledgeable teachers who modify the curriculum to integrate career development goals with current subject matter, goals, and content. It should prepare individuals for the several life roles that make up an individual's career. These life roles may include an economic role, a community role, a home role, an avocational role, a religious or moral role, and an aesthetic role. Thus, career education is concerned with the total person and his or her adjustment for community working and living.

## Para. 22 - Treatment of Exceptional Persons in Textbooks

The Council proposes the following points as guidelines for early childhood, elementary, secondary, and higher education instructional materials so they more accurately and adequately reflect persons with exceptionalities as full and contributing members of society.

- a. In print and non-print educational materials, 10% of the contents should include or represent children or adults with an exceptionality.
- b. Representation of persons with exceptionalities should be included in materials at all levels (early childhood through adult) and in all areas of study.
- c. The representation of persons with exceptionalities should be accurate and free from stereotypes.
- d. Persons with exceptionalities should be shown in the least restrictive environment. They should be shown participating in activities in a manner that will include them as part of society.
- e. In describing persons with exceptionalities, the language used should be nondiscriminatory and free from value judgments.
- f. Persons with exceptionalities and persons without exceptionalities should be shown interacting in ways that are mutually beneficial
- g. Materials should provide a variety of appropriate role models of persons with exceptionalities.
- h. Emphasis should be on uniqueness and worth of all persons, rather than on the differences between persons with and without exceptionalities.
- i. Tokenism should be avoided in the representation of persons with exceptionalities.

## Para. 23 – Technology

The Council for Exceptional Children recognizes that the appropriate application and modification of present and future technologies can improve the education of exceptional persons. CEC believes in equal access to technology and supports equal educational opportunities for technology utilization by all individuals. Present technologies include electronic tools, devices, media, and techniques such as (a) computers and microprocessors; (b) radio, television, and videodisc systems; © information and communication systems; (d) robotics; and (e) assistive and prosthetic equipment and techniques. The Council believes in exploring and stimulating the utilization of these technologies in school, at home, at work, and in the community.

CEC encourages the development of product standards and consumer education that will lead to the appropriate and efficient matching of technological applications to individual and local conditions. CEC recognizes the need to communicate market needs and market expectations to decision makers in business, industry, and government.

CEC supports the continuous education of professionals who serve exceptional individuals, through (a) collection and dissemination of state-of-the-art information, (b) professional development, and © professional preparation of personnel to perform educational and other services for the benefit of exceptional individuals.

## Para. 24 - Students with Special Health Care Needs

The Council for Exceptional Children believes that having a medical diagnosis that qualifies a student as one with a special health care need does not in itself result in a need for special education. Students with specialized health care needs are those who require specialized technological health care procedures for life support and/or health support during the school day. The Council believes the policies and procedures developed by schools and health care agencies that serve students with special health care needs should: (1) not exclude a student from receipt of appropriate special education and related services; (2) not exclude a student from receipt of appropriate educational services in the least restrictive environment; (3) not require educational

agencies to assume financial responsibility for noneducationally related medical services; (4) define clearly the type, nature, and extent of appropriate related services to be provided and the nature of the appropriate provider; (5) assure that placement and service decisions involve interdisciplinary teams of personnel knowledgeable about the student, the meaning of evaluation data, and placement options; (6) promote a safe learning environment, including reasonable standards for a clean environment in which health risks can be minimized for all involved; (7) provide assurance that health care services are delivered by appropriate and adequately trained personnel; (8) provide appropriate medical and legal information about the special health care needs of students for all staff; (9) provide appropriate support mechanisms for students, families, and personnel involved with students with special health care needs; and (10) provide appropriate and safe transportation.

The Council for Exceptional Children believes that special education personnel preparation and continuing education programs should provide knowledge and skills related to: (1) the nature and management of students with special health care needs; (2) exemplary approaches and models for the delivery of services to students with special health care needs; and (3) the importance and necessity for establishing support systems for students, parents/families, and personnel.

Recognizing that this population of students is unique and relatively small, The Council for Exceptional Children still believes that the manner in which policies are developed and disseminated related to students with special health care needs is critically important to effective implementation. In development of policy and procedure for this low-incidence population, the following must be considered integral to any such process: (1) that it be developed through collaborative efforts of health and education agencies at state, provincial, and local levels; (2) that it reflects federal, state, provincial, and local educational, health, and legal requirements; (3) that it provides for frequent review and revision of intervention techniques and programs as a result of new knowledge identified through research, program evaluation and monitoring, and other review mechanisms; (4) that policies are supported by data obtained from medical and educational professions; (5) that policy development is easily understandable by students, professionals, and the public at large; and (6) that policy development and dissemination should be a continual process and disassociated from pressures associated with precipitating events.

#### Para. 25 - Use of Interpreters or Transliterators for Individuals Who are Deaf/Hard of Hearing

CEC recognizes that an increasing number of students who are deaf/hard of hearing are being educated in the public schools. CEC impresses upon the education field the importance of using appropriately trained and qualified persons to interpret and transliterate for students who are deaf/hard of hearing. CEC opposes the practice of using non-related or non-certified individuals to interpret or transliterate in classrooms. Additionally, CEC opposes the notion that “one size fits all” when communication modes and languages are involved. Therefore, CEC supports the following statements.

1. The practice of spontaneously pulling non-professional persons from their regularly assigned duties to fulfill the role of interpreter/transliterator when appropriate training has not been provided should be avoided altogether.
2. School districts, agencies, private schools or other employers/users should exhaust all means of obtaining professional personnel who are competent in the mode of communication used by the students before seeking the assistance of interpreters/transliterators.
3. Individuals certified to assess the communication needs of students who are deaf/hard of hearing should be consulted to determine the appropriate mode or language needed by an individual child. Providing interpretation or transliteration in a mode or language not used by the child is equally as problematic as providing no interpretation/transliteration at all, and the average signer or oral interpreter is often not qualified to make this judgment.
4. Interpreters (from natural sign languages such as ASL or Auslan to the spoken form of the country in which that language is used and vice versa) and transliterators (from English-based sign system, Cued Speech, oral interpreters, and those who use any sign system designed to pattern the grammar of that country’s spoken language) should be trained and credentialed in their mode and language of communication along with training in special education procedures and guidelines, normal child development, and the roles and responsibilities of educational interpreters. Professionals using interpreters and transliterators also should receive training in the appropriate use of these individuals to maximize effective communication among professionals, students, and parents.

5. Competencies of interpreters and transliterators must be determined before using their services. Evaluations should be conducted by certified individuals, agencies or organizations from the community familiar with the mode, language, and needs of children and youth. Competencies should include, but are not limited to, high proficiency levels in the spoken language of the country and the target language (eg, spoken English or Czech to ASL or CSL, spoken language such as Spanish to Cued Speech or oral transliteration), knowledge of the culture and linguistic nuances, including Deaf Culture and other cultures of other spoken languages; and knowledge of cross-cultural, gender, and generational differences and expectations.
6. Upon mastery of these competencies, a certification, approval, or rating system should be required to ensure that interpreters and transliterators possess the skills necessary for providing effective services.

## **CHAPTER 04 ADMINISTRATIVE AND FISCAL IDENTITY**

### Para. 1 - Responsibility Defined

Responsibility for administering special education programs should be clearly defined so that accountability for service effectiveness can be maintained.

In the administration of the special education system, it must be clarified (a) who is to be responsible for various functions and decisions and (b) what procedures can be developed to provide adequate protection of the individual child's rights. When services essential to the improvement of a child's condition are rendered under several administrative auspices, as is so often the case with children and youth with exceptionalities, which agent or agency is to be responsible for providing which aspects of treatment needs to be clearly defined at every level to produce the most effective outcomes for the child.

The major functions commonly assigned to administrators of special education programs include the following:

- a. Establishing and maintaining effective ways of identifying children with special education needs.
- b. Assessing the special needs of children to determine what kinds of special programs and services should be provided for them.
- c. Planning and organizing an appropriate variety of interventions or program alternatives for children with exceptionalities.
- d. Marshaling the resources needed to conduct a comprehensive program of special education.
- e. Using direction, coordination, and consultation as required to guide the efforts of all those who are engaged in the special education enterprise.
- f. Conducting evaluation and research activities to reflect new emphases and to incorporate new knowledge and constantly improve special instruction and the quality of special services.
- g. Involving community representatives in planning programs to ensure their understanding and support.
- h. Conducting programs for staff development, such as inservice or continuing education.

### Para. 2 - Leadership

The Council urges state/provincial and local education agencies to develop administrative structures on a policy-making level and to staff such programs with professionally qualified personnel who can provide dynamic leadership. Creative leadership at all levels of government is imperative for the development and improvement of programs for children and youth with exceptionalities. For this reason, The Council supports efforts to improve the quality of leadership and administrative operations in all phases of educational endeavor.

### Para. 3 - Administrative Hierarchy

Every school system should contain a visible central administrative unit for special education programs and services which is at the same administrative hierarchical level as other major instructional program units.

The parameters of regular and special education should be articulated so that children may be afforded equal educational opportunity through the resources of either or both instructional programs.

Such articulation should be achieved through sensitive negotiations between the responsible agents of both regular and special education who meet in full parity. To protect the rights of all children to equal educational opportunity, the policy-making bodies of school systems should include administrators of both regular and special education.

Programs to meet the needs of children with exceptionalities are no less important than those designed to meet the needs of other children. The importance of programs to meet human needs should not be judged on the basis of the number of clients the programs are expected to serve.

### Para. 4 - Special Education and School Budgets

Success of all education programs is dependent on the provision of adequate funding. This is essentially true of programs for children and youth with exceptionalities. Often funding for such programs becomes buried in general budgeting procedures. In such cases, children and youth with exceptionalities do not have the opportunity to have their needs directly considered by the decision-making bodies of government. Therefore, The Council urges that efforts be undertaken to assure that budgetary provisions for children and youth with exceptionalities be clearly identified. The Council opposes general funding procedures that would circumvent direct aid to programs for children and youth with exceptionalities.

Since children with exceptionalities have the same rights to education as other children, the educational needs of children with exceptionalities cannot be delayed until the needs and service demands of the majority of children have been satisfied. Educational resources are always likely to be finite. The application of the principle of "the greatest good for the greatest number" to determine which children's needs shall be met first directly contradicts our democratic society's declared commitment to equal educational opportunity for all children. History confirms that the social injustices and ill effects that flow from the application of the majority-first principle to educational budgeting are too serious for this principle to be used in educational financing.

Children with exceptionalities constitute a minority of the school population. The programs serving them represent a comparatively high financial investment in relation to the numbers of children served. In some school systems, money allocated to special education is regarded as an alternative to the improvement of regular school programs. The climate of competitive interests thus produced can jeopardize the stability of special education services.

The interests of the community are ill served if competition for funds is conducted on the basis of special interests. What is needed, rather, is the cooperation of both regular and special educators to educate the public in the desirability of meeting the needs of all children without discrimination or favoritism.

There is every reason to believe that the public interest is best protected when the responsibility for the deployment of public resources is placed in the hands of persons who are qualified by training and experience to make the necessary judgments. Thus, special education should play an active role in determining how resources are to be allocated. However, the community has the ultimate responsibility to determine goals and to evaluate performance.

Resources should be allocated to special education on the basis of programs to be provided, not on the basis of traditional categorical incidence estimates.

The mandate to provide all children with equal educational opportunities requires that all educators, whether regular or special, be equally concerned with the funding of both regular and special education programs. No school system can fulfill the mandate if rivalries for dollars are permitted to supersede the needs of children.

## **CHAPTER 05**

### **SPECIAL EDUCATION AND THE COMMUNITY OUTSIDE THE EDUCATION SYSTEM**

#### Para. 1 - Liaison with Other Agencies and Organizations

Children and youth with exceptionalities and their families require the services of many agencies which deal with their various needs. In most cases, individual agency efforts can be made more effective through a cooperative interagency and interdisciplinary approach whereby special education has a primary function for liaison with other agencies and organizations. This approach will not only encourage a consistent effort on the part of all concerned with the child's education and development, but will provide for joint establishment of the priorities and respective responsibilities for meeting the child's needs. Public policy should be encouraged at the state, provincial, and federal levels for a coordinated approach to multifunded projects under one application procedure to ensure comprehensive services to the child. Such policies should support and facilitate intergovernmental cooperation as well as interagency linkage. The Council encourages policies which promote a coordinated approach to planning for the needs of children and youth with exceptionalities and which strengthen the relationships of special education to public and private agencies providing services. The Council at all levels should consistently support a coordinated effort.

#### Para. 2 - Public Participation

Administrative units at all levels of government responsible for providing leadership must have responsibility for developing policy regarding the education of children and youth with exceptionalities. However, such policy must reflect the thinking of all persons involved in the education of children and youth with exceptionalities. The Council believes that advisory committees can help government agencies assess problems, plan and set priorities, and develop and oversee policies regarding the education of children and youth with exceptionalities. The Council further believes that all policies involving education of children and youth with exceptionalities should be brought before recurring public and legislative scrutiny.

#### Para. 3 - The School and the Family

Parents must have access to all available necessary information in order to be able to make optimal decisions about the child's education and to fulfill the family's obligations to the child.

As a means of strengthening special education programs, the parents of children with exceptionalities and organized community groups should be given a responsible voice in educational policy formation and planning activities.

The primary consumers of educational services, the children, should not be ignored as a valuable resource in the evaluation of the organization and delivery of services.

As a means of strengthening the family in fulfilling its obligations to children with exceptional needs, the schools should provide educationally related counseling and family services. In cases of clear educational neglect, the schools, through qualified professional personnel, should make extraordinary arrangements for educational services.

Access includes making information available at convenient times and locations and providing information in the parent's native language or mode of communication whenever necessary.

#### Part. 4 - Private Sector

The private sector (nonprofit) has long played a significant role in the field of special education. The elements of the private sector (nonprofit) are varied and encompass the full gamut of levels of educational programs and services from preschool education through higher education, research, demonstration projects, personnel training, technology, and the development and production of media and materials. Increasingly, a working relationship has developed between the public and private sectors (nonprofit) regarding children and youth with exceptionalities. The Council believes that private enterprise (nonprofit) can make major contributions to the development of adequate special education services. The Council urges cooperation between government and private enterprise (nonprofit) to meet the needs of children and youth with exceptionalities. The Council urges that legislation be flexible enough to allow administrative agencies to involve the private sector (nonprofit) in all aspects of program development.

The Council believes that the opportunity for all children to receive an education is a public responsibility, but that program operation of such services may be conducted in varied settings and through a variety of public and private (nonprofit) agencies. For this reason, The Council supports the development and provision of special services in both the public and private sectors (nonprofit) and the support for such services through public funds, under public control and supervision.

The Council believes that when children with exceptionalities receive their education in the private sector (nonprofit) as a matter of public policy, then the appropriate state public agency shall approve the education program and personnel in such facilities, certify that the program is appropriate to the child's educational needs and is provided at no expense to the child or his family, certify that the facility meets appropriate health and safety standards, and guarantee that all rights of children with exceptionalities and their families are maintained.

## **CHAPTER 06 COMMUNITY-BASED SERVICES**

### Para. 1 - Prerequisites

Significant nationwide trends, both to reduce the populations of institutions and to improve the services provided for those who are institutionalized, necessitate comprehensive public policies on community-based services. Numerous exceptional children and adults reside in institutions. The quantity and quality of educational and other service programs provided in these facilities vary greatly. Considerable evidence, however, has been collected demonstrating that many institutions for exceptional citizens have failed to meet the needs of their residents. Institutionalization, in many instances, has violated basic individual rights and fostered inhumane deprivation. Rights violated include the opportunity to live in a humane environment and be provided with individual programs of treatment designed to allow each person to develop to the greatest degree possible.

Despite public and professional awareness of deplorable institutional conditions, persons with exceptionalities who could not live in natural homes were routinely placed in institutions. Alternative service arrangements were usually not available and an implicit assumption was made that some persons with disabilities were incapable of growth. The lack of quality services and the stigma of negative attitudes must be changed.

The Council, recognizing the necessity for community-based services, maintains that the human services system must adhere to the principle of normalization to avoid destructive individual and societal consequences and adhere to the following prerequisites:

- a. Central to a person's growth and dignity is a right to live within the community, with access to high quality and appropriate services.
- b. A legal mandate with fixed responsibility must exist providing community services for all persons, including those now institutionalized.
- c. The goal of community services is to assure the greatest developmental gains on the part of the individual through maximum flexibility in all services.
- d. The ongoing process of normalizing the service system requires developing a continuum of community-based living environments and the selective use of the full range of services available to the entire community.
- e. Multiple and diverse methods of safeguarding program quality are essential at every level of responsibility.
- f. All programs provided to exceptional persons must include written standards governing service delivery.
- g. When a state restricts an individual's fundamental liberty, it must adhere to the principle of least restrictive environment and, further, absolutely guarantee due process.

## Para. 2 - Characteristics

A comprehensive community-based service system for exceptional persons should reflect the following characteristics:

- a. Services must meet the needs of persons of all ages, must accommodate the problems of individuals possessing all degrees of disabilities, and be available when needed and where needed by the individual.
- b. Services must be appropriately located in populous neighborhoods and should be compatible with the surrounding community.
- c. Services must be based upon a systematic plan for continuity which interrelates with other established services.
- d. Services must have a legally vested authority which enables the fixing of responsibility and accountability with implementation power.
- e. Services must be designed to permit the placement of exceptional persons in high quality programs in the least restrictive environment.
- f. Services must be economically sound in meeting human development needs.

## Para. 3 - The Need for Flexibility and Development

Because of rapid changes and developments in the environmental factors that influence the characteristics of children and the conditions of their lives, special education should maintain a flexibility that permits it to adapt to changing requirements.

Some of the events and changes that have had major impact on special education in recent years are the following: a rubella epidemic, discovery of preventatives for retrolental fibroplasia, increasing numbers of premature births, increasing awareness of the deleterious effects of poverty and malnutrition, new techniques in surgical intervention, invention of individual electronic hearing aids, and adaptation of low-vision aids. Changes and developments in public health, medicine, technology, and social programs may have only a small total effect on school systems, but they frequently have major impacts on special education programs. Changes in one aspect of special education quickly are reflected in other aspects of the field as, for example, the rapid development of day school programs for children with exceptionalities which has been reflected in a more severely disabled population in residential schools.

Special educators must seek to be highly flexible in the provision of services and the use of technology and techniques to meet the changing needs of children with exceptionalities.

School administrators and special educators have particular responsibility for sustaining their professional awareness and development as a basis for changing programs to meet changing needs.

## Para. 4 - Prevention of Handicapping Conditions

Increasing knowledge of the biological and social causes of many handicapping conditions now makes some conditions preventable. The Council believes that appropriate prenatal counseling and care and intervention services could prevent or reduce the severity of many handicapping conditions. Therefore, The Council believes that there should be substantial governmental attention and resources devoted to prevention and the amelioration of the impact of handicapping conditions including:

- a. Research and development
- b. Public awareness
- c. Prenatal services
- d. Child- and family-centered early intervention services
- e. Family and parenting education and support programs for teenagers and other high-risk populations
- f. Reduction of social and environmental factors that cause handicapping conditions.

## **CHAPTER 07 EDUCATION OF THE GIFTED AND TALENTED**

### Para. 1 - Gifted and Talented Children as Exceptional Children

Special education for the gifted is not a question of advantage to the individual versus advantage to society. It is a matter of advantage to both. Society has an urgent and accelerated need to develop the abilities and talents of those who promise high contribution. To ignore this obligation and this resource is not only shortsighted but does violence to the basic concept of full educational opportunity for all.

Special educators should vigorously support programs for the gifted and talented as consistent with their concept of the need for special assistance for all children with exceptionalities. Such programs should reflect both the cognitive and non-cognitive needs of the gifted and talented.

### Para. 2 - Identification

Gifted and talented children are those who are capable of high performance as identified by professionally qualified personnel. These children require different educational programs and/or services beyond those normally provided by the regular school program in order to realize their full potential in contribution to self and society.

Broad search and an early identification system for the identification of gifted and talented children within all sectors of the population should be the hallmark of an adequate educational system. Identification procedures should also reflect individual means of identifying children with general intellectual ability, specific academic abilities, leadership abilities, and abilities in the fine and performing arts.

### Para. 3 - Delivery of Services

No single administrative plan or educational provision is totally appropriate for the gifted and talented. Certain administrative and instructional arrangements may provide settings in which the gifted and talented are likely to perform more adequately. In the final analysis, however, the task is one of accommodation to the needs of the individual.

New arrangements and new provisions must be utilized, including freedom to pursue interests which might not fit the prescribed curriculum, opportunities for open blocks of time, opportunities for consultation with persons and use of resources external to the classroom, and opportunities to bypass those portions of the curriculum which have been previously achieved by the individual. These kinds of arrangements must present options across all educational settings and procedures within all programs for the gifted and talented, whether in the regular classroom or in highly specialized situations.

Special education for the gifted and talented demands individualization within special programs in terms of student needs, as well as differentiation between programs for the gifted and talented and programs for other children and adults.

A program of special education for the gifted and talented should provide continuing and appropriate educational experiences from preschool into adult years.

### Para. 4 - Preparation of School and Leadership Personnel

Special preparation is required for those educators who have either specific or general responsibilities for educating the gifted and talented. Teachers and other professional educators who work with the gifted and talented need special training in both program content and process skills. Such training should be recognized by appropriate certification in the case of teachers and should receive the general support of local, state, provincial, federal, and private interests.

### Para. 5 - Demonstration Programs

The preparation of school personnel in the education of the gifted and talented should be carried out in settings which permit opportunities to examine relevant research and to observe innovative administrative provisions and exemplary instruction. This requires extensive library services, ongoing research or access to such research, and most importantly, centers in which teachers may observe and try out new styles of teaching appropriate to the education of the gifted

and talented.

Special model or demonstration programs should be established to illustrate to educators and others the kind and range of innovative program efforts that are possible and effective in the education of gifted and talented students.

#### Para. 6 - Research and Development

Research and development resources should be focused on the needs of the gifted and talented in order to develop new methodologies and curricula and to allow educators and others to evaluate current and proposed methods.

#### Para. 7 - Parents and the Public

One responsibility of the special educator is to educate the parents of gifted and talented children concerning their children's needs and rights.

The educational needs of the gifted and talented also warrant planned programs of public information, particularly at the local community level. Special educators should accept these responsibilities as an important part of their professional involvement.

#### Para. 8 - Financial Support

Although programs for the gifted and talented can sometimes be initiated at relatively modest cost, it is important that funds for this purpose be earmarked at local, state or provincial, and national levels.

Principal expenditures should be directed toward the employment of leadership personnel, the development of methods and programs, and of particular importance at the local level, the preparation of persons for the support and implementation of such methods and programs in the schools.

The importance of optimal educational services for the gifted and talented merits the expenditure of funds in appropriate amounts toward this end by all levels of government as well as by other sources.

## **CHAPTER 08 ETHNIC AND MULTICULTURAL GROUPS**

#### Para. 1 - Preamble

The Council believes that all policy statements previously adopted by CEC related to children with and without exceptionalities, as well as children with gifts and talents, are relevant and applicable to both minority and nonminority individuals. In order to highlight concerns of special interest to members of ethnic and multicultural groups, the following policy statements have been developed:

#### Para. 2 - Ethnicity and Exceptionality

The Council recognizes the special and unique needs of members of ethnic and multicultural groups and pledges its full support toward promoting all efforts which will help to bring them into full and equitable participation and membership in the total society.

#### Para. 3 - Identification, Testing, and Placement

The Council supports the following statements related to the identification, testing, and placement of children from ethnic and multicultural groups who are also exceptional.

- a. Child-find procedures should identify children by ethnicity as well as type and severity of exceptionality or degree of giftedness.
- b. Program service reporting procedures should identify children by ethnicity as well as exceptionality or degree of giftedness.
- c. All testing and evaluation materials and methods used for the classification and placement of children from ethnic and multicultural groups should be selected and administered so as not

to be racially or culturally discriminatory.

- d. Children with exceptionalities who are members of ethnic and multicultural groups should be tested in their dominant language by examiners who are fluent in that language and familiar with the cultural heritage of the children being tested.
- e. Communication of test results with parents of children from ethnic and multicultural groups should be done in the dominant language of those parents and conducted by persons involved in the testing or familiar with the particular exceptionality, fluent in that language, and familiar with the cultural heritage of those parents.

All levels of government should establish procedures to ensure that testing and evaluation materials and methods used for the purpose of classification and placement of children are selected and administered so as not to be linguistically, racially, or culturally discriminatory.

#### Para. 4 - Programming and Curriculum Adaptation

The Council supports the following statements related to programming and curriculum adaptation for children from ethnic and multicultural groups:

- a. Long-term placement should be avoided unless students are reevaluated at prescribed intervals by individuals qualified in assessing such students with the most appropriate culture-free assessment instruments available.
- b. All school districts should take necessary steps to ensure that both students and their parents fully comprehend the implications of and the reasons for proposed programming decisions, including the nature and length of placement. Parents should be fully involved in the decision-making process.
- c. Culturally appropriate individualized education programs should be designed which include the child's present level of educational performance, annual goals, short-term objectives, and specific educational services to be provided.
- d. It is of utmost importance to identify children's relative language proficiency so that language-appropriate special education programs may be provided (e.g., bilingual special education and special education programs incorporating English-as-a-Second-Language instruction).
- e. Children with exceptionalities who are members of ethnic and multicultural groups should have access to special cultural and language programs provided to nonexceptional group members, with the necessary program adaptations to make the program beneficial to the exceptional child or youth.
- f. Culturally appropriate educational materials should be readily available in ample quantity so that all students, including those from ethnic and multicultural groups, may benefit from their content.
- g. Curriculum should be adapted or developed to meet the unique needs of children from all cultural groups. Curriculum should include a multicultural perspective which recognizes the value of diverse cultural traditions to society as well as the contributions of all cultural groups of American and Canadian society.
- h. It is critical for teachers to recognize individual language and cultural differences as assets rather than deficits. Furthermore, those assets should be utilized to enhance education for all children, including those from ethnic and multicultural groups.

#### Para. 5 - Technical Assistance and Training

Special and unique concerns of Council members from ethnic and multicultural groups which are related to technical assistance, training, and services will receive the attention and support of the Special Assistant to the Executive Director for Ethnic and Multicultural Concerns.

#### Para. 6 - Special Projects

- a. The Council will continue its interests in projects that meet the needs and concerns of all its membership. Furthermore, The Council will actively search for projects that include special concerns of members from ethnic and multicultural groups.

- b. Projects that include special and unique concerns of members from ethnic and multicultural groups to be considered for development and implementation will receive the combined attention and support of various Council staff and the Special Assistant to the Executive Director for Ethnic and Multicultural Concerns.
- c. All projects of The Council will include opportunities for perspective and participation by ethnic and multicultural groups in formulation, implementation, and evaluation phases.

Para. 7 - Cooperation with Organizations, Disciplines, and Individuals

- a. The Council will support efforts to explore with other organizations mutual concerns and issues related to ethnic and multicultural children and their families. In the process, The Council will take care not to intervene in the internal affairs of any of the other organizations.
- b. The Council will support efforts to work cooperatively with other organizations in activities and services related to children with exceptionalities from ethnic and multicultural groups and their families.

Para. 8 - Use of Interpreters/Translators for Culturally and Linguistically Diverse Individuals (Other than Hard of Hearing)

- a. The practice of spontaneously pulling non-professional bilingual persons from their regularly assigned duties to fulfill the role of interpreter/translator when appropriate training has not been provided should be avoided altogether.
- b. School districts, agencies, private schools or other employers/users should exhaust all means of obtaining professional personnel who are bilingual before seeking the assistance of interpreters/translators.
- c. If the use of interpreters/translators is the only alternative, training should be provided in the briefing, interaction and debriefing processes on interpreting/translating, and in special education procedures and guidelines.
- d. Professionals in organizations using interpreters/translators should also be trained in the appropriate use of these personnel to maximize effective communication among professionals, students and parents.
- e. Competencies of interpreters/translators must be determined before using their services. Competencies should include, but are not limited to, high proficiency levels in English and the target language; knowledge of cultural and linguistic nuances; knowledge of cross-cultural, gender, and generational differences and expectations.
- f. Upon mastery of the competencies, certification or rating through an approved system should be required to ensure that interpreters/translators possess the skills necessary for providing effective services.

**CHAPTER 09**  
**SPECIAL EDUCATION'S RESPONSIBILITIES TO ADULTS WITH DISABILITIES**

Para. 1 - Preamble

The Council believes that most students can learn to become contributing citizens, family members, employees, learners, and active participants in meaningful vocational, recreational, and leisure pursuits. We believe, therefore, that it is an important purpose of education to assist students in the attainment of such outcomes. Further, we believe that education from early childhood through adult education should focus on assuring that students with exceptionalities attain such outcomes.

Para. 2 - Collaborative Responsibilities

In order to assist students with exceptionalities to become productive workers and independent adults, special education should work in collaboration with adult service agencies to influence the provision of needed services from such agencies. Collaboration should include:

- a. Working with postsecondary vocational/technical institutions, adult education, rehabilitation, and independent living centers that assess, train, and place persons with exceptionalities in meaningful work situations.
- b. Interaction and collaboration to provide relevant information to agencies and organizations that will assist them to conduct job site assessments, training follow-up, and continuing training or education for persons with exceptionalities.
- c. Assisting appropriate special educators to become knowledgeable about their community's labor market needs and build close working relationships and partnerships with the business and industrial sector so that receptivity toward potential employees with exceptionalities is increased.
- d. Promotion of adult and continuing education and literacy service opportunities for adults with exceptionalities.
- e. Conducting systematic follow-up studies on former students so that curriculum and instruction can be appropriately modified to be responsive to employment and independent living needs.
- f. Advocating the elimination of attitudinal and physical barriers which reduce the ability of these individuals to fully participate in society and increase vocational, recreational, and leisure opportunities.
- g. Supporting the participation of special educators on advisory committees and in staff development and inservice training programs of agencies, organizations, and the business and industrial sector that address the needs of adults with exceptionalities and how they can be met.
- h. Promoting an early close working relationship with adult service agency personnel, so secondary students can be provided more successful transition from school to adult life, and advocating for the provision of needed adult services by these agencies.