

A STUDY TO DETERMINE THE PLACEMENT PROCEDURES
AND OVERALL STRUCTURE OF THE
SPECIAL EDUCATION PROGRAMS
IN THE UNITED STATES

By

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PREFACE

The object of this study was to review the guidelines of the Special Education programs in the fifty United States, to determine their placement procedures for students with learning difficulties and determine if a gap exists in services provided students with learning difficulties.

The author wishes to express her appreciation to her major advisor, Dr. Paul Warden, for his patience, guidance and assistance throughout this project.

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CHAPTER I

THE RESEARCH PROBLEM

Introduction

Education is a function of the state because no direct reference was made to it in the United States Constitution. Each state creates its own legislation. This legislation provides the guidelines within which publicly supported educational programs must operate. However, state and federal courts are now using the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution as the basis for challenging the exclusion of any children from public supported educational services. It is being contended that if a state educates some, they must educate all and that provisions for publicly supported education and training programs should be appropriate to the individual's learning capacities. Thus, education is a state function; however, the laws and policies provide that education in each state must not be in violation of the United States Constitution. In recent years, there has been a major thrust by many educators and state legislators to plan and implement educational programs for the handicapped or exceptional child.

An exceptional child is one who deviates intellectually, physically, socially, or emotionally so much from what is considered normal growth and development that he cannot receive maximum benefit from a regular school program and requires a special class or supplementary instruction or services (Cruickshank, 1975, p. 3).

Since 1940, great strides have been made in providing special education programs for the exceptional child. An exceptional child is a child with differences and it is the differences which have dictated legislation at the state and federal levels. Many states are now in the process of rewriting guidelines in an attempt to place exceptional children in an educational program which will best meet their individual needs. In a bulletin prepared by the Special Education and Oklahoma Curriculum Improvement Commissions, Leslie Fisher, State Superintendent of Public Instruction, states: "The state education forces recognize their responsibility to provide equal educational opportunities to all children. Meeting the needs of every student is the ultimate aim of educators in Oklahoma" (Page 2).

Statement of Problem

Is Oklahoma meeting the needs of every student?

In Oklahoma, a gap exists in the services provided children with learning problems. Children with an intelligence quotient which lies between 76 and 89 are ineligible for special services. Students who are assessed as learning disabled or mentally retarded are eligible for special services under state law. However, the legal definition for learning disabled in this state specifies that the student have an IQ of 90 or above. The legal definition for mental retardation includes the specification that students have an IQ of 75 or below. The IQ scores are obtained by an individual test of intellectual functioning and the IQ cut-off points of 75 and 90 are strictly adhered to in determining the student's eligibility for special education services. Therefore, students whose IQ scores fall in the 76 to 89 range are

ineligible for services provided exceptional students who have been assessed as mentally retarded or learning disabled, and there is no provision for another special category such as slow learner to fill the gap. Because of the intelligence quotient specifications in the Oklahoma state laws on special education, the student with a learning disability whose IQ falls in the range between 76 and 89 must remain in the regular class program where his needs may not be met. The regular classroom teacher rarely has the necessary special training or materials needed to meet the needs of children with learning disabilities. Also the regular classes have an approximate class size of twenty-six students, while special classes for exceptional children are not to exceed an enrollment of ten according to Oklahoma state law. Even if a regular classroom teacher did have the necessary training needed to meet the needs of exceptional children, the larger size of a regular class greatly diminishes the amount of individual help and attention the teacher can give each child. As a result in the state of Oklahoma, the needs of the exceptional child whose IQ score ranges from 76 to 89 go unmet.

Purpose of the Study

The primary purpose of this study is to determine if similar gaps in services to exceptional children occur in other states. This will be done by reviewing each state's guidelines for programs for exceptional children. Specifically, each state's legal definition for mental retardation, learning disabled and the procedure for assessment and/or placement will be reviewed to discover whether or not a gap exists in services to exceptional children and why. A comparison of this aspect

of services provided exceptional children in Oklahoma and services provided exceptional children in other states can be made.

Methodology

In order to examine the special education programs in each state, a request for information regarding the rules, regulations, procedures and legislation relevant to this program was requested from each of the fifty state departments of education. A copy of the letter requesting this information is provided in the appendix. A return rate of 56% (28) was achieved. Forty-two percent (21) were contacted by telephone. Information was not obtained from 2% (1), Hawaii, because they failed to respond to four requests for information by mail and telephoning would have involved excessive expense. A summary of this information is contained in Table 1.

CHAPTER II

REVIEW OF THE LITERATURE

In 1961, President John F. Kennedy committed this country's resources to the cause of handicapped individuals in general and to the mentally retarded in particular:

"The manner in which our nation cares for its citizens and conserves its manpower resources is more than an index to its concern for the less fortunate. It is a key to its future. Both wisdom and humanity dictate a deep interest in the physically handicapped, the mentally ill and the mentally retarded. Yet although we have made considerable progress in the treatment of the physically handicapped, although we have attacked on a broad front the problems of mental illness, although we have made great strides in the battle against disease, we as a nation have too long postponed an intensive search for solutions for the problems of the mentally retarded. That failure should be corrected." (Presidents' Committee on Mental Retardation, 1962, p. 196) (Hewett, 1974, p. 60).

This mandate launched a remarkable period of growth for the entire field of special education. "As the field has grown it has become increasingly self-critical and aware of unsolved problems. It has become increasingly accountable for resolving these problems on a nationwide basis" (Hewett, 1974, p. 62).

Fifteen years later one finds the special education programs still suffering from growing pains and trying to resolve a complexity of controversial, tangled problems. Two such issues currently receiving a great deal of attention are labeling children in order to place them in categories and the fairness of IQ tests.

Nicholas Hobbs and a team of colleagues at Vanderbilt University

have spent two years trying to untangle the knotty problem of how to retain the benefits of classifying exceptional children while diminishing the stigmatizing consequences of such labeling. In a Health, Education and Welfare report on children, Hobbs recommends that strict constraints should be used with the use of intelligence tests. Except for research purposes, he suggests educational and psychological tests should not be used with children at all unless resources are available to provide individually designed instructional or remedial programs. As a result, Hobbs suggests that

psychological testing has become a singularly powerful and often abused tool for classification because psychological tests - particularly intelligence tests - frequently discriminate against minority and poor children and because they lead to irreversible deprivation of opportunity" (Trotter, 1975, p. 1).

It has not only been learned that IQ tests are discriminatory, but also that an IQ may vary for an individual. To place the importance of allowing that single score to determine a child's eligibility for a certain educational program may be making a grave error. In a recent study of the mentally retarded by Braginsky and Braginsky (1974), their experiments showed that the retardates could control their IQ test performances. Their subjects came from two large state institutions and one small private facility for the mentally retarded. All subjects had been previously tested and labeled MR, mentally retarded. The psychologist told the subjects prior to the test that they were being tested because the state wanted to select them for a new program. She explained that it sounded like a terrible program, one she was sure they would find unpleasant. The subjects who believed only high IQ scorers would be selected significantly declined in intelligence by over one-and-one-half mental age years. Those who expected only low scorers to

be chosen elevated their intellectual functioning by over two mental age years. In fact, one half of this group obtained average IQ scores. Yet, Oklahoma and other states use guidelines for labeling students which require IQ scores as definite cut-off points.

In a discussion of the education of children with specific learning disabilities, Cruickshank states:

It is important to note that the problem we have described (characteristics of children with specific learning disabilities) may be found in children of any intellectual level, and it appears to increase in gross numbers in populations lower on the intelligence scale. These statements are at variance with regulations of many state departments of education which arbitrarily have established cut-off levels for inclusion of children in classes or programs for those with specific learning disabilities. Such regulations run counter to the fact and in no way reflect either research or clinical experience" (Cruickshank, 1975, p. 246).

Thus, according to Cruickshank, the children in Oklahoma who are excluded from special classes for the learning disabled, namely those with an IQ of 89 or below, represent the portion of the population where specific learning disabilities may occur more frequently than in the portion of the population eligible for learning disabilities classes.

CHAPTER III

ANALYSIS OF THE DATA

Table 1 gives the information pertinent to answering the question voiced in this report, specifically, "Does a gap in special education services occur in that state?" The precise terminology used to define learning disability and mental retardation is given in columns 1 and 2. The diagnostic procedure for identification, assessment and/or placement is given in column 3 which leads to answer the eligibility gap question posed in column 4.

One frequently quoted definition for specific learning disabilities found in column 1 is that formulated by the National Advisory Committee on Handicapped Children (NACHC). This definition was incorporated into the Children with Specific Learning Disabilities Act of 1969 (CSLD), PL 91-230, of the Elementary and Secondary Education Amendments of 1969:

Children with special learning disabilities exhibit a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language. These may be manifested in disorders of listening, thinking, talking, reading, writing, spelling or arithmetic. They include conditions which have been referred to as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, developmental aphasia, etc. They do not include learning problems which are due primarily to visual, hearing, or motor handicaps, to mental retardation, emotional disturbance, or to environmental disadvantage (U.S. Public Health Service, 1969).

This definition has been criticized for its ambiguity and for its failure to be operational (Wiederholt, 1974). Twenty-seven states

(54%) use either the exact wording of the NACHC definition or the NACHC definition with only slight modification. Seven states (14%) apply specific criteria, a cut-off score on an IQ test, to the NACHC definition. Oklahoma is among this 14%.

Column 2 deals with the exact definition used to determine mental retardation. Fourteen percent (7) of the states use the definition offered by the American Association of Mental Deficiency (AAMD) in 1973: "Mental retardation refers to significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior, and manifested during the developmental period (Florida Guidelines, p. 5).

Five (10%) of the states are in the process of changing their guidelines and rewriting their definition of mental retardation. Because of this, no definition was offered. These states did indicate, however, that they were moving away from using IQ scores as cut-off points. These five states felt that their new guidelines would be accepted by the fall of 1976 and no later than the fall of 1977. Because the new definitions had not yet become law, they are not listed. But the fact that IQ cut-off points would no longer be used was considered in determining whether or not a gap in services existed.

The third column lists the specific personnel and/or diagnostic procedures, identification, assessment or placement process used in each state. Eighty-eight percent (44) of the states use some type of multidisciplinary team which might include regular teachers, special teachers, school psychologists, clinical psychologists, psychiatrists, counselors, medical doctors, school nurses, parents and/or administrators to determine placement. In a few states, this committee or a

member, often the school psychologist, writes an educational program designed to fit the needs of the student being placed in a special class. In all of these 42 states, the committee reports its findings to the teacher with whom the student is placed to aid him or her in planning the student's educational program. Ten percent (5) of the states use an assessment procedure which only involves one person, usually a school psychologist.

It was impossible to determine the placement procedure used by 2% (1) of the states (Louisiana), as no such specific procedures are outlined in their guidelines and a telephone interview failed to produce the assessment and placement procedure.

The fourth column in Table 1 answers the question, "Does an eligibility gap occur because of definitions or placement procedures?" For 2% (1) of the states, Hawaii, the question is unanswered because of a lack of information. Fourteen percent (7) of the states do have a gap in services. These seven states are Kansas, Louisiana, Maryland, Missouri, Oklahoma, South Carolina, and South Dakota. These states have mandatory IQ cut-off levels in their definitions of learning disabled and mentally retarded which create a gap in special services. No classification such as a slow learner category is provided to fill the gap.

Eighty-four percent, 42, of the states do not have a gap in their services. Twenty-six of these states have guidelines which do not include any reference to IQ. Thus, students unable to profit from a regular classroom program are eligible for special programs regardless of IQ in these twenty-six states. The states who are in the process of changing their guidelines to delete IQ scores from definitions of

exceptional children are included in these twenty-six states. The remaining 16 states of the 42 states who do not have a gap in services, have no IQ restriction in their definition of learning disabled. Thus, students with specific learning disabilities are eligible for special learning disability classes regardless of IQ.

TABLE I

OVERVIEW OF ASSESSMENT PROCEDURES USED BY THE SPECIAL EDUCATION DIVISIONS OF THE FIFTY UNITED STATES

| State | Definitional Terminology for Learning Disability | Definitional Terminology for Mental Retardation | Specific Personnel and/or Diagnostic Procedures for Identification, Assessment, Placement | Does Eligibility "Gap" Occur Because of Definitions or Placement Procedures? |
|----------|--|---|---|---|
| Alabama | Definition incorporated in CSLD Act of 1969, PL 91-230 | Complete definition not offered in information received | Committee recommendation: representatives from medicine, education, and psychology where practical. Special assessment instruments sugges- ted for education. EMR IQ Range - 56-80, IMR IQ Range - 30-55 | No. No IQ restrictions for the learning disabled. Therefore a student with an IQ of 80 or above is eligible for placement in a learning disabilities program. |
| Alaska | Disorders in one or more basic processes involved in receptive or expressive language and require special equipment. | Generalized deficiency in adaptive ability with per- formance significantly be- low expected performance in motor self-help, social, language and vocational areas. | Child study teams consisting of physician, nurse, psy- chologist, social worker, special education teacher | No. Students unable to pro- fit from a regular classroom program are eligible for special programs regardless of IQ. |
| Arizona | Discrepancy between ability and achievement, manifested by brain injury, MBD, dyslexia, develop. aphasia, etc. | Complete definition not offered. No reference to IQ. | Psychologist or psychiatrist for primary diagnosis. Staffing must take place prior to placement and must include teacher, parents, administrator | No. Students unable to pro- fit from a regular classroom program are eligible for special programs regardless of IQ. |
| Arkansas | Significant discrepancy from average sensory motor, perceptual, cognitive, aca- demic or related develop- mental levels which inter- fere with performance of educational tools and which problems are not secondary to other learning handicaps | In process of changing guidelines. | Decision in representative board. Examining personnel which may include medical psychological or thera- peutic experts. | No gap if new definitions and policies are put into effect. New policies scheduled to take effect in Fall of 1976. At present an IQ score of 76-89 makes child ineligible for service |

TABLE I (continued)

| State | Definitional Terminology for Learning Disability | Definitional Terminology for Mental Retardation | Specific Personnel and/or Diagnostic Procedures for Identification, Assessment, Placement | Does Eligibility "Gap" Occur Because of Definitions or Placement Procedures? |
|-------------|---|---|--|--|
| California | Cannot benefit from regular education program, associated with neurological impairment, emotional disturbance, not attributed to mental retardation | No specific MR definition in guideline material received | Admission Committee Comprised of a team of professionals, e.g., school psychologist, speech, hearing, language specialist, teacher of the handicapped | No. Students with learning problems are eligible for specialized instruction regardless of IQ. |
| Colorado | Impediment in learning processes involved in expression, written or spoken language, difficulty with ability to attach meaning to sensory stimuli, motor control, attention problems | In process of changing guidelines | A committee which may be composed of a psychologist, social worker, physician, school ad., classroom teacher of handicapped. A battery of tests by psychologists inferred | No. Intelligence test results used as part of criteria to judge eligibility but not as specific cut-off point. |
| Connecticut | Disorder of one or more psychological processes involved in language perception, memory, conceptualization not due to visual hearing, motor handicaps, mental retardation, emotional disturbance or cultural disadvantage | Complete definition not offered. EMH - IQ range 50-75 | Planning and placement team: Diagnosis to be provided by school district. Review board of 3 or more persons knowledgeable in the field, significant to individual educational review board, has power to affirm, dismiss, call additional evidence, teacher admissions | No. No IQ restrictions for learning disabled. Therefore a student with an IQ of 76 or above is eligible for placement in a learning disabilities program. |
| Delaware | Definition incorporated in CSLD Act of 1969, PL 91-230 | Retarded intellectual development as determined by individual psychological exam. Are incapable of being educated through the regular classroom program. Would benefit from special education program | Early identification responsibility of district administrator. Evaluations may include diagnosis, sensory, psychological, medical, psychiatric, sociological evaluations, and staff input. EMR IQ range - 50-70 IMR IQ range - 30-55 | No. No IQ restrictions for the learning disabled. Therefore a student with an IQ of 71 or above is eligible for placement in a learning disabilities program |
| Florida | CSLD Act of 1969, PL 91-230 with attempts to operationalize | Significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period | Local school board must provide an acceptable plan which could include medical, psychological, social or educational programs. | No. Students unable to profit from a regular classroom program are eligible for special programs regardless of IQ. |

TABLE I (continued)

| State | Definitional Terminology for Learning Disability | Definitional Terminology for Mental Retardation | Specific Personnel and/or Diagnostic Procedures for Identification, Assessment, Placement | Does Eligibility "Gap" Occur Because of Definition or Placement Procedures? |
|----------|---|---|---|---|
| Georgia | Definition incorporated in CSLD Act of 1969, PL 91-230, with slight modifications. | American Ass. on Mental Deficiency (1973) definition for MR | Special Ed. Placement Committee. Chosen from but not limited to administration, referring party, regular teacher, special ed. teacher, social worker, counselor, school nurse, school psychologist. | No. Students unable to profit from a regular classroom program are eligible for special programs regardless of IQ. |
| Hawaii | Mentions child with articulatory omissions or substitutions, hyperactivity, poor muscular coordination as language disorder | Information not received | Emotional or intellectual handicaps must be evaluated by a physician, record updates and routine exams by school psychologists | Unable to determine |
| Idaho | Definition incorporated in CSLD Act of 1969, PL 91-230 | AAMD (1973) definition of Mental retardation with modifications | Multidisciplinary team of at least 4 classroom and special teachers, psychologist, administrator, parent, or individuals of other disciplines | No. Students unable to profit from a regular classroom program are eligible for special programs regardless of IQ. |
| Illinois | Definition incorporated in CSLD Act of 1969, PL 91-230 with slight modifications | Full definition not offered in information received | Case Study evaluation. - A psychological exam is required for identifying a specific LD and MR. Other disciplines may be included. Flexibility is apparent in assessment procedures | No. Students unable to profit from a regular classroom program are eligible for special programs regardless of IQ. |
| Indiana | Modification of the definition incorporated in CSLD Act of 1969, PL 91-230 | EMR - General rate of mental development approximately 2/3's that of pupil with average intelligence. TMR - Can maintain a level of language proficiency and self-care, to function semi-independently in society | Case Conference Committee considers the results of psychological evaluation, school and health information. EMR - IQ 60-75, TMR - IQ 35-60 | No. No IQ restrictions for Learning Disabled. Therefore a student with an IQ of 76 or above is eligible for placement in a learning disabilities program. |
| Iowa | A measurable discrepancy between intellectual ability and actual performance. Does not respond to visual curriculum. Difficulty in acquisition of learning skills inability to organize information | Significant deficits in adaptive behavior and sub-average general intellectual functioning | Placement requires certification by spec. educ. director. Children identified by school personnel including a medical, psychological, and where appropriate psychiatric evaluation | No. Students unable to profit from a regular classroom program are eligible for special programs regardless of IQ. |

TABLE I (continued)

| State | Definitional Terminology for Learning Disability | Definitional Terminology for Mental Retardation | Specific Personnel and/or Diagnostic Procedures for Identification, Assessment, Placement | Does Eligibility "Gap" Occur Because of Definition or Placement Procedures? |
|---------------|--|---|---|---|
| Kansas | Modification of the definition incorporated in CSLD Act of 1969, PL 91-230. IQ cut-off of 90. | No specific MR definition in guideline material received. IQ cut-off eliminated for MR. | Clinical team consisting of certified state personnel for all special education. LD child must have average or above IQ | Yes. Although there is no longer an IQ restriction for MR students, a cut-off IQ of 90 or above remains for LD students. |
| Kentucky | Very similar to definition incorporated in CSLD Act of 1969, PL 91-230. Precise behavioral descriptors offered, e.g., lower intelligence, uneven academic performance, impulsivity | One who scores one standard deviation or more below the mean on an individual intelligence test | Admissions and release committee review all pertinent information and make placement recommendations | No. No IQ restrictions for learning disabled. Students with learning difficulties who are ineligible for MR classes because of IQ restrictions are eligible for LD classes. |
| Louisiana | None offered for the category of learning disabilities IQ cut-off at 90. | None offered for the category of mental retardation IQ cut-off placed at 69. | Special education centers at universities designed as authorities for evaluation, or authorities designated by the state department. LD and MR are a part of entire process. No specific procedures | Yes. Students with an IQ between 70 and 89 go unserved. |
| Maine | Definition incorporated in CSLD Act of 1969, PL 91-230 | One of sub-average intellectual functioning associated with impairment in learning, adaptive behavior, and social adjustment | Pupil evaluation team appointed by school, made up of administrator, teacher, consultant services | No. Special classes are provided for all students with learning disabilities regardless of IQ. |
| Maryland | Deficits in association, conceptualization, attention, psychomotor dev., perceptual integration, or expressive processes which interfere with cognitive learning, and require special education. Score of 90 or above on group IQ test | Mild-Children whose IQ may fall between 2 and 3 dev. below the mean Moderate-IQ may fall between 3 and 4 standard dev. below mean Severe-IQ may fall between 4 and 5 standard dev. below mean | Local education agency screens all children on entering primary grades. Continuous screening, written education assessment and written education management plan before admission Self-contained placement requires psychological evaluation | Yes. MR placement requires an IQ score that falls two or more SD below the mean LD requires an IQ of less than one SD below the mean. Those whose IQ's fall approximately between 70 and 90 go unserved |
| Massachusetts | No definition; terms are included in special needs. Perceptual factors specified for LD | No specific definition. Term MR has been stricken from their laws. Children heretofore referred to as MR are included in "school age children with special needs." | Continuous screening. Diagnosis and evaluation are responsibility of school district, all evaluations for all children contains a medical component; individual educational plans devised by school committee | No. Students with learning difficulties are eligible for special classes regardless of IQ. |

TABLE I (continued)

| State | Definitional Terminology for Learning Disability | Definitional Terminology for Mental Retardation | Specific Personnel and/or Diagnostic Procedures for Identification, Assessment, Placement | Does Eligibility "Gap" Occur Because of Definition or Placement Procedures? |
|-------------|--|---|---|---|
| Michigan | Definition incorporated in CSLD Act of 1969, PL 91-230, with additional components | Not included in material received. "Approximate IQ" used in MR definition to allow flexibility in placement | LD and MR identified by a school psychologist, certified psychologist, consulting psychologist, neurologist and/or qualified medical examiner | No. Students with learning difficulties are eligible for special classes regardless of IQ. |
| Minnesota | CSLD Act of 1969, PL 91-230, with slight modifications. | In process of changing guidelines. Moving to eliminate IQ from definition. At present: EMR-IQ range 50-30, TMR-IQ range below 50 | Child study team at state level. School systems assess educational needs. Local public and private hospitals as well as physician may evaluate. No specific procedure | No. Students with learning difficulties are eligible for special classes regardless of IQ. |
| Mississippi | Paraphrases CSLD Act of 1969, PL 91-230, with slight modifications | No specific definition offered in material received. No specific IQ point used. | School districts responsible for providing special programs for interdisciplinary evaluations | No. Students with learning difficulties are eligible for special classes regardless of IQ. |
| Missouri | Children who have near average, or above average intelligence, but who may manifest mild to severe difficulty with perception (inability to attach meaning to sensory stimuli) conceptualization, language, memory, motor skills or control of attention | AAMD (1973) definition of mental retardation, and perform on formal test of intelligence and adaptive behavior at a level 3/4s or less that of normal peers | Interdisciplinary diagnosis of classroom teacher, specialist teacher, reading specialist, speech pathologist, school counselor, physician involved only if recommendation is made by the "team" at the staffings. Emphasis is psychoeducational diagnosis | Yes. If LD and MR definitions are strictly adhered to, pupils in the approximate range of 76-89 would go unserved |
| Montana | Paraphrases CSLD Act of 1969, PL 91-230 with additional components | Complete definition not offered. Mentally retarded refers to pupils with an IQ of 75 or less as evidenced by an individual test of intellectual functioning | Child study teams for education prescription required before services provided | No. Students with an IQ of 76 or above are eligible for placement in learning disabilities classes. |
| Nebraska | Modification of CSLD Act of 1969, PL 91-230 | Children of school age will be because of retarded intellectual development as determined by individual psychological examination and deficiencies in social adjustment, require additional supportive services in order to function profitably within regular educational programs | Responsibility of School Board. Evaluation by psychologist or resource teacher. | No. Students with learning difficulties are eligible for special classes regardless of IQ. |

TABLE I (continued)

| State | Definitional Terminology for Learning Disability | Definitional Terminology for Mental Retardation | Specific Personnel and/or Diagnostic Procedures or Identification, Assessment, Placement | Does Eligibility "Cap" Occur Because of Definition or Placement Procedures? |
|----------------|--|---|--|---|
| Nevada | Modification of CSLD Act of 1969, PL 91-230 | Pupils who, as a result of ineffective intellectual functioning, are unable to profit educationally from a typical classroom setting. EMR-IQ 50-75 TMR-IQ 30-50 Severe-below 30 | Psychoeducational testing | No. No IQ restrictions for learning disabled. Students with an IQ of 76 or above are eligible for placement in learning disabled classes. |
| New Hampshire | Discrepancy between academic ability and performance in expressive or receptive language and/or spatial orientation. | No specific definition offered in material received | Psychoeducational evaluation. Supt. of Schools responsible for appointing a staff committee of professional personnel to make placement recommendations | No. Student with learning difficulties are eligible for placement in learning disability classes. |
| New Jersey | CSLD Act of 1969, PL 91-230 with modifications, perceptually impaired | EMR-IQ range of $1\frac{1}{2}$ to 3 SD below mean. Gives evidence of limitation to a very low level of ability to think abstractly, gives evidence of less ability to function socially without direction than that displayed by intellectually average peers. TMR-IQ of 55 or below | Local districts establish child study teams, must be classified in categories, no specific process for neuroreceptually impaired. MR must have psychological examination | No. No IQ restrictions for learning disabled. Students with an IQ of 76 or above are eligible for placement in learning disability classes. |
| New Mexico | Deficits in essential learning process. May be several classifications | EMR-IQ range, 50-75 TMR-IQ range, 25-50 Other factors considered, IQ ranges not strictly adhered to | Educational Appraisal and Review Committee made up of School psychologist, teachers and others | No. No IQ restrictions for learning disabled. A student with an IQ of 76 or above is eligible for placement in LD classes. |
| New York | No specific definition. Included in general eligibility guidelines for children with special needs | EMR-IQ 1.5 Standard Deviation below mean, cannot profit from regular classroom setting, but may be expected to profit from Special Education program | Local Boards determine appropriate exam. A committee is formed including a school psychologist, teacher, and school physician | No. Students unable to profit from a regular classroom program are eligible for special programs regardless of IQ. |
| North Carolina | Slight modification of definition incorporated in CSLD Act of 1969, PL 91-230 | Modification of AAMD (1973) definition of Mental Retardation. EMR-IQ range 50-75 TMR-IQ range 30-50 | School Board Committee responsible for placement | No. Guidelines provide for any child with special needs. |
| North Dakota | Slight modification of definition incorporated in CSLD Act of 1969, PL 91-230 | EMR-50-75 Other criteria considered in addition to level of intellectual functioning | Psycho-educational (partially intellectual) assessment | No. Students unable to profit from a regular classroom program are eligible for special programs regardless of IQ. |

TABLE I (continued)

| State | Definitional Terminology for Learning Disability | Definitional Terminology for Mental Retardation | Specific Personnel and/or Diagnostic Procedures or Identification, Assessment, Placement | Does Eligibility "Gap" Occur Because of Definition or Placement Procedures? |
|----------------|--|--|---|--|
| Ohio | Neurologically and emotionally handicapped, performance deficit in one or more basic educational areas. IQ of 80 or above | General IQ range of 50-80, of legal school age (6-18), cannot meet the academic, social behavioral expectations of regular instructional program, is capable of profiting substantially from instruction in a modified program | Superintendent of school district responsible for the assignment of pupils. Assessment of achievement, adjustment, and social adaptability. LD requires complete examination, including a neurological exam by a licensed physician | No. House Bill 455 will delete references to IQ scores for EMR students in order to provide more flexibility in placement; Bill has passed both houses and is awaiting Governor's response |
| Oklahoma | Children of potentially normal intelligence with some neuropsychological disruption. Major sensory-motor disruptions excluded. IQ of 90 or above | EMR-Children who can be taught some academic work, but are mentally retarded to the extent that their development is hindered in a regular classroom. IQ 50-75. TMR-IQ range 30-50, possibly 60 | Psychological and/or neurological evaluation. Staff members who know child (teachers and principals) must be in agreement on placement recommendation | Yes. Students within the IQ range of 76-89 are ineligible for MR or LD services |
| Oregon | Potentially normal intelligence but unable to profit from regular instruction. Includes MBD, dyslexia and LD | Complete definition not offered. MR includes students with an IQ of 75 or below. IQ cut-off not strictly observed | School districts determine evaluations, usually by committee | No. Student with an IQ of 70 or above are eligible for learning disability classes. |
| Pennsylvania | Definition incorporated in CSLD Act of 1969, PL 91-230 | Complete definition not offered MR-IQ range 80 or below | Require individual psychological exam. Educational assessment, visual, hearing, neurological screening, and if warranted, psychiatric exam | No. Students with an IQ of 80 or above are eligible for learning disability classes. |
| Rhode Island | Neurologically demonstrates unusual perceptual and conceptual disturbances and aphasic child, associated with brain lesions | Not available at this time. In process of changing guidelines | Medical, psychiatric, educational, and clinical psychological test is required for all exceptional children | No. (If new guidelines are approved). Students are eligible for special classes regardless of IQ. |
| South Carolina | Definition incorporated in CSLD Act of 1969, PL 91-230. Average intelligence or above. Weschler allows 1 SD below mean. Benet allows 2 SD below mean | Complete definition not offered. EMR 50-70. Not adhered to strictly, but used as a guideline. IQ only one factor in many considered. | Ongoing screening process, most have psychological evaluation and recommends exam by physician, neurologist, ophthalmologist, optometrist and/or audiologist | Yes. Students with an IQ of 71 to 84 go unserved |

TABLE I (continued)

| State | Definitional Terminology for Learning Disability | Definitional Terminology for Mental Retardation | Specific Personnel and/or Diagnostic Procedures or Identification, Assessment, Placement | Does Eligibility "Gap" Occur Because of Definition or Placement Procedures? |
|--------------|--|--|---|--|
| South Dakota | CSLD Act of 1969-LD 91-230 and must have average or above IQ | A child who at the present stage of his or her development, is significantly impaired in adaptive behavior as a result of sub-average general intellectual functioning and exhibits impairments of one or more of the following: learning, maturation or social adjustment | Assessment team composed of classroom teacher, administrator, evaluator, and other supportive staff | Yes. Students with an IQ between 76 and 89 go unserved. |
| Tennessee | Paraphrases CSLD Act of 1969, PL 91-230 | A child who has or develops a continuing handicap in intellectual functioning which significantly impairs the ability to think and/or act and the ability to relate to and cope with the environment EMR-1/2 to 3/4 the normal rate of functioning | Multidisciplinary team for screening. Assessment by a certified school psychologist or certified specialist | No. Students with a learning problem, who are not eligible for MR classes because of low IQ, are eligible for learning disability classes. |
| Texas | Deficient in acquisition of language and/or learning skills, developmental dyslexia | EMR-IQ range 70-55 TMR-IQ range 55-30 | Identified by educational and/or medical and/or psychological diagnosis. Committee appointed by school district provides placement services | No. A student with an IQ of 71 or above is eligible for placement in a learning disabilities class. |
| Utah | Definition incorporated in CSLD Act of 1969, PL 91-230 | Complete definition not offered MR-IQ of 75 or below. Allow 5 points for error in testing, etc. Extreme care must be taken in using IQ scores for placement criteria | Team consisting of the regular teacher, special education teacher, principal, parent, psychologist, social worker, nurse, psychiatrist | No. A student with an IQ of 76 or above is eligible for placement in a learning disabilities class. |
| Vermont | Discrepancy between current rate of learning and expected rate in reading, spelling, writing and social skills. No reference to IQ | | Team consisting of teacher, speech therapist, referring teacher, principal, special class teacher, parent | No. Students unable to profit from a regular class program are eligible for special programs regardless of IQ. |
| Virginia | Definition incorporated in CSLD Act of 1969 PL 91-230 | Children whose mental capacity is such that they cannot be adequately educated in the regular classes in public school without the provision of special services. EMR-IQ 70-55 TMR-55 & below | Specific evaluation procedure including psychological, educational, and medical examination | No. A student with an IQ of 76 or above are eligible for placement in a learning disabilities class. |

TABLE I (continued)

| State | Definitional Terminology for Learning Disability | Definitional Terminology for Mental Retardation | Specific Personnel and/or Diagnostic Procedures or Identification, Assessment, Placement | Does Eligibility "Gap" Occur Because of Definition of Placement Procedures? |
|---------------|--|--|---|---|
| Washington | Special disorder in one or more processes involved in using spoken or written language. May include perceptual handicaps, MBD, dyslexia, Develop. Aphasia | Demonstrate sub average functioning. Growth and performance indicate a need for a special education program designed to meet individual needs. Mildly MR-IQ 50-75 Moderately MR-IQ 30-50 Profoundly MR-Below 30 | Special criteria established. Medical evaluation by a physician is a component of all assessments | No. Students with an IQ of 76 or above are eligible for placement in a learning disabilities class. |
| West Virginia | Slightly modified definition incorporated in CSLD Act of 1969, PL 91-230. Emphasis on CNS impaired Three basic characteristics 1) process, 2) academic, 3) exclusion | In process of changing guidelines. MR IQ cut-off point is 75. Includes 5 points standard Error of Measurement | Special education advisory committee. Multidisciplinary team of LD teacher, principal, special education director, school psychologist, speech clinician, and physician | No. Students with an IQ of 76 or above are eligible for placement in a learning disabilities class. |
| Wisconsin | Encompassed under child with exceptional educational needs | | No specific process of LD. General procedure involves a multidisciplinary team that is augmented based on an individual child's needs | No. Students unable to profit from a regular class program are eligible for placement in special programs regardless of IQ. |
| Wyoming | CSLD Act of 1969, PL 91-230 with slight modifications | AAMD (1973) definition of mental retardation | Local district multidisciplinary team, teacher, and psychologist medical | No. Students unable to profit from a regular class program are eligible for placement in special programs regardless of IQ. |

CHAPTER IV

SUMMARY AND CONCLUSIONS

Discussion

A review of the current state legislation which provides guidelines for programs for exceptional children reflects differences of opinion about the identification, assessment and placement of the exceptional child. The task of identification, assessment and placement is being dealt with in almost as many different ways as there are states. Perhaps the reason for the differences lies in the fact that the exceptional child is difficult to define; the term represents many different medical, psychological and educational groupings of children. The term exceptional child has become a catch-all term which represents many different groups of children with many different degrees of disability within each group.

The learning disabled and the mentally retarded are only two of the many groupings which fall under the heading of the exceptional child. A review of legislation concerning the learning disabled group indicates that there is a considerable discrepancy of opinion concerning what constitutes a learning disabled child. No doubt this discrepancy is due to the fact that specialized education for the learning disabled is only a few years old. Only slight differences of opinion exist in the legislation which defines the mentally retarded. Perhaps this is due to the fact that education for the mentally

retarded is over one-hundred years old and has had a longer period of time to gain insight into mental retardation.

Even with the differing opinions on defining the learning disabled, some agreement regarding one aspect of this definition is found. The majority of the state legislation on learning disabilities does not include an IQ cut-off point. Forty-three of the fifty states do not refer to intelligence quotient in their definition of the learning disabled. The remaining seven states who do include an IQ cut-off point specify that the child must have an average or above IQ. As a result, these seven states, which include Oklahoma, do not provide any special services to exceptional children who have an IQ of less than 90 and who are not assessed as being mentally retarded.

Conclusions

One can conclude from this review of the legislation for exceptional children, that Oklahoma is in the minority in excluding certain children from special services for the exceptional child. One can also conclude that this gap in services exists because an IQ cut-off point of 90 or above is included in the definition for learning disabled. A gap in services does not occur in the forty-three states who do not have an IQ restriction for learning disabled.

The description of specific learning disabilities by Cruickshank, an authority on education for exceptional children, which is contained in Chapter II of this report, states that "learning disabilities may be found in children of any intellectual level." Taking this definition into consideration, one can further conclude that the learning disabled children in Oklahoma and the other six states who have similar gaps in

services are not being provided an education which meets their special needs.

Still another conclusion that can be drawn from the review of the legislation made in this report is that there is a trend toward deleting IQ scores from legal descriptions of exceptional children. Twenty-one of the states make no reference to IQ in the descriptions of exceptional children in the state's current guidelines. Several states, such as Arkansas, are now in the process of changing their guidelines and are deleting IQ scores from the legal descriptions of exceptional children.

Recommendations

The fact has been established that children with learning disabilities do exist at the intelligence levels between 76 and 89. Oklahoma is one of the few states who do not provide special services for these children. In the forward of the bulletin which outlines the guidelines for exceptional children in Oklahoma it states that "the ultimate aim of educators in Oklahoma is to meet the needs of every student." It appears that Oklahoma has fallen short of its goal.

Is it possible that because of this gap in services Oklahoma is also in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution? Assume these facts of a hypothetical case: A suit is filed against the Oklahoma State Department of Education by a handicapped or exceptional person of school age with a specific learning disability. This person is denied admittance to one of the learning disability classes because his IQ score is below the 90 IQ cut-off point. The specific educational needs of this handicapped

person are not being met in the regular classroom program. Would the courts find that this exceptional person is receiving an education that meets his needs equally as well as the normal child in the regular classroom program? Cases similar to this hypothetical one have occurred in Pennsylvania and Washington, D.C. and in both cases the court found in favor of the exceptional child or children.

It has been the experience of this author as a teacher in Oklahoma for ten years, that the exceptional child who is ineligible for special classes has two alternatives. The parents of this child can enroll him in a private school which would provide for his special needs and pay the private school tuition as well as the taxes for public education. Or the exceptional child can remain in the regular educational program where his needs go unmet and he becomes a likely candidate for one who will drop out of school when he reaches the legal age to do so.

One possible reasoning behind creating the gap in services to exceptional children in Oklahoma could be lack of funds to make provisions for additional classes. If this is the case, perhaps we should re-evaluate this line of reasoning. The dollars invested in the early life of an exceptional child will mean a smaller investment in that same person as an adult. The cost of educating an exceptional child is less than the cost of maintaining this individual throughout his adult life.

The gap in services to exceptional children can be eliminated in several ways. One possible means of filling the gap in services created by the legislation is to provide yet another category of the exceptional child such as slow learner to fill the gap. In reviewing the guidelines received from twenty-eight State Departments of Education, no reference

to such a category was found. In telephone interviews with State Department of Education officials from twenty-one states, no reference to a category such as slow learner was made.

Another method would be to change the guidelines by eliminating the IQ cut-off specification in the legal definition of learning disabled. This would allow children assessed as learning disabled admittance to learning disability classes regardless of IQ. •

This author prefers a method of eliminating the gap in services which would move away from categorizing children. Rather than using the sort and classify method of testing children and placing them in a category according to an IQ score, or other such norm-referenced test results, the child's own unique learning problems would be assessed through a battery of diagnostic tests which would include criterion-referenced tests. "Criterion-referenced tests are designed to yield measurements that are directly interpretable in terms of specific performance standards. The norm-referenced tests are designed to measure a person in relation to a normative group." (Carver, 1974, p. 512)

This method would involve writing legislation regarding the education of children with learning problems that deals with operational requirements of meeting specific educational needs of children rather than matching children to definitions. Instead of focusing on identifying discrete categories of children as a prerequisite for providing services, the legislation should establish means for determining individual educational plans based on behavioral manifestations of learning problems.

Hopefully, in the future, the legislation which provides for exceptional children will place the emphasis on classifying "special

needs" rather than "special children" before providing services.

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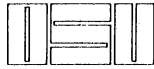
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APPENDIX



Oklahoma State University

APPLIED BEHAVIORAL STUDIES IN EDUCATION

STILLWATER, OKLAHOMA 74074
116 NORTH MURRAY HALL
(405) 372-6211, EXT. 6245

April 18, 1976
10103 East 23rd Street
Tulsa, Oklahoma 74129

Dear

At present I am working on my Masters Degree in School Psychology at Oklahoma State University and need your help in compiling information on educational programs for exceptional children. It is the feeling of many Oklahoma educators that the Oklahoma programs for exceptional children need to be re-evaluated and alternative programs considered.

In our state there is a gap in the services provided students with learning difficulties because of the wording of the legislation which uses IQ scores to identify students for placement in Special Education. A minimum IQ of 90 is required for placement in LD classes while a maximum IQ of 75 is the cut off for EMH classes. Consequently, those students with IQ's of 76 to 89 go unserved.

In order to complete a comprehensive analysis of provisions for students whose needs are not entirely met in the regular classroom, I need information regarding the procedures for identification and/or placement used by your state as well as the structure of your overall Special Education provisions. Your assistance is vitally important.

Thank you in advance for your help in this matter.

Sincerely,

Mary Comfort, B.S.
Approved:

Paul G. Warden, Ph.D.,
Coord., Educational and
School Psychology

VITA

Mary Eugenia Comfort

Candidate for the Degree of

Master of Science

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