Position on Promoting Positive and Equitable Outcomes for All Children and Youth with Disabilities in All Educational Settings

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The Council for Exceptional Children (CEC) advocates for the full participation of all children and youth with disabilities and/or identified as gifted and talented in educational programming that promotes positive academic, social emotional, and adaptive/independent living outcomes and sets the stage for lifelong success. This position statement is focused on issues of educational programming for children and youth served under IDEA and ADA. Several key ideas within the Individuals with Disabilities Education Act (IDEA) mandate specific criteria which Local Education Agencies (LEA) and Part C Agencies (i.e., birth to age 3) must be implemented to ensure access, participation, and supports are in place for all children and youth with disabilities. Moreover, special education professionals should partner with the families of children and youth with disabilities to ensure successful programming. CEC's membership embraces these mandates and the potential opportunities they offer, while seeking specific systemic and professional support necessary for successful implementation.

Specifically, CEC supports policies that:
- reaffirm that special education is defined as a set of services, and not solely by the physical setting;
- enhance academic, behavioral, social emotional, and adaptive/independent living outcomes for all children and youth with disabilities, gifted and talented, and twice exceptional in all educational settings;
- identify, assess, and individualize for the diverse needs of all learners in racially, culturally, and linguistically responsive ways; and
- employ high quality supports to ensure all children and youth receive effective instruction in all educational settings.

The Evolution of Rightful Presence and Equitable Access to Education

IDEA ensures children and youth with disabilities receive the services and supports necessary to meet state standards from Pre-K-12th grade at no cost and in conformity with their Individualized Education Program (IEP). Additionally, school districts should provide appropriate individualized instruction and enrichment for children and youth identified as gifted and talented or twice exceptional. Eligible children and youth with disabilities are entitled to receive special education services (e.g., specialized designed instruction), related services (e.g., services designed to enable a child or youth to benefit from their special education), and supplementary aids and services (e.g., services provided in general education to allow children and youth with disabilities to be educated alongside their nondisabled peers) that are based on peer-reviewed research and meet their unique academic and functional needs. Such services may include positive behavior interventions and supports, assistive technology, parent training, and health services.

School buildings must meet the physical requirements of the Americans with Disabilities Act (ADA), with all elements of the setting accessible to any child with a disability. This accessibility may involve renovating older facilities for some LEAs, while, for others, accessibility may involve constructing new buildings to promote access. Section 504 of the Rehabilitation Act prohibits school personnel from denying children and youth with disabilities an equal opportunity to receive benefits and services provided to children and youth without disabilities. School officials must also ensure that school personnel do not inadvertently discriminate against children and youth with disabilities in violation of Section 504.

Staff in schools must be provided training in accommodating a wide range of needs, such as instruction, health, nutrition, mental health, and mobility. Such training is important because education professionals must individualize for each child while implementing evidence-based interventions within each setting. Resources may involve health and mobility equipment, curriculum and instructional support, technology, and additional, often specialized, personnel. Whereas CEC recognizes the significant investment in resources within educational settings that is needed for FAPE to truly be realized, CEC agrees with the U.S. Supreme Court's ruling in *Endrew F. v. Douglas County School District* (2017) that clarified the meaning of FAPE. The Supreme Court ruled that "to meet its substantive obligation under the IDEA a school must offer an IEP reasonably calculated to enable a child to make progress in light of their circumstances" (Endrew F., 2017, p. 386). Therefore, CEC members advocate to ensure LEA and Part C Agency systems can set ambitious yet achievable goals for each individual child and have the resources to provide the services and supports to promote adequate yearly progress.

Special education services have changed to meet the demands of the times and the growing research about the best instructional practices to support children with disabilities. In the beginning, the goal was to open the schoolroom doors to children and youth with disabilities, but now special educators promote positive outcomes that support children and youth with disabilities in becoming meaningfully contributing and fully included members of their communities. Public Law 94-142, the Education for All Handicapped Children Act (EAHCA) of 1975 focused specifically on ensuring children and youth with disabilities received services in neighborhood schools and general education classrooms, and monitoring to ensure children and youth were served in these settings with the support of an IEP. Accountability only focused on the delivery of services within the location rather than child-specific academic gains (Gilmour, Fuchs, & Wehby, 2019).

In the 1990s, standards-based education took hold and expectations shifted. Additionally, in the reauthorization of the EAHCA of 1990, the name of the law was changed to IDEA. IDEA was reauthorized to ensure children and youth with disabilities were included in data collection including assessment, dropout rates, and graduation rates (Gilmour, Fuchs, & Wehby, 2019). With the reauthorization of the Elementary and Secondary Education Act in 2001, the No Child Left Behind Act, inclusion and reporting of assessment data regarding at least 95% of children and youth with disabilities through disaggregated models became a requirement for federal funding (Gilmour, Fuchs, & Wehby, 2019). Reauthorization of the law in 2015, titled the Every Student Succeeds Act (ESSA), maintained the requirement to ensure that children and youth with disabilities (with one limited exception of significant cognitive delay) are included into standardized assessments. IDEA focused on more than just attending the neighborhood school or being in the same classroom as same-aged peers. The expectation shifted to providing children and youth with disabilities access to the general education classroom and a rigorous curriculum, engaging in learning opportunities that meet the academic rigor expected of all children and youth regardless of disability. Additionally, to meet these expectations, special education services offered the supplementary aids and supports needed to promote positive outcomes

With growing understanding of the needs of gifted and talented learners, the profession continues to individualize and extend learning in all settings. As the focus of services have evolved, CEC has advocated consistently for appropriate individualized services delivered to each child or youth in the setting selected for them by a multidisciplinary team of professionals.

The reauthorization of IDEA in 2004 also set the stage to address issues of equitable access to special education services through policies to address disproportionality and overidentification of racially and linguistically diverse K-12 children and youth. "Early intervening services" created a new process by which children and youth would participate in instruction provided in a multi-tiered system of supports (MTSS) accompanied by progress monitoring to identify effective culturally, linguistically, and racially diverse strategies within the general education setting before identification. Additionally, states had to define and address significant disproportionality within their policies, practices, and procedures.

Yet, evidence about the effectiveness of these policies does not demonstrate more equitable access to services (Sullivan & Osher, 2019) in part, because these policies were developed with a notion of "color-blindness" that does not acknowledge the cultural, linguistic, and racial diversity represented within the population served (Voulgarides, Fergus, & Thorius, 2017). Recently, researchers have shown that under-identification of children and youth of color occurs widely across the country with more white children and youth identified with disabilities across all eligibility areas than their Black and Latino peers functioning at similar levels (Morgan et al., 2020). Other researchers have demonstrated the positive impact of evidence-based interventions that acknowledge the systemic biases within our systems. In fact, differentiated instructional practices that are individualized based on the needs of the child or youth are the best path towards equity within our educational system (Fein, Chard, & Baker, 2021). Therefore, CEC members advocate for policies enhancing evidence-based interventions and progress monitoring to promote access for culturally and linguistically diverse learners to ensure equity.

In response to the evolution of federal policy, CEC defines access to the general education curriculum as a means for all children and youth with disabilities and/or identified as gifted and talented to participate in meaningful opportunities through challenging objectives to engage in learning academic, social emotional, and adaptive/independent living skills that are

responsive to their individual needs. Acknowledging the diversity of children and youth with disabilities served in educational settings in the U.S. and in countries across the world, CEC members seek to drive policymakers, education administrators, and practitioners to determine individualized services appropriate to each child in settings that promote growth and achievement. Following the guidelines set forth in IDEA, the Least Restrictive Environment (LRE) (ages 3-21) sets the stage for all children to participate in general education settings to the maximum extent appropriate for an individual child. The Natural Environments language within Part C of IDEA offers similar criteria, seeking to ensure infants and toddlers with disabilities have access within their communities to the maximum extent possible. IEP and Individualized Family Service Plan (IFSP) teams must be equipped to make the best decision appropriate for each child, through extensive assessment, professional development, awareness of settings and services, and access to resources such as equipment, personnel, and accommodations/modifications as needed. CEC advocates for the intentional planning of these essential components as necessary for effective decision-making in the IEP or IFSP process.

Special Education is a Set of Services, Not a Setting

Recognizing that special education is a set of services, not a setting, CEC affirms that all infants, toddlers, children, and youth with disabilities must receive services in a setting most appropriate to their needs and their family's priorities. Given this understanding, researchers have demonstrated that children and youth placed in more integrated settings outperformed their peers in less integrated settings (Oh-Young & Filler, 2015). In fact, 95.1% of children and youth ages 5 through 21 and 64.7% of preschoolers with disabilities were educated in general education classrooms for at least some portion of the school day in 2019 (Office of Special Education Programs, 2021). Variability in placement within the general education setting (ages 3-21) is associated most closely with the disability identification category, with children and youth identified with high incidence disabilities most often placed in the general education category for 80% or more of the school day. Slight inequalities also exist when looking at race with 7% fewer Black and Latino children and youth placed in general education settings 80% or more of the day (Office of Special Education Programs, 2021).

CEC membership commits to ensuring that a child or youth's placement in the LRE must be individualized to meet their specific goals, strengths, and challenges. Placing a child or youth in an integrated setting with typically developing peers increases exposure to academic and functional learning and a wide range of social experiences. "If educators are segregating students based solely on severity of disability, then we, at the very least, may be providing a disservice to a population that needs our support" (Oh-Young & Filler, 2015, p. 87). Yet, studies also acknowledge that some children and youth may need more support and services than are currently accessible in the general education setting, essentially affirming that exposure is insufficient to improving outcomes (Gilmour, Fuchs, & Wehby, 2019). CEC promotes individualized, data-driven decisions for children and youth that integrate thoughtful planning about the supports and services needed while accessing instruction to promote academic, behavioral, and adaptive knowledge and skills in all placements. In an effort to support schools and education professionals to provide these important supports and services, special education budgets need to include sufficient funding to ensure their availability.

Educational Supports for Children and Youth with Disabilities and/or Identified as Gifted and Talented

Universal Design for Learning (UDL): CEC members recognize UDL provides a research-based framework for education professionals to incorporate flexible materials, techniques, and strategies for delivering instruction and for children and youth to demonstrate their knowledge in a variety of ways. CEC encourages education professionals to establish an educational environment for children and youth with disabilities that encompasses their learning styles. UDL offers instructors a model to provide multiple, flexible methods to support learning by providing multiple examples and modifying the complexity of materials (Levey, 2021). In order for education professionals to determine the way children and youth learn best and to differentiate teaching, education professionals should implement initial and ongoing assessment of learning. Such assessments include routine progress monitoring measures of all children and youth's annual goals, thus addressing the diverse cultures and varied learning abilities represented (Levey, 2021; Hall et al., 2014). UDL also offers the flexibility to support children and youth in the ways they learn by providing the education professionals new techniques and strategies to use in the classroom. Effectively implementing UDL in the classroom for children and youth will help remove barriers from the learning environment (Burgstahler, 2008) and in turn build "a model of teaching and learning that is inclusive, equitable, and guides the creation of accessible course materials" (Schelly, et al., 2011, p. 18) allowing children and youth the opportunity to succeed in their educational settings.

Accountability Practices and Outcomes-Based Planning: CEC advocates for the inclusion of all children and youth with disabilities in assessment and accountability systems within each setting; yet these data should not have high stakes or consequences for individual children and youth. State systems should use Consolidated State Performance Plans that include average scores, standard deviations, and sample sizes of children and youth with and without disabilities to understand achievement gaps rather than proficiency gaps (Gilmour, Fuchs, & Wehby, 2019). Additionally, data on context (accommodations provided and number of retests) is essential for education professionals to get a better sense of the support offered to promote access to the assessment systems. Additionally, CEC believes that Part D investments (Titled National Activities to Improve Education of Children with Disabilities, the section of IDEA that focuses on research and professional development) should include research to identify effective strategies that promote achievement and functional development. Data should be gathered in a way that details the complexities in which practices are delivered. Context should include the needs of the diversity of children and youth with disabilities and identified as gifted and talented and their families (e.g., race, culture, and language), the professionals who work with them, the various settings in which they receive services, and the strategies that promote positive outcomes (Gilmour, Fuchs, & Wehby, 2019). Once identified, these strategies can be disseminated and scaled up in intentional ways that allow education professionals and administrators the time and funding to integrate them into practice effectively.

Education Professional Learning and Supports: A critical way to support the increasingly complex skills children and youth need to learn to succeed in the 21st century is to provide high quality professional learning opportunities for educational professionals in all settings (Darling-Hammond et al., 2017). CEC's membership believes partnerships among all levels of school leadership (e.g., administrators, mentors, content leads) are essential if innovative professional development and coaching are to succeed (Cornelius et al., 2020). Education professionals benefit from professional learning activities such as coaching, mentoring, observing, reviewing academic work, examining professional practices, participating in critical friends groups, and facilitating learning (Easton, 2008). Professional learning activities should be guided by CEC's Professional Practice Guidelines and in the Special Education Professional Preparation Standards as well as the recommendations within the CEC statement, Strengthening the Workforce to Support All Children and Youth with Exceptionalities and the professional standards promoted by CEC and its Special Interest Divisions. Additionally, special education staff in all settings must be offered professional support (e.g., time for planning, paperwork, and service delivery) by administrators within their systems. CEC membership reaffirms that in order to successfully engage learners in all settings, education professionals must be offered sufficient preparation and support with ongoing professional systems.

Conclusion

A central mission of the Council for Exceptional Children is to promote equitable access to services that enhance academic, social emotional, and adaptive/independent living outcomes for all children and youth with exceptionalities in all educational settings. These goals require policies that promote participation in settings designed to meet individual needs through Universal Design for Learning, engagement in accountability systems that promote data-driven planning for each individual child, and professional learning and support that ensure education professionals have the skills and resources needed to engage children and youth in learning.

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