

# **SPECIAL EDUCATION IN AMERICA: THE IMPORTANCE OF EARLY INCLUSION AND THE INADEQUACY OF THE LEAST RESTRICTIVE ENVIRONMENT PRINCIPLE**

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## **I. Introduction**

The inclusion of children with “special needs” in early education greatly benefits all children. The American principle of placing children with special needs in the “least restrictive environment” possible does not go far enough to address the best interests of society.<sup>1</sup> American education policy would benefit from mirroring the Reggio Emilia approach to special education, where children with developmental or behavioral disabilities are deemed to have “special rights” and other students learn to appreciate the differences of students unlike themselves.<sup>2</sup> Early inclusion aids children, with and without disabilities, by teaching them that individuals have differences, learn at different paces, and that working together is natural.<sup>3</sup> The legal standard of the “least restrictive environment” still allows for segregation of students based on disabilities and it is harmful to the development of all children.

To better understand this argument, it is necessary to look at the history of special education in America and compare it to other, more inclusive, models of

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<sup>1</sup> Dybwad, G. *Avoiding the Misconceptions of Mainstreaming, the Least Restrictive Environment, and Normalization*. *Exceptional Children*, 47, 85-90. (1980).

<sup>2</sup> See Edwards, C., Gandini, L., and Forman, G. (Eds.), *The Hundred Languages of Children: The Reggio Emilia Approach to Early Childhood Education*. 202. (1998).

<sup>3</sup> See generally, Gilman, Sheryl. *Including the Child With Special Needs: Learning from Reggio Emilia*. 21-31. (2009).

education abroad—specifically, the Reggio Emilia approach in Italy. This paper will delve into arguments for and against the early inclusion of children with special needs into mainstream classrooms and reflect on one Chicago-area family’s experience with the American approach to educating those with disabilities.

## II. **Special Education in the United States**

The United States has undeniably made great strides in the education and treatment of children with disabilities since the 1970’s. Prior to the passage of the Education for All Handicapped Children Act of 1975, it was reported that only one out of five children with disabilities were receiving an education.<sup>4</sup> At least one million children with disabilities were denied access to education altogether, and another three-and-a-half million were receiving only minimal education.<sup>5</sup>

The act has since been reauthorized multiple times, each with its own enhancements, and is now better recognized as the Individuals with Disabilities Education Act (“IDEA”).<sup>6</sup> One of IDEA’s express purposes is to address “low expectations, and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.”<sup>7</sup> The framework for special education in America includes principles such as requiring “free an appropriate public education,” education children with special needs in the “least restrictive environment” possible, and requiring schools to provide “related services.” Also required is the formulation of an

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<sup>4</sup> H.R. Rep. No. 94-332, at 4 (1975).

<sup>5</sup> Id.

<sup>6</sup> 20 U.S.C. § 1400(c)(4).

<sup>7</sup> Id.

Individualized Education Program (“IEP”) by those responsible for the child’s education, teachers and parents alike. The IEP is supposed to help recognize the needs of the individual student and the best way to meet those needs.

This paper will focus on what the “least restrictive environment” means and how the interpretation of that idea has not gone far enough to satisfy the needs of America’s children. Taking a look at the possible learning environment of a child with special needs, there would be a range with being fully incorporated in a mainstream classroom with non-disabled children on one end, and fully isolated (perhaps homeschooled or in a special facility) on the other end. Courts have interpreted the “least restrictive environment” as meaning that children with disabilities should have the chance to be educated with non-disabled children to the fullest extent possible.<sup>8</sup>

Furthermore, a court found that there are four factors that should be considered when determining if the least restrictive environment possible is being implemented:

- The educational benefits of integrated settings versus segregated settings,
- Non-academic benefits,
- The effect the student with a disability can have on the teacher and his or her peers, and
- The cost of supplementary services that will be required for that student to stay in the integrated setting.<sup>9</sup>

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<sup>8</sup> *Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036, 1050 (5th Cir.1989).

<sup>9</sup> *Sacramento City Unified School District v. Rachel H.*, 14 F.3d 1398 (9th Cir. 1994).

Of course legitimate factors to consider, the problem with the previous four-point test is that it leaves much room for children to be unnecessarily separated from their peers to the detriment of all of the students. As will be reflected in the story of my family's experience later in this paper, highly functioning and willing students are still at risk of being alienated from non-disabled children because the American approach to special education is not adequately focused on full inclusion of children at an early age.

### **III. The Reggio Emilia Approach and Children with Special Rights**

#### ***A. Background***

After World War II, Loris Malaguzzi returned to his home town, Reggio Emilia, and found his city nearly ruined and in a terrible state.<sup>10</sup> Malaguzzi and the people of Reggio Emilia joined together to create a new school for the city to rebuild their beloved hometown even better than before. What resulted is an approach to early education that incorporates the living world around them and the whole community. In 1991, *Newsweek Magazine* hailed the Reggio Emilia approach as being one of the best models of education in the world, and it continues to be highly esteemed.<sup>11</sup>

#### ***B. Children with Special Rights***

Educators within the Reggio Emilia approach refer to children with disabilities as children with "special rights." They receive priority on the waiting

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<sup>10</sup> Edwards, C., Gandini, L., and Forman, G. (Eds.), *The Hundred Languages of Children: The Reggio Emilia Approach to Early Childhood Education*. 202. (1998).

<sup>11</sup> "The Best Schools in the World." *Newsweek*. 1991. Republished and accessed: <http://www.thedailybeast.com/newsweek/1991/12/01/the-best-schools-in-the-world.html>

lists and are included in classrooms with non-disabled peers. Because the model already educates the whole child at his or her own pace, children with special needs are viewed as having differences like any other student. Each class is generally limited to one child with special rights and that classroom receives an extra teacher for the entire class in order to avoid a “two-way dependency between a the child and the worker.”<sup>12</sup> Documentation of milestones and new skills of all students is integrated in Reggio Emilia models and a “declaration of intent” (somewhat similarly to IEPs) are made but not strictly adhered to.<sup>13</sup> This documentation and observation allows the educators to adapt to each child’s needs and abilities.

Ivana Soncini, the “psychologist-pedagogista” at the Diana School, explained the theory of full inclusion of children with disabilities into the classroom.<sup>14</sup> When asked about how she views children with special rights and their education, Soncini said:

[o]ur basic theoretical approach is to value differences and to bring out as much potential as we can. Each of us is different, this is considered positive. [...] We believe that in this way, the child develops a cognitive sense of, and true knowledge about, differences, and constructs a self-concept based on knowing oneself and others. This is all built on relationships with others. [...] This leads to more authentic relationships with their peers, as well as adults.<sup>15</sup>

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<sup>12</sup> Edwards, C., Gandini, L., and Forman, G. (Eds.), *The Hundred Languages of Children: The Reggio Emilia Approach to Early Childhood Education*. 202. (1998).

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Id.

This inclusive approach with a focus on valuing differences translates into a more valuable education for the children with disabilities and their peers. In the world beyond school, adults and children alike encounter people with differences everyday; it can be a source of conflict or a source of happiness. Separating children out from their peers because they are different, with exceptions in the extreme for reasons such as violence, could prove to be harmful. Because the principle of the least restrictive environment is already embraced by education law and policy as implied by the interpretation of special education legislation by the courts, it is logical to take steps to move closer towards early inclusion when there are such well-respected models such as Reggio Emilia.

#### **IV. The Critique of Inclusionary Methods**

Some concerns with the full inclusion of children with special needs into mainstream classes are that it would distract the other students, be a drain on the teacher's time and energy. It is probably true that traditional American teachers are not trained to properly include children with disabilities because they were trained in the current system. Teachers would have to learn the whole student approach, and it would admittedly require resources and time to do so. This paper is not arguing that adopting the Reggio Emilia approach of early inclusion of children with special needs would be the quickest or easiest solution to the shortfalls of special education, but that it is what is best for the students and society as a whole.

Assuming the model was implemented, because the Reggio Emilia approach is already centered on the individual, teaching children with special needs alongside

their non-disabled peers would not be an extra drain on the teachers, nor overly disruptive to the other students.

Some critics go so far as to say inclusion could be oppressive to the student with disabilities. In *The Illusion of Full Inclusion*, the authors and critics of inclusion proposed that children who are seen as different by non-disabled peers become isolated and “overly dependent.”<sup>16</sup> This particular critique of inclusion would be circumvented by the *early* inclusion of children with disabilities as seen in the Reggio Emilia model. If children view differences as positive and natural from a very young age, children with disabilities would be much less likely to be viewed as anomalies. Precisely to this paper’s point, if inclusion does not happen early, it is disruptive to everyone. Inclusion is nearly unavoidable at some point in time. When children age and enter adulthood, they will be thrust into the reality that everyone is different and some people have “disabilities.” By prolonging this realization, society is more apt to find these differences to be a source of conflict.

#### **V. A Look into One Family’s Experience with Special Education in America**

I have decided to add my own personal experience with special education in suburban Chicago to underscore the importance of taking a whole student and inclusive approach with children with disabilities. My brother was diagnosed with Asperger’s Syndrome when he was around eight years old. Like many other children with Asperger’s, it began in early childhood even though our family did not

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<sup>16</sup> Connor, David J. and Ferri, Beth A. *The Conflict within: Resistance to Inclusion and Other Paradoxes in Special Education*. Disability & Society. Vol. 22, No. 1, 63-67. January 2007.

acknowledge it immediately.<sup>17</sup> Once he was diagnosed, I clearly remember having “ah ha” moments where the pieces seemed to fall together. I was much older than my brother, a decade his senior, and felt more like an extra parent than a sibling. Guilt immediately set in when I realized that certain aspects of his personality that irritated me, were in fact symptoms of this Autism Spectrum Disorder. For example, the reason he could not look at me in the eye when I reprimanded him was because children with Asperger’s have difficulty with maintaining eye contact.<sup>18</sup> While our family slowly adjusted to this new reality, we assumed that the school system he attended would be capable of meeting the challenge head on.

As a high school senior, I was in for a shock when my parent’s approached me to educate the educators on dealing with my brother’s disability. They explained to me that my brother, then an eight-year-old, was struggling because his teachers were “making things more difficult for him.” I learned that he was being taken out of classes with his peers to attend “special education” classes during the day. This caused him anxiety because it made him feel different from the classmates he so desperately tried to blend in with. Even more disturbingly, his teacher would routinely take away the stress ball he held at his desk. Children with Asperger’s often become overwhelmed with external stimuli and a concentration device, such as a stress ball, aides in their ability to focus.<sup>19</sup> Even with the limited knowledge I

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<sup>17</sup> Asperger H; tr. and annot. Frith U. *‘Autistic Psychopathy’ in Childhood*. In Frith U. *Autism and Asperger syndrome*. Cambridge University Press. pp. 37–92. (1991) [1944].

<sup>18</sup> *Id.*

<sup>19</sup> Myles BS (2003). "Behavioral forms of stress management for individuals with Asperger syndrome." *Child Adolesc Psychiatr Clin N Am* 12 (1): 123–41.



had of my brother's disability, I knew his school was doing him and his peers a disservice with the way they reacted to his needs.

I did some research and sat down to write the administrators and his teachers a letter, explaining the best way to handle a student with Asperger's Syndrome. As a high school student, I might not have been the best advocate for children with special needs, but I did my best to identify ways to enhance my brother's educational experience and to minimize disruption of the classroom. Included in my suggestions were ideas such as allowing my brother to keep his stress ball to minimize his anxiety and enhance concentration, facing his desk away from other students and toward a window, and reducing his time outside of the classroom in "special" classes because it estranged him from his peers. He did receive an IEP, but it seemed to be less tailored to his real abilities and more associated with his perceived status as a child with Asperger's. The easiest solution for his teacher appeared to be to send my brother to the special education classes with other disabled children during the day. Apparently, because he was only out of the classroom for two hours per day, it could pass muster as the least restrictive environment. My brother is very high functioning, as many children along the autism spectrum are, and was able to participate and understand the same material as the traditional students. In fact, it was difficult to comprehend that he had a disability at all; he just seemed a little *different*. Each person has their unique qualities and learns specific topics at a different rate. My family just accepted that our school system was not prepared to include children that were different in the traditional classroom setting and my brother learned to tolerate leaving the class at

a set time each day to join other students in the confined space of the special education teacher's office.

It is of course difficult to argue that my brother and his classmates would have been better off if the teachers were better able to include him in traditional classroom activities because it is merely an observation and recollection of an individual experience; however, it is undeniable that my brother felt different from his peers even though he grasped the same material and that the teachers were prone to separate children without deference to their actual potential to assimilate. Furthermore, my brother's experience does not necessarily represent American special education as a whole. I completely acknowledge that there are schools that are better at assessing and accommodating children based on their individual capabilities. In contrast, the mere fact that my brother had this experience as recently as 2003 in a well-funded, highly populated suburb of a major American city, is evidence that the least restrictive environment principle does not go far enough to ensure that children, and society at large, benefit from inclusion.

## VI. **Conclusion**

While inclusion seems to be generally recognized as beneficial in American education, the law, specifically regarding the interpretation of the least restrictive environment requirement, fails to demand the level of inclusion necessary to prepare all students for living in a world where differences are prevalent. The students with special needs are not given a chance to fully develop social skills required to function to their full potential, and mainstream students are taught by

implication that those who develop differently need to be segregated from the general population.

If full inclusion in early education more closely resembled the Reggio Emilia approach, students would be more adept at accepting differences in others and, in turn, would be more accepting of themselves. At the very least, mirroring the Reggio Emilia approach would better prepare teachers to educate the whole student without the need to estrange non-violent students from their peers. The least restrictive environment principle was a step in the right direction of educating America, but it is time to move forward and adopt policies that fully embrace destigmatizing individuals with disabilities.