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THE IMPLEMENTATION OF PUBLIC LAW 94-142 IN THE JAMESTOWN,  
NEW YORK PUBLIC ELEMENTARY SCHOOLS

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PREVIEW

THE IMPLEMENTATION OF PUBLIC LAW 94-142 IN THE  
JAMESTOWN, NEW YORK PUBLIC ELEMENTARY SCHOOLS

BY

Phoebe A. Thies

A DISSERTATION

Presented to the Faculty of  
The Graduate College in the University of Nebraska  
In Partial Fulfillment of Requirements  
For the Degree of Doctor of Philosophy  
Interdepartmental Area of  
Administration, Curriculum and Instruction

Under the Supervision of Associate Professor F. William Sesow

Lincoln, Nebraska

May, 1980

**TITLE**

THE IMPLEMENTATION OF PUBLIC LAW 94-142 IN THE JAMESTOWN.

NEW YORK PUBLIC ELEMENTARY SCHOOLS

**BY**

Phoebe A. Thies

**APPROVED**

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P.A.T.

PREVIEW

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## CHAPTER 1

### INTRODUCTION

Controversy over the structure and methodology of special education programming has been a matter of concern among leading special educators for the past century. Dunn focused nationwide re-evaluation on special education program practices and philosophies. With many of his fellow workers, Dunn posed questions about the efficacy of self-contained special classes as opposed to the regular graded organization for instruction.<sup>1</sup> In the late sixties and early seventies, many suggestions for the inclusion of mildly handicapped children within the regular classrooms were examined and attempted on a small scale. Change has been slowly emerging across the United States. Deno prompted further consideration when she asked:

. . . . Might not special education be in a healthier state if it assumed that its ultimate objective is to work itself out of business as a social institution, to turn over to the regular education mainstream whatever helpful technology it develops so that the handicapped children might be a part of that mainstream?<sup>2</sup>

Federal interest in handicapped children was increased during the presidency of the late John F. Kennedy. This federal interest has reflected the concern with proper placement of handicapped children. The

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<sup>1</sup>Lloyd M. Dunn, "Special Education for the Mildly Retarded--Is Much of It Justifiable?" Exceptional Children, 35 (1968), p. 5.

<sup>2</sup>Evelyn Deno, "Special Education as Developmental Capital," Exceptional Children, 37 (November, 1970), p. 235.

heightened controversy was influenced by several court cases which found that segregation of the handicapped children was illegal, and firmly established the rights of the handicapped children to free and appropriate education.<sup>3</sup>

In 1975, when Public Law 94-142 (Education for All Handicapped Children Act) was passed, the federal government showed its willingness to lead the nation's schools into the implementation of the mandates by including funding controls. The law prescribes free and appropriate educational services for all handicapped children (3-21) by September, 1980. An Individualized Educational Plan or Program (IEP) is required for each handicapped child. Placement of handicapped children is to be non-discriminatory, and testing for that placement must be multi-faceted. Due process before an impartial hearing officer is available to parents and/or school systems in cases where there is disagreement or dissatisfaction in the placement of, or programming for, handicapped children.

Mainstreaming, although not cited specifically, is assumed in the intent of the law under the terms "least restrictive environment" and "appropriate placement." Within the mandate framework, local education agencies are given the autonomy to meet the requirements according to their own educational needs. As an initial step in identification of local school system needs, the Jamestown Teachers Association joined with the National Education Association in administering an Instructional

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<sup>3</sup>Dunn, op. cit., p. 19.

Needs Assessment Survey in the Jamestown, New York Public Schools on January 27, 1978 (see Appendix A). The classroom teachers indicated in their responses that the local educational agency did not provide the training necessary to enable them to recognize and teach mildly handicapped children within the regular classrooms.<sup>4</sup> The findings suggested that further local study be made to establish specifically what training might meet their professional needs, to fully implement Public Law 94-142.

### Purpose

The purpose of this study was to determine the extent to which teachers and principals of the Jamestown, New York Public Elementary Schools accepted the intent of Public Law 94-142. Also, the study was designed to determine their perceived professional development needs to fully implement the Law.

### Statement of the Problem

To what extent do elementary teachers and principals of the Jamestown, New York Elementary Schools accept the intent of Public Law 94-142?

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<sup>4</sup>National Education Association Instructional Needs Assessment (Washington, D.C.: The Association, January, 1978).

### Significance of the Study

The major significance of this study is that it provides a descriptive view of the feelings of elementary teachers and principals in a school district toward the intent of Public Law 94-142. It explores their perceived professional development needs in relation to the Law. This effort has provided a process for examining the implementation of mandated legislation within the elementary schools of a small local educational agency.

### Research Questions

The following research questions were examined:

1. As a population, what is the attitude of teachers and principals of the Jamestown, New York Public Elementary Schools toward the intent of Public Law 94-142?
2. As a population, what percentage of the teachers and principals of the Jamestown, New York Public Elementary Schools:
  - a. have had experience in professional work with children who have specific handicapping conditions?
  - b. are receptive to having children with specific handicapping conditions placed in their classrooms?
  - c. perceive themselves to be competent in working with children who have specific handicapping conditions?
  - d. desire to gain more knowledge about working with children with specific handicapping conditions?

- e. have interest in specific types of in-service programs related to handicapped children?

### Procedures

A brief description of the procedures followed in this study is presented below. The procedures are presented in further detail in Chapters 3 and 4.

1. A review of the literature was conducted to determine information related to handicapped children within a contemporary and historical framework. The review also provided background material for the development of the survey instrument utilized in this study.

2. A survey instrument was developed for the purpose of collecting data related to the acceptance of the intent of Public Law 94-142 among the elementary teachers and principals, as well as their perceived professional development needs in working with handicapped children. The instrument was submitted to a panel of experts and pilot tested with a population similar to the population of this study.

3. The survey instrument was administered to the teachers and principals of the public elementary schools of Jamestown, New York.

4. The data were tabulated and analyzed in relation to each of the research questions examined.

5. Based on the data, conclusions were drawn and recommendations were made.

### Definition of Terms

For the purposes of this study, the following terms are defined:

Handicapped children. Handicapped children refer to those children who are mentally retarded, hard-of-hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, orthopedically handicapped, or other health impaired, or children with specific learning disabilities, who, by reason thereof, require special education and related services.<sup>5</sup>

Mainstreaming. Mainstreaming is the practice of returning the mildly handicapped pupils to the regular classroom with appropriate support services. The term is based on the principle of educating most children in the same or regular classrooms, and providing special education on the basis of learning needs, rather than on categorical handicaps.<sup>6</sup>

Professional development. Professional development, as used in this study, pertains to those activities engaged in by teachers and principals that may increase their knowledge and skills for the purpose of meeting their professional responsibilities.

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<sup>5</sup>Federal Register, Department of Health, Education, and Welfare, Office of Education, Section 121a.5 (Washington, D.C.: Government Printing Office, August, 1977), p. 14186.

<sup>6</sup>John Birch, Mainstreaming: Educable Mentally Retarded Children in the Regular Classes (Reston, Virginia: Council for Exceptional Children, 1974), p. 27.

### Assumptions

1. It was assumed that teachers and principals of the Jamestown, New York Public Elementary Schools did provide their true attitudes toward the intent of Public Law 94-142.

2. It was assumed that teachers and principals of the Jamestown, New York Public Elementary Schools did provide their true attitudes toward professional development needs.

### Delimitation

The study was delimited to the teachers and principals of the elementary schools in the Jamestown Public School District, Jamestown, New York.

### Organization of the Remainder of the Study

The second chapter of this study presents a review of literature related to the scope of the study. Chapter 3 delineates the procedures used in this study. The data are presented in the fourth chapter, and Chapter 5 provides a summary of the study, as well as the conclusions and recommendations.

## CHAPTER 2

### REVIEW OF SELECTED LITERATURE

#### Historical Reference

The historical review of special education in the United States revealed a profession of dynamic interaction and tumultuous change. Professional leaders were dedicated to the pursuit of knowledge, skills, and expertise necessary to improve the educational opportunities for the handicapped child. Members of the profession utilized advances in research, learning theories, and technological contributions in instructional practices to enhance educational environments for handicapped pupils.

In order to clarify the significance of the development of special education programs in the United States, it was necessary to examine a few of the models offered by European educators:

. . . . It was Itard . . . and his work with Victor, who established an earlier pattern which demonstrated that appropriate training pays off even with the severely handicapped.<sup>1</sup>

Itard, and his pupils, Seguin and Montessori, who learned from them, were the forerunners of the current trend to mainstream children.<sup>2</sup>

Montessori included mildly handicapped children in her structured school program for the street waifs of Rome, developed by request of the

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<sup>1</sup>Willard Abraham, "The Early Years: Prologue to Tomorrow," Exceptional Children, 42 (March, 1976), p. 332.

<sup>2</sup>Ibid., p. 33.



Italian government. With the background of teachings of Itard and Esquirol, Seguin, a teacher, physician, and psychologist, "established the first successful school exclusively for intellectual retardates in Paris in 1837."<sup>3</sup>

After studying in Paris, Howe was instrumental in organizing what is now the Perkins School for the Blind in Massachusetts. The Massachusetts government appointed Howe as the chairman of a committee which recommended establishment of a state school for "idiots" in 1865. Howe later became the superintendent of the school which is now the Fernald State School.<sup>4</sup>

Gallaudet, another American pioneer who traveled to Europe to gain special training, studied at the Institut des Sourdes-Muets. With staff encouragement and training in the manual method of communication, Gallaudet returned to America. His American Asylum for the Education and Instruction of the Deaf and Dumb in Hartford, Connecticut, in 1817, was the first residential school for the deaf in the United States.<sup>5</sup>

At this time, residential schools for the handicapped were the accepted models in America. As teachers were being trained on-the-job,

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<sup>3</sup>Rex E. Schmid, Judee Money Penny, and Ronald Johnston, Contemporary Issues in Special Education (New York: McGraw-Hill Book Company, 1977), p. 5.

<sup>4</sup>Samuel A. Kirk and Francis E. Lord, Exceptional Educational Resources and Perspectives (Boston: Houghton Mifflin Company, 1974), p. 3.

<sup>5</sup>Ibid., p. 256.

their orientation was narrowly categorized. Gallaudet College for the Deaf started a teacher-training program in 1880. Teachers trained in this manner were known as specialists with the deaf, blind, and retarded, rather than generalists.<sup>6</sup>

A dichotomy was noticeable as the residential schools were becoming more numerous. Segregation was being contrasted with the philosophy of integration in the education of handicapped children. Braille, a pioneer in the education of the blind, and Bell, a speech teacher at that time, spoke out for the right of the handicapped children for an education through the public schools. One result of Bell's speech at the National Education Association Conference in 1898 was the formation of a department of special education in the Association. By 1899, over one hundred large cities in America had instituted special education classes in their public schools.<sup>7</sup> Special education classes in public schools were mandated by law in New Jersey, New York, and Massachusetts by 1920. There was permissive legislation for special classes in two-thirds of the cities in the other states.<sup>8</sup> Special education for the handicapped in public schools was broadly viewed as acceptable practice.

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<sup>6</sup>Maynard C. Reynolds, "Changing Roles of Special Education Personnel," Trends in Education, eds. Nicholas Nash and Richard Podemski (Columbus, Ohio: University Council for Educational Administration, 1976), p. 3.

<sup>7</sup>Abraham, op. cit., p. 333.

<sup>8</sup>Ibid.

In 1916, Terman revised the Binet-Simon Intelligence Test, and standardized it with American children. In spite of public and parent reaction, intelligence testing showed a relationship between mental and chronological ages and was accepted by educators. This relationship produced a quantitative criterion for measurement of intelligence. The possibility of describing mental retardation in statistical terms of probability caused a definition problem of categorical divisions which still exists.<sup>9</sup> The American Association for Mental Deficiency, founded in 1876, became involved in the controversy and made continued notable contributions in the field of clarification of the categories of handicapping conditions.<sup>10</sup>

#### Special Education in the Public Schools

Farrell, supervisor of ungraded classes in New York City, and a part-time professor at Columbia College, was a leader in the fight for the right of the mentally retarded to an education within the public schools. She and her students at the Teachers College founded the International Council for Exceptional Children in 1922. Farrell pledged the support of the Council for special education for handicapped children in the public schools. She listed the categories of handicapping

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<sup>9</sup>Frank M. Hewett and Steven Forness, Education of Exceptional Learners (Boston: Allyn and Bacon, Inc., 1974), p. 44.

<sup>10</sup>Harold D. Love, Educating Exceptional Children in Regular Classrooms (Springfield, Illinois: Charles C. Thomas, Publishers, 1972), p. 24.

conditions, which exist today, except for learning disabilities. In her closing remarks, Farrell set the stage for appropriate attitudes toward the public education of handicapped children, and their equal rights, which is applicable at the present time. She stated that:

. . . public education in this country will become less machine-made and more individual . . . bring the opportunity of successful achievement to every child. In doing this it will make of the weakest of our brothers a useful unit in the social fabric. It was return to the community human wealth now beyond our power to reckon.<sup>11</sup>

Twenty years later, the Council for Exceptional Children presented a landmark panel discussion on segregation or integration of special education in the public school system. The statements made by several panel members could easily be used in arguments for and against mainstreaming at the present time. Emphasizing the need for training regular classroom teachers to work with handicapped children, Bess Johnson argued that:

. . . dumping a handicapped children into a pool of normal children where he must sink or swim should not be permitted until all teachers have been trained to be lifesavers.<sup>12</sup>

In his presentation, Wooden suggested that:

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<sup>11</sup>Elizabeth Farrell, "President's Address: First Annual Meeting of the International Council for Exceptional Children" (Address at the First Annual Meeting of the International Council for Exceptional Children, February 26-27, 1923), p. 9.

<sup>12</sup>Marquis Shattuck, "Segregation versus Non-segregation of Exceptional Children," Journal of Exceptional Children (May, 1946), pp. 235-236.

. . . . The question really is not one of physical segregation or non-segregation. It is a question of creating an environment in which an exceptional child can make satisfactory all-around growth and development.<sup>13</sup>

Robb could have been speaking in 1978 when she stated:

. . . . Special education assumes responsibility for those who have failed to adjust in the regular set-up. After twenty-five years of this procedure, several questions naturally arise. What kind of set-up still exists? Should children still be failing in it?<sup>14</sup>

### Classification and Categories

Shortly after World War II, the boundary lines between categories of exceptionalities began to be seriously examined. Strong pressures were developed to extend the special education services to children who were obviously in need of specialized educational services. Categories were increased to provide for children who did not fall into any of the traditional handicapping classifications.<sup>15</sup> There were about 443,000 children enrolled in special education programs in 1948, and despite all segregation-integration discussions of professional educators, the number increased to 1,666,000 in 1963.<sup>16</sup>

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<sup>13</sup>Ibid., p. 239.

<sup>14</sup>Ibid., p. 240.

<sup>15</sup>Reynolds, op. cit., p. 5.

<sup>16</sup>Romaine Mackie, "Special Education in the U.S. Office of Education: 1947-68," Mental Retardation, 16 (April, 1976), p. 129.

In 1958, Goldberg and Cruickshank held a debate on the efficacy of trainable classes as a part of the public school system. Cruickshank clearly stated his opinion that trainable or severely retarded children should not be included in public school programming. He gave three reasons:

. . . first of all, public schools were established to educate those who had the ability to learn, and the severely retarded are unable to benefit from education (as distinguished from training). . . secondly, public education in the United States has been seen as a medium through which citizens could be prepared to reach a level of effective understanding . . . return something tangible or intangible to the state. Thirdly, when severely retarded are placed in public schools, it is only natural that both parents and the community infer that such children are going to learn to do what most other pupils do in school.<sup>17</sup>

Goldberg won support of the Association for Retarded Children when he stated:

. . . . In my opinion, there is no doubt that the public school has the responsibility to extend these (trainable) programs further, and through concerted effort over a period of years, decide what contributions they can make to the growth and welfare of trainable children.<sup>18</sup>

Trainable classes have been successful in elevating expectations for the severely retarded. Public school classes have made it possible for many trainable children to remain at home, in contact with family, community, and children in the regular classes, while being trained for

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<sup>17</sup>Ignacy Goldberg and William Cruickshank, "The Trainable but Uneducable, Whose Responsibility?" NEA Journal (December, 1958), p. 623.

<sup>18</sup>Ibid., p. 622.

unskilled jobs in a protected workshop situation.<sup>19</sup>

### Efficacy Studies, Related Groupings and Categorizing Handicapped Children

As federal support for special education led to an increase in formation of special education classes for special children, concern for the increased need alarmed some educators. There was renewed controversy about segregation of special education in the public schools. The Bureau for the Handicapped in the Office of Education attempted to clarify some of these issues. Kirk, while the director of the Bureau for the Handicapped, pointed out:

. . . special education is not a total program which is entirely different from the education of the ordinary child. It refers only to those aspects of education that are unique and/or in addition to the regular program for all children.<sup>20</sup>

Reger, Schroeder, and Uschold delineated objections to using a medical basis for classifying children for school placement:

. . . we are saying that grouping children on the basis of medically derived disability labels has no practicality in the schools. Children should be grouped on the basis of their educational needs, and these needs may be defined in any number of ways. The notion that simple labels applied by high-status authorities from outside the school, should serve as a basis for grouping

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<sup>19</sup>Phillip C. Chin, Clifford J. Drew, and Don R. Logan, Mental Retardation: A Life Cycle Approach (St. Louis: The C. V. Mosby Company, 1975), p. 180.

<sup>20</sup>Samuel A. Kirk, Educating Exceptional Children (2nd ed.; Boston: Houghton Mifflin Company, 1972), pp. 34-35.

children is basically nothing more than a refusal to accept the responsibility for making educational decisions. It is educational laziness.<sup>21</sup>

Dunn, president of the Council for Exceptional Children, urged educational changes and self-examination when he wrote:

. . . . Regular teachers and administrators have sincerely felt they were doing these pupils a favor by removing them from the pressures of an unrealistic and inappropriate program of studies. . . . However, the overwhelming evidence is that our present and past practices have their major justification in removing pressures on regular teachers and pupils at the expense of the socio-culturally deprived slow learning pupils themselves. . . . the affect has been to make special education a "dumping ground" for problem students.<sup>22</sup>

After working in special education for over twenty years, Orville Johnson reviewed fourteen research studies concerned with the efficacy of special classes. Finding no strong evidence in favor of special class placement, he noted:

. . . . It is indeed paradoxical that mentally handicapped children, having teachers especially trained, having more money (per capita) spent on their education, and being enrolled in classes with fewer children and a program designed to provide for their unique needs, should be accomplishing the objectives of their education at the same or at a lower level than similar mentally handicapped children who have not had these

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<sup>21</sup>Roger Reger, Wendy Schroeder, and Kathie Uschold, Special Education: Children with Learning Problems (New York: Oxford University Press, 1968), p. 19.

<sup>22</sup>Noris G. Haring (ed.), Behavior of Exceptional Children: An Introduction to Special Education (1st ed.; Columbus, Ohio: Charles E. Merrill Publishing Company, 1974), p. 5.