

Music in Special Education

History of Special
Education and the
Impact on Music
Programs

History of Public Education for Students with Disabilities

- Brief history
 - ‡ Asylums
 - ‡ Thomas Gallaudet
 - ‡ Differences in service delivery from institutionalization to integration
- Historical roots of music in special education
 - ‡ Jean-Marc Gaspard Itard
 - ‡ Early uses of music for children who were blind, hard of hearing, deaf, or MR
- History of litigation and legislative events affecting special education
 - ‡ Total exclusion
 - ‡ Functional exclusion

Selected Court Cases and Legislature Affecting Special Education



- *Brown v. Board of Education (1954)*
 - *Original desegregation case*
 - *Black children in separate settings from white children*
 - *Denied opportunity for children to interact from different backgrounds*
 - *Promoted stigma that minority students were inferior*
 - *Legal foundation for discrimination against students with disabilities*



- *Brown v. Board of Education (1954)*



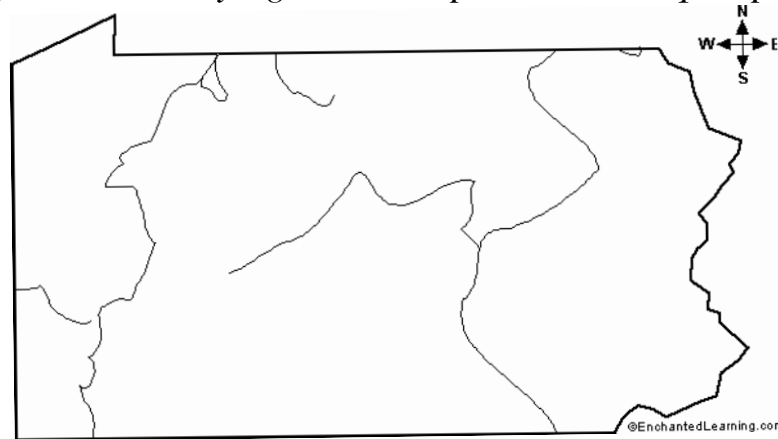
- *Education of the Handicapped Act (1970)*
 - *Expanded previous federal grant programs and funded state and local pilot projects for special education*
 - *Funds were available for*
 - *Higher education for special education teacher training*
 - *Regional centers to provide technical assistance to school districts*



- *Brown v. Board of Education (1954)*
- *Education of the Handicapped Act (1970)*



- *Pennsylvania Association of Retarded Citizens v. Commonwealth (1971)*
 - *Free and appropriate education for children with mental retardation*
 - *Court found that*
 - *These children could benefit from educational services in the public schools*
 - *Denying that was denying them due process and equal protection*



- *Brown v. Board of Education (1954)*
- *Education of the Handicapped Act (1970)*
- *Pennsylvania Association of Retarded Citizens v. Commonwealth (1971)*



- *Mills v. Board of Education (1972)*
 - *Due process must include procedures relating to the labeling, placement, and exclusionary stages of decision making*
 - *Education must occur regardless of school district finances*
 - *Expanded to other disabilities*
 - *Exclusion from education based on disabilities was unconstitutional*



- *Brown v. Board of Education (1954)*
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- *Section 504 of the Rehabilitation Act of 1973*
 - *Federal antidiscrimination law that prohibits an organization receiving federal funds from discriminating against an otherwise qualified person solely based on disabling condition*
 - *Students can be eligible under 504 and not under the later IDEA law that addressed qualification for special education services (for example, child with HIV or addiction)*
 - *Individual is protected by this law if there is a physical or mental impairment that limits one or more major life activities*

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- *P.L. 94-142 (1975) Education for All Handicapped Children Act*



- *Amended the EHA of 1970*
- *Free appropriate public education in most integrated, least segregated setting*
- *Six basic underlying principles:*
 1. *Zero reject, free and appropriate public education (FAPE)*
 2. *Nondiscriminatory evaluations to determined eligibility/need for services*
 3. *Least restrictive environment (LRE)*
 4. *Services must be individualized (Individualized Education Program IEP)*
 5. *Parents have the right to be included and involved*
 6. *Procedural protections in place so requirements of laws met (Due Process)*

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- *1986 Amendments of the EAHCA*
 - *Preschool children (age 3-5) who were disabled/delays*
 - *Funding provided for early intervention programs (birth-2)*
 - *Parents who succeeded in due process recouped legal fees from school district*



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- *1986 Amendments of the EAHCA*



- *1990 Amendments-renamed Individuals with Disabilities Education Act (IDEA)*
 - *Term handicap substituted with disability*
 - *Person-first language preferred*
 - *Autism and traumatic brain injury added to list of conditions*
 - *Assistive technology and rehabilitative services added to related services*
 - *Transition planning required for students by age of 16*

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- ***Americans with Disabilities Act (ADA) (1990)***
 - *Antidiscrimination disability legislation, disabled if limited in one of life's major functions*
 - *Includes not just federally funded programs (like 504) but also public and private programs, services, and agencies*
 - *Eliminate physical and discrimination barriers*



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- *1997 Amendments*
 - *Goals: increasing school readiness, improving safes in the schools, improving teaching skills, increasing graduation rates, promoting better partnerships with parents*
 - *Annual goals, educational benchmarks, and IEP objectives must be measurable*
 - *Students with disabilities must be included (with accommodations) in state/district assessments (or alternate assessments provided)*
 - *Mediation must be available for parents*
 - *Specific disciplinary procedures were added to uphold rights and provide safety*

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- *No Child Left Behind Act (NCLB) (2001)*

- *Educational improvement*

- *Increased accountability (poverty, race, ethnicity, disability, limited English)*
- *More choices for parents and students (can attend better school)*
- *Great flexibility for states, school districts, schools (local decisions)*
- *Stronger emphasis on reading (read by end of 3rd grade)*



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- ***2004 Amendments***

- *This is the current law*
- *Changes to parallel No Child Left Behind*
- *Additional accountability, high standards, parental involvement, reduce paperwork*
- *Criteria to define highly qualified special education teachers*
- *Mandate use of research-based techniques and materials*
- *Terms benchmarks and short-term objectives were deleted from IEP requirements, leaving instead measurable annual goals*

Current Law (IDEA 2004)

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- I. Current purpose of the law
 - a. Education should lead to skills and supports necessary to function independently in the community
 - b. Employment options congruent with individual's abilities

- II. Eligibility for special education and related services
 - a. Physical impairment/functioning (deaf-blindness, hearing impairment, orthopedic impairment, speech/language impairment, visual impairment)
 - b. Mental, emotional or cognitive impairment/functioning (autism, emotional disturbance, mental retardation, specific learning disability, traumatic brain injury)
 - c. Catch all categories (developmental delay, multiple disabilities, other health impaired)
 - d. Developmental delay is most recently added category
 - e. ADHD/ADD included under other health impaired

Six Principles of IDEA

- Six principles of IDEA
 - a. zero reject
 - » Can't expel/suspend student if behavior caused by disability
 - » Can't exclude students who have contagious diseases
 - b. nondiscriminatory evaluation
 - » Include formal and informal assessments
 - c. appropriate education
 - » IEP and IFSP (Individualized Family Services Plan)
 - d. least restrictive environment
 - » Special education is a service not a "place"
 - » Benefits? Impact? Financial Implications?
 - e. procedural due process
 - » Encouraged first to seek mediation
 - f. parental and student participation

