

Feature: Responding to the Report of the Special Education Review Committee

The SERC Report: Projecting an Absence of Conceptual Clarity

It may be argued that the various terms relating to children's special needs, the role of parents and the structures of educational arrangements, were applied loosely rather than definitionally in the Report. However, since they are drawn on to relate levels of need to placement along the continuum of educational options, then their inconsistency creates significant difficulty for those attempting to identify the overall shape of the proposed service provision.

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INTRODUCTION

The strengths and contribution of the Report of the Special Education Review Committee have been identified and outlined by various commentators. However, if this Report is to be drawn upon as a basis for policy making and legislation, then we have a responsibility to actively seek out and identify any weaknesses in the Report's analysis and proposals, and make recommendations aimed at addressing them.

Legislative provision for special educational needs is at the heart of education legislation in virtually every jurisdiction. They impact on and strongly shape the legislative framework. So, this is not a time for polite responses, but for tough scrutiny.

Three aspects of the Report deserve special examination:

1. The Principles
2. Concepts and Definitions
3. The proposed Administrative/Organisational Frameworks

THE PRINCIPLES: APPROPRIATE EDUCATION

Of the seven Principles, two in particular will be referred to here: Principle 1 and Principle 3.

Principle 1 concerns the right of every child to *an appropriate education*. It would be difficult to argue against this principle. Indeed, its converse would be quite unsustainable. However, depending on the definition of 'appropriate,' it could underpin any form of provision. It offers little guidance, as a principle, without extensive development, particularly on the important question as to who determines the appropriateness or otherwise of provision. It is worth noting in this context the content of American Public Law 94-142, which 'unpacks' the term 'appropriate' and defines its parameters by means of six key legal elements. It is not possible to detail these here, except to refer to them and pinpoint their significance:

- (i) The *zero-reject* principle; all public school systems must serve all students, regardless of disability, in the 3-21 year age group. This provision is intended to prevent total and functional exclusion of pupils with disabilities. It defines legal entitlement to the range of services which support inclusion, (this range includes parent counselling and training).
- (ii) Non-discriminatory evaluation; this principle aims at ensuring fairness in the evaluation, from a cultural and racial perspective.
- (iii) Individualised education; this element deals with the requirement for an individualised education plan for each child.
- (iv) Least restrictive environment; such an environment is defined as one which provides greatest opportunity to interact meaningfully and successfully with persons without disability.
- (v) Due process.
- (vi) Parental Participation: The participation of parents in all aspects of decision-making is comprehensively supported in law.

The clear enunciation of these elements of the principle of appropriateness serves to enable the principle to be incorporated into service provision.

THE PRINCIPLES: PARENTAL ROLES

Principle 3 of the Report, which deals with the role of parents in the educational decision-making process is, in my view, fundamentally flawed. To propose that 'the wishes of parents be taken into account in the making of recommendations' ignores the Constitutional duty and responsibility of parents, their inalienable rights and duties in the matter of their children's education, as set down in Bunreacht na hÉireann.

From this fundamental weakness flows a whole series of commissions and omissions regarding the parental role and its scope - in the areas of assessment, information management, decision-making, and support for the parents' educational role. These commissions and omissions relate to basic issues of both law and service delivery. As a consequence, the key concerns for legislation are not identified and analysed: the balance of rights; the implications of parental choice for the State and for professionals; the limits on parental choice. The Report cannot be seen as offering guidance in relation to the construction of an Education Act in these key areas and a forum is now needed to facilitate their discussion in advance of legislation.

ABSENCE OF CONCEPTUAL CLARITY

Conceptual and definitional clarity is essential if legislation, policy and models of service delivery are to be built on the conceptual framework proposed. The absence of conceptual clarity is probably one of the most fundamental concerns one would have about the Report.

In the definitional area, the Report moves, without explanation, from a consideration of pupils with *special educational needs*, to begin to frame recommendations in terms of pupils with *disabilities and special educational needs* (page 24), as if these definitional terms were interchangeable. Terms change again (page 60) in the context of placement to designated schools, to use of the phrase, *serious disability and learning difficulties*. When one recalls that the term learning difficulties is associated in the Report with remedial needs, its link to placement in designated schools is, to say the least, confusing.

It may be argued that these various terms were used loosely, rather than definitionally. However, since they are drawn on to relate levels of need to placement along the continuum of educational options, then their inconsistency created significant difficulty for the reader who is trying to identify the overall shape of proposed service provision.

CONCEPTS: PLACEMENT PROCESSES AND THE CONTINUUM

The concept of a *placement recommendation* is used interchangeably in the report with the concept of a *placement decision*, and it is difficult to see a consistency of view as to who is to be involved in each of these two processes. These are distinct processes in practice. They must be distinguished in law, ultimately; the locus of decision-making will require to be clearly identified, thus generating clarity as to the roles that flow from the various sets of responsibilities.

The *continuum concept* has great logical appeal, but its use and value is severely limited when it is expressed only in locational and situational terms. At the heart of this Report one would reasonably have expected to find a critical analysis of these locational options, expressed in terms of opportunities for provision of learning experiences of various kinds. One might have expected an analysis of the strengths and limitations of each option in terms of the range of learning experiences which one might generally expect to be provided in that learning environment. Such an analysis would have been of great help in giving a measure of clarity to the task of evaluating placement options, and would thus have been of great assistance to parents.

In the context of the continuum, the absence of any description of special educational needs is particularly problematic (only the pupil with special educational needs is defined - a telling approach in its own right). Distinction among types of special educational need can provide valuable assistance in the evaluation of placement options. For example, the need for technical or physical support might indicate a very different placement option from a need for curricular enhancement or specialist teaching strategies.

One would reasonably argue that technical or physical support needs should generally not be legitimately cited as a basis for not enrolling a child in a local school, even when that child could be regarded as having serious disability (the term used to suggest a need for placement in a designated school).

CONCEPTS: EDUCATIONAL PLANNING AND INTEGRATION

Related to this discussion is the fact that assessment is the subject of in depth treatment in the Report, while the concept, and related activity of *educational planning* receives a passing reference. Assessment is a tool of planning, not an

end in itself. The planning process is a complex, multi-layered and multi-dimensional process, which draws on assessment information and many other inputs. In particular, it requires the availability to parents of a comprehensive audit of the services, facilities and learning experiences available in the various schools which are being considered. The absence of any serious treatment of the planning process, is, at least, a pity.

The concept of *integration* used in the Report warrants careful and critical examination. In brief, an evaluation requires the proposal of an alternative view to that enunciated in the Report. Integration needs to be viewed as a process of adapting mainstream classrooms and schools to meet a much broader range of learning needs.

Is it not at least worth considering the possibility that the need for special education is created in some measure because the standard curriculum and classroom organisation do not generally have the flexibility to cater for individual needs outside a narrow band of 'average' children? The Report could have examined the scope for a rebalancing of focus in the integration discussion from the deficiencies and difficulties of the individual child, to the kind of curriculum adaptation needed to facilitate a wider ability range in mainstream classrooms. There is a risk of building a massive assessment industry and a culture of labelling, when the appropriate response might be a fundamental reappraisal of mainstream classroom organisation, curriculum development and teaching strategy.

ADMINISTRATIVE AND ORGANISATIONAL FRAMEWORKS

The proposal for widespread development of designated schools, and the implications for local school placement for those who wish it, requires detailed critical analysis, before it could be accepted into a policy framework. A system of classification and categorisation of pupils lies at the heart of this Report. It is very difficult to justify this approach. One of the mildest concerns one might have concerning its use is that it blurs the issues and is not helpful. A fuller treatment of the case against this approach would be warranted, but cannot be addressed in a short article.

The rationale for its use in the Report becomes clear in the section dealing with Support Services, where proposals for extra teachers are linked inextricably to the categorisation system.

We are faced with the idea of pupil weightings by category, and the measurement of pupil equivalents. Children in mainstream schools, who might never have attended a special school, would require to be classified in terms of the type of school they would have attended had they attended a special school, so that their points rating for teacher appointments could be accurately calculated. This section on support services comes across as liable to generate an administrative nightmare, with serious implications for children, parents, teachers and Boards of Management.

Local Education Authorities, in constructing their education support programmes, will need flexibility to act, rather than to be tied in a complex system of centrally determined ratios and rating systems. Undoubtedly, there is a great deal more to be said on each side of this discussion.

CONCLUSION

In summary, I found this Report difficult, and inaccessible. It is extremely difficult to get a sense of the thrust of the proposals. One can justifiably have serious reservations about many aspects of the Report. We are entitled to more debate on these issues.

There is a major lesson to be learned here regarding policy development. Any attempt to formulate policy proposals, without engaging in an active listening exercise with the people who are directly served by the policy, cannot expect to be complete. Even a flawless Report from a Committee, which had no participation from among people with disabilities, and minimal parental participation, could only be viewed as a preliminary report.

This Report has provided a very valuable input to the development of policy on special learning needs provision. Important issues are raised. We are a long way from a consensus. One would have to appeal to the Minister and the Department to view this Report as a stage in a process rather than a definitive policy proposal.