

# Chapter 1

## IDEA and Inclusive Education: Issues, Implications, and Practices

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### **ABSTRACT**

*Federal mandates, most notably the Individuals with Disabilities Education Act (IDEA), guarantee education rights for children classified under one of the 13 categories of disabilities, ensuring that they are educated with their peers in the general education classroom as much as possible based on their ability and needs. State educational agencies and local educational agencies are responsible for ensuring that the pedagogical needs of all children with a disability are met in accordance with the law. This chapter discusses IDEA and the concept of inclusion and how special and general educators must increase their efforts to promote and support equitable opportunities for all students.*

### **INTRODUCTION**

Various federal mandates, most notably the Individuals with Disabilities Education Act (IDEA), guarantee education rights for children classified under one of 13 disability categories, ensuring that they are educated with their peers in the general education classroom as much as possible according to their ability and needs. State educational agencies (SEAs) and local educational agencies (LEAs) are responsible for ensuring that the pedagogical needs of all children with a disability are met in accordance with the law. Explicit provisions such as the least restrictive environment (LRE) and free appropriate public education (FAPE) requirements within the broader

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underpinnings of IDEA outline the terms for how, when, and where children with disabilities receive their education.

By definition, a child's LRE is that setting within the school that allows the child's academic and functional needs to be met with the least amount of restrictions possible (Virginia Department of Education, 2014). Considerations for LRE should not be for the sole purpose of allowing students with disabilities to be in classes with their nondisabled peers. As Richards (2010) observed, "The default position is that the student with a disability participates fully in these mainstream pursuits, and any restriction or deviation from the default must be justified" (p. 12).

FAPE refers to the education that a child with a disability receives, which must not only be appropriate based on the child's needs but also provided at no cost to the child and his or her family (U.S. Department of Education, 2010). According to Turnbull, Stowe, and Huerta (2007), provisions of FAPE must be met based on several components: (a) provided free of charge, (b) aligned with state standards, and (c) based on provisions of the child's Individualized Education Program (IEP). More specifically, federal law mandates that:

*To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (IDEA, 2004, §612[a][5])*

Special education and general education have long been considered two separate systems (Ratcliffe, 2016). Even in the context of IDEA, there remains a great deal of ambiguity among educators about the interpretation of the law (Garda, 2004). This is likely because IDEA was enacted exclusively for the benefit of children with disabilities. Although there has been an increase in the number of children with disabilities being served in the regular education classroom (Tan, Macey, Thorius, & Simon, 2013), many general education teachers see their greatest service as being to the majority rather than the minority, which is often reflected in their attitudes and beliefs about inclusive education (McCaffrey & Buzick, 2014; McKeating, 2013).

Despite IDEA being associated with the special education process, the role of the general education teacher is well established within the context of the law. According to Blanton, Pugach, and Florian (2014), "96% of students with disabilities spend at least part of their day in general education classes, and general education teachers serve as the teacher of record on students' Individualized Education Programs (IEPs)" (p. 7). IDEA contains specific language related to the inclusion of the general

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