

Rural Perspectives on Special Education in Transition: Public Law 105-17, Amendments to the Individuals with Disabilities Education Act of 1997

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Changes to the policy requiring the provision of special education being provided in the nation's schools have recently been enacted. The 1997 Amendments to the Individuals with Disabilities Education Act, Public Law 105-17, extend the values of equity, efficiency, and choice upon which Public Law 94-142, the Education for All Handicapped Children Act of 1975, was enacted and implemented. The changes to the law are subtle, yet significant, and they are geared to the learning and achievement of students with disabilities in the nation's schools. For rural schools, these changes are examined from the view of efficiency and the rural contexts of culture, land, and community.

There are three values that seem to be the foundation of American social policy: equity, efficiency, and choice (Berkeley, 1988; Kirst, Garms, & Opperman, 1980). Kirst et al. (1980) hold that

the concern for EQUITY manifests itself in a desire for access by all who need a government service. . . . The concern for EFFICIENCY is a straightforward desire that only those services be rendered by government that will not be adequately or fairly obtained privately. . . . The concern for CHOICE is reflected in a desire to keep governmental decisions as close as possible to those served . . . (p. 16)

In other words, if policy is developed to reconcile the way in which the body politic treats a particular social issue, say special education, then policy is developed and enacted with value-laden purpose.

The primary purpose of special education policy—more specifically, the relationship of special education policy to special education in rural areas—is that there be policy leading to the effective and efficient delivery of services. As opportunity is provided, there should be a concomitant increase in federal resources, as provided in the law, to assure that this task is undertaken successfully. Gartner and Lipsky (1987) have stated, “The ultimate rationale for the quality education of students . . . is based not only on law or pedagogy, but also on values. What kinds

of people are we? What kind of society do we wish to develop? What values do we honor?” (p. 389)

The values of equity, efficiency, and choice have served as underpinnings in the enactment and implementation of the Education for All Handicapped Children Act (EHA) of 1975, Public Law 94-142 and its many subsequent Amendments. Singer and Butler (1987) noted that P.L. 94-142 was

hailed as a “Bill of Rights” for children with handicaps, the law outlined a process whereby all children, regardless of the severity of their handicap, were assured the same educational rights and privileges accorded their nonhandicapped peers. . . . EHA was to transform special education practice across the nation by bringing all states up to the standards that some states, prompted by court action and advocacy by handicapped rights groups, already had adopted. (p. 125)

According to Singer and Butler, there was little doubt that the law achieved some of its goals, notably assuring that (a) more and more children with disabilities were served in the nation's schools and (b) there was a greater social awareness of disability. Yet a dilemma long has existed regarding the law. Singer and Butler referred to what Cohen (1982), a well-known expert on American social and educational policy, has said about reform:

EHA embodied a classic paradox . . . that has characterized all educational reform movements in the United States: the scope of public responsibility, and thus the scope of government power [has been expanded] in a political system designed to minimize the scope of public responsibility and restrain the exercise of public power. How well, then, have

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the rights of the handicapped—so difficult to secure in the larger community and economic order—been secured in the schools? (p. 127)

This is an issue of historical import as Dunn (1968) alluded in his seminal article about special education published 30 years ago. Today, there is still a need to determine the positive impact of special education on children while they are in school.¹ Thus, there still is a dilemma regarding the progress children, individually and collectively, make in their special education programs (see, e.g., Berkeley & Bull, 1995; Berkeley & Ludlow, 1991; Fuchs & Fuchs, 1995; Gartner & Lipsky, 1987; Harris, Louis and Associates, 1989; Helge, 1981, 1984). Peraino (1992) reported that only 8% of post-21 learning disabled students in rural areas have been surveyed regarding their experiences. There were similar limited data regarding post-21 students with other disabilities.²

The recently enacted, though still to be implemented, Amendments to the Individuals with Disabilities Education Act (IDEA) of 1997 (P.L. 105-17) presumably were enacted to extend the values of equity, efficiency, and choice. This search for enhancing and improving American social policy and its subsequent implementation is typical in our unique legislative arena. The thought is that by enacting the changes called for in P.L. 105-17, there will be greater efficiency in the implementation of special education services while still assuring that equity, opportunity, and choice is assured to children with disabilities.

According to the National Information Center for Children and Youth with Disabilities, the new changes in

IDEA . . . include many modifications of the (existing) law. Some of these changes are significant, while others subtly fine tune the processes already laid out for schools and parents to follow in planning and providing special education and related services to children and youth with special needs. (1997, pp. 1-2)

In this article, the focus of the changes will be described in relationship to the notions of efficiency and equity. This will be done after first considering a portrait of the interplay between rural children and families, place, schooling, and special education.

¹This conclusion is drawn notwithstanding the evidence provided by Peraino (1992) in his review of the post-21 follow-up data of students who had been enrolled in special education.

²Rather than take on the provocative issue of the lack of a sufficient research methodology to evaluate the impact of EHA upon the nation's disabled children, my focus here is to consider issues related to policy design, development, implementation, and change.

The Context of Rural Special Education

Schooling in rural America has been characterized in several ways: (a) from the perspective of rural culture, (b) from the perspective of that which is small, (c) from the perspective of land forms, and (d) from the perspective of sociological community characteristics.

As Mallory (1995) asks,

Are there aspects of rural life distinctly different from life in other demographic entities? Is there, in fact, a *rural culture* that not only creates a set of parameters for behavior, language, and beliefs, but also provides for the creation of certain requirements regarding the nature of formal institutionalized social programs? In the case of families who have a child with a disability, the questions become focused on the demands of rural culture and the design of programs and broad-aim policies conceived at some distant central location (either a state capital or in Washington, DC). (p. 3)

Berkeley and Bull (1995) present a perspective of rural places, rural life, and rural schooling as being valued for its "smallness" and difference from urban and suburban life. They contend that even with its blemishes and difficulties, rural life should be celebrated for itself:

In northern New England . . . if you are not from there, you are from away. To us, this is a compelling notion about country life and rural schooling. Perhaps, it has always been that way. And, perhaps, this way of life (even with modernization and technical changes sweeping across today's American landscape) always should be characterized in this fashion because in rural places there is a richness and manner of living that is ennobled in traditions, customs, culture, history, and lore. If there is a myth about rural life being seemingly less in value, thus, perhaps, impoverished, because it is poor or small, this myth should be shattered for *rural is not a ghetto!* (p. 10)

Bryan and McClaughry (1989), in their treatise on Vermont's human scale of democracy, discuss the effect of place on rural people. They note, "Many states of the American Union exhibit a vast variety of land forms. New Jersey has its rolling hills and pine barrens. Illinois has its Deep South cotton fields, its grain-laden prairies, and its hardwood forests. Montana has the high plains and the Rocky Mountains. Mississippi has its delta and piney woods" (p. 221). They conclude that every "society is shaped and molded by its relation to the land and environment" (p. 220).

There is a direct link to the land, to governance, and to schools.

In education lies the hope of a working democracy. If there is any government function which ought to be kept close to the people and under the control of their communities, it is the education of their children. Good local education requires community agreement about an acceptable level of education. (Bryan & McClaughry, 1989, pp. 174, 191)

Helge (1992) contends that rural is unique because of the centrality and importance of school in community life, especially for individuals with disabilities and their families:

The uniqueness of the rural community context requires service delivery and models distinctly different from those in nonrural areas. Because of the tremendous variation of rural areas, there is no one rural service delivery model. There are, however, a number of community and agency characteristics that a model designed must consider. (p. 134)

In summary, there is variety in the culture, context, and geography of rural America. There is diversity, too, in the way schooling is provided in rural locales, with special education also being different.

Amendments to the Individuals with Disabilities Education Act

If the rate of return on the investment in education in rural areas is to be high, efficiency must be the predominant value to emphasize when considering the recent Amendments to IDEA. Equity, or the assurance that all who need a service are able to receive that service, is important if the changes to the law decrease the number of students who are able to receive services for reasons counter to that proffered in a "Bill of Rights."

The changes in IDEA were noted in the May/June 1997 issue of *RuralLink*, the newsletter of the American Council on Rural Special Education. Those provisions with impact on local school districts include discipline, performance goals and indicators, the Individual Education Plan (IEP), the IEP Team, development of the IEP, parent participation in placement, student reevaluations, services for children ages 3-9, preschool programs, infants and toddlers with disabilities, race disproportionality, personnel standards, mediation, and support programs.³

Discipline

The disciplining of students with disabilities is an issue of great concern and import. Should they be disciplined as others students are? In IDEA, a child with a discipline problem *could* gain protection under the law if the child is eligible for special education and has an approved individualized education plan. However, students with disabilities are required to follow school rules related to discipline. If there are infractions related to the child's disability, school officials can establish alternative placements for the students in concert with the recommendations of the IEP team. Language has been included in the Amendments regarding weapons, controlled substances, and reporting students to appropriate law enforcement authorities. In each of these cases, documentation about the child's disability is to accompany incident reports that are given to law enforcement authorities.

Rural implication. Personnel in rural and small schools will have to be provided continual training and updates regarding implementation of this Amendment to the law. Officials representing different social service agencies and local law enforcement officials should be trained as well (with local school personnel) to assure coherence within local communities.

Performance Goals and Indicators

It can be difficult to know if students with disabilities make progress in their special education programs. The IEP, as mandated in 1975, must include methods of how a child's progress is to be assessed. This is taken a step further in the amended IDEA. Now, the IEP must include specific performance goals for a student with disabilities and accommodations must be made to assess students in local school district and state assessment programs.

Rural implication. Each local school district will need to review IEPs to assure that there are statements specifying how a student is to be assessed and the participation of a student in local and state assessment programs.

³The Council for Exceptional Children (CEC, 1997) and National Information Center for Children and Youth with Disabilities (1997) have each published a synopsis of the P.L. 105-17 Amendments. These organizations can be contacted in order to obtain a copy of the law as well as for information about the implementation of the law via the Internet. The addresses along with that of the National Association of the State Directors of Special Educators are: (a) Office of Special Education and Rehabilitative Services of the United States Department of Education (OSERS): <http://www.ed.gov/offices/OSERS/IDEA>; (b) Education Administration On-line: <http://www.lrp.com/ed/>, choose "IDEA Full Text" (This is the address for NASDSE; however, a charge is required to gain entry to NASDSE's website.); and (c) the Council for Exceptional Children: <http://www.cec.sped.org>.

Individual Education Plan, Team Membership, and Development

The IEP has always been a subject of some concern. Originally, the advocates for the law thought the IEP was a “contract” to assure that the services a student was supposed to receive would be provided. Later, advocates thought that this provision of the law did not go far enough in providing necessary protections. In contrast, school professionals were required to undertake tasks requiring great effort and time—detracting, it was said, from providing instruction. In the recent IDEA reauthorization and changes, the IEP once again became an area of focus and attention.

The changes that have been enacted pertaining to the team that designs the IEP and develops the plan. The intent is to link the general education curriculum of the school to the educational program for students with disabilities, especially in regard to performance goals and assessment. The membership of the IEP Team has been expanded to include the regular education teacher, especially if the child is to be included in the general education program. Additionally, the IEP development process has been amended to assure that parental concern for a child’s educational program is documented, as are the language needs of the students.

Rural implication. Local special education personnel will need to be provided training and updates regarding this section of the law. State education agency personnel should be contacted regarding how an individual state is going to monitor this provision.

Parental Participation

The intent of EHA has always been to maximize parental involvement. At the outset, this was difficult as school-parent communication was characterized as “parents wanting more for their child, often with a disability than schools could provide.” In many instances, parents were simply notified about the decisions concerning their child, often with no real attempt made to include them in the special education process. In addition, it could be difficult to contact parents. Thus, changes needed to be made in school schedules to accommodate parental work and family responsibilities. An uneasy truce between schools and parents has evolved over the years, unless a major issue emerged and one or both parties were aggrieved.

In the new Amendments, parents are reaffirmed to be part of any group making a decision about their child with a disability. The intent is to ensure that proper notice be given to parents so that they can be active participants in their child’s educational program. If anything, there is a need to maximize the effectiveness of the partnership between school and family.

Rural implication. Local school personnel and parents could begin to meet together in order to shape a cooperative vision of how they might interact. While disagreements and tensions between parents and school personnel might continue in some instances, joint perspectives on IDEA implementation and the fostering of enhanced cooperation between parents and school personnel should be helpful in reducing those tensions. These kinds of efforts are labor intensive and may require the local director of special education to reallocate the assignment of staff time to accommodate parent schedules. In addition, resources will be required to pay for the service of qualified sign language interpreters and others who engage in providing alternative forms of communication that parents may require.

Student Reevaluations

The process of reevaluation of a student with a disability has been awkward. Knowing precisely what assessment instruments to utilize every 3 years to document continued eligibility has proved difficult. The kind and extent of the reevaluation was not specified, leaving school personnel with the decision of what protocol to follow. Parents, too, were not sure of what was to be expected concerning reevaluation. As in other areas of the law, there was an increased potential for tension to exist between school and home.

Now, the IEP Team, the student, and the student’s parents can work together to collect the data necessary to develop enhanced special education programming. Parents also are to be part of the reevaluation process, as they are to be notified of what will occur in the additional reassessment, and to grant permission to proceed with the reevaluation process.

Rural implication. Local school officials: (a) will need to review student IEPs to determine the kind and extent of reevaluations that need to be accomplished for each student who is enrolled in special education, (b) will need to inform parents regarding the time and type of reevaluation, (c) may need to revise present reevaluation schedules, and (d) may have to obtain and pay for some specialized reevaluations of students with disabilities.

Children from 3 to 9 Years of Age

Central to EHA has been the requirement to label a student with a specific disability if services were to be provided. In turn, federal officials would receive reports from the states highlighting the numbers of students receiving special education by disability category and by age. When EHA was amended several years ago to include substantial new provisions in the area of early intervention and preschool services (i.e., P.L. 99-457), a slight change was made to denote some young children whose disabilities were not

easy to categorize as being at risk. In P.L. 105-17, there is a permissive change allowing state and local education agencies to use the term "developmentally delayed" to avoid labeling a young child with a disability who is being served.

Rural implication. Each state will, if they have not done so at this time, decide the change(s) to be made in existing state statutes regarding the coverage of students who are at risk and the type of risk categories to be considered. In turn, local school officials will have to develop processes and procedures to identify and serve children in these categories if they are not doing so at this time. There may be a need to employ new personnel.

Preschool Programs

Rather than having a formula tied to \$1,500 for each child deemed eligible for preschool services, the federal government will now appropriate flat amounts to distribute to the states for preschool programs. At the time this article is being written, the federal appropriation has not been established. Thus, there is some question as to whether or not this amount will be provided by the Congress (CEC, 1997).

Rural implication. Local school districts will continue to develop plans to implement preschool programs as they are doing at the present time. If there are changes, state education agency officials should notify local school district personnel as to changes to existing procedures and processes.

Infants and Toddlers with Disabilities

As the implementation P.L. 99-457 has evolved, more and more children with developmental delays have been identified. Typically, there can be significant assistance provided to these children early in their lives that in the long run would prove to reduce the need for special education as they become older. With the IDEA Amendments, states and localities are encouraged to use "at risk" as a means of serving more children in early intervention programs.

Rural implication. Local school districts may need to serve more young children than they have in this past depending upon state responses to this Amendment to IDEA. In the main, however, states have been serving very young children who are at risk of being disabled.

Race

Generally, it can be concluded that in some locales, there have been a disproportionate number of students from diverse backgrounds that have been placed in special education. In P.L. 105-17, it has been mandated that states examine data about disproportionate placements, and, if

necessary, revise policies and methods of identification, assessment, and placement of students with disabilities from different ethnic groups.

Rural implication. In many states, data regarding enrollment in special education and the ethnicity of students enrolled in special education has been collected and analyzed. In those local districts where this is not the case, these data will have to be collected and analyzed and probably reported in district plans submitted to the states. If there are disproportionate numbers of students from specific ethnic groups categorized in a disability category (e.g., mental retardation or learning disabilities), this will need to be justified and plans will need to be made to assure that how this issue of concern will be addressed.

Personnel Standards

It has been difficult in many areas to find appropriately trained and certified special education personnel. There have often been shortages of qualified personnel to provide related services or to provide special education to students with low incidence disabilities (e.g. deaf students, blind students, students with some severe multiple disabilities). Subsequent Amendments to EHA have called for local education agencies to seek more highly qualified personnel. The new IDEA Amendments also address this topic. The states are to establish and maintain standards, while local school districts can hire personnel who are working toward certification or are trained and supervised assistants. This requirement does not excuse local school districts from seeking and hiring the most highly qualified personnel to provide special education services. Good faith efforts must be made in this regard.

Rural implication. There is little doubt that rural and small schools suffer from a lack of qualified personnel to implement special education programs (see Ludlow, 1998).

Mediation

Parental due process is one of the original building blocks of the 1975 Education for All Handicapped Children Act. Parents and school district personnel do sometimes disagree on the services thought best for an individual student. There are several alternatives to resolving disputes, notably mediation and more formal appeals.

In this society, mediation is used to resolve more and more disputes. The new Amendments call for states, local schools, and parents to participate in mediation on a voluntary basis, while assuring that a parent's right to due process is not delayed or denied. States and local school district personnel now will be required to develop mediation procedures. If local school districts offer mediation and parents elect not to participate, parents may be required to attend workshops that promote mediation. In an attempt to

reduce costs and encourage greater use of mediation, there are restrictions placed upon when attorneys can collect fees as well as the conditions under which fees can be paid by local school districts.

Rural implication. If local school districts do not currently use mediation to resolve disagreements, then they will have to do so. Thus, a district will need to (a) develop procedures, (b) train personnel or find personnel who are trained to be mediators, and (c) regularly consider mediation prior to engaging in any other procedure of appeal.

Support Programs

Prior to this time, there were a significant number of special programs that the Office of Special Education and Rehabilitation Services (OSERS) supported. Now, these have been grouped into two major areas: (a) "State Program Improvement Grants for Children with Disabilities," and (b) "Coordinated Research, Personnel Preparation, Technical Assistance, Support, and Dissemination of Information." The funding of these programs has to be specified.

Rural implication. If there is any implication here for rural and small schools, it would be that they would seek through their state education agencies and other professional groups the inclusion of rural priorities in federal programs. Further, state and local officials should request federal officials to include individuals on site review teams who have expertise in rural programming and familiarity with life and work in rural locales.⁴

Closing Thoughts on the IDEA Changes

The original policy value premises of P.L. 94-142—the Education for All Handicapped Children Act of 1975—seem to have been realized for the most part. According to Marris and Rein (1967), the "triumph of democracy" has come about through the Amendments to the law, including those to P.L. 105-17 of 1997.

The policy value of *equity* has been enhanced in that more children with finer descriptions/definitions of disability categories are being included in the law, including children at risk. In part, this is a reaffirmation of the past. However, at a time when there has been a reduction in eligibility for service in many new American social policies (or at least a call for a reduction in policy and government),

⁴The implications presented in this section of the article are based upon assumptions made about previous federal practices and changes to previous Amendments to IDEA. There may be some differences between the implications specified here and that which actually is required when the regulations are promulgated and approved. It is expected that they will be more prescriptive than that offered here.

the value of *equity* seems to have been affected positively through these Amendments. In this case, the inclusion of more children from 3 through 9 years of age by using the nonspecific descriptor of "at risk" can do nothing but increase the numbers of children who will be served.

Also, the policy value of *efficiency* continues to be addressed. Given the nature of human nature, no policy is enacted in perfection, nor can it be or should it be given the cognitive process used to enact it (Shapiro & Berkeley, 1984). No policy can be written in which there is an assurance that the implementation of that policy will be standard from place to place. This "street level effect" of policy means that differing interpretations of policy becomes new policy (Lipsky, 1976; Weatherley & Lipsky, 1977); therefore, from a single policy comes many different policies.

Nevertheless, the Amendments to IDEA embrace a means whereby there should be greater *efficiency* in the law's implementation. Even if each school district across the United States interprets the policy differently, the standard from which the present changes have evolved has come from a process that was meant to improve the provision of special education and related services nationally. This, it seems, is what one would expect from amending broad-based reform.

Perhaps this will result in a reduction in the tensions that have existed in special education for the past 25 years. In rural locales, this may require a different focus of attention given the challenges associated with rural life, such as distance, apprehension about social institutions, and the great differences found from one rural locale to the next (e.g., Berkeley & Bull, 1995; Helge, 1981).

The value of *choice* may be more difficult to describe and identify. In the Amendments, maintaining opportunities for parents to participate in their child's special education program leaves them the option to determine just how involved they want to be in their child's future. Students have been extended more *choice* as they will be allowed to participate in more significant ways in the development of their IEP and their reevaluations.

Is P.L. 105-17 a panacea to resolve all of the problems, tensions, and concerns related to providing special education to students with disabilities across America? The most appropriate response would be "no." However, Joseph Ballard, Director of Public Policy Relations at CEC, recently stated in an Internet notice:

This law will serve students with disabilities well into the next century. It moves our focus from ensuring students with disabilities receive educational services to ensuring they have the supports they need to learn and achieve in appropriate educational settings. This is a law that special educators, general educators, parents, and the public can support with confidence. (Ballard, 1997)

What does this all mean for students, parents, educators, and citizens in rural locales? The purposes of the Amendments and progress in learning and achievement by students with disabilities may have come together. The community needs to understand special education, and specifically what to expect from the implementation of special education programs. In rural communities, there may be a greater stake in these expenditures since they are closer to the people, the recipients of those expenditures are known, and the demand for efficiency is much more practical as citizens want to "see" the results of their investment. Special education can be managed well, even with a mandate from a federal central authority. This should be true if efficiency and effectiveness are provided in a fair and ethical manner. Moreover, there should be genuine efforts at providing on-going training about the Amendments with genuine effort made to evaluate progress in federal, state, and local assessments of student outcomes and program processes.

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