A STUDY OF THE LEGAL PROVISIONS FOR
SPECIAL EDUCATION IN THE FORTY-
EIGHT STATES OF THE
UNITED STATES

APPROVED:

S. A. Blackburn
Major Professor

Harold Breinholz
Minor Professor

S. A. Blackburn
Director of the Department of
Industrial Arts

Dean of the Graduate Division
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SPECIAL EDUCATION IN THE FORTY-EIGHT STATES OF THE
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By
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Clayton J. Beaudry, B.S.

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CHAPTER I

INTRODUCTION

Purpose of the Study

The purpose of this study is to make a survey of state legislation for establishing special education programs for exceptional children to determine the extent to which it meets basic principles for special education of this type.

Limitations of the Study

This investigation is limited to a study of the statutory and administrative provisions set up by each state that has a special education program for exceptional children in the public schools. No attempt has been made to consider institutional education for the handicapped child. The administrative procedures will not be evaluated.

Definitions of Terms

State legislation for special education for exceptional children, as used in this study, is the statutory and administrative provisions defining types of children eligible for special education, age limits, place where special education is offered, methods of diagnosis, supervising agency, and method of financing extra costs of the special education program for exceptional children.
Special education as used in this research has reference to special educational services offered by the public schools for exceptional children such as lip reading for speech defects or physiotherapy for crippled children.

A handicapped child is one who has some defect, physical or mental, which differentiates him from the so-called normal child and hinders him in some way in his activities.

The exceptional child, as used in this study, is any child with an educable mind who deviates from the average child in a physical or mental way to the extent that it requires training or special treatment in order to make the most of its possibilities.

Physically handicapped, as used, does not mean that the child is a cripple. Crippled children are among the physically handicapped, but also are the blind and partially seeing, the deaf and hard of hearing, the speech defectives, the delicate, the epileptic, and sometimes other specified groups.¹

The mentally handicapped exceptional child, as used, is one who is either retarded unduly in his grade level, or who has a low intelligence score rating.

The maladjusted child, as used, is one who has not been

able to adjust himself to accepted standards of conduct. "Children classified as behavior problems are in reality socially maladjusted individuals." This group includes those who are truants or delinquents, or potential truants and delinquents.

Often children, in this discussion, refer to those with a high intelligence rating, 130 and upward.

The spastic exceptional child, as used, is one who lacks muscular control of his bodily functions in some way.

Source of Data

The sources of data for the study vary. Literature in both the general and special education fields was read for criteria. A letter of inquiry relative to the number of handicapped children, compulsory school attendance, provision for special classes, financial aid, and supervisory responsibility was sent to the State Department of Education of the forty-eight states. A reply was received from each state either giving the requested information or sending printed material containing it. In addition, twenty-nine states sent copies of the special legislation enacted in their particular state. Other information relative to statutory provisions was taken from bulletins of the United States

\[2\text{Ibid.}, \text{p. 120}\]

\[3\text{Listed in Appendix to Study.}\]
Office of Education and House Document, No. 753, Laws Relating to the Physically Handicapped. Administrative provisions of the different states for special education for exceptional children were studied in the literature of individual states.

Method of Procedure

The first step in the study after the subject was selected was the study of criteria. In order to evaluate the extent to which any state legislation met basic principles for special education for exceptional children, it was necessary to know what these principles were.

A letter of inquiry was then formulated and sent to each of the State Departments of Education of the forty-eight states relative to the number of handicapped children, compulsory school attendance laws, provisions for special schools and classes, financial aid, and the nature of the supervising agency. Replies were received from all the inquiries. In some instances the letters gave the requested information; in others printed material concerning legislation was sent.

In evaluating the returns, it was found that the data on the number of exceptional children were inadequate for any analysis. Tabulation of the data was then organized around the basic principles of special education for exceptional children: types eligible, age limits, place where special services are offered, methods of diagnosis,
supervising agency, and financial aid. Supplementary statistics to the data in the letters of inquiry were looked for in statistics prepared by the United States Office of Education, literature from individual states, and from House Document, No. 755, Laws Relating to the Physically Handicapped. In the tabulation of the data mention is made of the sources from which they were taken. In the analysis of the data, an attempt has been made to determine the extent to which state legal provisions for special education for exceptional children meet the criteria. The concluding chapter summarizes the study and offers suggestions for improvement in the light of the data as revealed in the study.

Related Studies

Elise Martens, Chief Specialist, Education of Exceptional Children, United States Office of Education, made a study of State Supervisory Programs for the Education of Exceptional Children, in 1940.\(^4\) In connection with this study, she made a review of the basic legislative provisions made by the different states for special education for exceptional children. She did not analyze all the statutory laws but studied those phases "to show how legislation in the States has contributed to an in some cases constituted the foundations of

effective supervisory programs." Attention was given to the following topics (1) some basic legal provisions, (2) organization of state supervisory programs, (3) state supervisory functions and activities, (4) state regulation and standards and (5) specific state programs.

At that time, 1940, Martens found that there were nineteen states providing state aid to meet the excess cost of educating mentally or physically handicapped children in day schools. She found that the types of children eligible for state aid varied from state to state and that financial provisions likewise differed.

A sub-committee to study aid to the handicapped was appointed by Congress in 1944. When this Committee began its work, it discovered that no compilation had been made of Federal and State laws on the subject. Such a compilation was necessary before recommendations could be made for further aid. A handbook, Public Document, No. 753, was prepared to supply this special committee with information for its work. Twelve thousand copies of the document, Laws relating to the Physically Handicapped, were printed and distributed.

The first section of the handbook outlines the Acts of Congress, Federal laws, relating to the physically handicapped.

5 Ibid., p. 4.

The only Federal provision relating to handicapped children was the Social Security Act of August 14, 1935, wherein grants-of-aid were made available to States for services for crippled children. The original law reads as follows:

Grants to States with services for crippled children, approved by the Chief of the Children's Bureau, of $20,000 a year to each State, and allotments to each State from the remainder of the appropriation, and payments equal to one-half the amounts expended for carrying out State plans.

This Federal provision for crippled children was not for educational services; it was a grant-in-aid to the individual states for use in carrying out their programs. It has not and cannot be so construed. "The Tenth Amendment to the Federal Constitution...left to each State of the Union the right and the responsibility to organize its educational system as it saw fit." The Social Security Act granted aid to the State in a lump sum to be used by the State at its own discretion.

The second portion of the handbook, then, made a study of the laws relating to the physically handicapped that have been passed by the individual states. The study in each state was made under the following heads:

Discovery of defects, precautions, etc.
Education
   General
   Special


8Elise H. Marten, State Supervisory Programs for Exceptional Children, p. v.
Rehabilitation, training, etc.
Occupational aids, opportunities, privileges
Public assistance
Miscellaneous benefits and privileges
Disqualifications, discrimination, etc. 9

Laws covering each of these phases were given and include the citations from which each is taken. The handbook is a concise notation of the measures taken by the Federal and State governments to aid the physically handicapped citizens. No study was given to any other handicapped people than to those with physical handicaps.

However, the Children's Bureau, United States office of Education, is making a study of state legislation for exceptional children at the present time, 1948. A personal letter from Elise H. Martens, Chief, Exceptional Children and Youth, United States Office of Education, outlines the scope of this work:

.....there are no Federal legislative enactments in effect at the present time for the development of a special education program for handicapped children. Such laws are entirely limited to state legislative provisions....The Conference of State Directors and Supervisors of Special Education in cooperation with the United States Office of Education is at the present time engaged in making a study of state legislation for the education of exceptional children. The work you are doing is thus related directly to the nation-wide project being carried out by this organization.10


CHAPTER II

BASIC PRINCIPLES UNDERLYING STATE LEGISLATION FOR
SPECIAL EDUCATION FOR EXCEPTIONAL CHILDREN
AND CRITERIA FOR EVALUATING STATE
LEGISLATION

The purpose of this chapter is to study the basic principles of state legislation for special education for exceptional children and to set up criteria for evaluating the adequacy of a state legislative program. Attention will be directed to the following phases of special education for exceptional children: types eligible, age limits, place where special services are offered, methods of diagnosis, supervising agency, and methods of financing special education programs.

Types of Children Eligible for Special Education

Elise H. Martens, specialist in the education of exceptional children, asserts that all children in need of special services should be included in the program:

Include in its provisions all educationally exceptional children, whatever may be their handicap or other exceptional condition that marks them as seriously in need of special educational services.¹

The American Association of School Administrators, one of the foremost groups of educators in the country, made the following statement in the Twenty-Sixth Yearbook, The Expanding Role of Education:

It is part of the American philosophy of education that every child, regardless of race, color, creed, social position, physical condition or native intelligence, should have the opportunity for the full development of his powers through education. This concept of free public education permits no exception. It embraces all who can profit from instruction, even to a limited degree. There is no way to apply the American concept of free public education for all children except to provide education for every child in accordance with his needs and capacities—physical, mental, and emotional. This is the right of all children. It is also necessary for society since whatever benefits children today contributes wholesomely to the communities in which they as adults will live and work tomorrow.\(^2\)

The Yearbook further stresses the need for special services for gifted children. Such a service, it is emphasized, is more essential in a democracy than in countries with other forms of government. Because of the present "unparalleled need for able leadership" the responsibility of the schools to educate all American youth for responsible citizenship in a democracy is greater than ever before.\(^3\)

Arch O. Heck, Professor of Education, College of Education, Ohio State University, says that the conception that each child should be given the same opportunity to develop

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\(^3\)Ibid.
his capacities as any other child is of primary importance in the working out of a special education program. All children should have an equal opportunity to develop.

Harry J. Baker, Director, Psychological Clinic, Detroit Public Schools, in his book *Introduction to Special Education*, asserts that exceptional children are fundamentally similar to normal children. "The exceptional differ from the normal mainly in degree, depending upon the severity of the defect or deviation." The policy of the government has been to encourage the education of normal children as a means of improving society in general; the exceptional child has the same right to such an education as the so-called normal child.

Henry J. Otto, well-known writer in the field of school administration, states that gifted children should be included in types of exceptional children needing special education. He says:

Since the great social good results from the labors of those whose abilities rise above those of the average person, the school owes a definite responsibility to society to educate and train those who have been endowed with superior intelligence, so that they may render maximum service.

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5 Harry J. Baker, *Introduction to Exceptional Children*, p. 3.

These expressed opinions represent the best thought available today in the field of special education. The first criterion for evaluating a state legislative program for special education for exceptional children then might be summarized as follows: All types of exceptional children should be included in the special education program.

Age Limits of Exceptional Children in Special Education

In the early attempts to establish and maintain special education for exceptional children, little attention was paid to age limits. Both law and practice followed very closely the compulsory school age as set up in the different states. Special education in local school systems was limited for the most part to the elementary school years. Residential schools were from the beginning set up for adolescent pupils.7 As compulsory school attendance laws have raised the "school-leaving" age and as more and more children stay in school through the secondary schools, the responsibility of offering special education to exceptional children in secondary schools has been emphasized. The pre-school exceptional child also has been getting attention.

Martens advocates special education from the nursery school on for the deaf and dumb and similarly handicapped

children. These conditions, she maintains, take long years of special training techniques to remedy.

Nursery school education can do much toward the social adjustment of young physically handicapped children and should be legally recognized as a part of the State's education program for them.

The Twenty-Sixth Yearbook of the American Association of School Administrators states:

One of the new emphases in special education is early discovery and early provision for the care and education of the handicapped. If nothing is done by way of therapy or special training until the age heretofore established as the proper age for school entrance, many children will carry through life the results of such neglect. The earlier exceptional children are identified, and the sooner an appropriate program of care and training can be established, the better the chances are for eliminating or reducing the extent of the handicaps.

At the other end of the scale, the school needs to continue its responsibility for many exceptional children somewhat longer than for normal boys and girls. Exceptional children often need more time than the average child to acquire satisfactory skills, or a suitable level of proficiency in schoolwork. In some cases, too, mastery of certain types of information or skill may need to be more thorough than is expected of the average pupil. 9

The Handbook for Teachers of Exceptional Children, a workshop project in special education in Texas, says that the education of the hard-of-hearing child should begin in the home. 10 The home should be visited in advance by the special education instructor and a cooperative program started.

8 Ibid., p. 5.
10 Handbook for Teachers of Exceptional Children, Edited by James Knight, p. 35.
According to these opinions, the age limits of exceptional children should be both lowered and extended, particularly in the case of the physically handicapped child. This is the second criterion.

Place Where Special Educational Services are Offered

The extent and nature of the handicap and the number of exceptional children in an area will determine where the special education services are to be offered. Some children have slight handicaps and adjustments may be made for them in the regular classroom instruction. Others may be handicapped to the degree that part-time instruction may be adequate, while still others may have to have the entire educational program provided outside the regular schoolroom.\(^\text{11}\)

In the large school systems, special classes may be organized; in rural areas, pupils from adjoining areas may be transported to a central area, or a special education teacher may visit individual schools. In a large number of special education programs, special education teachers visit home-bound children or those convalescent in hospitals. Martens states:

> Whatever the measures used, the important point is that public education is for all the children. A state program of special education must either take the special services to the child, or, if that is impractical, take the child to the services.\(^\text{12}\)

\(^{11}\) Baker, op. cit., p. 13.

The Twenty-Sixth Yearbook of the American Association of School Administrators says that whenever a child "who deviates from the normal can have his needs met and provided for in a regular situation in school, this is preferable." Separate school and classes should be arranged only after all the resources of the school have been utilized "in adjusting the school program to individual pupil problems." Children should be removed from such schools and classes as soon as they have recovered sufficiently to participate in regular school activities.

The third criterion may be summarized as follows: Special instruction for exceptional children should be offered in a program of regular instruction where possible; otherwise, special classes, individual instruction, and hospital or home instruction are recommended.

Methods of Identifying Exceptional Children

There must be someone to decide who needs special education for handicaps and who does not. When the special services were limited to crippled children and those with defective hearing and vision, it was not difficult to determine the handicapped. The addition of the mentally retarded, the maladjusted child, and those with lowered vitality has made additional tests and means of discovery necessary. Census enumeration of the handicapped can no longer meet the needs. The Handbook for Teachers of Exceptional Children says that the "survey method", whereby the teachers report
the names of children with noticeable handicaps is outmoded. In order to discover all handicapped pupils, teachers, school nurses, physicians, psychiatrists, psychologists, and social workers must all combine their efforts.\textsuperscript{13}

Martens states that the use of audiometric tests, vision tests, health examinations, and psychological tests are necessary to determine the degree and extent of special services required by children.\textsuperscript{14} Baker says that many fields of diagnosis are necessary, and that different methods are needed for different handicaps.\textsuperscript{15} He also stresses the need for cooperation of all agencies in the state—public health, public welfare, and the public schools. Physically handicapped children, he says, obviously need diagnosis by a competent physician, but they may also be in need of a clinic that deals with mental retardation, behavior problems, and educational retardation.

The fourth criterion may be summarized as: The school census, while necessary, is not a satisfactory way of diagnosing handicaps—medical examinations, scientific tests, and the services of psychologists or psychiatrists are all needed.

\textsuperscript{13}The Handbook for Teachers of Exceptional Children, Edited by James Knight, p. 13.

\textsuperscript{14}Elise H. Martens, State Legislation for the Education of Exceptional Children: Some Basic Principles, p. 7.

\textsuperscript{15}Baker, op. cit., p. 464.
Legal Functions of the State Administering Agency

The education of exceptional children, according to Newland, is nothing more than a sound educational practice. For this reason, he asserts that special education for exceptional children is an integral part of the whole educational program and should be under the supervision of the agency which has the care of all other types of education. Present educational theory upholds Newland's contention.

Martens holds that the state departments of education should have supervision of all education for exceptional children—in the public schools and residential schools also. She further asserts that sound educational policy requires basic state legislation to determine essentials and a state administrative agency for carrying out the details. In other words, the State should pass legislation and provide money for the program; the State Department of Education should have the power to outline and supervise the program. The most common duties of the administrative agency are:

1. To determine the qualifications of exceptional children.
2. To supervise the program of special education.
3. To develop standards for the admission of pupils, class size, equipment, and other instructional items.
4. To advise in teaching methods and curriculum.
5. To approve classes for state reimbursement.

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16 Ernest Newland, "Early Identification," The Phi Delta Kappan, (October, 1940), p. 34.
6. To cooperate with other state agencies concerned with handicapped children.
7. To set up such rules and regulations as may be necessary for the conduct of the program.\textsuperscript{17}

The fifth criterion, then may be: Special education services should be under the direction of the state agency which has direction over the education of all other children.

The Amount of Financial Aid Required for Special Education

The Twenty-Sixth Yearbook of the American Association of School Administrators describes the cost of educating exceptional children and includes some facts which are explanatory of the whole program:

Since the education of exceptional children in many cases requires special equipment, special instructional methods, additional clerical service, and other special facilities, the cost is necessarily greater than that for average or normal children. How much greater it is depends upon the extent of the program and on the type and quality of the special services developed. The cost figures from on state in 1942-43 for schooling certain types of exceptional children living at home were: partially seeing children, 2.3 times as much as normal children; deaf or seriously hard-of-hearing, 2.8 times as much; crippled children needing special attention, 3.3 times as much; retarded children, 1.5 times as much; and the cost of remedial instruction for the speech defective child, a few dollars more per year than that for the normal child, depending on the nature of the defect and the extent of the program. Transportation costs and boarding house facilities, during the school week... add further to the differential between the costs of special education which must sometimes be provided and those regularly incurred for children in local school districts.\textsuperscript{18}


\textsuperscript{18}The American Association of School Administrators, \textit{The Expanding Role of Education}, (Twenty-Sixth Yearbook). p. 104.
The Yearbook further contends that these extra costs of special education are justified and are sound financial investments—the ultimate cost is less to society if the handicapped are left uneducated to become wards of society.

There have been various plans used by the different states for paying the excess cost of special education. Six different methods are followed by states with special education programs: the excess costs plan, the teacher basis, the pupil basis, the class basis, a plan based upon cost of the regular program, and some combination of these methods.

According to Heck, the excess costs plan is based on the amount of extra cost incurred in the special education over and above that of the education of the normal child. The per pupil basis pay a stated sum for each pupil, and does not take the cost of regular instruction into consideration. The teacher basis and the class basis differ but little from the per pupil basis. In the plan based upon cost of the regular program, the state usually appropriates an annual amount equal to a certain sum for each child. This sum is distributed upon the basis of days of attendance. In a combined plan, the state uses a combination of two or more of the above plans.19

From these foregoing discussions it is now possible to formulate criteria for evaluating the adequacy of state

19Heck, op. cit., p. 452.
legislation for special education for exceptional children. In that respect, the following are offered:

(1) Special education should serve all types of children—physically and mentally handicapped, the socially maladjusted, and the gifted.

(2) The age limits for exceptional children should be both lowered and extended.

(3) Special education should be combined with the regular instruction wherever possible; otherwise, it should be offered in special classes where numbers justify, through individual teaching, and in hospitals and homes.

(4) The services of competent specialists are needed for the diagnosis of all children; the handicapped child will be discovered in the process.

(5) The administrative agency which has direction of the state education program should also have the direction of the special education program.

(6) Each state should grant supplementary aid to local districts to cover cost of special education over and above that incurred in the normal education process.
CHAPTER III

PRESENTATION AND INTERPRETATION OF DATA

The purpose of this chapter is to present the data on the statutory and administrative provisions for special education programs as provided by the different states.

A letter of inquiry was sent to the State Department of Education of each state in regard to the number of handicapped children, compulsory school attendance, legal provision for special classes, financial aid, and supervisory responsibility. Each State Department of Education in the forty-eight states sent replies; twenty-nine of the Departments sent copies of their statutory regulations and other literature. The information from the letters of inquiry was supplemented by additional information from this state literature and from a digest of state laws for the physically handicapped child, House Document No. 753, Laws Relating to the Physically Handicapped. Three sources thus of data were used in compiling

the information, which is presented along the lines of the criteria: type of children eligible for special education, age limits, place where special services are offered, methods of diagnosis, supervising agency, and plan of financial aid.

Types of Children

Table 1 shows the types of children eligible for special education in the forty-eight states according to statutory and administrative provisions.

<table>
<thead>
<tr>
<th>Type of Exceptional Children</th>
<th>Number of States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physically handicapped</td>
<td>38</td>
</tr>
<tr>
<td>Physically handicapped alone</td>
<td>17</td>
</tr>
<tr>
<td>Physically and mentally handicapped</td>
<td>16</td>
</tr>
<tr>
<td>Physically and mentally and emotionally handicapped</td>
<td>1</td>
</tr>
<tr>
<td>Maladjusted and physically and mentally handicapped</td>
<td>2</td>
</tr>
<tr>
<td>Gifted and physically and mentally handicapped</td>
<td>1</td>
</tr>
<tr>
<td>No provisions.</td>
<td>10</td>
</tr>
</tbody>
</table>

The data, as presented in Table 1, give little indication of the wide variety of differences prevalent among the states. Ten states, Alabama, Arizona, Idaho, Kansas, Mississippi, Nevada, North Dakota, Rhode Island, Vermont, and West

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2 Data are taken from three sources: Letters of Inquiry to Forty-Eight States, Legislative Acts of Different States, and a Digest of Statutory Provisions of States for the Education of Physically Handicapped Children.
Virginia have no legal provisions for special education for exceptional children. The thirty-eight states which have legal provisions for special education all provide education for the physically handicapped child in some way. Varying numbers of states provide education for other types, but the physically handicapped child is evidently the basic type.

When the data were broken down for the purpose of analysis, it was found that seventeen of the states provide for the physically handicapped child but make no provisions for other types. Sixteen states provide special educational services for both the physically and mentally handicapped child. Two states provide special education for the physically and mentally handicapped and the maladjusted; another state provides special education for the physically handicapped and the maladjusted, while still another state provides for the physically and mentally handicapped and emotional and moral defects.

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3 Data from Letters of Inquiry.

4 Arkansas, California, Connecticut, Georgia, Kentucky, Louisiana, Maine, Nebraska, New Hampshire, New Mexico, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington.

5 Colorado, Delaware, Florida, Indiana, Maryland, Massachusetts, Minnesota, Missouri, Montana, New Jersey, New York, North Carolina, Ohio, Oklahoma, Virginia, Wisconsin, Wyoming.

6 Illinois, Oregon.

7 Iowa

8 Montana
Age Limits Fixed by the Forty-Eight States for Special Education for Exceptional Children

Within recent years increasing attention has been given to the age limits of children eligible for special education in the public schools. Table 2 presents the data available on the age limits for special education as set up by the different states.

<table>
<thead>
<tr>
<th>Age Brackets</th>
<th>Number of States</th>
<th>Type of Disability</th>
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<tbody>
<tr>
<td>3 to 20</td>
<td>1</td>
<td>Hearing and Vision Defects</td>
</tr>
<tr>
<td>3 to 20</td>
<td>2</td>
<td>Hearing and Vision Defects</td>
</tr>
<tr>
<td>5 to 18</td>
<td>2</td>
<td>Various types</td>
</tr>
<tr>
<td>5 to 21</td>
<td>8</td>
<td>All types</td>
</tr>
<tr>
<td>6 to 16</td>
<td>2</td>
<td>Various types</td>
</tr>
<tr>
<td>6 to 17</td>
<td>1</td>
<td>Physical handicapped</td>
</tr>
<tr>
<td>6 to 18</td>
<td>7</td>
<td>All types</td>
</tr>
<tr>
<td>6 to 20</td>
<td>2</td>
<td>Various types</td>
</tr>
<tr>
<td>6 to 21</td>
<td>3</td>
<td>Various types</td>
</tr>
<tr>
<td>7 to 16</td>
<td>2</td>
<td>Various types</td>
</tr>
<tr>
<td>7 to 18</td>
<td>2</td>
<td>Various types</td>
</tr>
<tr>
<td>7 to 19</td>
<td>4</td>
<td>Various types</td>
</tr>
<tr>
<td>7 to 21</td>
<td>2</td>
<td>Various types</td>
</tr>
<tr>
<td>8 to 18</td>
<td>1</td>
<td>Physical and mental handicapped</td>
</tr>
<tr>
<td>None</td>
<td>10</td>
<td>None</td>
</tr>
</tbody>
</table>

According to the data in Table 2, only three states, California, Illinois, and Ohio, begin special education programs for exceptional children at the nursery school age. Connecticut has the next lowest bracket, five to eighteen years. Ohio has this same age bracket for exceptional children except for those who are defective in hearing and vision—they begin special education at three years. Eight states\(^{10}\) have age brackets of five to twenty-one years for special education. Colorado and Delaware fix their age limits at six to sixteen years, while Missouri's age limits for special education are six to seventeen years. The six to eighteen year bracket has seven states within it.\(^{11}\) Minnesota and Oregon have age brackets of six to twenty years. Florida, North Carolina, and South Carolina have age limits of six to twenty-one years. Tennessee and Virginia wait until the child is seven years old before beginning special education and end the training early at sixteen years. Georgia, Indiana, Massachusetts, and Michigan are in the seven to nineteen group, and Oklahoma and New Jersey in the seven to twenty-one bracket. Illinois, in its program of special education for those other than the hearing and vision defectives, starts the program at eight years and ends it at eighteen.

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\(^{10}\) California, Connecticut, Louisiana, Maine, New Mexico, Washington, Nebraska, Wisconsin.

\(^{11}\) Maryland, New York, Pennsylvania, South Dakota, Texas, Utah, Wyoming.
Place Where Special Education is Offered

Attention was also directed to the place where each state offers special education; through regular instruction, special classes, individual instruction, and instruction in homes or hospitals for children unable to attend school. Table 3 presents the data on this phase of special education for exceptional children.

**TABLE 3**

PLACE WHERE SPECIAL EDUCATION SERVICES ARE OFFERED IN THE FORTY-EIGHT STATES

<table>
<thead>
<tr>
<th>Place Where Instruction is Offered</th>
<th>Number of States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular instruction in local school</td>
<td>4</td>
</tr>
<tr>
<td>Special classes in local school</td>
<td>32</td>
</tr>
<tr>
<td>Individual instruction</td>
<td>28</td>
</tr>
<tr>
<td>Home or hospital instruction</td>
<td>29</td>
</tr>
<tr>
<td>No instruction</td>
<td>10</td>
</tr>
</tbody>
</table>

As shown in Table 3, four states do not make any provisions for special classes but included the special education services in with the regular instruction. Thirty-two

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13 Delaware, Tennessee, New Hampshire, South Dakota (The latter has special instruction for homebound pupils but combines other special instruction with the regular classwork.)
states\textsuperscript{14} provide for special classes, twenty-seven for individual instruction,\textsuperscript{15} and twenty-nine for home or hospital instruction.\textsuperscript{16} In two instances,\textsuperscript{17} special education is provided only in the homes or hospitals and not in special classes.

\textbf{Methods of Diagnosing Exceptional Children}

The methods which the forty-eight states use in diagnosing children's difficulties in order to discover the handicapped child are presented in Table 4.

\textsuperscript{14}Arkansas, California, Delaware, Connecticut, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Utah, Virginia, Washington, Wisconsin.

\textsuperscript{15}Arkansas, California, Delaware, Georgia, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Utah, Virginia, Washington, Wisconsin.

\textsuperscript{16}Arkansas, California, Delaware, Georgia, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Utah, Virginia, Washington, Wisconsin, Wyoming.

\textsuperscript{17}Wyoming, South Dakota.
METHODS USED IN THE FORTY-EIGHT STATES TO DIAGNOSE
EXCEPTIONAL CHILDREN

<table>
<thead>
<tr>
<th>Method</th>
<th>Number of States</th>
</tr>
</thead>
<tbody>
<tr>
<td>School census</td>
<td>36</td>
</tr>
<tr>
<td>Physical exam.</td>
<td>38</td>
</tr>
<tr>
<td>Teacher obs.</td>
<td>23</td>
</tr>
<tr>
<td>Scientific tests</td>
<td>17</td>
</tr>
<tr>
<td>Specialists</td>
<td>4</td>
</tr>
<tr>
<td>None</td>
<td>10</td>
</tr>
</tbody>
</table>

According to the data in Table 4 all of the states with a special education program utilize the regular school census as one means of enumerating the handicapped children. All of the states with a special education likewise make use of a physical examination in diagnosing handicaps; this does not mean that each child is given a thorough medical examination but that children with handicaps or who are thought to have handicaps are given such an examination. In twelve states a complete health examination is either required or provided. In eight states all the children are tested for

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18 Data taken from State Literature and from House Document No. 753, Laws Relating to the Physically Handicapped.


20 Virginia, South Carolina, Utah, Louisiana, Nebraska, Oregon, Washington, Wyoming.
defective sight and hearing. Seventeen states\textsuperscript{21} use scientific tests also in diagnosing children's difficulties. Only four states\textsuperscript{22} employ specialists—psychologists or psychiatrists—in testing children for handicaps.

Supervising Agency

The unanimity of opinion on the question of the supervising agency of the special education programs makes it unnecessary to tabulate the data in tabular form. Each one of the states reported that the same department that has charge of the normal education services for the state either has charge of or supervises the special education program. The functions of such agencies were not included in this study, but the indicated trend developed through a study of other features shows that the State, in most instances, has enacted legislation setting up a program, provided for its support, and left the administrative functions to the supervising agencies.

Amount of Financial Aid Provided by the States

Table 5 presents the data on the kind and amount of financial aid provided in state legislation for special education for exceptional children in forty-eight states.


\textsuperscript{22} Iowa, Illinois, Pennsylvania, Massachusetts.
<table>
<thead>
<tr>
<th>Amount of Aid</th>
<th>Number of States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount for regular instruction</td>
<td>4</td>
</tr>
<tr>
<td>Excess cost in varying sums</td>
<td>16</td>
</tr>
<tr>
<td>Each special class a teacher unit</td>
<td>3</td>
</tr>
<tr>
<td>Varying lump appropriations</td>
<td>4</td>
</tr>
<tr>
<td>Salary of examiners paid by citizens</td>
<td>1</td>
</tr>
<tr>
<td>Varied sums according to different disabilities</td>
<td>8</td>
</tr>
<tr>
<td>Transportation</td>
<td>1</td>
</tr>
<tr>
<td>Twenty-five to thirty per cent of minimum teacher's salary</td>
<td>1</td>
</tr>
<tr>
<td>None</td>
<td>10</td>
</tr>
</tbody>
</table>

According to the data in Table 5, four states\(^{24}\) provide for a special education program but set up no extra funds over and above those provided for regular instruction. Sixteen states\(^{25}\) provide excess costs of special education over that of the regular instruction in varying amounts for example, California provided excess cost of $800 per pupil and Texas limits the excess cost also to $200 per pupil.

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\(^{23}\) Data were taken from three sources: Letters of Inquiry, Literature of the States, and House Document No. 753, Laws Relating to the Physically Handicapped.

\(^{24}\) Georgia, Nebraska, New Hampshire, New Mexico.

\(^{25}\) Arkansas, California, Colorado, Iowa, Illinois, Indiana, Michigan, Massachusetts, North Carolina, Ohio, Oregon, Tennessee, Texas, Utah, Wyoming.
Three states\textsuperscript{28} set up lump appropriations. One state\textsuperscript{27} provides only extra cost for the salary of the examiner and this is paid by local citizens. Eight states\textsuperscript{29} provide extra cost by designating different amounts for different handicaps. For example, Minnesota provides a sum not to exceed $250 for each partially-hearing child enrolled in a day school. The provision for partially-seeing children is excess costs up to $300. Subnormal children are allowed special education costs up to $100 per child. Crippled children have an allotment not to exceed $250 per year, while the children with defective speech receive additional aid up to $1500 per teacher.\textsuperscript{29} One state\textsuperscript{30} pays only the transportation of handicapped pupils. Another state\textsuperscript{31} pays extra cost of special education by designating an increase if twenty-five to thirty-five per cent of the minimum teacher's salary.

Ten states provide no special education programs.\textsuperscript{32}

\textsuperscript{27} Delaware

\textsuperscript{28} Connecticut, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, Oklahoma, Wisconsin.

\textsuperscript{29} State Department of Education of Minnesota, \textit{Standards: Special Classes for Handicapped Children}, p. 10.

\textsuperscript{30} Kentucky

\textsuperscript{31} Pennsylvania

\textsuperscript{32} Previously mentioned.
The detailed results of these tabulations will be presented in the conclusions in the final chapter. The most outstanding opinion formed by the attempts to tabulate the data was this: The practices of special education vary so widely from state to state that it is impossible to form any clearcut concepts. State legislation, it appears, has developed without much attention being paid to the need for an integrated state program. Each state has exercised its right to establish a program of its own making.
CHAPTER IV

APPLICATION OF THE DATA TO CRITERIA

The purpose of this chapter is to evaluate the data in the light of the criteria developed in Chapter II. The same procedure will be followed in the selection of the different phases to be considered.

Types of Children Eligible for Special Education

The first criterion developed in the study was that all types of children should be included in the special education program—the physically and mentally handicapped, the maladjusted individual, and the gifted children as well as those who are mentally retarded. Table 6, on the following page, shows the percentage of states filling these different needs.

According to the data in Table 6, thirty-eight, or 70.1 per cent, of the states provide in some respect for physically handicapped exceptional children. The provisions take various forms. Seventeen states, or 35.4 per cent of the whole number provided for physically handicapped children alone, and sixteen states, or 33.3 per cent,
provided for both physically and mentally handicapped children. Only one state, or 2.08 per cent, provided for the emotionally handicapped as well as the physically and mentally handicapped. Likewise, only one state provided for the maladjusted child along with other handicaps, and the number providing for gifted children was only one. Ten states, or 20.83 per cent made no provisions for special education for exceptional children on a statewide basis.

**TABLE 6**

PERCENTAGE OF STATES PROVIDING FOR DIFFERENT TYPES OF CHILDREN

<table>
<thead>
<tr>
<th>Type of Exceptional Children</th>
<th>Number of States</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physically handicapped</td>
<td>38</td>
<td>79.1</td>
</tr>
<tr>
<td>Physically handicapped alone</td>
<td>17</td>
<td>35.4</td>
</tr>
<tr>
<td>Physically and mentally handicapped</td>
<td>16</td>
<td>33.4</td>
</tr>
<tr>
<td>Physically and mentally and emotionally handicapped</td>
<td>1</td>
<td>2.08</td>
</tr>
<tr>
<td>Maladjusted and physically and emotionally handicapped</td>
<td>1</td>
<td>2.08</td>
</tr>
<tr>
<td>Gifted and physically and mentally handicapped</td>
<td>1</td>
<td>2.08</td>
</tr>
<tr>
<td>No provisions</td>
<td>10</td>
<td>20.83</td>
</tr>
</tbody>
</table>

When these figures are measured against the criteria, it is evident that none of the states meet them because they do not provide for all types of children. The
physically handicapped, it is evident, receive more attention than any other type. Second to this is the mentally handicapped and slow-learning child. The percentage of children receiving special education for maladjustment, emotional handicaps, and for superior intelligence is almost infinitesimal. The states that do provide for these additional types do not provide for all others; Pennsylvania which provides for gifted children does not have any special education program for the maladjusted child. If the criteria as set up are to be taken for a standard, all of the states fail to meet the requirements of an adequate program of special education for exceptional children.

Age Limits Fixed by the States for Special Education

Table 7 shows the age limits of the states as fixed by either state legislation or administrative provisions and the per cent of schools that met the second criterion: The age limits for exceptional children should be both lowered and extended.

The most significant thing about the age limits of the forty-eight states, as shown in Table 7, is the number of variations in the age limits which different states prescribe. Only three states, or 6.24 per cent, begin the special education program at three years. Ten states, or 20.83 per cent, begin the program at five years. Two of these stop it however at eighteen years. The highest percentage of age limits
fall within the five to twenty-one bracket, 16.66 per cent, and the six to eighteen bracket, 14.57 per cent. Ten, or 20.83 per cent of the states have no age limits for special education because they have no such program.

TABLE 7

AGE LIMITS FOR EXCEPTIONAL CHILDREN IN SPECIAL EDUCATION AND PERCENTAGE OF STATES

<table>
<thead>
<tr>
<th>Age Limits of the Forty-Eight States</th>
<th>Number of States</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 to 20</td>
<td>1</td>
<td>2.08</td>
</tr>
<tr>
<td>3 to 21</td>
<td>2</td>
<td>4.16</td>
</tr>
<tr>
<td>5 to 18</td>
<td>2</td>
<td>4.16</td>
</tr>
<tr>
<td>5 to 21</td>
<td>8</td>
<td>16.66</td>
</tr>
<tr>
<td>6 to 16</td>
<td>2</td>
<td>4.16</td>
</tr>
<tr>
<td>6 to 17</td>
<td>1</td>
<td>2.08</td>
</tr>
<tr>
<td>6 to 18</td>
<td>7</td>
<td>14.57</td>
</tr>
<tr>
<td>6 to 20</td>
<td>2</td>
<td>4.16</td>
</tr>
<tr>
<td>6 to 21</td>
<td>3</td>
<td>6.24</td>
</tr>
<tr>
<td>7 to 16</td>
<td>2</td>
<td>4.16</td>
</tr>
<tr>
<td>7 to 18</td>
<td>2</td>
<td>4.16</td>
</tr>
<tr>
<td>7 to 19</td>
<td>4</td>
<td>8.32</td>
</tr>
<tr>
<td>7 to 21</td>
<td>2</td>
<td>4.16</td>
</tr>
<tr>
<td>8 to 18</td>
<td>1</td>
<td>2.08</td>
</tr>
<tr>
<td>None</td>
<td>10</td>
<td>20.83</td>
</tr>
</tbody>
</table>

The figures are so varied that it is difficult to draw any conclusions from the data. However, thirteen states or 27.06 per cent, may be said to have an adequate program in this respect because they all begin their program at five years or less. Thirty-five states or 62.94 per cent, fail to meet the criteria for age limits as outlined by authorities in the field.
Place Where Special Education is Offered

The third criteria, as developed in Chapter II, state that special education should be combined with the regular instruction wherever possible. Otherwise, it should be offered in special classes where numbers justify, through individual teaching, and in hospitals and homes.

Table 8 shows the extent to which the forty-eight states offered special education in special classes and in other ways.

**TABLE 8**

<table>
<thead>
<tr>
<th>Place Where Instruction is Offered</th>
<th>Number of States</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular instruction</td>
<td>4</td>
<td>8.32</td>
</tr>
<tr>
<td>Special Classes</td>
<td>32</td>
<td>66.66</td>
</tr>
<tr>
<td>Individual instruction</td>
<td>23</td>
<td>58.34</td>
</tr>
<tr>
<td>Home or hospital instruction</td>
<td>29</td>
<td>60.41</td>
</tr>
<tr>
<td>No instruction</td>
<td>10</td>
<td>20.83</td>
</tr>
</tbody>
</table>

Four, or 8.32 per cent, of the states, it is indicated in Table 8, offer special education along with the regular instruction. No special classes of any kind was held. Thirty-two states, or 66.66 per cent of the states, offer special classes where the numbers justify such action.
Twenty-eight, or 58.34 per cent, of the states offer individual instruction in special education where needed, and 60.41 per cent, or twenty-nine states, make provisions for teaching exceptional children in hospitals and schools. Ten states or 20.83 per cent offer no special instruction of any kind.

Looked at in one way, the four states which provided special education only with the regular instruction might be said to meet the criteria. However, it would be an exceptional state where all the exceptional children could have their needs realized through regular instruction. In every state there are crippled children, partially-blind and partially hearing children who need special classes in special education. Some other states, with a more varied program, it would appear, more adequately serve the needs of all the children. The percentage of children being taught in the hospitals and in homes is encouraging. A few years ago such children received no education of any kind. While none of the states, apparently meet the criteria as set up because they do not provide all needed services, the percentage of states that offer all types of needed instruction is significant. It indicates a growing interest in the subject of special education and extending its benefits to the homebound child as well as the one able to attend the public school.
TABLE 9

METHODS USED BY THE FORTY-EIGHT STATES IN DIAGNOSING CHILDREN'S DIFFICULTIES AND PERCENTAGE OF STATES

<table>
<thead>
<tr>
<th>Method</th>
<th>Number of States</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>School census</td>
<td>38</td>
<td>79.1</td>
</tr>
<tr>
<td>Physical examination</td>
<td>38</td>
<td>79.1</td>
</tr>
<tr>
<td>Teacher observation</td>
<td>23</td>
<td>47.8</td>
</tr>
<tr>
<td>Scientific tests</td>
<td>17</td>
<td>35.4</td>
</tr>
<tr>
<td>Specialists</td>
<td>4</td>
<td>8.3</td>
</tr>
<tr>
<td>None</td>
<td>10</td>
<td>20.0</td>
</tr>
</tbody>
</table>

Interpretation of the data in Table 9 can only be made with great caution. The fact that all the states rely rather heavily on the school census for a means of identification does not mean that such methods as used are inadequate. Handicapped children are enumerated the same as all other children; in the states where a per capita apportionment is paid, the handicapped child is eagerly sought for enumeration purposes. Including them in the school census is necessary. The same caution might be applied to the discussion of the next item in Table 9—physical examination. In some instances, physical examination means only the examination given children who are known to be handicapped in some way. The true measure of a physical examination is one that would be all-embracing and be given to all children. In this respect many handicapped children would more than likely be
discovered. Physical examination, as used in Table 9, can mean merely a hearing and vision test given by the medical profession to students. Since the meaning is sometimes vague, no hard-and-fast conclusion can be drawn other than that the percentage of states with physical examinations is 78.1 per cent of them all.

Teacher observation likewise is hard to diagnose. Detection of handicaps is the work of all teachers. Little can be done without teacher observation of some kind. Putting it on paper, however, is no easy thing. The data indicated that twenty-three states or 47.8 per cent of the whole number used teacher observation to some extent in detecting exceptional children.

The use of scientific tests in the classroom is becoming more and more popular. They comprise not merely intelligence tests, socio-economic status, and tests based on different interests but audiometer tests for hearing and different vision tests. Any competent teacher, with very little advice, can learn to operate the small machines. In the field of mental retardation, however, and in determining gifted children the need for specialists is obvious. The state with an adequate program of diagnosing children's difficulties will avail itself of all forms of methods—census, physical examination, teacher observation, scientific tests and the service of psychologists or psychiatrists in
the field. When the program of special education of the forty-eight states is measured against the criteria for methods, it is evident that only a very, very small percentage of states can qualify. Only 8.3 per cent of the states had the services of specialists in the field of special education. In the phase of the supervising agency, it was found that all the states met the criteria satisfactorily here to the extent that they had placed special education under the same administering agency as that which had direction of the regular education program.

Methods of Financing Special Education

Table 10 presents the data and the percentage of states in regard to the different methods of financing special education.

<table>
<thead>
<tr>
<th>Kind of Aid</th>
<th>Number of States</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular instruction</td>
<td>4</td>
<td>8.33</td>
</tr>
<tr>
<td>Excess cost</td>
<td>15</td>
<td>33.32</td>
</tr>
<tr>
<td>Teacher unit</td>
<td>3</td>
<td>6.24</td>
</tr>
<tr>
<td>Lump appropriation</td>
<td>4</td>
<td>8.33</td>
</tr>
<tr>
<td>Paid by citizens</td>
<td>1</td>
<td>2.08</td>
</tr>
<tr>
<td>Different sums for different</td>
<td>8</td>
<td>16.66</td>
</tr>
<tr>
<td>disabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation</td>
<td>1</td>
<td>2.08</td>
</tr>
<tr>
<td>Per cent of teacher's salary</td>
<td>1</td>
<td>2.08</td>
</tr>
<tr>
<td>None</td>
<td>10</td>
<td>20.80</td>
</tr>
</tbody>
</table>

TABLE 10

SUMMARY OF DATA CONCERNING METHODS OF FINANCING SPECIAL EDUCATION BY THE FORTY-EIGHT STATES AND PERCENTAGE OF STATES IN THIS RESPECT
Once again a variety of practices in financing the extra cost of education are noted. The largest percentage of states, 33.62 use the excess cost method. This percentage is materially increased when the states which pay different sums for different disabilities are added—their percentage is 16.85. Some of these states pay on the excess costs plan but they pay different sums for different disabilities. For example, Illinois pays excess cost up to $250 per pupil for partially-seeing children, $300 per pupil for crippled children, and $110 per pupil for deaf and hard-of-hearing children.\footnote{Elise H. Marten, State Supervisory Programs for the Education of Exceptional Children, p. 8.} On the other hand, some of the states, Minnesota, for example, pay excess costs for certain types of disability and lump sums in other instances.\footnote{Ibid.} The variation is so great that no definite figures may be presented or no clear-cut conclusions formed. By far, it may be said, the largest percentage of the states pay for the extra cost of special education through the excess costs method. Four of the states or 8.33 per cent do not provide any extra cost for special education, but appropriate only the amount for regular instruction. Ten states, or 20.80 per cent, do not provide any state aid at all for special education; when
this percentage is added to the percentage, 8.33, of those states with special education programs but providing no extra funds, the total percentage of states providing no funds for special education is 29.13 per cent.

This percentage of states, it is apparent fail to meet the criteria as set up: "Each state should grant supplementary aid to local districts to cover cost of special education over and above that incurred in the normal education process." The other states, it is indicated, are meeting the criteria in varying degrees: California, Iowa, New York, Illinois, and Ohio have outstanding programs in this respect.

The general conclusion reached from this study of the application of the data to the criteria is that the states' programs of special education, taken as a whole, are so varied that it is very difficult to form any clear-cut decisions or conclusions on the matter. The general results will be given in the next and the concluding chapter.

3See page 20 of this study.
CHAPTER V

SUMMARY AND SUGGESTIONS

This study has been an investigation of the legislative and administrative provisions made by the different states in the United States for special education for exceptional children. As a background study for the project, standards or needs of exceptional children were set up from opinions of different educational leaders and authorities in the field of special education for exceptional children. These were found to be:

1. All types of handicapped children—physically, mentally, maladjusted, or gifted—need special training.
2. The age limits for exceptional children should be both lowered and extended.
3. Special education should be made available where needed—in groups, individual instruction, or home-bound pupils.
4. Children's difficulties should be diagnosed by expert technicians in the field of special education.
5. It is the legal responsibility of the state to pay for the extra cost entailed in special education.

The data for the study were taken from varied sources.
A letter of inquiry relative to special education for exceptional children was sent to the State Departments of Education of the different states, forty-eight in all. Replies were received from each of the States. In addition, many of the states sent informative material on the subject—statutory and administrative provisions. A bulletin covering the State laws for physically handicapped children in each of the forty-eight states was secured from the United States Office of Education. From this varied list of material, a study was then made of the legislative and administrative provisions for special education under the following heads: Types of children eligible for special education, age limits, place where special education is offered, methods of diagnosing children's difficulties, administrative agency, and methods used in paying the extra costs of special education.

Before presenting the results of the study, mention should be made of the many difficulties encountered. The many different variations from state to state made tabulation of data extremely difficult and accuracy of statement was hard to document. The area covered in the one study, too, was very broad. The following results are offered in the light of these explanations:

1. Thirty-eight states have some type of legislative or constitutional provisions for special education for exceptional children.
2. The thirty-eight states provide for some type of aid to physically handicapped children.

3. Seventeen of the states provide special education for the physically handicapped child alone.

4. Sixteen states provide special education for both physically and mentally handicapped children.

5. Only one state provides special education for gifted children.

6. Only two states provide special education for the maladjusted and emotionally handicapped child as well as other types.

7. Deficient hearing, vision and speech and orthopedics comprise the most common types of exceptional children for whom special education is provided.

8. The states vary so wide in the age limits as established for special education that no definite conclusions are possible.

9. Only three states begin the special education program at the nursery school age.

10. Ten states fix the minimum age limit at five years, but the maximum limits vary from eighteen to twenty-one years.

11. Fifteen states fix the minimum age limit at sixteen years, but the maximum limit varies from seventeen to twenty-one years.

12. Ten states begin their special education programs when the children are six years old with the maximum limit
ranging from sixteen to eighteen.

13. Only one state, Ohio, fixes the minimum age limit at eight years but for hearing and vision defectives the minimum age limit is three years in this state.

14. Four states provide for special education, but do not provide for special classes or any work outside that which can be given in the regular instruction processes.

15. Thirty-two states provide for special classes in the special education program.

16. Twenty-eight states provide for individual instruction to be given exceptional children where the numbers do not justify special classes or where transportation to special class areas is not available.

17. Twenty-nine of the states have made provisions for carrying special education into the homes and hospitals to children who are not able to attend the regular public schools.

18. Ten of the states provide for no kind of instruction in special education.

19. There are a variety of methods used in diagnosing childrens' difficulties.

20. Thirty-eight states make use of the school census in some way in enumerating and finding the exceptional child.

21. Thirty-eight states make use of physical examinations in identifying exceptional children, but the practices vary widely even in doing this. In some instances, a physical examination includes only vision and hearing tests; in others a complete health examination is given.
22. Twenty-three states rely on teacher observation to aid in finding the children who are in need of special education.

23. Seventeen states use scientific tests in diagnosing exceptional children—these vary from simple instruments for testing hearing and vision to complicated tests for determining the need of special education for mentally retarded pupils.

24. Only four states provide for specialists to aid in diagnosing children's difficulties.

25. Thirty-eight states vest the supervising agency of special education for exceptional children in the hands of the State Department of Education. Only one state, New York, has a duel administrator, which in this instance is the State Department of Health of New York.

26. The largest percentage of the states use the excess cost method of financing aid for special education.

27. Four states provide no extra financial aid for special education over and above that provided for regular education.

28. None of the states fully meet the criteria for providing education for all types of children.

29. Only three states meet the criteria for lowered minimum ages for special education, while none of them extend the period of training beyond twenty-one years.
30. Only four states meet the criteria in their methods of diagnosing children's difficulties.

31. All of the states with a special education program meet the criteria for administrative agencies.

32. A large percentage of the states, 56.86 per cent, meet criteria in regard to the place where special education is offered.

33. Thirty-four states meet the criteria for reimbursing local districts with State funds for special education for exceptional children.

Suggestions

The suggestions offered for the improvement of the special education program are:

1. The majority of the states need to broaden and enlarge their special education services with special attention given to increasing the types of children eligible for special education, to better methods of diagnosis of all children qualifying for such services.

2. More integration is needed between state programs for exceptional children. The problems of the exceptional child in one state are much the same as those of exceptional children in other states. Some way should be found for the educational leaders in the field of special education to cooperate and make the program more effective.

3. In-service training programs should be inaugurated in order to aid the regular classroom teacher in learning how
to observe and detect deficiencies which need correction or special training. Special education teachers are necessary, but the average classroom teacher is a big factor in helping diagnose and aiding all children who need special training of any kind.
APPENDIX

Letter of Inquiry Sent to the State Departments of Education of the Forty-Eight States

Dear Sir:

As a part of my graduate work at the North Texas State College at Denton, Texas, I am making a survey of State legislation for special education of exceptional children in the United States. My source for this information will have to come mainly from the different State Departments of Education.

The phases of the study that I wish to cover are the number of exceptional children, the compulsory school provisions, the amount and kind of special education provided for, methods of financing the program, and the allocation of supervisory responsibility.

I would appreciate it very much if your Department could send me the answers to the following questions:

1. How many exceptional children in your state:

2. What is the compulsory school attendance status for exceptional children?

3. What provisions does your state have for special legislation?

4. What method of financing the special education program does your State employ?

5. Who has the supervisory responsibility for the special education program.

Any information that you send me on this subject will be highly appreciated.

Thanking you, I am

Very Sincerely

Clayton J. Beaudry
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Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming