

Do Public Schools Have an Obligation to Serve Troubled Children And Youth?

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ABSTRACT: *The exclusion of pupils considered socially maladjusted in the Public Law 94-142 definition of seriously emotionally disturbed has led to gaps in services to a population of schoolchildren having significant educational needs. Issues related to this exclusionary clause are discussed in light of current research evidence and school practices. Considerable support exists for the position that the exclusion of these students from special education and related services is neither logical nor valid. A broader perspective is advocated, in which the needs of antisocial students (and their families) are addressed through early intervention for at-risk pupils, as well as in appropriate special education programs.*

□ The responsibility of America's schools for providing special services to socially maladjusted pupils has been debated for many years. Much of this debate has focused on the exclusion of youths considered to be socially maladjusted, antisocial, or conduct disordered from services available to those classified as seriously emotionally disturbed (SED). Public Law (P.L.) 94-142 and its recent amendments (P.L. 99-457) specifically excluded "children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed" (U.S. Department of Health, Education, and Welfare, 1977, p. 42478). However, research, scholarly opinion, and professional practices consistently have indicated that this exclusionary clause is ill founded (Kaufman, 1989). The purpose of this article is to explore problems and issues associated with the exclusion of youth identified as socially maladjusted (SM) from special education programs in the public schools (see Nelson & Rutherford, 1990, for a more extensive discussion).

Although the *Eleventh Annual Report to Congress on the Education of the Handicapped Act* (U.S. Department of Education, 1989) indicated that 9.1% of handicapped students being served in special education programs are SED, this population continues to be significantly underserved. Federal prevalence estimates of SED pupils have ranged between 1.2% and 2.0% of the school population, but 3%-6% is regarded as a more accurate estimate by authorities (Institute of Medicine, 1989). However, less than 1% of public school students have been identified and served in SED programs (Knitzer, Steinberg, & Fleisch, 1990). Aside from the severe shortage of qualified teachers for these pupils, the basis for this serious lack of services appears to be a chain of interrelated circumstances. First, schools are antagonized by and often resist providing services for students whose social behavior deviates considerably from expected norms, especially when their behavior patterns include acts of defiance, aggression, or extreme disruption of the school environment. Second, the exclusionary clause in

P.L. 94-142 provides a rationale for excluding students from special education whose behavior is aversive, unless they also have other identifiable disabilities. As Bower (1982) observed, part of the motivation behind the SM exclusion may have been to minimize the costs of serving the SED population. Third, the *Honig v. Doe* (1988) decision by the U.S. Supreme Court established that pupils with disabilities may not be suspended for over 10 days or expelled for actions that are related to their disabilities. Furthermore, the burden of proof is on the school district to demonstrate that the student's behavior pattern is *not* related to his or her disability when such disciplinary actions are considered (Center & McKittrick, 1987; Yell, 1989). However, if the school district *does not* identify the pupil as having a disability, then suspension and expulsion are viable disciplinary options. Thus, given their reluctance to deal positively with social behavior problems considered aversive to others and the court-imposed restriction on their disciplinary options, it may appear in the schools' best interests not to identify and serve students with antisocial, acting-out behavior patterns.

We contend that this exclusionary clause has the effect of denying needed educational and related services to a group of pupils who are seriously disabled by their behavior. Although there is some evidence that antisocial pupils are more often recipients of special education services than other students (Walker, Shinn, O'Neill, & Ramsey, 1987), these actions are reactive (i.e., a response to behavior patterns that have been manifest for some time and are repugnant to school personnel) rather than proactive (i.e., services aimed at preventing the development of extremely deviant behavior patterns). We will support our position through an analysis of (a) definitions of SED and SM populations, (b) the characteristics of persons exhibiting antisocial behavior, (c) identification practices, and (d) the politics of public education.

DEFINITIONS

Seriously Emotionally Disturbed

P.L. 94-142 defines SED as:

- (i) A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance; a. An inability to learn which cannot be explained by

intellectual, sensory, or health factors; b. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers; c. Inappropriate types of behavior or feelings under normal circumstances; d. A general pervasive mood of unhappiness or depression; or e. A tendency to develop physical symptoms or fears associated with personal or school problems.

- (ii) The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed (Department of Health, Education, and Welfare, Office of Education, 1977, p. 42478). The federal definition was revised to exclude autistic children. Autism was included in the category "Other Health Impaired" because of lobbying efforts by the National Society for Autistic Citizens.

This federal SED definition has come under widespread attack from the professional community, including criticisms from the author of the original definition that was adopted, with relatively few changes, by the federal government (Bower, 1982). As Bower indicated, section (ii) appears to have been added to his original definition as "a codicil to reassure traditional psychopathologists and budget personnel that schizophrenia and autism are indeed serious emotional disturbances on the one hand, and that just plain bad boys and girls, predelinquents, and sociopaths will not skyrocket the costs on the other hand" (p. 56). Whereas proponents of efforts to separate a population of students whose behavior has a purely emotional basis from those with other disorders (e.g., Clarizio, 1987; Kelly, 1986; Slenkovitch, 1983) have favored an exclusionary definition of SED, others (e.g., Center, 1989a, 1989b; Kauffman, 1989) have pointed out that research has failed to show that disorders having a purely emotional basis can be discriminated from other types of disabilities with behavioral manifestations. Center (1989a, 1989b) argued that the SED label and definition were intended to be inclusive of a wide range of disorders spanning affective, cognitive, functional, and social domains. He noted a logical fallacy inherent in excluding pupils who have problems in the social domain (especially antisocial children and youth) from the larger SED population because "an inability to build or maintain satisfactory interpersonal relationships" is a defining characteristic. Further, such children often have extreme inter-

personal problems of a very long duration. Longitudinal research (Kazdin, 1987; Robins, 1966, 1979) has indicated that children with serious antisocial behavior face a greater risk for adult mental problems than any other nonpsychotic population.

Socially Maladjusted

It is noteworthy that over two-thirds of the states fail to mention the exclusion of SM in their state definitions of emotional disturbance or behavioral disorders (Mack, 1985). One factor that may be responsible for the absence of SM exclusionary clauses in state definitions is the lack of a generally accepted definition of social maladjustment. No such definition appears in P.L. 94-142, its amendments, or in the implementing regulations. The term appears to be based on the belief that certain youths are socialized in a deviant cultural group; that is, their behavior and attitudes are shaped by a social context that encourages them to act in ways that violate the standards and mores of the mainstream culture. However, it is assumed that these individuals are not SED because their behavior is in accordance with the norms of their immediate reference group. The behavior patterns considered "normative" of this deviant culture have been termed "delinquent" or "antisocial" by educators, sociologists, psychologists, and criminologists.

Delinquency is a legal term applied by the criminal justice system to indicate that a youth has been adjudicated by the courts and found guilty of criminal behavior or a "status offense" (defined as behavior judged to be deviant in a minor, such as alcohol consumption, which would not be illegal if performed by an adult). On the other hand, *delinquent behavior* is a term used to describe any illegal act, regardless of whether the perpetrator is apprehended, performed by a person under the age of majority (i.e., 18 in most states). The term *antisocial behavior* is less restrictive than delinquency, because it includes behaviors that are norm violating but not necessarily delinquent. Simcha-Fagan, Langner, Gersten, and Eisenberg (1975; cited in Walker et al., 1987, p.7) define antisocial behavior as "the recurrent violation of socially prescribed patterns of action." *Conduct disorder* is another term used to describe students who exhibit antisocial behavior, referring to overt, aggressive, disruptive behavior or covert antisocial acts (Kauffman, 1989). Youths who behave in accordance with

the norms of a delinquent peer group appear to be the target of the exclusionary clause in the federal definition of SED (Center, 1989a, 1989b; Cline, 1990). This group has been labeled as *socialized-subcultural delinquents* (Achenbach, 1982; Quay, 1975), and they are characterized as participating in peer-oriented, group delinquent activities, defying adult authority, and having a delinquent value orientation (Quay).

If the exclusionary clause of the federal SED definition was directed at subcultural delinquents, a major issue in defining behavior representative of SM, but not of SED, is whether the norms of the individual's immediate reference group are deviant relative to the mainstream culture. Criteria that may be used to identify SM youth include the standards and values of the peer group, as well as whether the individual is a member of an identifiable, deviant social group, such as a delinquent gang. However, Kerr, Nelson, and Lambert (1987) emphasized that even if the behavior of SM youth conforms to the standards of their deviant reference group, it is difficult to see how they can be logically separated from the population of SED students because their behavior *does* violate the norms of the larger social order and is not considered normative or tolerable by the schools. Moreover, a number of factors may be associated with an increased probability that a youth will engage in antisocial or delinquent behavior, including: (a) problems in school; (b) low verbal intelligence; (c) parents who are alcoholic or who have frequent arrests; (d) family reliance on welfare, or poor management of income; (e) homes that are broken, crowded, or chaotic; (f) erratic parental supervision and inadequate discipline; (g) parental and sibling indifference or hostility toward the youth; and (h) substance abuse (Kauffman, 1989). These factors also are strongly associated with SED.

Although the most objective method of defining delinquency and identifying delinquent individuals is in terms of "official" delinquency (commission of more serious crimes that result in arrest or adjudication; Kauffman, 1989), this is a very restrictive definition that fails to identify many youths whose antisocial behavior does not result in arrest. Furthermore, many youths classified as SED for educational purposes engage in delinquent behavior that leads to arrest or incarceration (Knitzer et al., 1990), and nearly 60% of the incarcerated population with disabilities are classified as SED (U.S. Department of Education, 1989). Thus, if separate SED and SM pop-

ulations exist, they are extremely difficult to discriminate from one another.

CHARACTERISTICS OF ANTISOCIAL BEHAVIOR

Research has established two basic dimensions of disordered behavior: externalizing (overt acting-out behaviors) and internalizing (withdrawn, anxious behaviors) (Walker & Fabré, 1987). Most of the students identified as SED in the public schools are characterized as externalizing. By definition, antisocial behavior involves acting-out behavior patterns. Therefore, it is understandable that researchers studying antisocial youth find considerable overlap between SM and SED populations. Walker and his colleagues have conducted a series of longitudinal investigations of the development of antisocial behavior among middle school boys in school settings (Shinn, Ramsey, Walker, Stieber, & O'Neill, 1987; Walker et al., 1987; Walker, Stieber, & O'Neill, 1990). Pupils in their antisocial cohort exhibited significantly less academic engaged time in instructional settings, initiated and were involved in significantly more negative interactions with peers, were rated by their teachers as substantially less socially competent and adjusted, and had much greater exposure to special education services or placements than students in an at-risk control group. Differences between antisocial youth and control subjects remained consistent across grades 5, 6, and 7. The characteristics of antisocial youth derived from the research literature closely match those of pupils at risk for placement in SED programs—that is, academic deficiencies reflected in low measured achievement, poor grades, and basic skill deficits; little interest in school; careless work; lack of enthusiasm toward academic pursuits; truancy; fighting; theft; temper tantrums; destroying property; and defying or threatening others (Walker et al., 1987).

These behavior patterns bode ill for future adjustment. Walker et al. (1987) have predicted that the continuation of antisocial behavior in school will lead to increased risk of school failure, membership in deviant peer groups, school dropout, and eventual delinquency. Robins' (1966) classic follow-up study of deviant children bears out this prediction. She found that juvenile antisocial behavior was the single most powerful predictor of adult psychiatric status. The extremely high prevalence rates of learning disabilities among incar-

cerated juvenile offenders (Morgan, 1979; Murphy, 1986; Rutherford, Nelson, & Wolford, 1985) adds further support to the contention that school failure and social acting out are common denominators in the profiles of delinquent youth. Wolf, Braukmann, and Ramp (1987) provided convincing evidence that antisocial behavior, especially when persistent and serious, is a profoundly limiting social disability to those who exhibit it. Furthermore, they argue that long-term supportive environments are a necessary component of treatment for individuals with these behavior patterns.

Research investigating the characteristics and long-term consequences of antisocial behavior thus supports the conclusion that SM is an identifiable disability. Furthermore, antisocial behavior appears to be a frequent characteristic of pupils identified as SED. For example, Wagner (1989) found that nearly 50% of students who had been identified as SED were arrested within 2 years of leaving school. The following discussion explores the question of whether SM and SED pupils can or should be separated for educational purposes.

IDENTIFICATION PRACTICES

Although a number of states are developing standardized, objective procedures and instruments for identifying SED pupils, the final determination regarding whether a pupil is or is not SED, according to the federal definition, rests upon subjective judgment regarding each of the five P.L. 94-142 characteristics, as well as an interpretation as to what constitutes *to a marked degree and over a long period of time* (Kauffman, 1989). Likewise, the identification of youths as antisocial is impeded by the lack of objective criteria for defining this condition (Council for Children with Behavioral Disorders, 1990). As we pointed out earlier, because delinquency is defined by actions of the criminal justice system, the tendency exists to use adjudication as a criterion for defining youth considered to be SM. However, even a cursory knowledge of the juvenile justice system will inform one that the identification of individuals as delinquent is neither standardized nor objective. In addition, delinquents constitute a heterogeneous population, with at least three recognized subtypes: socialized-subcultural, unsocialized-psychopathic, and neurotic-disturbed (Achenbach, 1982). Furthermore, far more children engage in antisocial and delinquent behavior than are adjudicated and

identified; and even if adjudication were an accurate measure of delinquency, it has no relevance for educational programming.

Attempts to discriminate between SED and SM populations have relied on two sets of procedures: DSM III (American Psychiatric Association, 1980), and child behavior rating scales. (The *Diagnostic and Statistical Manual* (American Psychiatric Association, 1976) has undergone two subsequent revisions: DSM III (1980) and DSM III-R (1987). DSM III constituted a major revision, whereas the majority of changes in DSM III-R involve relatively minor adjustments in terminology.) DSM III-R is a diagnostic and classification system based on a medical model of mental disorders. This was neither designed nor intended for making educational decisions (Center, 1989). Nevertheless, several states and many local education agencies rely on DSM III-R in making SED diagnoses. An attorney has made a career of interpreting the SED definition in terms of diagnostic categories contained in the *Diagnostic and Statistical Manual*. The exclusiveness of her perception of SED is apparent in the following quotation:

Students may not be placed in special education by virtue of being socially maladjusted, may not be found to be seriously emotionally disturbed because they are antisocial, may not be found to be seriously emotionally disturbed because they have conduct disorders. The law does not allow it. Social maladjustment is not an EHA serious emotional disturbance. (Slenkovitch, 1984, p. 293)

Slenkovitch further asserts that the DSM III diagnostic categories of Conduct Disorder, Antisocial Personality Disorder, and Oppositional Disorder are excluded from the SED definition. According to Slenkovitch, students given one of these diagnoses are not eligible for special education unless they also have been assigned another diagnosis that does qualify them. Through her workshops, Slenkovitch has influenced many school districts and several state education agencies to declare students ineligible for special education services if they do not meet her rigid definition of SED.

Several behavior rating scales have been used to identify both SED and SM pupils. *The Behavior Problem Checklist—Revised* (Quay & Peterson, 1983) contains a socialized aggression scale, and the *Child Behavior Checklist* (Achenbach, 1981) includes a delinquency scale. A third instrument, the *Differential Problem Sorter* (Kelly,

1988) lacks the standardization of the first two checklists, but contains items that, according to the author, discriminate between pupils who are SED ("emotionally disturbed") and SM ("conduct problem"). Rating scales are quick and convenient devices, they usually have face validity, and some (e.g., the *Behavior Problem Checklist—Revised*, the *Child Behavior Checklist*) have been developed through extensive factor analytic studies that established reliable and valid behavioral dimensions. However, behavior rating scales have insufficient breadth and interrater reliability to be used for diagnostic purposes (Salvia & Ysseldyke, 1988). They are useful as *screening* instruments, that is, to identify from a large pool of individuals those who *may* possess characteristics important for making differential educational decisions. They should never be used by themselves to identify or assess pupils (McMahon, 1984). However, some school districts in one state use the *Differential Problem Sorter* to initially classify students as potentially emotionally disturbed or conduct disordered. If an emotional disturbance is indicated a full evaluation is performed, but no further evaluation is conducted if the scale indicates a conduct disorder (Cheney & Sampson, 1990). The use of behavior rating scales for diagnostic classification purposes violates the assumptions upon which these instruments are based. In fact, the American Psychological Association recently adopted a resolution opposing the efforts of some states to exclude conduct-disordered students from special education and related services (Council of Representatives, American Psychological Association, 1989).

The only appropriate procedure for identifying SED and SM pupils is a systematic, comprehensive, multidisciplinary assessment process. This process must include a variety of relevant domains (i.e., cognitive, social, academic, medical, affective, and functional) sampled across the ecological settings and perspectives relevant to the pupil's functioning in school (Wood, Smith, & Grimes, 1985). Reducing decisions regarding whether students are SED or SM down to a matter of which DSM III diagnostic label has been assigned or reliance on scores on a single rating scale is an unacceptable practice. Furthermore, it violates federal law, which requires a multidisciplinary approach to diagnosis.

THE POLITICS OF EDUCATIONAL PROGRAMMING

The evidence we have presented thus far suggests that attempting to exclude SM pupils from special education appears to have no justification that can be attributed to valid distinctions between these populations. The question, then, is why is this done? We have already indicated two possible explanations: the fear that declaring SM pupils eligible for special education will open a floodgate (similar to the phenomenon that occurred when eligibility definitions of learning disabilities based on discrepancies between potential and achievement were established), and avoidance of the suspension/expulsion ban for students protected under *Honig v. Doe* (1988). The expenditure of monies and threats of litigation are powerful disincentives for school districts. Neel and Rutherford (1981) discussed three additional explanations based on prevailing attitudes and practices in the schools, including: (a) SM pupils are not truly disabled; (b) many of these students will be better served under programs for other existing disabilities where the social maladjustment is merely a secondary condition resulting from another, more readily identifiable, disability; and (c) these pupil's needs are better served either in the general school population, with its own treatment and discipline options, or through the juvenile justice system.

The classification of students into categories according to their disabilities is influenced by a host of political, social, and judgmental factors. The identification of a pupil as having a disability is guided by what the school wishes to do with that student and what (if any) special education programs are available. Distinctions between mild, moderate, and severe degrees of some recognized disabilities (e.g., SED) are very hard to make, and school officials have not been trained to recognize antisocial behavior per se as a disability. The absence of clearly articulated identification criteria, as well as the repugnance most educators have for pupils who act out socially, decreases the probability that schools will recognize or provide for their educational needs. As Long (1983, p. 53) observed, "The key issue is not whether all troublesome children should be labeled emotionally disturbed, but rather, whether the schools, and in the final analysis society, would be better served if all children who represent aggressive, disruptive behavior, re-

gardless of how they were labeled, received special attention and help early in their lives."

We believe that efforts to identify, diagnose, or differentiate various categories of pupils in terms of who is and who is not eligible for special education services on the basis of such elusive and unreliable criteria as SED versus SM, conduct disorder, and the like, are misplaced. It is true that not all students should qualify for services that are expensive and in short supply. The right of each pupil to be educated in the least restrictive environment also must be recognized; educators should determine that the regular education program cannot meet pupils' needs before more restrictive placements are considered. However, the practice of sorting students who are disabled by their behavior into one group that receives services and another group that does not is indefensible. It must be recognized that the behavior of antisocial students (i.e., academic deficits, low rates of academic engagement, poor peer relationships, lack of social competence) places them at risk for special education intervention or placement. The needs of at-risk pupils should be addressed, in least-restrictive settings, through prereferral interventions as a prior condition to determining their eligibility for special education programs. Unfortunately, such practices are rare in most public schools, the regular education initiative notwithstanding (Braaten et al., 1988).

The majority of students exhibiting undesirable behavior in school settings generally receive no services, inadequate services under the auspices of regular education programs, or special education services applied piecemeal or too late to be beneficial. If they are unlucky enough to reside in a state or school district in which they have been labeled as antisocial but not disabled, they may be suspended, expelled, or shunted into a variety of "alternative" placements. After years of failure and exclusion, some drop out or are pushed out of school. Others find their way into institutions and programs for delinquents by virtue of their behavior in the community. In either case, schools usually fail to recognize and appropriately meet the special education needs of students with antisocial behavior patterns.

The appalling underidentification of pupils who meet the criteria in the current SED definition is sufficient evidence that the educational system is falling short of its charge to provide a "free and appropriate" education to students who are disabled by their behavior. But we would be remiss in recommending merely that more stu-

dents be certified and served under the existing definition, given its many inadequacies. In addition to extending special education services to all who need them—regardless of whether they are considered emotionally disturbed, behaviorally disordered, or socially maladjusted—the *process* of identifying and serving students also needs to be changed.

We recommend two major operational changes. First, schools should adopt systematic procedures for screening and identifying pupils who are at risk for emotional or behavioral difficulties early in their school careers. Of course, procedures to identify at-risk students must be accompanied by appropriate interventions if such activities are to be meaningful. The developing technology of early intervention through teacher consultation offers strategies for mobilizing the resources of the regular education system to meet the needs of pupils before more intrusive and stigmatizing special education interventions are considered. Johnson, Pugach, and Hammitte (1988) have observed that special education consultation models have not been widely adopted because such models are incompatible with the use of available school resources. Therefore, the development of teacher assistance teams, comprised of school staff identified with the general education program, may be a more effective strategy (see Fuchs & Fuchs, 1988; Phillips, McCullough, Nelson, & Walker, in press).

The second operational change we recommend is to revise the federal definition of SED. This definition has been widely criticized by the professional community (see our previous discussion). Moreover, the Council for Children with Behavioral Disorders (1987), the professional organization of special educators serving the SED population, has called for a change in both the federal definition and the label SED. The specific changes we suggest include eliminating the exclusion of the socially maladjusted and changing the definition's emphasis on interference with academic performance as a primary criterion. A more accurate conceptualization of the nature of behavioral disorders recognizes it as a condition that interferes with the development and maintenance of appropriate social relationships, regardless of whether academic progress is impaired. It should be noted, however, that the subjectivity inherent in defining behavior that is considered deviant from the norm cannot be eliminated completely. As Kauffman (1989) emphasized, the definition of behavior as disordered

is inescapably judgmental, regardless of how objectively the behaviors in question are measured.

Again, we are not suggesting that special education labeling and placement necessarily will solve the problems of SM pupils. The lack of long-term impact of special education on the lives of students with disabilities, particularly those identified as SED, is well documented (Edgar, 1987; Neel, Meadows, Levine, & Edgar, 1988; U.S. Department of Education, 1990). Instead of merely attempting to identify and place more students in special education programs for students with emotional or behavioral disabilities, we should increase our efforts to identify and provide early intervention for students who are at risk due to their antisocial behavior patterns. Systematic school-based screening, identification, and prereferral intervention procedures (McConaughy & Achenbach, 1989; Walker, et al. 1988) must be adopted as routine school practices. Students whose needs cannot be met through this level of intervention should be referred for comprehensive assessments of their eligibility for special education programs. Programming for certified students should be orchestrated through individual educational plans that are multidisciplinary in the sense that each pupil's full range of needs is addressed, not just those needs that exist within school walls. P.L. 99-660 (the Mental Health Services Comprehensive Planning Act) is a step toward the mandate to provide appropriate community-based mental health services to children and adults in need. School and community resources should be coordinated to identify families that are at risk in terms of having at least one child who has a high probability of developing behavioral difficulties in the school or the community. Data from programs that focus on helping parents develop more effective child-rearing practices with preschool children at risk for behavioral disorders demonstrate the wisdom of early family interventions (Johnson, 1988). The national special education/mental health coalition (Forness, 1988) has added impetus to efforts for more comprehensive human services to at-risk populations.

CONCLUSION

The position taken in this article is that similarities in demographic and personal characteristics, the subjectivity inherent in identifying pupils as SED (Benson, Edwards, Rosell, & White, 1986; Kauffman, 1987, 1989), and the absence of any

valid evidence or thought which justifies differentiating between SM and SED (Grosenick & Huntze, 1980) invalidate attempts to discriminate between these groups for the purpose of delivering educational services. Thus, the exclusion of SM from the federal definition is unfounded. Further, there are no instruments or methodology that can be used to differentially diagnose SED from SM either validly or reliably. In our view, the problem of delivering effective services to troubled youth supercedes that of differentially diagnosing a student as emotionally disturbed or socially maladjusted. The time spent in such attempts at differential diagnosis seldom results in more effective treatment, and the label resulting from this process may allow school personnel to abrogate responsibility by claiming that SM youth do not qualify for "special" educational provisions or program modifications.

The problem of troubled youth in the schools cannot be addressed in a piecemeal fashion, through services that are fragmented by the several bureaucracies of human service agencies. Differences among agencies in terms of definitions of their service populations and their eligibility criteria have been major factors in the failure to provide effective and cost-efficient services; attempting to make such distinctions within an agency (the public schools) is an invitation to even greater failure. Refusal to provide appropriate services to any pupil is an indictment of the educational system, just as the inability to solve the problem of antisocial behavior is an indictment of our society. The needs of troubled youth and their families across settings and time must be addressed through interdisciplinary planning and intervention, not through exclusionary practices.

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Note: For the past two years the National Mental Health and Special Education Coalition, which CEC co-chairs, has been working on a number of issues pertaining to children and youth with serious emotional disturbances including a new U.S. Federal definition. The CEC Advocacy and Governmental Relations Standing Committee (AGRC) has received and made recommendations regarding the Coalition's proposed definition for consideration by the CEC governance at the convention in Atlanta. For a copy of their report contact the CEC Office of Governmental Relations at CEC headquarters in Reston, Virginia (703/264-9410).

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POINT/COUNTERPOINT

Serving Troubled Youth or a Troubled Society?

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□ Considerable attention, as exemplified in the article by Nelson, Rutherford, Center, and Walker, appearing in the March/April 1991 issue, has been given to the question of whether public schools have an obligation to serve children and youth who are socially maladjusted (SM). Although this question is recent, the debate should sound familiar to individuals with an historic perspective of special education. Nelson et al. attempt to ensure that a "disabled" segment of school-age youth have access to appropriate treatment. They present a compelling and cogent argument for changing the definition of serious emotional disturbance (SED), establishing more ecologically valid assessment and identification procedures, and instituting at-risk programs—all aptly enumerated and supported by research. We agree with Nelson et al. Ironically, we believe most professionals associated with special education would agree as well. Special education practitioners, researchers, and scholars are well aware of the issues presented by Nelson et al. Problems in definition, for example, have existed for decades within the areas of learning disabilities, mental retardation, and serious emotional disturbance (e.g., Hallahan & Kauffman, 1991). The call for more ecologically valid assessment and identification procedures similarly is not new (e.g., Rhodes, 1967); nor is the call for programs for at-risk students (Pianta, 1990; Kruger, 1989). Nelson et al.'s article speaks to an audience already familiar with the problem.

Rather than attempting to refute or support arguments presented by Nelson et al., we have elected to focus on reconceptualizing the debate itself. A major portion of the Nelson et al. article addresses the futility of differentiating between

SM and SED. Their principal antagonist in the exclusionary debate is Jane Slenkovitch, a lawyer who advocates using the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-III) to distinguish between SM and SED. Although on diametrically opposite sides of the debate, Nelson et al. (proservice) and Slenkovitch (anti-service) both limit the discussion in important ways and, in so doing, limit potential for resolution.

LEVELS OF DISCUSSION

Rueda (1989) identified three levels at which attempts to modify educational practice may occur: (a) *system maintenance*, through which individuals address practice by ensuring stricter enforcement of existing policies (e.g., insisting on improved documentation to guarantee required testing as occurred); (b) *system improvement*, through which individuals address practice by advocating the refinement of existing procedures (e.g., developing better tests to measure existing phenomena); and (c) *system restructuring*, through which individuals address practice by rethinking and modifying the traditional system (e.g., start evaluating and labeling environments instead of individuals).

Nelson et al. and their antagonists have elected to frame their arguments at the lower levels of Rueda's hierarchy. For example, arguments presented by Slenkovitch mostly are associated with system maintenance. These arguments reflect an insistence on compliance with "narrow" interpretations of administrative law and seldom address the intent of these regulations. Nelson et al. have elected to articulate their position within a framework of system improvement. This level of prac-

sanity defense allows a person who commits a criminal act because of emotional or "mental illness" to avoid criminal punishment. Compare this example to the *Honig v. Doe* (1988) decision which prohibits the use of expulsion for students with serious emotional disturbance, but not for "normal" students (Yell, 1989). To the average parent or school administrator, this exception seems unfair. The courts, because they are insulated from popular opinion by the Constitution, can maintain an unpopular position—schools cannot. Nelson et al. offer little comfort to society that youth who are socially maladjusted will be held accountable for their behavior. One could conclude, based on their article, that all students, regardless of the most destructive or profane behavior, must be educated in the neighborhood school. Surely this scenario is not what Nelson et al. have in mind. But we are not the ones with whom they must argue.

At some point special educators need to turn their considerable talents to the task of convincing the voting members of society that it is better to attend to those who are antisocial when they are young than to house and fear them when they grow old. To achieve this goal, we believe pro-service forces would be better advised to examine arguments about the purposes of schooling than to address the categorical integrity of SED. Until the conflicts that prompt such debates are re-framed, we are left with the image of two scientists, standing in a jungle clearing, arguing over the correct name of a creature that is about to eat them alive.

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tice is illustrated most clearly in their calls for new programs of systematic screening and early intervention through teacher consultation. Neither side, however, addresses Rueda's third level. Focusing the debate at the system restructuring level would lead to an examination of the manner in which institutions are organized and the cultural and social forces that shape behavior (Leone, 1989).

Lack of Societal Support

Let us assume, for the sake of argument, that anti-service forces are correct. Why then, if SM exists as an identifiably different condition from SED, are there so few alternative services available to SM students? The answer, while obvious, is not comfortably stated. Konopasek (1990) expressed it bluntly while describing observations about working with students who are behaviorally disordered: "Behaviorally disordered students are frequently not well liked" (p. 11). One of the current authors observed political support for Konopasek's statement while attending legislative hearings on a bill to reduce services for students who are behaviorally disordered. One of the legislators advocating reductions turned to the audience and asked, "Why give money to bad kids?" While the exclusionary debate at first may seem to be an empirical question regarding the identification and classification of students, it actually reflects social and cultural beliefs. Students would not receive any of the labels we are discussing if social policy, as reflected in program funding, were not involved (Sigmon, 1989). The real problem, therefore, is that society does not support programs for youth with behavior problems.

Reconceptualizing the Debate

Recently, Leone (1989) suggested that the myopic way special educators view issues often interferes with their ability to conceptualize differently the problems of troubled and troubling youth. We believe the current debate can be addressed at the system restructuring level only if the issues are reconceptualized in terms of a macro-perspective—one that takes into account cultural and social forces and organizational structures. Schools are effectively organized to insulate themselves from fundamental challenges by adhering to well-ingrained sets of cultural beliefs (Meyer & Rowan, 1978). And, as

Skrtic (1986) pointed out, it is cultural or societal criticism, not research about population characteristics, that leads to changes in special education policy and practice.

TROUBLED CHILDREN IN PERSPECTIVE

The SED versus SM debate should begin by addressing cultural and organizational factors that exert pressure on public schools to exclude services to troubled youth. In this context, it is illustrative to consider the history of public school services to youngsters considered "socially maladjusted." By the early 1900s, in response to compulsory school attendance laws, many cities had established alternative special classes for delinquent, incorrigible, or difficult students (Sara-son & Doris, 1979). Even during the period when the federal definition of SED was being developed, emotional disturbance was subsumed under the rubric "social maladjustment" (Council for Children with Behavioral Disorders, 1990). But problems inherent in serving SM youth (e.g., crime, aggression, addictive behavior) soon brought into conflict goals of educating versus controlling students (McNeil, 1986). Societal values quickly dictated exclusion.

Richardson (in press) suggested that, as an institution, American schooling has developed and expanded largely through the mechanism of "binding out." This process, which should be all too familiar to those in special education, involves the "purification" of the common school population by establishing boundaries between it and deviant groups. The process of binding out deviant groups is essential to American schooling because without it, Richardson suggested, the popular voluntary commitment to education will erode. Special education students, although initially excluded from public schools, were eventually given access by virtue of litigation. Juvenile delinquents and other students who engage in antisocial acts, however, often excluded or expelled from public schools, were bound out into a separate system—primarily correctional or penal. As a result, public schools developed little ownership over them or their behaviors.

IMPROVING THE DEBATE

Arguments provided by the antiservice camp are analogous to editorials questioning the validity of the insanity defense used in criminal law. The in-

Serving Troubled Youth in a Troubled Society: A Reply to Maag and Howell

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□ Maag and Howell (1991) offered an interesting and, on the whole, supportive critique of our position regarding the responsibility of the public educational system to serve youths whose antisocial behavior constitutes a serious disability, yet who are excluded from special education services because of a loophole in the current federal definition of serious emotional disturbance (SED) (Nelson, Rutherford, Center, & Walker, 1991). We agree with most of Maag and Howell's points, except for two issues. The first is the extent to which professional concurrence exists regarding the view that students with social maladjustment (SM) are entitled to the protection and guidance of Public Law 94-142. The second is that a change in the definition of SED is insufficient; instead, the system needs a comprehensive restructuring.

PROFESSIONAL COMMITMENT TO SERVING STUDENTS WITH ANTISOCIAL BEHAVIOR

Maag and Howell asserted that we are preaching to the converted when we argue for changes in both the definition of SED and in assessment and identification practices. They insisted that we "are speaking to an audience already familiar with the problem." Frankly, it is difficult to understand how anyone could take such a position, given the extensive documentation that exists regarding the long-standing underservice to pupils with serious emotional disturbance. Maag and Howell indicated that the "real problem . . . is that society does not support programs for youth with behavior problems." We concur; however, professional educators are part of society, and the data clearly indicate that those regular and special

educators in positions to decide who will be served have made the choice not to serve. Those who were involved in promoting the revised definition of SED passed at the recent CEC Delegate Assembly will be surprised to learn that "most professionals associated with special education" agree with our position. Maag and Howell incorrectly identified Jane Slenkovitch (1983, 1984) as our principal antagonist. She is only a spokesperson for the actual antagonist: the collective of educators and policymakers who deny these pupils access to the services they need.

Maag and Howell also suggested that we have in mind insisting that "all students, regardless of the most destructive or profane behavior, must be educated in the neighborhood school." This statement, as well as those cited previously, indicate that we may not have made our meaning clear. Though we do not categorically favor the *placement* in the local schools of students who commit acts of violence against persons and property, neither do we categorically endorse suspension and expulsion as a disciplinary strategy for students who are offensive to some. This practice has become so ridiculous that in some schools pupils are suspended for being truant. Local schools should not be permitted to reject students whose behavior some educators find odious, or who engage in delinquent activities outside the school setting. P. L. 94-142 guarantees students with disabilities the right to an education. Students without disabilities have that guarantee through the Constitution. To exclude them from their neighborhood school without appropriate due process is an act of profound disregard. Such pupils are, in effect, "less equal" than students with disabilities—who

needed their own law to receive services in the public schools.

For obvious reasons, some pupils with social maladjustment must be educated in segregated placements. Yet these youths are entitled to as good an education as they could receive from a comprehensive public school. In fact, their social and educational deficits demand that they should receive an education that is *better* than they received in their neighborhood schools. We agree with Maag and Howell that the historical responsibility of the juvenile justice system for many youths with social maladjustment has resulted in the public schools developing little ownership for them. However, our point is that for this population, there is no such thing as "separate but equal." Alternative programs, whether based in communities or institutions, generally do not have the staff and program options equal to those of the public schools. All students in the American educational system deserve an education that meets their needs. If the quality of services across settings were equal, *where* these services are delivered would be a secondary consideration. If all pupils' needs could be addressed in regular education settings, segregated placements would not be required, except where necessary to protect other students and faculty from those pupils who pose a danger to others. The mere lack of tolerance by some educators for some pupils and some behaviors is not a valid reason for excluding students from the public schools.

FIXING A TROUBLED SYSTEM IN A TROUBLED SOCIETY

We agree that larger issues underlie the argument regarding public educational services to pupils with either social maladjustment or serious emotional disturbance. One such issue is whether students with social maladjustment are responsible for their behavior. Before leaping to the conclusion that these individuals have chosen to adopt antisocial behavior patterns, we should ask a more critical question: What has gone awry in the development of such youngsters that leads them to see, as in their best interests, behavior that clearly is dysfunctional and maladaptive from a societal perspective? We think it is in the best interests of both the individual and society to correct or modify inappropriate or inadequate socialization. Because the major point of contact between such children and so-

ciety is the school, it seems reasonable to argue that public schools are the societal institution in the best position to provide corrective programming. Again, the issue is not where services are provided, but that they be both available and effective.

An ultimate solution to the problem surely involves a change in society's attitudes toward children with behavioral problems. To accomplish such a change, a significant portion of our citizens must come to understand the following issues:

- Children should be brought to the point of accountability for their behavior by socialization institutions and experiences.
- Society has both a need and a responsibility to attempt a change in the development of children with social maladjustment in more acceptable and constructive directions.
- Society has few viable alternatives to the public schools as the institutional vehicle for these efforts.
- Failure to recognize this need and responsibility will carry a heavy social price.

Given the failure of the schools to meet the needs of pupils with social maladjustment and serious emotional disturbance, we are alarmed at Maag and Howell's recommendation that special educators shift from a child-centered perspective to one that embraces "cultural forces and organizational factors." We are uncertain about the nature of the changes Maag and Howell advocated in their call for *system restructuring*, except where they suggested the need to convince society of the merits of early identification and intervention—measures with which we wholeheartedly agree. But we believe the best way to convince society that early intervention is the strongest deterrent to antisocial behavior patterns is, to borrow a phrase from a popular athletic equipment advertisement, to "just do it."

Early identification and needs-based intervention in the schools do not require major educational reform. The resources and the responsibility for these services already are invested in the educational system. Furthermore, educational reform, though a laudable goal, is a long-term solution. The road from where we are to where we ought to be is fraught with many perils. Because our system of public education is based on local authority and control, it will take many years to persuade the public of the need for such reform.

And, as we pointed out earlier, it isn't necessary. Schools already *have* the responsibility for pupils with social maladjustment. The system needs to be placed on notice that continued failure to serve this population, in regular and in special education, will not be tolerated.

Thus, while we applaud Maag and Howell's intentions, we believe they have misconstrued ours in some respects. Regarding our position that change should be accomplished through *system improvement*, their perception is accurate. To borrow their analogy, Maag and Howell have proposed to gain public agreement about the method of capture before trapping a beast that is about to devour them. *Bon appetit!*

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