

Street-Level Bureaucrats and Institutional Innovation: Implementing Special-Education Reform

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Recent state and federal legislation holds the promise of sweeping reform in special-education practices. In this article, Richard Weatherley and Michael Lipsky examine the implementation of Chapter 766, the dramatically innovative state special-education law in Massachusetts. They show how the necessary coping mechanisms that individual school personnel use to manage the demands of their jobs may, in the aggregate, constrain and distort the implementation of special-education reform. Their findings have serious implications for those seeking to introduce policy innovations in service bureaucracies of all kinds where the deliverers of service exercise substantial discretion in setting their work priorities.

In 1972, the Comprehensive Special Education Law of Massachusetts, Chapter 766, was passed by the state legislature.¹ The law was to take effect in September, 1974. This measure, hailed as landmark legislation, mandates a significant departure from past practices in the education of children with any kind of physical, emo-

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¹ Chapter 766 of the Acts of 1972, The Commonwealth of Massachusetts.

tional, and/or mental handicap. Ours is a study of the first year of implementation of Chapter 766. It is an exercise in analyzing the introduction of innovative policy into public-service bureaucracies that process people on a mass basis.

This paper focuses on one neglected but highly significant class of implementation contexts—the introduction of innovation into continuing practice. Rather than initiating new programs, providing new subsidies, or calling for new construction, Chapter 766 required adjustments in the behavior of public employees and in the working conditions established for them in their agencies. While we focus in this paper on implementation of a statute affecting educational personnel, the class of implementation contexts into which our case study falls includes governmental efforts to change the work requirements not only of teachers but also of police officers, welfare workers, legal-assistance lawyers, lower-court judges, and health workers. These and other public employees interact with the public and make decisions calling for both individual initiative and considerable routinization. Such public employees share similar work situations.

These “street-level bureaucrats,” as we have called them, interact directly with citizens in the course of their jobs and have substantial discretion in the execution of their work.² For such public workers, personal and organizational resources are chronically and severely limited in relation to the tasks that they are asked to perform. The demand for their services will always be as great as their ability to supply these services. To accomplish their required tasks, street-level bureaucrats must find ways to accommodate the demands placed upon them and confront the reality of resource limitations. They typically do this by routinizing procedures, modifying goals, rationing services, asserting priorities, and limiting or controlling clientele. In other words, they develop practices that permit them in some way to process the work they are required to do. The work of street-level bureaucrats is inherently discretionary. Some influences that might be thought to provide behavioral guidance for them do not actually do much to dictate their behavior. For example, the work objectives for public-service employees are usually vague and contradictory. Moreover, it is difficult to establish or impose valid work-performance measures, and the consumers of services are relatively insignificant as a reference group. Thus street-level bureaucrats are constrained but not directed in their work.

These accommodations and coping mechanisms that they are free to develop form patterns of behavior which become the government program that is “delivered” to the public. In a significant sense, then, street-level bureaucrats are the *polymakers* in their respective work arenas. From this perspective it follows that the study of implementation of policy formulated at the federal or state level requires a twin focus. One must trace the fate of the policy in traditional fashion, from its authoritative articulation through various administrative modifications, to discover the ways this policy affects the context of street-level decision making. At the

² This formulation is elaborated in Michael Lipsky, “Toward a Theory of Street-Level Bureaucracy,” in *Theoretical Perspectives on Urban Politics*, ed. Willis D. Hawley and Michael Lipsky (Englewood Cliffs, N.J.: Prentice-Hall, 1976), pp. 186–212.

same time, one must study street-level bureaucrats within their specific work context to discover how their decision making about clients is modified, if at all, by the newly articulated policy. This turns the usual study of implementation on its head. Now the lowest levels of the policy chain are regarded as the makers of policy and the higher level of decision making is seen as circumscribing, albeit in important ways, the lower-level policy-making context. The relationship between the development and implementation of policy is of necessity problematic since, in a sense, the meaning of policy cannot be known until it is worked out in practice at the street level.³ Taking these considerations into account, we examine the school response to Chapter 766 in the context of the state-level development and articulation of policy.

The Massachusetts Comprehensive Special-Education Law

The impetus for special-education reform in Massachusetts and in other states derives from several related developments. First, university-based special educators have increasingly questioned the efficacy of special classes for many categories of children and have advocated a more generic and less segregated approach. While the issue is still being debated, available evidence suggests that special-needs children do not necessarily learn better in special classes than in regular classes.⁴ As one early critic of overreliance on special classes stated:

It is indeed paradoxical that mentally handicapped children having teachers especially trained, having more money (per capita) spent on their education, and being enrolled in classes with fewer children and a program designed to provide for their unique needs, should be accomplishing the objectives of their education at the same or lower level than similar mentally handicapped children who have not had these advantages and have been forced to remain in the regular grades.⁵

Second, the process whereby children are evaluated, classified, and assigned to spe-

³ The literature on policy implementation is considerable and growing rapidly. For two relatively recent reviews, see Erwin C. Hargrove, *The Missing Link: The Study of the Implementation of Social Policy* (Washington, D.C.: Urban Institute, 1975); and Donald Van Meter and Carl Van Horn, "The Policy Implementation Process: A Conceptual Framework," *Administration and Society*, 6 (1974), 445-88.

⁴ See, for example, Orville G. Johnson, "Special Education for the Mentally Handicapped—A Paradox," *Exceptional Children*, 29 (1962), 62-69; Howard L. Sparks and Leonard S. Blackman, "What Is Special About Special Education Revisited: The Mentally Retarded," *Exceptional Children*, 32 (1965), 242-47; Lloyd M. Dunn, "Special Education for the Mildly Retarded—Is Much of It Justifiable?" *Exceptional Children*, 35 (1968), 5-22; and Stephen M. Lilly, "Special Education: A Teapot in a Tempest," *Exceptional Children*, 37 (1970), 43-49.

For a summary of parent-instigated court challenges to testing, placement procedures, and special-class programming, see Sterling L. Ross, Jr., Henry G. DeYoung, and Julius S. Cohen, "Confrontation: Special Education Placement and the Law," *Exceptional Children*, 38 (1971), 5-12.

A more recent article provides an excellent exposition of mainstreaming, its antecedents, and the difficulties in implementing it: Martin J. Kaufman, Jay Gottlieb, Judith A. Agard, and Maurine B. Kucic, "Mainstreaming: Toward an Explication of the Construct," *Focus on Exceptional Children*, 7 (1975), 1-12.

⁵ Johnson, p. 66.

cial classes has come under attack as being unduly arbitrary, culturally biased, and often motivated more by the desire to get rid of troublesome youngsters than to educate them. For example, a 1970 survey of special-education programs in the Boston schools revealed a number of problems: an absence of uniform policy; failure to provide assessments and services required by state law; widespread misclassification of children of normal intelligence as retarded; use of special classes as dumping grounds, sometimes by rigging results of Stanford-Binet tests to justify exclusion of troublesome children from regular classes; and denial of special services to those in need of them.⁶

A third concern has been the categorical approach to children requiring special education and the attendant use of labels as an aid to classification.⁷ Categorical labels such as "emotionally disturbed," "retarded," "learning disabled," or "brain damaged," it is argued, call attention to a single presumed deficit rather than to the child's developmental potential. Labels stigmatize the child as deviant or deficient without carrying any prescription for remedying the condition. Programs designed in response to such unidimensional labels are frequently themselves unidimensional (also reflecting in part the categorical approach to the training of special educators).⁸ Moreover, the categorical approach has led to the accretion of unrelated and frequently conflicting laws, programs, and school-reimbursement formulas for various categories of children. A history of legislative response to the lobbying efforts of parents organized in categorical interest groups has resulted in the favoring of certain groups over others and the neglect of those who may not fit into a recognized category.

The Massachusetts Comprehensive Special Education Law seeks to provide a "flexible and uniform system of special education opportunities for all children requiring special education."⁹ Such children are to be described generically as "children with special needs."¹⁰ The law makes local school districts responsible for the education of all handicapped persons aged three to twenty-one, regardless of the nature or severity of the handicap, and requires the greatest possible integration of handicapped children into regular class settings. This is to be accomplished through thorough assessment and planning for each handicapped child by an interdisciplinary team, without undue reliance on standardized tests. There are strong requirements for parent involvement and provisions for due process and appeal should a parent be dissatisfied with the outcome. Special-education services are defined broadly to include social and medical services for the child as well as family guidance and counseling for the parents or guardians.

⁶ Task Force on Children Out of School, *The Way We Go to School: The Exclusion of Children in Boston* (Boston: Beacon, 1971).

⁷ For a detailed treatment of school classification, see David L. Kirp, "Schools as Sorters: The Constitutional and Policy Implications of Student Classification," *University of Pennsylvania Law Review*, 121 (1973), 705-97.

⁸ See Burton Blatt and Frank Garfunkel, *Massachusetts Study of Educational Opportunities for Handicapped and Disadvantaged Children* (Boston: Massachusetts Advisory Council on Education, 1971), esp. pp. 273-84.

⁹ C. 766 §1.

¹⁰ C. 766 §9 (1).

Under prior funding arrangements, the state had paid 100 percent of the costs of institutional and special-school placements but only 50 percent of most in-school services for the various categories of handicapped children. School committees (as local school boards are called in Massachusetts) therefore had faced strong disincentives to the development of local alternatives to institutionalization. Chapter 766 proposed to alter this by requiring school systems to pay a share of the cost of institutionalization equal to the average per-pupil cost for children of comparable age within the local jurisdiction. Finally, the law provided for strengthening and decentralizing the state division of special education and defined its responsibilities vis-à-vis local jurisdictions in implementing the law.

The law was intended to produce significant change at all levels of the educational establishment—state, district, individual school, and classroom. Furthermore, it was expected to both alter and add to the workloads of all those responsible for special education. Our intent in studying the implementation of Chapter 766 was to examine the interaction between state-level policy and local implementation; and to observe the development of mechanisms to absorb the added workload and accommodate the resulting stresses, in order to assess these mechanisms' effects on implementation.

Methodology

The provisions of Chapter 766 took effect in September, 1974. During the first year of implementation of the new law, we conducted interviews with school personnel at state and local levels and with a variety of others who played key roles in the passage of the legislation, the development of the regulations, or their implementation.

The major focus of our report is how the law affects the work situations of those at the local level ultimately responsible for its implementation—teachers, counselors, and specialists—and how the adjustments of these personnel to new work requirements affect implementation of the new law. Our concern is the processing of children rather than the content or quality of services and instruction. We studied the processes of identification, referral, assessment, and educational-plan development for children with special needs in three school systems. In these three systems, one of the investigators interviewed key officials responsible for special education, attended staff meetings, and reviewed pertinent documents during the 1974–75 school year. A central component of the law is the assessment, by an interdisciplinary team, of children suspected to have special needs. One of the authors observed forty of these assessment meetings, called “core evaluations.” All completed records of the 1,097 children evaluated in the three systems were reviewed, under procedures to safeguard confidentiality, for analysis of the salient referral, assessment, and outcome variables. These included the source of, reason for, and date of referral, as well as the ultimate disposition of the case.

Seven elementary schools, three in each of two school systems and one in the third, were selected for more intensive consideration. In these seven schools, personnel playing a role in implementing the law were interviewed, and follow-up in-

interviews were held with teachers of all those children evaluated earlier in the school year. The major purpose of these teacher interviews was to determine what had transpired following the evaluations and development of educational plans for those children.

A comparison of community and school system characteristics is provided in table 1.

TABLE 1
Community and School Characteristics

	<i>System A</i>	<i>System B</i>	<i>System C</i>
Approximate enrollment	6,000	10,000	11,000
Per-pupil cost	\$1,500	\$1,400	\$1,100
Pupil-teacher ratio (elementary)	16	15	20
Community median family income	\$14,000	\$10,000	\$11,000
Percent workers professional, technical, managerial in community	45%	39%	22%

Source: Massachusetts Department of Commerce and Development, "City and Town Monograph" series, July 1973. This series is based on 1970 census data and 1971 and 1972 school reports. The statistics have been stated as approximations to discourage identification of the school systems.

The three systems, all in relatively large suburbs of Boston chosen to facilitate comparisons among cases, cannot be considered representative of the more than three hundred local school systems in Massachusetts. However, attendance at numerous meetings with school administrators from throughout the state confirmed to our satisfaction that the experience of these three systems with Chapter 766 has by no means been atypical.

The Implementation Context

The response of local systems was conditioned in large measure by what happened at the state level following passage of the law. While many conditions favored successful implementation, some that contributed to local implementation difficulties were the following: poor planning and management by the state division of special education; continued local uncertainty throughout the two-year planning period concerning program requirements and implementation deadlines; the failure to train regular classroom teachers to handle children with special needs; and, perhaps most serious, the failure of the legislature to guarantee adequate funding. These conditions exacerbated workload pressures within the schools, amplified discretion at the local level, and thereby contributed to assertions of unintended priorities in carrying out the law.

The Massachusetts State Department of Education, like most other state departments of education, had long maintained a more or less passive stance toward local

systems.¹¹ This had changed but slightly with the increase of federal funds for education in the 1960s. The state department had a reputation among local administrators as being inefficient, dominated by Boston interests, and, until the advent of Chapter 766, acquiescent to local determination. The state commissioner of education and legislative leaders recognized the need for change in the department's stance. The legislature more than doubled the budget of the Division of Special Education and provided for its decentralization into regional offices.¹² Yet, even the energetic new associate commissioner, Robert Audette, was limited by his own and the division's lack of managerial expertise, his firm commitment to a passive, regulatory role for the division, and the necessity to rely on incumbent staff accustomed to the old *laissez-faire* style. He was further hampered by a cumbersome process for bringing in new staff and an unrealistically low salary scale. These factors contributed to the recruitment of an enthusiastic but inexperienced staff, seen by local school officials as "anti-school," and the reliance on outside consultant firms.

Considerable time, effort, and money (\$146,000) went into the development by an outside consultant of an operations manual for the child-evaluation procedure.¹³ The manual, unveiled some ten weeks *after* the beginning of the 1974–75 school year, proved so complex and unwieldy that, in response to vociferous protest, its use was soon made optional. Angry special educators actually considered a mass burning of the manual—nicknamed the "Red Devil" for its bright red cover and onerous contents—on the State House steps. Another manual specifically for administrators was not delivered until three and one-half months after the opening of school.

The two-year delay in implementation—the bill, it will be recalled, was signed into law in July, 1972, to take effect as of September, 1974—while intended by the legislature for planning and preparation, was not utilized to full advantage. This failure was due in part to uncertainty as to whether full implementation would actually be required in September, 1974. Postponement until September, 1975, and phased implementation were advocated at various times during the planning period by the governor, the commissioner of education, the Association of School Superintendents, and even House Speaker David Bartley and Representative Michael Daly, the prime sponsors of the bill. Parent and advocacy groups strongly opposed phasing or postponement and threatened to file suit in the event that anything less than full implementation was approved. This debate over phased implementation continued until May, 1974, undoubtedly causing many school officials to postpone gearing up until this crucial issue was resolved.

¹¹ K. Fred Daniel and Joseph W. Crenshaw, "What Has Been and Should Be the Role of State Education Agencies in the Development and Implementation of Teacher Education Programs (Both Pre and In-Service)? A Review and Analysis of Literature," Washington, D.C.: U. S. Office of Education, Order #OEC-0-71-3315, 3 Sept. 1971.

¹² Muriel L. Cohen, "Massachusetts to Fill 29 Special Education Jobs," *Boston Globe*, 2 Aug. 1973. See also C. 766, §2, for a description of the powers and duties of the Division of Special Education.

¹³ An internal document of the Massachusetts Division of Special Education, "766 Update," May 1974, lists \$146,000 of federal Title V funds as allocated to the child-assessment, or "core evaluation," process.

School officials also faced uncertainty about the funding of Chapter 766. While the law provides state support for local special-education costs that exceed a school system's average per-pupil costs, state reimbursement is normally distributed in the November following the school year in which the funds have been expended. Thus, the school system must first raise and expend the funds and then wait for state reimbursement. In the case of Chapter 766, which was likely to increase costs considerably, this procedure would mean a substantial increase in local property taxes to pay for the new and expanded services. Under Massachusetts law, a school committee is autonomous; once it sets the school budget, the town is obliged to raise the necessary revenues. To complicate matters further, estimates of the first-year costs varied from the state department of education's \$40 million to local town and school officials' \$100 million.¹⁴ In fact, no one knew what the costs would be. Schools could not predict how many children would be referred and evaluated or what specific services these children would require.

While the legislature finally allocated \$26 million in advance funding to help the systems finance the initial year of Chapter 766, this only postponed the funding problem. Even prior to enactment of Chapter 766, the legislature had never fully funded the regular state program of aid to education. In the previous year, for example, localities received only 81.2 percent of what they were entitled to under the law.¹⁵ Under Chapter 766, schools could expect to receive full state special-education reimbursements, but, in the absence of greatly increased allocations by the legislature, these funds would be deducted from or "taken off the top" of the regular-education reimbursements. As such an increase in allocations was unlikely, local school officials feared that the total state reimbursements would remain at about the same level but would simply be divided differently, with more going to special-education and less to regular-education programs. Since regular costs would certainly increase, towns would still have to raise property taxes to cover such increases—an unhappy prospect in a state already financing 75 percent of education costs through property taxes, a proportion exceeded by only two states.¹⁶

If state planning for implementation had been totally misguided or ineffective there would be little point in discussing local-level implementation. Thus, it is particularly important to note that in many ways the circumstances for the implementation of Chapter 766 could be regarded as relatively auspicious, avoiding many of the problems often encountered in policy implementation.¹⁷ First, the law was carefully researched, is clear and concise, and contains detailed, unambiguous regulations.

¹⁴ Mary Thornton, "Unfunded Chapter 766: Who Finally Will Foot the Bill?" *Boston Globe*, 24 Feb. 1974; and James Worsham, "State Says Extra Ch. 766 Cost is \$40 M, Not \$100 M," *Boston Globe*, 27 Feb. 1974.

¹⁵ Editorial, "Paying School Costs," *Boston Globe*, 5 Mar. 1974.

¹⁶ Editorial, "Paying School Costs."

¹⁷ On some of the problems of translating legislation into practice mentioned here, see, for example, Edward C. Banfield, "Making a New Federal Program: Model Cities, 1964-1968," in *Policy and Politics in America*, ed. Allan P. Sindler, (Boston: Little, Brown, 1973), pp. 124-58; Theodore Lowi, *The End of Liberalism* (New York: Norton, 1969); Martha Derthick, *New Towns In-*

Second, Chapter 766 had strong constituent support and became in large measure a consumers' bill. Staff of the state legislature's Joint Committee on Education carefully orchestrated a broad-based lobbying effort that evolved into the Coalition for Special Education, an organization of thirty-three consumer and professional groups dedicated to the passage and implementation of this legislation.¹⁸ Initial development of the regulations proceeded with considerable involvement of citizens. The division of special education organized ten task forces composed of parent and professional groups and others interested in the law. Each task force was charged with drafting a section of the regulations. After three full drafts and public hearings held throughout the state, the result was a 107-page document that set forth in clear language the law's requirements. The only opposition to Chapter 766 came from private-school operators who feared a loss of students and revenue if the law were implemented. Public-school administrators supported its intent, although they sometimes argued that Chapter 766 was unnecessary since they were already doing what it would require. For example, one special-education administrator stated in a memorandum to his superintendent, "Indeed, much of what is good in Chapter 766 has long been standard practice in [our town] and elsewhere—not infrequently in the teeth of opposition from the State, which today mandates what yesterday it forbade."

Third, the law provided sufficient resources to increase the bureaucracy's capacity to plan, coordinate, mobilize support for, direct, monitor, and assess implementation. The budget of the division of special education was more than doubled, from \$350,000 for 1973 to \$800,000 for 1974, thereby making available twenty-nine new staff positions.¹⁹ Furthermore, the use of federal funds for contract services provided a means, amply used by the division, to recruit assistance for short-term tasks on short notice.

Finally, several oversight and monitoring mechanisms were established prior to the scheduled implementation of Chapter 766. A new state agency, the Office for Children, was established to coordinate, monitor, and assess services for children and generally serve as an advocate for their interests. It was assigned oversight responsibility for Chapter 766. Within the Division of Special Education, a Bureau of Child Advocacy was established to process appeals brought by parents under the law. And two private groups, the Massachusetts Advocacy Center and the Coalition for Special Education, jointly announced plans for monitoring compliance in each town. The threat of this monitoring effort helped ensure the compliance of local special-education administrators who often reacted with almost paranoid horror at the thought that an outside group of noneducators would seek to examine their performance.

Town (Washington, D.C.: Urban Institute, 1972); and Jeffrey L. Pressman and Aaron B. Wildavsky, *Implementation* (Berkeley: Univ. of California Press, 1973).

¹⁸ Milton Budoff traces the early development of support for special education in "Engendering Change in Special Education Practices," *Harvard Educational Review*, 45 (1975), 507–26.

¹⁹ Cohen, "Massachusetts to Fill 29 Special Education Jobs."

Local-Level Responses

The major thrust of the Massachusetts Comprehensive Special Education Law, and what makes it truly innovative, is the requirement that children with special needs receive individualized assessment and treatment. This thrust is reflected in a number of provisions: the required assessment of children by interdisciplinary teams with parental involvement; the requirement that a specific educational plan be tailored to the needs of each child; the replacement of generic descriptive labels by behaviorally specific inventories; and the accommodation, insofar as possible, of children with special needs in regular educational settings rather than in segregated classrooms. At the same time, certain provisions of the law are directed toward achieving uniform and nondiscriminatory treatment and comprehensive coverage of all children with special needs. As we will discuss later, these two aims of individualization and comprehensiveness are not entirely compatible in practice.

The requirements of the law created severe problems for local school districts. Extending school responsibility to persons aged three to twenty-one and requiring identification, assessment, and service provision to be accomplished in the first year posed challenges well beyond the capacity of any school system at the time. Special-education administrators began the 1974–75 school year without specific guidelines for constituting assessment teams, evaluating children, or writing educational plans. The regulations stipulated what needed to be done but provided no blueprint for administering the process. Both the division and organized parent groups had taken an adversarial stance toward local schools, and, as a result, administrators feared numerous court suits and appeals, which they believed they would lose. Parents, for the first time, were to be involved in educational planning for their own children, thereby challenging the autonomy of educators. Schools were to provide social, psychological, and medical services that many educators believed to be well beyond the legitimate purview of educational institutions. There was considerable doubt that full state reimbursement would in fact be available to pay for such services, and the likely competition for resources within school systems threatened to exacerbate underlying tensions between regular and special education. Furthermore, each step in implementing the law called for numerous forms to be completed, creating an enormous paperwork burden.

Under Chapter 766, what had formerly been a simple procedure informally worked out by the teacher, the specialist, and perhaps the parents, now became a major team undertaking with elaborate requirements governing each step. The process officially begins with a referral for assessment which may be initiated by a parent, teacher or other school official, court, or social agency. Before that, however, “all efforts shall be made to meet such children’s needs within the context of the services which are part of the regular education program.”²⁰ The referral must document these efforts. Within five days of the referral, a written notice is to be

²⁰ Commonwealth of Massachusetts, Department of Education, “Regulations for the Implementation of Chapter 766 of the Acts of 1972: The Comprehensive Special Education Law,” 28 May 1974 (henceforth referred to as “Regulations”), para. 314.0, p. 17.

sent to the parents informing them of the types of assessments to be conducted, when the evaluation will begin, and their right to participate in all meetings at which the educational plan is developed. Parents have the right to meet with the evaluation-team chairperson to receive an explanation of the reason and the procedure for the evaluation. The parent must give written consent for the evaluation and its individual components before the assessments may be initiated.

In the case of a full core evaluation, required when it is expected that a child will be placed outside of the regular class for more than 25 percent of the time, at least five assessments must be completed. An administrative representative of the school department must assess the child's educational status. A recent or current teacher must measure "the child's specific behavioral abilities along a developmental continuum, . . . school readiness, functioning or achievement, . . . behavioral adjustment, attentional capacity, motor coordination, activity level and patterns, communication skills, memory and social relations with groups, peers and adults." A physician must conduct a comprehensive health examination. A psychologist must provide an assessment, "including an individually appropriate psychological examination, . . . a developmental and social history, observation of the child in familiar surroundings (such as a classroom), sensory, motor, language, perceptual, attentional, cognitive, affective, attitudinal, self-image, interpersonal, behavioral, interest and vocational factors." A nurse, social worker, guidance counselor, or adjustment counselor must make a home visit and evaluate "pertinent family history and home situation factors." Additional assessments by psychiatric, neurological, learning-disability, speech, hearing, vision, motor, or any other specialists will be carried out if needed.²¹

For each assessment, a detailed, written report of the findings must be forwarded to the chairperson of the evaluation team and frequently to the evaluating specialist's supervisor. After the individual assessments are completed, team members may, if they choose, come together in a pre-core meeting to discuss their findings. Finally, there is another team meeting, with parents in attendance, in which the educational plan is developed. The educational plan must include a specific statement of what the child can and cannot do, his or her learning style, educational goals, and plans for meeting them during the following three, six, and nine months. This entire process, starting from the day the notification letter is mailed to the parents and ending with the completion of the educational plan, is to take no more than thirty days.

These requirements presented school personnel with an enormous increase in their workload in several ways. There were suddenly many more children to be evaluated. Many more individuals had to take part in each evaluation. Educational plans had to be written in much greater detail, completed faster, and circulated to a wider audience. Because team members had different schedules and

²¹ The procedures for a full core evaluation are set forth in the "Regulations," para. 320.0, pp. 21-22. An intermediate core evaluation may be given, with the parent's approval, in those cases in which it is expected that the child will *not* be placed outside a regular class more than 25 percent of the time. It differs from the full core evaluation only in that fewer assessments are required. ("Regulations," para. 331.0, p. 34.)

other responsibilities, getting everyone together for a meeting became a difficult task. An evaluation of a child that might previously have taken two or three people a few hours to complete now took as many as ten to twenty hours for the chairperson and two to six hours for each of the other team members.

From the standpoint of implementation, the chief difficulty presented by Chapter 766 revolved around the tension between the requirements for an individualized approach to educating children and the strong pressures for mass processing created by requirements for comprehensiveness. This tension between individualization and mass processing is not unique; it is characteristic of many street-level bureaucracies which attempt to reconcile individualized service with high demand relative to resources. Since street-level bureaucracies, particularly schools, may not officially restrict intake, other means must be found to accommodate the workload. Workload pressures in the past were at least partially responsible for many of the abuses that Chapter 766 was intended to correct: special-needs children were subjected to arbitrary assessment, being labeled and dumped into segregated special classes, exclusion, denial of appropriate services, and unnecessary institutionalization. The workload pressures did not disappear with passage of the law. If anything, they increased under the substantial burden of added demands.

School personnel put forth extraordinary efforts to comply with the new demands. However, under the current system of public education there was simply no way that everything required could be done with the available resources. In the following sections we examine the objectives of the law against the reality of its implementation. The behavior described below indicates the limits of school organization. It does not so much reflect negatively on school personnel as it demonstrates how new demands are accommodated into the work structure of people who consistently must find ways to conserve resources and assert priorities to meet, in some way, the demands of their jobs.

Mainstreaming

Martin J. Kaufman and associates summarize the case for mainstreaming as based on the belief that it will remove stigmas; enhance the social status of special-needs children; facilitate modeling of appropriate behavior by handicapped youngsters; provide a more stimulating and competitive environment; offer a more flexible, cost-effective service in the child's own neighborhood; and be more acceptable to the public, particularly to minority groups.²²

Chapter 766 requires that, to the maximum extent feasible, children with special needs be placed in regular-education programs, even if for just a small fraction of the school day. If possible, special classes are to be located within regular school facilities.²³ This provision, designed to end the practice of segregating handicapped children, originally evoked fears that special classes would be closed and large numbers of difficult-to-manage children would be returned to regular classrooms.

²² Kaufman et al., "Mainstreaming," p. 2.

²³ "Regulations," para. 502.10 (a), p. 58.

TABLE 2
Special-Needs Children by Program Prototype

	October 1974	October 1975
Percent of special-needs children in regular class with support (i.e., no time out)	35.9	19.8
Percent of special-needs children in regular class with up to 25 percent time out	43.9	56.2
Percent of special-needs children in regular class less than 75 percent of the time	20.2	24.0

Source: Data supplied to the author by an official of the Massachusetts State Department of Education.

The specter of hordes of handicapped children being loosed upon regular-class teachers never materialized. To begin with, there were probably not that many children in full-time, self-contained, separate programs. Furthermore, the regulations contained a "grandfather clause" whereby all children in special programs as of September, 1974, were presumed to be correctly placed unless evidence was presented to the contrary. Data obtained from an official of the state department of education indicate that children were actually shifted from less to more restrictive programs during the first year of implementation. In part, this shift probably reflects increased use of resource rooms. Ironically, by providing separate rooms staffed by specialists to provide special-education services, school systems *decreased* the proportion of fully integrated children by sending them out of the regular classrooms for special help. Table 2 shows the percentage of special-needs children in various programs as of October, 1974, as implementation was getting under way, and as of October, 1975, after implementation.

With regard to mainstreaming, the law's major impact follows from its procedural barriers proscribing the inappropriate assignment of children to self-contained classes. While several instances of active recruitment of children by special-class teachers were noted during the study, such instances were rare. This was true not only because of a lack of space in existing special classes, but also because of a genuine commitment to mainstreaming on the part of special-education administrators and most special-class teachers. Chapter 766 provided special educators the necessary leverage with principals and other administrators to expand and revamp services. There was, however, evidence that a subtle kind of dumping was taking place: there appeared to be a wholesale shifting of responsibility for troublesome children from the regular-class teacher to a specialist or resource-room teacher.

We observed many close working relationships between regular-class teachers and specialists. Specialists would sometimes consult teachers on how to handle particular classroom problems and how best to work with individual children. Some efforts were made to coordinate learning in the regular class with the specialist's intervention program. However, the maintenance of such relationships requires time, which was in short supply. Far more frequently, the teacher had little con-

tact with specialists, had no knowledge of the content of the educational plan, and demonstrated an attitude that the child's learning or behavior problem was the responsibility of someone else, namely, the specialist. Even when specialists sought to work closely with teachers, the pressures of increased caseloads and the vastly increased time spent in the assessment process prevented them from doing so. Thus the law, while limiting the segregation of handicapped children, resulted in a further compartmentalization of students needing special services and increased the danger that they might be stigmatized on the basis of their need for help from specialists outside the regular classroom.

More Efficient Identification and Processing

According to estimates from the state department of education, only 50 to 60 percent of children with special needs had been identified and provided services by Massachusetts schools prior to the passage of Chapter 766.²⁴ The present regulations require local education authorities to undertake a range of activities to identify children in need of special services, although there was no shortage of referrals from teachers and parents. The systems studied varied in the way they translated this requirement into action. System B derived more than half of its referrals from pre- and in-school screening, while screening accounted for but a small fraction of the other two systems' referrals. Furthermore, in all three systems, the kinds of disorders identified through screening were directly related to the specialty of the person doing the screening. For example, System B, which relied much more heavily on speech specialists to conduct screening than the other two systems, referred more than twice as many children for evaluations because of speech problems. In many instances, those doing the screening were actually referring children to themselves. That is, the speech specialist conducting screening would more than likely participate in the core evaluation and eventually treat the child. This overlap of functions suggests that the local systems need to guard not only against failing to identify children in need of special services, but also against unnecessarily recruiting children not in need of special services.

One measure of the relative efficiency of the assessment process is the time required to complete an assessment. The regulations require that the evaluation take place within thirty working days after the parents are informed, or in no more than thirty-five days after the child is referred. Despite substantial differences among the three systems with regard to procedures and staffing, there was surprising uniformity in the time taken to complete assessments. The mean number of months taken to complete the assessments was 6.9 in System A, 7.8 in System B, and 7.9 in System C—all considerably longer than the time permitted under the law and longer than the three months permitted until the plan must be signed by the parent. In systems B and C, where data were available, only 11.9 percent and 21.2 percent of referrals, respectively, were completed within three months. This is an index of the overwhelming scope of the task confronting the schools.

²⁴ Mary Thornton, "Regulations on Special Education to Hike Taxes," *Boston Globe*, 22 Feb. 1974. These estimates, it should be noted, were derived by applying the widely accepted national incidence figures of about 12 percent to the state's school population.

Equity, Uniformity, and Comprehensive Coverage

Chapter 766 seeks to end arbitrary and discriminatory practices through an individualized approach to the classification and assignment of children with special needs. This is to be accomplished in a way that assures a measure of equity—equal treatment for children with the same needs—as well as responsiveness to parents and teachers. Fiscal constraints and the governance procedures of local school systems impose the additional requirements of accountability, efficiency, and fiscal integrity. These aims constitute conflicting bureaucratic requirements.²⁵ In the absence of specific guidance from the state department, the three school systems we analyzed pursued different strategies, each of which maximized one or more of these requirements at some sacrifice of the others. The differing approaches to the core-evaluation process taken by the three systems warrant brief description.

System A, with the smallest enrollment, designated a psychologist, a social worker, and a learning-disabilities specialist already on staff as the primary core evaluation team. Several additional part-time specialists were hired to supplement this team, and existing school-based specialists and teachers were brought in when appropriate. This system has a strong tradition of principal and school autonomy and professionalism. Thus, while the primary team did conduct most of the evaluations in the central district offices, many evaluations were done in the schools, sometimes without the participation of any of the primary-team members. This two-tiered arrangement produced wide disparities among schools in the identification and assessment of children. The team and administrators adopted a largely reactive stance toward evaluation and, for the most part, simply processed referrals coming to them. Personnel at all levels rationalized this reactive posture with the belief that most children with special needs were already being served and that the services provided by the system were superior to those found in most other systems.

System B hired an outside business consultant to design a procedure for central oversight of the work flow. New forms and other required documents were developed for personnel involved at each step of the referral and evaluation process. Central files made it possible to determine which forms were outstanding for any particular child, and follow-up procedures were instituted to assure completion of the process. On the whole, the record-keeping system was excellent. Assessments and educational plans were forwarded to administrative supervisors to ensure central quality control. An aggressive case-finding effort was enhanced by the thorough orientation of teachers and principals. School psychologists were designated as chairpersons of the core evaluation teams, and to accommodate this added responsibility the number of psychologists was doubled. The procedures adopted by System B tended to be dominated by a concern for completing forms properly and speedily. As a result, assessment meetings were conducted hastily and with a minimum of genuine deliberation.

In System C, the largest of the three but with the smallest per-pupil expenditure, most evaluations were attended by the special-education administrator or one of the program directors. Their presence assured a high degree of quality control.

²⁵ See James Q. Wilson, "The Bureaucracy Problem," *Public Interest*, 6 (1967), 3-9.

These administrators viewed their participation as a means of training school-based staff through their example and interactions in the meetings. The evaluations were regarded as belonging to the schools, and the chairpersons of the core-evaluation teams had a much more varied array of backgrounds than chairpersons in the other systems. Whereas in systems A and B the outcome of an evaluation was usually predetermined, System C held relatively few of the "pre-core" meetings in which team members would meet, usually without the parents, to discuss the assessments and educational plan. As a result, the core meetings in System C tended to be characterized by a great deal of give-and-take, a high level of parent involvement, and genuine group problem solving. The deliberations were longer, with more people involved, and this system conducted a much higher percentage of full-core rather than pre-core evaluations.

One indication of the differences in style among the three systems is shown in a comparison of numbers of persons involved and time spent in the core-evaluation meetings. Of meetings observed, the mean duration was forty-two minutes in System A, fifty in System B, and seventy-four in System C. The mean number of participants was 6 in System A, 5.7 in B, and 9.5 in C. While the three systems developed idiosyncratic procedures for identifying and processing special-needs children, all confronted the same serious problem: no explicitly mandated system of priority in referral, assessment, or provision of services accompanied the requirement for uniform treatment of children with special needs. It seemed as if all children were to be processed at once without official regard to the seriousness of the individual situation; a child with multiple physical and emotional problems was to be processed no sooner than a child with a slight hearing impairment.

In practice all three school systems made unofficial distinctions between routine and complex cases. Routine cases were viewed by school personnel as those in which the completion of the educational-plan form was necessary in order to provide the services of a specialist. In these cases, an implicit decision would be made prior to referral that a service was needed. The evaluation was then viewed as a bureaucratic hurdle to be gotten over as quickly as possible, in some cases even without the supposedly mandatory participation of parents. Many of these meetings took on a contrived, routine character. The more complex cases were those in which the assessment of the child was in fact problematic—there was some disagreement among school personnel regarding the assessment or educational plan, considerable expense to the school system might be involved, or the parents were viewed as potential "troublemakers." Troublesome parents were those thought likely to disrupt the process by complaining, questioning, or rejecting recommendations of professionals; or those whose higher socioeconomic status suggested to school personnel that a threat might be forthcoming. The percentage of complex cases varied considerably among the three school systems. In System C the majority of cases fell into this category, while in systems A and B complex cases constituted perhaps no more than 15 to 25 percent of the referrals.

In addition to making distinctions among kinds of referrals, the three systems employed a variety of unofficial rationing techniques to hold down the number of referrals. First, teachers sometimes failed to refer children despite evidence of

problems that should have indicated the need for evaluation. Classroom teachers were deterred by the necessity of completing the forms and justifying their assessment of the problem to the principal and specialists. For some teachers, acknowledgment of a problem they could not handle themselves represented failure. They could look forward to the end of the school year when they would pass the children on to the next teacher in line; consequently, many tended to refer only those who were most troublesome. Second, a principal would occasionally dissuade parents from requesting a core evaluation with assurances that the child was doing fine or that services were already being provided. Third, referrals from teachers were submitted through the principal and/or specialist, and in a number of instances the principal or specialist would simply fail to follow through. Finally, administrators sometimes gave instructions to cut back on referrals. In one of the systems, principals having the largest number of referrals were told by the central administration to curtail evaluations because of the costs of services being recommended.

In general, these rationing practices resulted from unsanctioned, informal categorization of potential referrals. Such categorization reflected the personal priorities of the individuals making the referral decisions. In weighing the relative costs and benefits of referring a child for core evaluation, individuals implicitly appeared to act on several criteria. Concern for the well-being of their children was without question the foremost consideration for the great majority of school personnel. Without such concern, implementation of Chapter 766 would have broken down completely, for in all three school systems administrators and specialists kept the process going by working extraordinarily long hours under constant stress with little hope of catching up, at least during the first year or two.

The institutional rewards system provided another criterion. Some principals believed that they themselves would be at least informally evaluated on the number and handling of referrals. In System B and System C principals were encouraged to refer; in System A they were not.

The degree to which children were creating problems for teachers or other personnel because of their disruptive behavior also affected decisions. Teachers interviewed generally stated that they referred the "loudest" children first. This general criterion was supported by an examination of the dates of referral for learning and behavior problems: in systems B and C, where sufficient data were available, behavior referrals occurred with greatest frequency in the first three months of the school year.

The speed of processing tended to be affected by the position of the person making the referral. In general, parent and principal referrals, while accounting for a relatively small percentage of total referrals, were processed more rapidly than those from teachers.

Finally, the availability of services within the system influenced decisions. In one system, school-based specialists decided informally whether or not a child should be referred on the basis of the presumed solution rather than the presented problem. If they foresaw a need to buy the services of additional specialists, a quick evaluation would be held.

Both systems and individual schools varied in their rate of referral and process-

ing. By the end of June, 1975, System A had completed evaluations on approximately 3.8 percent of its students; System B, on 5.5 percent; and System C, on 2.8 percent.²⁶ Some individual schools in these systems did not refer and evaluate any children, while others processed many. Of the schools in systems B and C which had evaluated at least five children, some completed nearly half of the evaluations within the required three-month period, while others completed none. There were also variations in the reasons for referral. Speech problems were the primary referral reason for about 20 percent of children evaluated in System B, only 5 percent in System A, and fewer than 2 percent in System C. While learning referrals were relatively constant across the three systems, ranging from 58.1 to 65.9 percent of referrals, behavior referrals constituted 22.2 percent in System A, 13.6 percent in System B, and 29.2 percent in System C.

Thus, a law and its administrative regulations, intended to produce uniform application of procedures, instead yielded wide variations in application. The chances of a child's being referred, evaluated, and provided with special-education services were associated with presumably extraneous factors: the school system and school attended, the child's disruptiveness in class, his or her age and sex,²⁷ the aggressiveness and socioeconomic status of the parents, the current availability and cost of services needed, and the presence of particular categories of specialists in the school system.

Parent Involvement and Interdisciplinary Team Assessment

Chapter 766 seeks to regulate arbitrary and inappropriate classification and assignment of children by placing restrictions on the use of standardized tests and by requiring joint assessment and planning by an interdisciplinary team that includes parents. The net effect of these required procedures in the three systems has been greater involvement of parents, more careful assessment of children, and some genuine team decision making. But, at the same time, both teachers and parents have played a secondary role to specialists in the evaluation process.

The impact of parent participation was as much a function of the team's anticipating pressures from parents as it was a response to their actual involvement. In numerous instances parents made substantial contributions to the assessment or planning processes; however, school personnel frequently took actions aimed at placating or avoiding conflict with parents. For example, one of the authors observed administrators in a lengthy meeting developing a defensive strategy for handling an angry mother whose child's referral papers had been lost by school personnel. Their primary concern was not why the referral did not get processed but rather how to absolve themselves of responsibility.

The parent was usually in the position of joining an ongoing group; generally, the core-evaluation team had met as a group during other assessments, and its members worked together on a continuing basis. The parent, in addition, might

²⁶ Statewide, systems completed evaluations in a range from 2 percent to 20 percent.

²⁷ The mean age of children evaluated varied from 12.6 years in System A to 7.5 in System B and 10.3 in System C. In all three school systems, males evaluated outnumbered females by between two and three to one.

confront a sometimes unsubtle implication that the child and parent were somehow at fault for creating a problem. This was particularly true when the problem involved disruptive behavior or a learning difficulty of which the nature was not readily apparent. Perhaps defensive about their lack of time, training, and skills to work with special-needs children, some teachers we observed assigned blame to parents and children, and they were frequently joined in this by other personnel. In fact, the deliberations in assessment meetings often revealed an underlying preoccupation with the assignment of blame. Here, for example, the teacher asked to describe a child's strengths and weaknesses responds with negatives:

Academically, he is below grade; he has a short attention span and a severe learning disability, poor handwriting, poor work habits; his desk is disheveled, and he never puts anything away. His oral is better than his written work. He never gives others a chance. He is uncooperative, ignores school rules—due in part to his frustration with learning. He can't stay in his seat. He won't accept pressure. He is interested in smoking, drugs, and alcohol and has a security problem. He has difficulty with all the specialists. He fights . . .

There were additional factors which put parents at a disadvantage. Often there were status differences between a poor or working-class parent and the middle-class professionals who might dress differently and speak a different language. The use of technical jargon lent an aura of science to the proceedings while making much of the discussion unintelligible to parents and, frequently, to teachers as well. One psychologist explained test results to a working-class parent in this way: "He is poor in visual-motor tasks. He has come up [improved] on sequencing-object assembly-completions which may reflect maturation in addition to training—that is, his visual-motor improvement. . . ." In another meeting, a tutor began, reading from a report: "Reading, 2.1 level; comprehensive language skills, good; daily performance, erratic. He is the type of child with learning problems—he has difficulty processing short sounds, auditory sequencing, and so forth. The visual is slightly better than the auditory channel." In another meeting, a teacher and psychologist, trying to convince a reluctant parent that her child should be held back for a year, produced a computer printout showing the child's performance on test scores in comparison to other children the same age. The parent immediately capitulated.

The regulations governing the core-evaluation meeting call for assessments to deal equally with the child's capacities and strengths as well as with deficiencies. However, an assessment was principally the result of someone's concern about deficiencies. Furthermore, the assessment provided official certification that the child had "special needs" that required services over and above those provided for most other children. Most of the core evaluation was devoted to verifying the child's negative functioning through the recitation of test scores, anecdotal information, and observations. The presentation of negative data appeared to serve two functions. First, teachers frequently presented negative data about a child in an apparently defensive strategy aimed at absolving themselves of responsibility for the child's problem. Second, the negative assessment of a child might prepare the way to obtain parents' compliance with whatever plan school officials wished to impose.

Increased Services

While much of the controversy and effort in the first year's operation of Chapter 766 revolved around the assessment process, the ultimate goal of the law is the provision of services. School systems are required to provide whatever services are recommended by the core-evaluation team for an individual child, without being constrained by cost considerations. If appropriate services are unavailable, the school system must develop them or send a child at local expense outside the system where such services may be obtained. Because of its remarkable comprehensiveness we might have expected this provision to break down in practice through informal imposition of cost or referral restrictions. Nonetheless, we may still legitimately inquire into the extent to which the spirit of the provision was honored.

The requirements immediately expanded the range of options for special education and did lead to some expansion and redesign of special-education services. In some respects, however, the implementation of Chapter 766 actually resulted in a reduction of services, at least during the first year. One problem was the wholesale withdrawal of services to schoolchildren by the departments of welfare, public health, and mental health, the Massachusetts Rehabilitation Commission, and other state agencies. Special-education administrators bitterly complained of instances in which services previously offered to children at little or no cost were now being withdrawn or offered on a fee basis.

Even more demoralizing for school personnel was the reduction of in-school specialist services which resulted from the assignment of these specialists to complete core evaluations. In general, the specialists who were involved in assessment and educational-plan meetings were the same persons who would be called upon to provide the recommended services. These specialists, along with other team members, faced two problems: the sheer volume of new assessments; and the vastly increased time required to test or otherwise evaluate a child, write up the assessment report, attend the team meetings, and write the educational plan. Specialists were caught in a particularly difficult bind. Their contribution was essential to the assessment process. At the same time, a conscientious discharge of these responsibilities meant less time available to work with children and more time spent completing forms. One specialist said, "It just kills me to walk by those kids with them saying, 'Aren't you coming to see us today?' "

The most frequent response to this overwhelming workload burden was to work harder and longer hours completing paperwork at home. The considerable personal strain on those engaged in implementation at the local level was apparent. While additional staff members were hired in all three systems, this increase in numbers was rarely sufficient to meet the increased demand. That the law was carried out as well as it was is due to the dedication of those at the local level whose extra efforts constituted a sizable hidden subsidy to the school system.

However, the magnitude of the workload often forced specialists to shortchange the assessment process. When assessments could not be bypassed, they were routinized. Meetings became cursory. Parent signatures were obtained on blank forms to cut down the time required to get the signed educational plans returned. Edu-

cational plans, instead of providing individually tailored programs, were most often little more than road maps routing children to one or more specialists during the school day.

Earlier we discussed the rationing of attention to assessments in response to the overwhelming demand. For the same reason, special educators rationed the services they provided to children. One form of such rationing was that services that in previous years had been offered on an individual, one-to-one basis were now delivered to groups. This practice was rationalized on the grounds that group treatment is more beneficial, which of course it may be. However, it is hardly accidental that this theoretical breakthrough was coincident with the additional burdens placed on special-education personnel by Chapter 766. Also, the number of hours a specialist would see a child per week was reduced. There was increased reliance on student trainees to fill service gaps. And, finally, initiation of services might simply be postponed until later in the school year.

Team members often failed to respond to very obvious service needs voiced by parents, particularly those involving counseling for emotional problems. For example, upon hearing the results of the testing of her child, a mother looked up and said: "You know I have another boy, William. He probably has that same problem, but they didn't give him those tests. I thought he was lazy and thoughtless, but he was afraid to go into third grade. He wanted to go back to second." The teacher responded, "There is nothing wrong with going back to second." This was the end of that discussion.

The relationship between classroom teachers and specialists is also a source of tension. The specialist can provide some relief for the teacher in handling a classroom problem; however, there are costs to the teacher in seeking such help. Classroom teachers resent the added paperwork burden involved in initiating referrals and the amount of time it takes to get specialists' services through the core-evaluation process. They too may be intimidated by the specialists' technical jargon. Like parents, they may be unfamiliar with the assessment process and outnumbered in evaluation meetings.

There are several additional factors inherent in the respective situations of specialists and teachers which contribute to this tension. Classroom teachers and specialists have differing perspectives. Teachers often regard special-needs children as contributing to their difficulties at work, whereas specialists regard these children as clients they were specifically trained to assist. Teachers have only one school year during which to accomplish their objectives for individual children or the class as a whole, but specialists can take a longer view. They may work with children over a period of years spanning the children's entire school careers. Thus a problem of some urgency to the teacher may be seen by the specialist as one that may be put off until some time in the future.

Status differences add to the tension. Specialists typically have qualifications as classroom teachers but also have additional education and certification and, in some cases, higher pay. Furthermore, specialists and teachers are responsible to different lines of authority. The classroom teacher is responsible to the principal,

while the specialist reports to a program director or division head who is generally located both physically and administratively close to the top of the system's hierarchy.

An additional source of tension is the discrepancy between teachers' expectations and results. Teachers look to the assessment process to provide some relief from disruptive children, but this expectation frequently remains unsatisfied. Teachers reported that 58 percent of the children they referred for evaluation exhibited behavior problems. However, only 21 percent of these children were reported by the teachers to be getting any help either outside the school system or from the specialist within the system whose job it was to deal with behavior problems. Responsibility for children is also a source of conflict between classroom teachers and specialists. Teachers are subject to conflicting pressures. On the one hand, they may wish to relinquish responsibility for an individual child whom they view as disruptive. On the other hand, they may view themselves as having primary responsibility for the child and may resent intrusion from outsiders. One teacher put it this way:

The first- and second-grade teachers here had a list of five or six kids who ought to be retained. However, the psychologist recommended promotion on the basis of IQ tests. Teachers are losing their identity. We used to have teacher aides here who were paid \$100 a week and that worked fine. Now they hire tutors at \$6.75 an hour.

Elimination of Labeling

The Chapter 766 requirement to discontinue the use of descriptive labels conflicts with the limited capacity of street-level bureaucracies to classify and differentially treat clients. Labels function as client-management aids and also help define worker-client relationships. Many classroom teachers and specialists were educated in an era when diagnosis ended with the assignment of a label, which in turn provided the sole basis for placement and treatment. Such terminology is not easily unlearned. Under the new regulations, there was some reduction in the use of labels and a very definite shift to individual behavioral descriptions. However, the use of labels persisted, as is indicated by the following statements made at assessment meetings:

The Bender showed her to have an equivalent score of a five-year-old. However, I don't think she is a trainable.

John was getting an awful lot of special help. He used to be, with an IQ under 50, according to state law, in a trainable class, but he has been in an educable class and has been progressing beyond what one would expect based on test scores alone.

Chapter 766's aim to eliminate labels was also foiled by federal requirements demanding continued use of the traditional designations. Thus, the State Division of Special Education compelled local school systems to report, as they had in the past, the numbers of and expenditures for children specifically classified as mentally retarded, physically handicapped, partially seeing, speech-hearing handicapped, emotionally disturbed, and learning disabled.

Even as old labels persisted, new ones were invented. When a psychologist and counselor were contrasting programs for "LD [learning disabled] kids" and "our kids," the observer asked who "our kids" were. The psychologist replied, "Oh, they used to be called retarded." In another instance one teacher said that she ran a program for "substantially independent" girls. When asked what that meant, she replied, "Well, we used to call it the EMH [educable mentally handicapped] class."

Conclusion

In September, 1974, Massachusetts school systems confronted challenges to their management capabilities and to their deployment of personnel. They were obliged by the commonwealth to identify all pupils with special-education requirements, including those not previously so classified. Moreover, this responsibility extended to a population both younger and older than the population the schools had previously had to serve. The systems were charged with assessing the special needs of children through consultation with a variety of specialists and with the complete involvement of parents. And they were responsible for designing individualized programs appropriate to those needs, regardless of cost. They were expected to do this with virtually no authoritative assertion of priorities and without firm assurance that they would be entirely reimbursed by the state for increased expenditures. Administrators were caught between the requirements to comply with the law, which they took quite seriously although the state's initial monitoring effort was much weaker than had originally been indicated, and the certainty that their school committees would rebel against expenditures that led to increased taxes. While they had the support of parent groups and others actively concerned with special education, school administrators were dubious about this support because these groups tended to be unsympathetic to any approach which implied that a school system would do less than the law required.

Special-education personnel thus experienced pressures to accomplish enormous tasks in a short period of time with no certainty of substantially greater resources. Many school systems had already been moving in the direction indicated by Chapter 766, but now they *had* to accomplish what had previously been a matter of voluntary educational policy. Under the circumstances, special-education personnel had to cope with their new job requirements in ways that would permit an acceptable solution to what theoretically appeared to be impossible demands.

That the systems we studied processed hundreds of children while maintaining the levels of services they did provide is a tribute to the dedication of school personnel and to the coercive, if diffuse, effects of the law. However, in certain respects the new law, by dictating so much, actually dictated very little. Like police officers who are required to enforce so many regulations that they are effectively free to enforce the law selectively, or public-welfare workers who cannot master encyclopedic and constantly changing eligibility requirements and so operate with a much smaller set of regulations, special-education personnel had to contrive their own adjustments to the multiple demands they encountered.

While not, for the most part, motivated by a desire to compromise compliance, school personnel had to formulate policies that would balance the new demands against available resources. To this end, school systems, schools, and individuals devised the following variety of coping patterns.

They rationed the number of assessments performed. They neglected to conduct assessments; placed limits on the numbers that were held; and biased the scheduling of assessments in favor of children who were behavior problems, who were not likely to cost the systems money, or who met the needs of school personnel seeking to practice their individual specialties.

They rationed services by reducing the hours of assignment to specialists, by favoring group over individual treatment, and by using specialists-in-training rather than experienced personnel as instructors. They short-circuited bureaucratic requirements for completing forms and for following the procedures mandated and designed to protect the interests of parents. They minimized the potentially time-consuming problem of getting parents to go along with plans by securing prior agreements on recommendations and by fostering deference to professional authority.

In short, they sought to secure their work environment. As individuals, teachers referred (dumped) students who posed the greatest threat to classroom control or recruited those with whom they were trained to work. Collectively, they sought contractual agreements that the new law would not increase their overall responsibilities.

These responses are not unique to special-education personnel but are typical of the coping behaviors of street-level bureaucrats. Chapter 766 placed additional burdens of judgment on roles already highly discretionary.

The patterns of responses developed by educators to the multiple demands placed upon them effectively constituted the policy delivered to the public under the new law. Given the range of possible "solutions" to the demand-resource dilemma faced by Massachusetts educators, the solution derived by any single school system was not predictable. One system made qualitatively superior efforts to comply with the law but ranked lowest among the systems studied in the number of assessments completed. The system that screened and assessed the most students was also the most inclined to routinize the assessment procedures and dilute the quality of service provisions. But, although the pattern of responses varied to some extent, there was a constant need to routinize, ration resources, control uncertainties, and define the task to derive satisfactory solutions to the new demands.

Despite shortcomings in implementation, the new law has contributed to making special education a general concern. It opens the process of categorizing special-needs children to parents and to the scrutiny of special-education interest groups. It articulates far-reaching objectives for school systems, retains local initiative, and forces a confrontation between school systems' responsibilities for general *and* special education. Chapter 766 heralds the day when all students, the quiet as well as the disruptive, the average as well as the exceptional, those who make good use of their potential and those who do not, will be responded to by the schools as individuals. In this respect, the first year of Chapter 766 should be analyzed not only

for the ways in which the coping behaviors of school personnel perpetuate routinization of tasks and segmentation of the population. It should also be analyzed to discover which solutions to coping problems are most consistent with preferred educational objectives.

As the Massachusetts schools complete their third year of operation under Chapter 766, the situation has no doubt changed from the time of our field study. We cannot, however, predict that it has improved. The regulations have been somewhat revised to reflect the operating experience of the schools, and the department of education is attempting to audit local school systems' performance. The early crush of assessments we observed during the first year has no doubt subsided. However, we suspect that the pressure on school personnel to complete assessments has simply given way to pressure to implement, monitor, and revise the educational plans written earlier. If so, our analysis would suggest that these same personnel will now be forced to adopt coping mechanisms similar to those we have described as they attempt to deliver the educational services they prescribed earlier. Furthermore, in all likelihood the assessment and treatment routines and practices established under the press of that first hectic year are now firmly entrenched. As for cost considerations, school systems continue to be concerned about expenditures but now try to assign many regular-education items to the special-education budget, since Chapter 766 expenditures have first claim in the state's educational-reimbursement program.

The recent enactment of federal special-education reform and the likelihood that public pressure on the courts will eventually force nonparticipating states to adopt such reform suggests that close attention be paid to the Massachusetts experience. The Education for All Handicapped Children Act of 1975 (P.L. 94-142) raises the prospect that the kinds of implementation problems that plagued Massachusetts will be repeated across the country. For example, by requiring participating states to undertake more activities than the Congress is likely to subsidize, the federal law appears to set the stage for the same kind of autonomous priority setting by individual communities that characterized the Massachusetts experience. This is perhaps the first lesson of the Massachusetts case. States attempting special-education reform should expect to encounter problems similar to the ones discussed here if funding is uncertain and local communities must bear the brunt of costs.

There are other lessons for the implementation of laws that seek to change practice at the street level. An essential beginning in special-education reform is the careful preparation of local personnel. Training classroom teachers to be better prepared and more confident in handling children with special needs is particularly important. Specialists need training in consultative skills so that they may better support classroom teachers. Unless roles are redefined and personnel prepared to meet new requirements, children will continue to be shunted from one specialist to the next with no one having responsibility for the whole child.

Second, rather than simply monitoring compliance with case-finding and assessment requirements, state departments of education should emphasize service provision and should exercise leadership in helping local systems establish, expand,

and improve services. In Massachusetts, some local school systems were loath to share service innovations with other systems with which they competed for federal grant funds. The spirit of local independence and autonomy, perhaps at its strongest in New England towns, also impeded the kind of sharing and exchange that could have fostered joint solutions to implementation problems. Instead, each system invented its own evaluation-team model and way of controlling the paper flow and improvised numerous other responses to state requirements. At the federal level, the Bureau of Education for the Handicapped is giving priority to the development and dissemination of practical tools—a model evaluation manual and service prototypes, for example—which will help states get their programs under way. These may prove to be useful guides if they are not overtaken by events.

Third, it is often assumed that parents' interests are secured by parent participation. But our observations indicate that parents may be subjected to strong pressures from school personnel and may acquiesce in decisions not in the best interests of their children, despite the protection of the law. To properly safeguard the rights of children, each assessment team might include a volunteer or a staff member of another agency who would fill the role of child advocate.

Fourth, as implementation is substantially determined by the coping behaviors of those who have to carry out the new law, it would be useful to analyze these behaviors and reward those that most closely conform to preferred public objectives, while discouraging objectionable practices. Bureaucratic coping behaviors cannot be eliminated, but they can be monitored and directed.

Practical men and women charged with carrying out new legislation understandably and correctly seek appropriate responses, clarity in objectives and priorities, and certainty of support. Our analysis has focused on how school personnel respond when these matters are in doubt. But our findings do not mean that social-reform legislation should be limited to mandating only that which street-level personnel can easily accomplish. On the contrary, much would be lost by reducing the scope of legislation to only that which can be readily accommodated. Rather than encouraging concentration of resources on a limited number of children, Chapter 766 cries out for increasing the scope of coverage. Preschoolers and post-high-school minors have now become, by law, the responsibility of school systems. Parents may petition for special services and challenge schools' decisions about children's care. Indeed, the vision of many educators with whom we spoke was that the law would open the way to treating *every* child as deserving individual assessment and an individualized learning plan. This would be particularly true for the brightest students, generally thought to be a neglected group whose ordinary treatment in school provides suboptimal education and nurtures emotional problems. In short, the thrust of Chapter 766 is, if anything, to increase and expand services. But, as usually happens in most street-level bureaucracies, service providers are left to ration what legislatures and policy-making executives will not.

Concentrating too much on issues of coordination and phasing at the state level also misses the mark to some degree. This focus overlooks the role of law in giving legitimacy to conceptions of the social order and in directing people's energies toward objectives even if these objectives cannot be achieved completely in the

short run. Thus, one can argue that the Massachusetts legislature was correct in advancing a law with a scope as broad as the needs of the children and young adults who were to be served. It is not at all obvious that the provision of special-education services would have been more extensive or of better quality had the scope of the law been restricted. And one can argue that the parent and advocacy groups were correct in preventing the division of special education from asserting priorities: this kind of limitation not only would have contradicted the law but also would have substituted state planning for local responsibility.

The case of special education in Massachusetts provides a sober lesson in how difficult it is to integrate special services for a stigmatized population, particularly when that population is attended by professional specialists, funded through separate channels, championed by people fearful that they will lose hard-won access to decision making, and perceived to cause work-related problems for those responsible for managing the integration. In such a situation the role of law in legitimizing new conceptions of the public order and in mobilizing resources should not be overlooked.

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