



# Local implementation of disability policies for “high incidence” disabilities at public schools in Japan and the U.S.

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## ABSTRACT

This study examines educators' responses to the local implementation of national special education policy changes for children with “high-incidence,” (mild cognitive and behavioral) disabilities. Sensitized by a sociocultural, developmental perspective, we examined Japanese and U.S. national educational policies for the support of children with high incidence disabilities and their implementation in local public schools. Twenty-six Japanese and 18 U.S. elementary school educators participated in individual interviews and discussed their experiences and perceptions of special education policies and their local implementation. Educators in both countries expressed common challenges, specifically, balancing legal requirements with everyday practices, adjusting to policy shifts, and negotiating support for children within and outside of their classrooms. Yet their experiences were culturally nuanced reflecting 1) relatively flexible (Japan) or fixed (U.S.) legal requirements, 2) shifts to more specialized (Japan) or more classroom-based (U.S.) support, and 3) established practices of classroom-based support (Japan) or pull-out support (U.S.). These cultural differences are examined in historical and sociocultural contexts, and implications are discussed for educators, social work practitioners, and policy makers in both Japan and the U.S.

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## 1. Introduction

This study examines educators' responses to the local implementation of national special education policy changes for children with mild cognitive and behavioral disabilities at several U.S. and Japanese public elementary schools. Social workers provide services for children with these struggles in a wide variety of contexts including public schools, mental health, and child welfare systems (e.g., Haight, Kayama, Kincaid, Evans, & Kim, 2013). Culturally widespread social justice issues faced by these children include access to educational and social opportunities. In the U.S., P.L. 94-142, currently, Individuals with Disabilities Education Act (IDEA), has required schools to provide special education services since 1975. During the 2011–2012 school year, about 8% of U.S. children aged 3–21 received special education services for mild cognitive and behavioral disabilities. These “high incidence” disabilities result, in part, from neurological differences which children will not simply “out grow.” They include specific learning disabilities (4.7%), speech and language disabilities (2.8%), and emotional and

behavioral disorders (0.8%)<sup>1</sup> (National Center for Education Statistics, 2012). Children with these disabilities receive specialized support from licensed special education teachers and other professionals, including school social workers to develop effective strategies for handling challenges caused by their disabilities.

In contrast to the U.S., the Japanese government only implemented educational policies addressing special education services for children with mild cognitive and behavioral disabilities in 2007, and relatively few children experiencing these challenges receive services. In 2013, only 2.5% of Japanese children (1st–9th grades) received special education at local public schools for both mild and moderate disabilities (Ministry of Education, 2014).<sup>2</sup> Yet general education classroom

<sup>1</sup> Recently, Attention Deficit Hyperactivity Disorders (ADHD) and high-functioning autism are included as high incidence disabilities (Gage, Lierheimer, & Goran, 2012). The exact numbers of children who received special education for ADHD and high-function autism, however, are not available, as numbers of children with these disabilities are reported as Other Health Impairment (OHI) and autism, respectively. In 2012, about 1.5% of children with disabilities aged 3–21 received services for OHI and 0.9% for autism (National Center for Education Statistics, 2012).

<sup>2</sup> The official English translation of the Ministry until 2000 was “Ministry of Education, Science, and Culture.” The Ministry was combined with the Science and Technology Agency in 2001, and currently is known as “Ministry of Education, Culture, Sports, Science and Technology.” In this article, we refer to the Ministry as the “Ministry of Education.”

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teachers reported the rate of students who potentially have mild cognitive and behavioral disabilities as more similar to the U.S. (6.5%) (Ministry of Education, 2012). Thus, general education classroom teachers in both the U.S. and Japanese can expect to have at least 2–3 children with mild cognitive and behavioral disabilities in their classrooms each year. Although such children require significant resources to effectively educate, the failure to provide resources can be even more costly. Without appropriate support, most children with mild cognitive and behavioral disabilities will continue to struggle and may develop secondary disabilities, such as depression and externalizing behaviors<sup>3</sup> (Saito, 2009).

Historically, the U.S. and Japan have addressed the challenges of educating children with disabilities within very different educational systems, reflecting cultural differences in beliefs about disability and educational goals (Kayama & Haight, 2014). Cultural differences are especially distinct in the U.S. and Japan. The U.S. is the country in which the concept of learning disability is established (Kirk, 1977) and formal educational support has been provided for children with mild cognitive and behavioral disabilities for four decades. In contrast, Japan is relatively late, even among East Asian countries, to implement formal educational support for these children (See Kwon, 2005; Tzeng, 2007). In this study, we identify common challenges in the U.S. and Japan and culturally nuanced policy and practice strategies for addressing them. Broadly stated, our goals are a) to anticipate challenges in educating children with mild cognitive and behavioral disabilities and solutions that are widespread across cultures; and b) to provide a broader framework for developing solutions than can be achieved with the perspective of a single cultural group.

### 1.1. Conceptual framework

We approach the examination of Japanese and U.S. national educational policies for the support of children with high incidence disabilities and their implementation in local public schools sensitized by a sociocultural perspective, specifically developmental cultural psychology (see Gaskins, Miller, & Corsaro, 1992; Miller, Hengst, & Wang, 2003). Sociocultural scholars emphasize the concept of “universalism without uniformity” (Shweder & Sullivan, 1993). In other words, there are human issues, such as disability, shared even among very different cultural contexts, for example, Japan and the U.S., but the meanings of, and responses to, these issues vary in relation to culturally distinct beliefs and practices. Sociocultural scholars recognize biologically-based human variations commonly observed across cultures. They also understand “disability,” in part, as a cultural construct, embedded within specific cultural norms, beliefs, and practices. How members from different cultures understand “disability” can vary and support available for individuals with disabilities likewise can vary. In other words, the everyday experiences of children with disabilities, their parents, educators, and policy makers reflect not only children’s biologically based differences, but also sociocultural and historical contexts (e.g., Varenne & McDermott, 1998). For example, the experience of a 7-year-old child with high-functioning autism in the U.S. will have different experiences at school than a Japanese child with similar challenges given different values and practices in those two systems, for example, an emphasis on early literacy or autonomy in solving problems within peer groups (Lewis, 1995; Tobin, Hsueh, & Karasawa, 2009). Such cultural variations will provide us with new perspectives from which to reflect back on our own policies and practices for supporting children with disabilities that are not possible when focusing on one culture (Miller et al., 2003). Of course, sociocultural contexts are dynamic. The responses of children,

their parents, educators, and policy makers to these sociocultural contexts also contribute to recreating or changing them.

We also are sensitized by our own personal and professional experiences with Japanese and U.S. children with disabilities. Members of the research team include Japanese and U.S. citizens, individuals with extensive social work practice experience including in schools and with children with disabilities, the parent of a child with a learning disability, and individuals with experiences conducting cross-cultural research in Japanese schools.

### 1.2. Special education law in Japanese and U.S. sociocultural and historical contexts

Variation in Japanese and U.S. national policies and their local implementation may reflect, in part, different cultural understandings of “law.” In European and North American countries, law is generally understood as a set of formal rules with clear procedural guidelines which individuals are obligated to follow (Stone, 2012; Sypnowich, 2010). U.S. laws also have long been influenced by the concept of social justice (Sypnowich, 2010), which was reinforced by the Civil Rights Movement of the 1960s and 70s (Stone, 2012; Sypnowich, 2010). The public’s sensitivity to marginalized individuals was heightened and resulted in new laws and changes in how existing written laws were interpreted and amended (Stone, 2012). For example, implementation of the IDEA was impacted by people’s heightened sensitivity to protecting the rights of individuals with disabilities to a free and appropriate public education (e.g., Wright, 1999).

The formal organization of the Japanese legal system generally follows that of Western countries that emphasize individual and social rights and obligations. Contemporary Japanese laws, created approximately 150 years ago, were strongly influenced by European laws. Yet these Westernized laws were, in part, used to display diplomatically Japan’s competence to other countries and were not necessarily implemented consistently to ensure the rights of Japanese individuals, especially with people living in rural areas (see Kawashima, 1967). Following World War II, Japanese laws then underwent additional major reforms directed by the U.S. led Allied occupation (e.g., Ministry of Education, 1992), and the protection of individual rights was reinforced (Kawashima, 1967).

Over the decades, Japanese people’s perceptions of laws have gradually “Westernized,” but they remain strongly influenced by traditional Japanese norms of interpersonal and social relationships. Japanese people typically prefer informal mediations to utilizing laws in addressing conflicts, and may even consider certain laws to be “prestigious symbols”, rather than mandates or practical tools. Indeed, the number of civil lawsuits filed in Japan is approximately one third that of the U.S. (Ramseyer & Rasmusen, 2010), which may reflect a strong preference for only appealing to formal laws as a last resort in resolving disputes (Kawashima, 1967).

In addition, Japanese laws themselves tend to be ambiguously written, especially with respect to procedural guidelines and thus leave much more room for interpretation than U.S. laws (Kawashima, 1967). This is consistent with the Japanese style of implicit communication in which individuals express their desires indirectly. What is implied may be more important than what is actually expressed, and individuals have to be sensitive to, and accustomed to, interpreting implicit messages (Lebra, 1976). For example, the Japanese law states that educators in special education schools “are to strive” to provide resources and consultation for educators in local public schools (Ministry of Internal Affairs and Communication, 2014). Educators need to interpret the phrase, “are to strive,” literally or replace it with “must” depending on the situation. Indeed, Japanese people tend to spend more time interpreting laws than in creating and following clear procedural guidelines (Kawashima, 1967).

Cultural differences in how laws are understood in Japan and the U.S. are reflected in educational policies. Japanese laws are relatively

<sup>3</sup> In both the U.S. and Japan, tutoring services for children with disabilities outside of school is available, but high-quality services provided by professionals are costly. Public schools, in general, do not pay for such support.

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