RUNNING HEAD: DISABILITY OR DIFFICULTY?

Disability or Learning Difficulty?

Constructing Special Education Students in Finland and the United States

Tiina Itkonen

California State University Channel Islands

Markku Jahnukainen

University of Alberta, Canada

Author Contact Information:

Tiina Itkonen, Assistant Professor (corresponding author)
California State University Channel Islands
One University Drive
Camarillo, CA 93012
(805)987-4581
Tiina.itkonen@csuci.edu

Markku Jahnukainen, Associate Professor
University of Alberta
Educational Psychology
Education North 6-102
Edmonton, Alberta
Canada T6G 2G5

Email: markku.jahnukainen@ualberta.ca
Phone: +1-780-492-4019
Fax: +1-780-492-1318

Disability or Learning Difficulty?

Constructing Special Education Students in Finland and the United States

Liz is a vibrant third grader who struggles with reading. She has difficulty decoding multi-syllabic words and comprehending the text. She has struggled with reading since Kindergarten but her struggles became more pronounced in third grade as the amount of reading increased across all core subjects. In third grade, her mother referred her to special education. A multi-disciplinary team evaluated her over the 60-day timeline, and found that there was a discrepancy between her potential and actual achievement. Liz was diagnosed to have a Specific Learning Disability. She now receives remedial instruction by a special education teacher four times a week.

Liisa was much like Liz—she had a difficult time at the end of second grade with decoding longer words. Her second grade teacher noticed this, and requested the school's special education teacher to provide interventions. Liisa received intensive reading remedial instruction from the special education teacher (most often in the regular classroom during language arts) and the classroom teacher. By mid- third grade, Liisa had caught up to grade level, and the third grade teacher determined that she no longer needed remedial instruction. Liisa was never diagnosed to have a disability.

As the above vignette illustrates, the educational experience for these two youngsters varied significantly in terms of the process by which they received academic assistance, and the structure of how their schools' services were organized. In this article, we examine disability construction, special education policies, and institutions in the United States (US)(Liz in the vignette) and Finland (Liisa). We ground the study on the assumption that disability is a socially created category rather than an attribute of individuals (Stone 1984). We show in our findings that the construction of disability indeed affects the policy design, institutional arrangements, and student prevalence.

We selected the Finland – US comparison for several reasons. The countries are comparable economically, with the 2007 Gross Domestic Product and Purchasing Power Parity per capita being 45,845 USD in the US and 35,280 USD in Finland (Statistics

Finland 2007). Yet the countries produce quite different results in the Programme of International Student Assessment (PISA). PISA (2003) results ranked 15-year old Finns among the top performers in mathematics and reading among the 41 countries included in PISA.¹ Itkonen and Jahnukainen (2007) reported that the mean score of U.S. students ($M = 483$) in the math subtest was statistically significantly below OECD average ($M = 500$). For the same math subtest, the mean score of Finnish students ($M = 544$) was statistically significantly above OECD average.

Finland also had the narrowest gap between the highest and lowest performing students and low between-school variance (Itkonen and Jahnukainen 2007). Between-school variance in student achievement in Finland (approximately 3% of average variance in student performance) was among the lowest of countries listed in PISA, at approximately one-tenth of the OECD average (33.6%). Moreover, in Finland, SES accounted less than 5% of performance variance across schools. In other words, student achievement varied for reasons that were not related to students' SES. The US, in contrast, had comparatively large socio-economic disparities. In the US, the between-school variance that was attributable to student SES was approximately 20% of the average variance, although still below OECD average.

The impact of SES on student performance can be explained by the philosophical and ideological traditions in the two countries, which have lead to different approaches in securing public welfare. In the US, the role of state is to provide equal opportunity for the collective good of the nation, after which it is the responsibility of the citizens to achieve

¹Students with special education needs constituted 7.2% of participants in Finland and 3.6% in the US (source: 14th Special Education Needs, Disabilities Difficulties and Disadvantages, Country Representatives Meeting, Washington D.C., November, 21-23, 2005).

and succeed. The idea is that everyone can “make it,” if they so choose and work hard (Hochschild and Scovronick 2003). In Finland, and in many other European countries, in contrast, the role of the state is not only to provide an opportunity, but to support its citizens in their quest for a decent standard of living (e.g., work, housing, health, higher education) (Hokenmaier 1998). Thus, education is conceptualized as a collective responsibility. This difference –equal opportunity versus equity-- manifests itself for example in school funding. In the US, local districts fund almost half of the total expense of public education. (The U.S. federal government funds about 8% and states fund the remaining cost.) Most local funds are raised via taxes based on the property wealth of homes and businesses located within the geographic boundaries of the local school district. School districts located in areas with expensive homes and large businesses receive more revenues from property taxes than school districts located in areas with little property wealth. Thus, socio-economic disparities are inherent in the local funding of U.S. public education. In Finland, the Ministry of Education funds education based on the number of students per school. Therefore, differences in school budget sizes are due to the number of students enrolled, not the geographic location of the school.

It is precisely these intriguingly different positions on the individualism – collectivism continuum that prompted us to choose Finland and US to examine the construction of students with disabilities and its implications to policy and institutional designs. In the next section we examine the historical and institutional context of public education and special education in the two countries, followed by the methodology of this study. Thereafter we present our findings, and end with a discussion on policy implications.

INSTITUTIONAL AND HISTORICAL CONTEXT

Underlying Assumptions behind Education Policy

Policies stemming from an equal opportunity (US) versus an equity (Finland) framework operate from a different set of assumptions and affect how policy problems are defined and solved.² Hochschild and Scovronick (2003) provide a useful framework for analyzing the goals of education policies grounded on equal opportunity and equity. *Absolute* achievement refers to reaching a higher level of thinking or well-being as compared to where one started. Thus, absolute achievement highlights the progress of the individual across time. *Relative* success, on the other hand, compares individual or group achievement to that of another group. For example, first-generation college students have attained more educationally than their parents' or grandparents' generations. Finally, *competitive* success implies not only comparisons to other groups, but sorting those who succeed from those who do not. To define success from this perspective implies distinguishing those who succeed and those who fail based on some criteria. A policy based on the assumption that the capacity exists for performance, but that performance is not at an adequate level for whatever reason (e.g., shirking), is likely to result in the use of sanctions as an enforcement mechanism (McDonnell and Elmore 1987). Withdrawing funds from 'failing' schools contingent upon unsatisfactory performance is one outcome that is consistent with a policy based on competitive success. Conversely, a policy based on absolute success of students would provide 'under-performing' schools capacity-building tools, such as materials, facilities improvements, teacher training, and curricular support, or would provide more educational resources to some students versus others so

² This section is largely based on Itkonen and Jahnukainen (2007).

that everyone can improve and reach their potential, regardless of individual or family variables.

The business-led education reform in the US has been based on the notion of competitive success in the global market (Cuban 2003). The current U.S. education policy, No Child Left Behind Act, is also largely based on the notion of competitive success. Students are tested at certain grades, schools are ranked, and if Annual Yearly Progress is not made in student test scores, a continuum of sanctions is implied. In the U.S. special education policy, recent developments include using relative success as a measure to compare the prevalence of different ethnic groups in special education to identify overrepresented populations (Harry and Klinger 2006). In contrast, education policies in Finland are framed by the concept of absolute, individual success. Standardized tests are not administered for purposes of normative comparisons because success is defined according to an individual student's achievement over time, or relative to educational standards. Test scores and authentic assessments are used to determine what individualized supports students and schools need to reach educational goals. Hence, interventions are provided for those who need them.

Historical Context of Special Education

The US special education policy framework is thoroughly covered elsewhere, therefore, we provide only a brief overview here (see McDonnell and McLaughlin 1997; McLaughlin et al., 2006). In 1975 US lead the world by passing a federal special education statute, named to Individuals with Disabilities Education Act (IDEA) in 1990. IDEA grew out of litigation. In 1973, 27 right-to-education lawsuits were pending or a

decision had been rendered in 21 states (Melnick 1994).³ These cases were initiated by parents of children with disabilities and disability advocacy groups and led to the enactment of IDEA which was largely based on the *PARC* decision.

IDEA guarantees free appropriate public education for every child regardless of the type and degree of disability. Students must qualify for special education in order to receive services, by (a) having one of the disabilities listed in the Act, and (b) the disability must adversely impact the student's learning. There are 13 different eligibility categories under which a student can qualify. For example, qualifying under Specific Learning Disability (SLD) has historically been evaluated using a discrepancy model. Students are assessed comparing their potential (e.g., using an IQ score as a measure) and their current achievement. A discrepancy between these two measures, not explained by biological or other factors (e.g., sensory impairments) results in the person qualifying for special education under SLD, as it adversely impacts achievement.

To qualify for special education, a referral must be made by the school or parent, and the child must be evaluated by a multi-disciplinary team using a battery of instruments to determine whether s/he has a disability. The process for evaluation, individual education program development (if the child qualifies) and other provisions (e.g., parental due process rights) are highly formalized. Specific roles and responsibilities are listed in IDEA for each institutional level: The US Department of Education, state education agencies, local school districts, and finally, personnel at the school level.

³ The main cases on which the law was based were *Mills v. Board of Education*, 348 F. Supp. 866 (D.D.C. 1972); *Pennsylvania Association for Retarded Citizens v. Commonwealth of Pennsylvania*, 343 F. Supp. 279 (E. D. Pa., 1972).

The 1975 Act was unprecedented and opened school doors to everyone. Segregation or exclusion from public education based on ability was no longer acceptable (Silverstein 2000). But the unintended consequence of this Act was the creation of a separate system in which students with disabilities were categorized and did not necessarily have access to the core curriculum awarded to their peers (McDonnell and McLaughlin 1997). This problem was recognized and addressed in the 1997 and 2004 reauthorizations of IDEA, through which students with disabilities were required to partake in statewide exams and have access to core curriculum and grade level standards.

In contrast, the Finnish special education legislation is relatively new. The Comprehensive School Act of 1970 guaranteed equal educational opportunity for all children. In 1985, the responsibility for educating students with moderate intellectual disabilities was transferred from the responsibility of social welfare agencies to public schools. Students with the most severe intellectual disabilities were similarly educated by the social welfare authorities until 1997. The Basic Education Act of 1998 established an individualized education program (IEP) for the first time. The law framed special education around supports (funding tied to the IEP, not placement) and stated that it is the pupil's right to receive education in the general education class (Jahnukainen 2003). Section 17(1) of the law states that "A pupil who has moderate learning or adjustment difficulties shall be entitled to special-needs education alongside with other teaching" (Basic Education Act 628/1998). The law recommends a psychological or medical evaluation, "if possible" (Section 17[3]) but does not require it. Recommendation for services is thus left to the teachers.

Social Construction of Populations

As can be seen, the process of receiving special education services in the two countries appears very different. The U.S. system has a formalized identification mechanism whereas in Finland, teachers enjoy a large amount of authority in determining which of their students need remedial instruction. Scholars call these differing ways social constructions of disability.

Social construction refers to the recognition of shared characteristics of a population and the attribution of values, symbols, and images to those characteristics (Edelman 1988). Scholars of target populations have shown that the public image of a group (Donovan 2001) and its social construction (Schneider and Ingram 1993) are critical variables in understanding how policy problems are defined and how solutions are designed. These normative constructions determine who has authority, who accepts it, and who is rewarded or penalized (Edelman 1988).

Disability construction scholars have similarly argued that “special education needs [refer] to institutionalized cultural value judgments about behavior, intellectual functioning, and health that result in particular human differences being recognized as deserving of support or professional services” (Powell 2006: 579). Stone (1984) also examined several perspectives with which a disability can be constructed. From a psychological perspective, disability is an individual experience and the analysis of its impact focuses on physical and mental limitations and their effect on development. An economic approach analyses the social position with its own income stream and seeks to explain the extent to which individual choice determines the assumption of the disability’s role. A sociological viewpoint of disability takes a look at institutions and the extent to which disability is a stigmatized social status. Finally, in Stone’s work, a

political perspective considers the meaning of the disability to the state in terms of resource distribution and equity as compared to other populations.

An educational construction of disability seems appropriate in the present project, although not used in Stone's (1984) work. An educational approach considers a person with a disability in the light of education and learning (Itkonen 2007). Hence, a disability is not primarily defined as an inherent condition of that person (as in a psychological construction), rather, the person can "overcome" the disability, make improvements, and learn necessary coping skills through education.

In sum, we ground our paper on the assumptions that (a) disability is a social construct; (b) the type of construction affects policy design; and (c) institutional choices and structures for policy implementation are related to the construction of disability and subsequent policy design. The following questions guide our investigation:

1. How is disability constructed in the educational system in Finland versus the US?
2. What are the policy designs and institutional structures that are created to respond to the particular disability construct?
3. What are main policy implications?

METHOD

We conducted comparisons across coded education legislation, regulations, and policies enacted by the Ministry of Education (Finland) and the Department of Education (US). We further examined the institutional arrangements of national and local government entities involved in special education policy design and implementation. Student prevalence and placement data were gathered from national statistical services and reports, including National Center for Education Statistics (US), Office of Special

Education Program's 27th Annual Report to Congress, and Tilastokeskus [Statistics Finland]. We employed a sequential mixed methods design (Morse 2003), in which we quantitatively analyzed statistical information from the countries' educational data bases, followed by a systematic coding and qualitative analysis of document sources. The statistics provided general patterns and qualitative analyses helped us probe further into those patterns (Creswell 2003).

FINDINGS

We present our findings following the order of our guiding questions. We first compare the disability constructions of the two countries, and then examine subsequent policy designs and institutional structures. We then consider implications to student prevalence, and conclude this section with recent policy initiatives.

Disability Construction

Students in the US are constructed as having disabilities, if they qualify for special education services under one of the 13 eligibility categories. The construction is thus psychological, using Stone's 1984 typology, in that disability is an individual experience based on some physical and/or mental limitations. Similarly, McLaughlin et al. (2006) consider the U.S. disability construction to be medical in nature: "Traditional categorization of students with disabilities into specific subgroups, such as 'mental retardation' and 'specific learning disability' is based on a disability-deficit paradigm that has been the foundation of the U.S. special education" (p. 54).

In contrast, Finnish students are mainly constructed as having learning difficulties in an academic area. Students who experience such difficulties receive services without formal diagnostic assessments or labels, and the word "disability" and diagnostic labels

are not used in schools. We call this construction educational, since educational needs, as determined by the student's teacher, drive access to special education interventions.

However, for administrative purposes, disability labels are still applied for students with physical, visual or hearing impairments and pupils with 'a slightly or severely delayed development' (mental retardation in the US) (Statistics Finland 2008). But the possible diagnosis, disability, or impairment alone is not a ground for special education. Special education interventions are applied "if - - - a pupil cannot be otherwise taught" (Basic Education Act 1998, Section 17[2]), and if there is an educational rationale for observed difficulties in learning.

We can also examine the variation of the use of disability and difficulty labels – or the construction of special education needs – by employing the definitions and classification developed by Organization for Economic Cooperation and Development's (OECD), outlined in their report *Equity in education: Students with disabilities, learning difficulties and disadvantages* (OECD 2004). This report examined the diverse language and definitions in various countries and concluded: "It is clear that in an international setting the use of the term 'special educational needs' leads to confusion because it means different things for different countries" (OECD 2004: 16). OECD recommends using three cross-national categories referring to different levels of special education needs. These are disabilities (level A), difficulties (level B), and disadvantages (level C). OECD defines these levels the following way:

'[Level] A includes those students who have clear organic difficulties and who would normally be described as having disabilities – such as students with hearing impairments or severe cognitive disabilities. B includes those students who have

learning difficulties but for whom it is unclear whether their difficulties in school learning are due to organic problems or social disadvantage. Students with learning disabilities (e.g., those with dyslexia) fall into this category. Those in C have difficulties in school which are clearly a result of social disadvantage of one sort or another.’ (OECD 2004: 12.)

In 2004, Finland had 4 categories in level A (disabilities) and 11 in level B (difficulties)(OECD 2004: 40). In contrast, there were 13 categories in the US in level A and only two in level B (OECD 2004: 46). Both countries had one category in level C. This report triangulates our coding results and suggests that in the US, special educational needs are primarily defined using disability labels while in Finland, special education needs are constructed as learning difficulties. However, since the report’s publishing, the Finnish definitions have slightly changed. There are currently seven categories in level A and nine in level B using the OECD framework (see Table 1).

(INSERT TABLE 1 ABOUT HERE)

In the current coding system (Statistic Finland 2008), there is a separate category for “learning difficulties related to autism or Asperger’s syndrome” and for “learning difficulties caused by impaired linguistic development (dysphasia)”. These two specific categories have replaced the former general definitions of “mild mental impairment”, “general learning difficulties” and combined “speech, reading and writing difficulties” still used in the 2004 OECD report. Interestingly, even though these new definitions still include “the learning difficulty” perspective, the construction is more explicitly related to an organic problem. Similarly, autism and traumatic brain injury were added as eligibility categories to IDEA in 1990, and Tourette’s syndrome in 2004. These findings illustrate

that “special educational needs” are constructed differently between countries (psychological versus educational) but also within a country across time.

Policy Design and Institutional Structure

The previous findings on student construction indicated that Finnish students are not considered as having disabilities even though they may receive special education services in a specific academic area. Finland therefore uses an educational construction for students with disabilities and/or academic difficulties. Special education is framed around educational supports and the law states that it is the pupil’s right to receive education in the general education class (Jahnukainen 2003). The majority (72 %) of all special education is offered as part-time special education without any formal assessment procedure or official referral (Statistics Finland 2007). The decision is based on educational grounds based on teacher and parent observations. Typically, the students receive specialized interventions only during one or two classes weekly and for a restricted period (e.g., one term or less). There is a heavy pressure in basic skills, especially in reading (Kivirauma and Ruoho 2007), and in writing and mathematics (Jahnukainen 2006).

Interestingly, the special education/early intervention is not articulated in legislation or policies, but rather, has been implemented as best practice (Simola 2005). The school can choose to develop an IEP, but it is needs-based and not diagnosis-driven. Parents are involved in the decision making, as specified in Section 17(3) of the Basic Education Act of 1998; “Before a decision to admit or transfer a pupil to a special-needs education, the parent/care taker of the pupil shall be consulted.” However, the IEP does not have a contractual nature of its U.S. counterpart, and instead is an educational blue

print for the teacher. In sum, special education in Finland was initiated by the school system. This may explain why the disability construction is educational, and the policy is grounded in an educational model. Interventions are available to all students and decisions regarding them are made by teachers. The policy is thus broad, and assigns authority and latitude to the local school.

The US policy design, as stated earlier, is highly formalized. The federal legislation and regulations outline detailed procedures for eligibility determination, assessments, IEP development and content, and parental due process rights. One explanation for this level of detail is that IDEA—as a federal policy--grew out of litigation, as disability and parent advocacy groups sued states for lack of access to public education. The subsequent law attempted to curb state-by-state variation in special education services. It was designed from a civil rights framework, which explains the detailed legislative language, as to minimize local variation, protect the rights of children with disabilities, and provide due process rights for parents. Comparing the special education legislation of the two countries thus suggests that the circumstances out of which a policy grows, influences the policy design. A policy initiated by a school system assigns authority to schools and leaves the language more vague (Finland) in order to allow situational decision making at the local level. A policy based on civil rights frame, on the other hand, assigns specific duties for various parties to protect parental and children's rights, and is therefore more procedural. A rights-based policy requires a mechanism by which to ensure non-discrimination but also a process of grievance, should those rights be violated.

Finally, policy design is related to the institutional arrangements assigned to oversee implementation. The U.S. system is highly structured with IDEA assigning specific duties and roles to the Office of Special Education Programs at the federal level, state departments of education, local education agencies, individual districts, and IEP teams at the school level. The Finnish special education policy is vague and assigns broad authority to the local level. Consequently, the institutional structure is less formal.

Policy Implications

The above findings present some interesting hypotheses for policy implications. If, as in Finland, students have access to special education interventions without a diagnosis or formally being placed in special education, a hypothesis follows that a greater number of students would be receiving such services. Similarly, if interventions are given as part of the regular school day, one could hypothesize that students with academic difficulties would spend most of their school day in their general education classrooms. We analyzed the implications of our previous findings by examining student prevalence and educational placements in the two countries.

Approximately 12 % of American school-aged children (ages 6 through 21 under IDEA) receive special education services (27th Annual Report to Congress). In Finland the ratio is 27.8 % of all school-aged children (ages 6 through 17) (Statistics Finland 2006).⁴ The proportions are thus substantially different, Finland providing special education services to a larger proportion of students.

A break down across grades explains some of this variation. As seen in Figure 1, the percentage of students with disabilities served in special education in the US remains

⁴ The proportion of students considered as having fulltime special education needs was 7.7 % of total enrollment and the rest, 20.1 % were considered as having mild or temporal difficulties and their special support was delivered as part-time remedial special education (Statistic Finland 2006).

roughly the same across ages 6 through 17, with 43 % in grades 1 through 6 and 46 % in upper grades (27th Annual Report to Congress). In Finland, in contrast, out of the total population of students served in special education (grades 1 through 10), approximately 70 % receive services in grades 1 through 6, but only 27 % in their middle school years (grades 7 through 9) (Statistics Finland 2006). The Finnish school system provides interventions in the primary grades (1-6) and then exits the majority of students, specifically those with speech, reading and writing, and math difficulties. The eligibility for special education services is considered as a right and therefore, a large amount of students including mild or temporal difficulties can be served effectively through part time interventions.

(INSERT FIGURE 1 ABOUT HERE)

A comparison of students with learning disabilities explains this pattern further, as depicted in Figure 2. In the US, students with SLD account 35 % of the special education population in ages 6-11, but 64 % in ages 12-17 (27th Annual Report to Congress). The pattern in US students with disabilities results largely from the discrepancy model used to diagnose students with SLD. Discrepancy obviously becomes more pronounced in upper grades when the curriculum becomes more demanding, and more students are referred to and accepted into special education. The opposite pattern exists in Finland, where students with reading, writing, and math difficulties comprise about 83 % of the special education population in grades 1-6 but only about 16 % in upper grades (Statistics Finland 2006).

(INSERT FIGURE 2 ABOUT HERE)

The implications of intervention versus diagnosis driven models is also visible in regard to educational placements, as seen in Table 2. Even though in both counties the vast majority of students are educated in regular school buildings (US 96 %; Finland 94 %), there is a difference in terms of the time spend inside or outside the general education class. It is far more typical for a U.S. student in special education to be outside of the general classroom more than 21 % of their school day.

(INSERT TABLE 2 ABOUT HERE)

These policy implications on student prevalence and educational placements present significant questions. It is beyond the scope of this paper to conduct an economic analysis, but policy makers and scholars alike may wish to consider the cost of these models, particularly the pros and cons of short term investments versus the long term expenditures. The prevalence figures also raise questions about an educational versus a psychological disability construction. The latter appears temporary in the educational system, as students move in and out of interventions, whereas the former appears as more or less permanent.

Recent Policy Initiatives

There are recent indications that the US is beginning to move toward an educational construction of students and implementing an intervention model before employing formal disability diagnoses. Such model was articulated in IDEA 2004, which stated that instead of using discrepancy to determine SLD, states could use scientifically-based interventions as part of the evaluation procedure to determine if the student responded to interventions or needed special education services. The intervention model moves away from the discrepancy between potential and actual achievement in

diagnosing SLD, and thus appears to be a more educational construction of learning difficulties. Although IDEA refers to scientifically based interventions, the special education scholarly literature has referred to the concept as “Response-to-Intervention” (RtI).⁵ The idea is that in Tier 1, all students receive high quality instruction in their grade level classrooms. The instruction is clearly articulated and aligned across grade levels, and evidence-based. Students are assessed periodically to keep track of their skill progress or the lack thereof. Students who fail to respond to Tier 1 instruction in a specific area, move to Tier 2, and receive frequent, intensive, and highly targeted interventions in their area of need. If a student fails to respond to these interventions as indicated by assessments, then the student is considered to move to Tier 3 which could be a form of special education service (e.g., small group, slower pace, etc.)

Colorado, West Virginia, Delaware and Georgia use tiered interventions to diagnose learning disabilities, and Florida and Indiana are considering adopting a tiered intervention-based assessment. To support this model, the 2004 reauthorized IDEA permits a local education agency to use up to 15 % of federal funds to develop and implement early intervening services to students “who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment” (20 U.S.C. 1413[f][p1]).

⁵ For a more thorough review of intervention models, see Fuchs, Douglas and Fuchs, Lynn. 2005. “Responsiveness-to-Intervention; A blueprint for Practitioners, Policymakers, and Parents.” *Teaching Exceptional Children* 38: 57-61; and Fuchs, Douglas, Mock, Devery, Morgan, Paul L. and Young, Caresa L. 2003. “Responsiveness-to-intervention: Definitions, evidence, and implications for the learning disabilities construct.” *Learning Disabilities Research & Practice* 18(3): 157-171

DISCUSSION

We began by discussing the ideological traditions of Finland and the US. In essence, equal opportunity and equity are grounded on different types of goals for schooling. These goals in turn shape policy design. For example, in a system in which responsibility is collective and schooling is grounded on the notion of absolute success, students who experience difficulties or deviate from some pre-determined norm, are provided extra resources. As we showed in the case of Finland, students are constructed from an educational stand point in this type of a system. We also showed that the originating institution of the policy shapes policy design, as courts and schools operate from a different set of assumptions. The role of courts is to protect citizens' rights, whereas the role of schools is to educate informed citizens (and a future work force). Therefore, policy originating in courts is expected to be rights-based (as in special education or desegregation policies in the US) whereas a policy initiated by the school system would be expected to be educationally based.

In regard to the U.S. policy initiative to implement tiered interventions, it will be interesting to observe how this change in policy to one of local authority changes the 30-year practice. First, parent advocacy groups in the US have consistently advocated for increased federal oversight and vehemently resisted local control (Itkonen 2007). Second, the school system has an institutional history and memory which can be very difficult to change (March and Olsen 1989). Intervention model in essence would fundamentally change the way by which special education has been organized in the US. Another challenge with the proposed shift to an educational construction rests with the fact that it was first articulated in the special education statute, IDEA 2004. Since No Child Left

Behind Act (NCLB) is still under reauthorization, intervention-based models are not included in the Elementary and Secondary Education Act (which was re-named to NCLB in 2002). Since a tiered model starts in the general classroom, and the first and biggest responsibility rests heavily on classroom teachers (not special educators), until such language is added to the education legislation, it is likely that RtI will remain as a choice only for schools where capacity (knowledge, time, resources) exists.

Finally, our study has several limitations. First, our framework is preliminary and requires further empirical testing. Second, our findings should be examined with caution as many issues distinguishing these countries (e.g., cultural, linguistic, geographic diversity) were not included in this analysis. However, we believe that our application of construction of targets and our extension to institutional structures provide a way by which to conduct systematic cross-cultural comparisons by simultaneously examining the relationships among disability construction, policy design, and institutional arrangements at the micro-level.

REFERENCES

- Creswell, John W. 2003. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. Thousand Oaks, CA: Sage Publications.
- Cuban, Larry. 2003. *Why Is It So Hard To Get Good Schools?* New York: Teachers College Press.
- Donovan, Mark C. 2001. *Taking Aim: Target Populations and the Wars on AIDS and Drugs*. Washington DC: Georgetown Press.
- Edelman, Murray. 1988. *Constructing the Political Spectacle*. Chicago: University of Chicago Press.
- Harry, Beth and Janette Klinger. 2006. *Why Are So Many Minority Students in Special Education? Understanding Race and Disability in Schools*. New York: Teachers College Press.
- Hokenmzier, Karl G. 1998. "Social security vs. educational opportunity in advanced industrial societies." *American Journal of Political Science*, 42(2): 709-711.
- Hochschild, Jennifer. and Nathan Scovronick. 2003. *The American Dream and the Public Schools*. Oxford, MA: Oxford University Press.
- Individuals with Disabilities Education Improvement Act, 20 U.S.C. §1400 (2004).
- Itkonen, Tiina. 2007. "Politics of Passion: Collective Action from Pain and Loss." *American Journal of Education*, 113(4): 577-604.
- Itkonen, Tiina and Markku Jahnukainen. 2007. "An Analysis of Accountability Policies in Finland and the United States." *International Journal of Disability, Development, and Education* 54(1): 5-23.

- Jahnukainen, Markku. 2003. "The Development of Education for All in Finland." Pp. 31-37 in *Inclusive Education in the New Millennium*, edited by In M. Hui, R. Dowson, and M. G. Moont. Hong Kong: The Association for Childhood Education International.
- Jahnukainen, Markku. 2006. "Erityisopetuksen tarve ja muutos" [The need for and changes in special needs education]. Pp. 119 – 131 in *Onko sukupuolella väliä? Hyvinvointi, terveys, pojat ja tytöt. [Does the gender matter? Well-being, health, boys and girls]* edited by S. Karvonen. Helsinki, Finland: Nuorisotutkimusverkosto, Nuorisosiain Neuvottelukunta & Stakes.
- Kivirauma, Joel and Kari Ruoho. 2007. "Excellence through Special Education? Lessons from the Finnish School Reform." *International Review of Education* 53(3): 283–302.
- March, James G. and Johan P. Olsen. 1989. *Rediscovering Institutions: The Organizational Basis of Politics*. New York, NY: The Free Press.
- McDonnell, Lorraine M. and Margaret J. McLaughlin. 1997. *Educating One and All: Students with Disabilities and Standards-Based Reform*. Washington DC: National Academy Press.
- McDonnell, Lorraine M. and Richard F. Elmore. 1987. "Getting the Job Done: Alternative Policy Instruments." *Educational Evaluation and Policy Analysis*, 9(2): 133-152.
- McLaughlin, Margaret J., Alan Dyson, Alan, Katherine Nagle, Martha Thurlow, Martyn Rouse, Michael Hardman, et al. 2006. "Cross-Cultural Perspectives on the

- Classification on Children with Disabilities: Part II Implementing Classification Systems in Schools.” *The Journal of Special Education* 40(1): 46-58.
- Melnick, R. Shep. 1994. *Between the Lines: Interpreting Welfare Rights*. Washington DC: The Brookings Institution.
- Morse, Janice M. 2003. “Principles of Mixed Methods and Multimethod Research Design.” Pp. 189-208 in *Handbook of Mixed Methods in Social & Behavioral Research*, edited by A. Tashakkori and C. Teddlie. Thousand Oaks, CA: Sage Publications.
- National Center for Education Statistics. Retrieved April 5, 2008
(<http://nces.ed.gov/surveys/ruraled/TablesHTML/2bealestudents.asp>)
- No Child Left Behind Act, 20 U.S.C. § 6301. 2002.
- Organization for Economic Development. 2004. *Equity in Education: Students with disabilities, Learning Difficulties and Disadvantages: Statistics and Indicators*. Paris, France: OECD.
- Perusopetuslaki [Basic Education Act]. 1998. Finland: Government Printing Office.
- Powell, Justin J. 2006. “Special Education and the Risk of Becoming Less Educated.” *European Societies* 8(4): 577-599.
- Program for International Student Achievement, 2003.
<http://www.pisa.oecd.org/dataoecd/58/57/33918098.pdf>
- Schneider, Anne and Helen Ingram. 1993. “Social Construction of Target Populations: Implications for Politics and Policy.” *American Political Science Review* 87: 334-347.
- Silverstein, Robert. (2000). “Emerging Disability Policy Framework: A Guidepost for Analyzing Public Policy.” *Iowa Law Review*, 85(5): 1691-1806.

- Simola, Hannu. 2005. "The Finnish Miracle of PISA: Historical and Sociological Remarks on Teaching and Teacher Education." *Comparative Education* 41(4): 455-470.
- Statistics Finland. 2004. *Erityisopetus [Special education]*. Retrieved April 8, 2008 (<http://www.stat.fi/til/erop/index.html>).
- Statistics Finland. (2006) *Erityisopetus [Special education]*. Retrieved April 8, 2008 (<http://www.stat.fi/til/erop/index.html>).
- Statistics Finland. (2007) *Erityisopetus [Special education]*. Retrieved April 8, 2008 (<http://www.stat.fi/til/erop/index.html>).
- Statistics Finland. (2007). *Richest Countries*. Retrieved August 18, 2007. (http://www.stat.fi/tup/maanum/kuviot_en.html#richest)
- Stone, Deborah. 1984. *The Disabled State*. Philadelphia, PA: Temple University Press.
- U.S. Department of Education. 2007. *Twenty-seventh Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act*. Washington, DC: U.S. Government Printing Office.

Table 1. *Cross-National OECD Levels of Special Education Needs in the US and Finland in 2008*

Country	Level A (Disability)	Level B (Difficulty)	Level C (Disadvantage)
Finland	Slightly delayed development* Severely delayed development* Hearing Impairment Visual impairment Physical and other impairment Learning difficulties related to autism or the Asperger's syndrome** Other impairment	Emotional and/or social disturbance Speech difficulties Reading and writing difficulties Learning difficulties caused by impaired linguistic development (dysphasia)** Learning difficulties in mathematics Learning difficulties in foreign languages Emotional and social difficulties Other special difficulties Remedial teaching	Remedial teaching for immigrants
United States	Mental retardation Speech or language impairment Visual impairments Orthopedic impairments Other health impairments Deaf/blindness Multiple disabilities Hearing impairments Autism Traumatic brain injury Developmental delay	Emotional disturbance Specific learning disability	Disadvantaged students served under Title I

Notes: * Before 2001 mental impairment. ** New categories

Table 2. *Percentage of Students with Disabilities and Special Education Service Location*

Service Location	United States	Finland
Public school building	96	94
Outside of general education class for < 21 % of school day	49	81
Outside of general education class 21- 60 %	28	5
Outside of general education class for > 60%	19	8
Separate environments	4 a	6 b

a. Includes public and private residential facilities, other separate facilities, and homebound and hospital environments

b. Includes residential and hospital schools.

Figure 1. Percentage of Students Receiving Special Education Services across Grade Levels, 2003-2004.

Note: We use grades rather than ages in comparison, since U.S. children enter first grade a year earlier than their Finnish counterparts.

Figure 2. Percentage of Students with SLD (the US) and Reading, Writing, Math Difficulties (Finland) Receiving Special Education Services across Grades, 2003-2004.