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Reversing Reverse Mainstreaming

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Abstract. For almost five decades, school districts in the United States have been required by federal law to integrate disabled students into mainstream classrooms. Many educational agencies, however, have also done the opposite: They have included nondisabled students in special education settings. This practice, now known as “reverse mainstreaming,” has historical roots in nineteenth-century educational programs and is still used across the country.

This Article is the first to investigate reverse mainstreaming as a form of integration. Drawing on a historical account and a systematic analysis of hundreds of administrative decisions, this Article documents the circumstances that gave rise to this practice and analyzes its normative underpinnings. In doing so, this Article exposes a conundrum: On the one hand, educators and judges have long justified reverse mainstreaming by pointing to its potential to reduce prejudice through structured interactions between disabled and nondisabled students. On the other hand, reverse mainstreaming often treats disabled students as inferior to their nondisabled peers and imposes mainstream norms at the expense of disability culture. Thus, rather than reducing prejudice, such structured interactions may perpetuate the very stigma and misconceptions they are designed to eradicate. Moreover, as this Article details, reverse mainstreaming can lead to an inequitable distribution of scarce resources.

Combining insights from social psychology and disability studies, this Article proposes guidelines for legal and policy reform aimed at ensuring that intergroup interactions in

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educational settings take more egalitarian forms. As policymakers continue to grapple with desegregating America's schools along race and class lines, these insights have important implications that extend beyond the disability arena.

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Introduction

For almost fifty years, school districts in the United States have been required to “mainstream”¹ disabled students² into general education classrooms.³ Many educators, however, have done the opposite: They have included *nondisabled*⁴ students in “special education” settings.⁵ In some cases,

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1. Although “mainstreaming” is not a defined term under federal law, it has traditionally been used by practitioners and legal decisionmakers to refer to the integration of disabled students into general education classrooms to the maximum extent appropriate. See Roland K. Yoshida, Kay E. Ketzenberger & Kimberly F. Applequist, *Mainstreaming*, in 3 *ENCYCLOPEDIA OF SPECIAL EDUCATION* 1596, 1596-97 (Cecil R. Reynolds, Kimberly J. Vannest & Elaine Fletcher-Janzen eds., 4th ed. 2014); DISABILITY RTS. CAL., *Information on Least Restrictive Environment: What Do the Terms “Mainstreaming,” “Integration,” “Full Inclusion,” and “Reverse Mainstreaming” Mean?*, in SPECIAL EDUCATION RIGHTS & RESPONSIBILITIES ch. 7.2, <https://perma.cc/5ELL-H4JC> (archived Mar. 12, 2023). In recent years, there seems to be a movement toward the use of the word “inclusion,” rather than “mainstreaming,” although not everyone agrees that these terms are interchangeable. See *infra* notes 168-69 and accompanying text; Samuel L. Odom, *Preschool Inclusion: What We Know and Where We Go from Here*, 20 TOPICS EARLY CHILDHOOD SPECIAL EDUC. 20, 22 (2000) (discussing different approaches to defining “inclusion”).
 2. To qualify as a “child with a disability” under the Individuals with Disabilities Education Act (IDEA), a child must have one of the impairments enumerated in the statute and must need, as a result of that impairment, “special education and related services.” 20 U.S.C. § 1401(3)(A); see also *id.* § 1401(3)(B) (broadening eligibility criteria for children ages three through nine). When I refer to “disabled students” in this Article, I refer to the IDEA definition. I prefer to use identity-first language (“disabled people”) over people-first language (“people with disabilities”) for the reasons articulated by Emily Ladau. EMILY LADAU, *DEMISTIFYING DISABILITY: WHAT TO KNOW, WHAT TO SAY, AND HOW TO BE AN ALLY* 10-13 (2021).
 3. For a detailed analysis of this requirement, see generally Ruth Colker, *The Disability Integration Presumption: Thirty Years Later*, 154 U. PA. L. REV. 789 (2006); and MARTHA MINOW, IN *BROWN’S WAKE: LEGACIES OF AMERICA’S EDUCATIONAL LANDMARK* 69-83 (2010). See also *infra* Part I. In this Article, I try to avoid using the term “regular education classrooms,” because it may imply that any kind of non-mainstream education is irregular or “abnormal.” However, because the term “regular” is part of the legislative language, it appears several times throughout this text.
 4. Throughout this Article, I use the terms “nondisabled” and “mainstream” interchangeably to refer to students who do not meet the IDEA definition of a “child with a disability” and are therefore placed in a general education classroom (or would have studied in such a classroom but for reverse mainstreaming). It is impossible to verify that this was indeed the case for each of the sources in this Article that used the term “nondisabled” students. In the context of reverse mainstreaming, however, this reflects the common usage of judges, researchers, and educators. See, e.g., Bd. of Educ. of Centerville City Sch. Dist. v. Bd. of Educ. of State, No. C-3-92-442, 1993 WL 1318610, at *9 (S.D. Ohio Aug. 24, 1993) (“Reverse mainstreaming describes the participation of children from ‘regular’ or non-disabled classes in classes for students with disabilities . . .”).
 5. I use “special education” for practical reasons while recognizing that there is “a certain irony to the choice of the term *special* to describe educational placements that rarely

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most notably in the preschool setting, nondisabled children have been enrolled full time in special education programs.⁶ In other instances, general education students have been sent periodically to special education classrooms for select activities.⁷ This practice, now known as “reverse mainstreaming,”⁸ has historical roots in nineteenth-century educational programs and is still used across the country.⁹

As this Article details, judges and educators have long assumed that reverse mainstreaming fulfills certain legal requirements and benefits both disabled and nondisabled children. On the legal side, decisionmakers have held that this practice satisfies,¹⁰ under certain circumstances, the “integration presumption” of the Individuals with Disabilities Education Act (IDEA).¹¹ Under that rule, to the maximum extent “appropriate,” disabled children must be educated alongside nondisabled peers.¹² On the pedagogical level, reverse mainstreaming has been lauded for promoting ostensibly valuable interactions between disabled and nondisabled students. The theory is that disabled

appear desirable.” SIMI LINTON, *MY BODY POLITIC* 159 (2006). Under the IDEA, “special education” is defined as “specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability.” 20 U.S.C. § 1401(29).

6. See *infra* note 74 and accompanying text.

7. See *infra* note 75 and accompanying text.

8. For other terms, see Part III.D and Appendix B (Table 1) below.

9. See *infra* Part II.B.

10. See *infra* Part III.E.

11. 20 U.S.C. § 1412(a)(5)(A). Disability education in the United States is governed primarily by federal law, and this is particularly true with regard to disability integration. Aside from the IDEA, such integration can be enforced through two other laws, namely Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-12150). The regulations implementing these laws require public entities and recipients of federal funds to administer programs and activities “in the most integrated setting appropriate to the needs” of disabled individuals. 28 C.F.R. §§ 35.130(d), 41.51(d); see also Claire Raj, *The Lost Promise of Disability Rights*, 119 MICH. L. REV. 933, 982 (2021) (“[A]ll three laws contain overlapping protections guaranteeing students with disabilities the right to be educated in the least restrictive environment . . .”). However, reverse mainstreaming litigation has focused almost exclusively on the IDEA. See *infra* Parts III.D-E. One possible reason is the IDEA’s “exhaustion clause,” which stipulates that no claim seeking relief that is available under the IDEA can be brought under other statutes until the IDEA’s administrative procedures have been exhausted. 20 U.S.C. § 1415(l); see also Raj, *supra*, at 937 (criticizing courts’ interpretation of this clause).

12. 20 U.S.C. § 1412(a)(5)(A). This rule also stipulates that the removal of a disabled child from the general education environment is permitted only when the nature or severity of the student’s impairment is such that education in a general classroom, with supplementary aids and services, cannot be achieved satisfactorily. *Id.*; *infra* note 53 and accompanying text.

students will benefit from imitating their nondisabled peers and that nondisabled children's attitudes toward disability will shift.¹³

In this Article, however, I show that this theory has a fundamental flaw. Reverse mainstreaming is largely built on an ideology that assumes and reinforces the inferiority of disabled children and prioritizes mainstream norms over disability culture.¹⁴ In other words, when disabled and nondisabled students begin to interact, they are often already assigned—explicitly or implicitly—stereotypical roles. Whereas nondisabled students are perceived as kind, helpful, and obedient, their disabled peers are frequently viewed as incompetent, dependent, and potentially disruptive.¹⁵ Rather than reducing prejudice, such interactions perpetuate the very stigma and misconceptions they aim to eradicate.

This Article describes how face-to-face interactions, one of the most important debiasing tools in the antidiscrimination toolbox, have been used to serve purposes that are fundamentally not egalitarian.¹⁶ For some school administrators, reverse mainstreaming programs have been a means to save public money—at the expense of disabled children's needs.¹⁷ Others have used this practice to provide *nondisabled* students with access to scarce educational resources otherwise available only to students with impairments.¹⁸ These examples illustrate that, in addition to fueling disability stigma, the interactions facilitated by reverse mainstreaming have distributional consequences. And yet, reverse mainstreaming has largely evaded scholarly and public scrutiny.¹⁹

In investigating reverse mainstreaming, this Article relies on special education law's own normative criteria to offer an immanent critique of this practice,²⁰ applying four principles that are commonly used by courts and

13. *See infra* Parts IV.A-B.

14. *See infra* Parts IV.A-B.

15. *See infra* Part IV.B.

16. For the conception of equality adopted in this Article, see note 224 below.

17. *See infra* notes 345-47, 360-61 and accompanying text.

18. *See infra* Parts II.B.2, IV.C.

19. A few books and law review articles refer to reverse mainstreaming incidentally, but none of them attempts to describe it as a distinct phenomenon. *See, e.g.*, RUTH COLKER, WHEN IS SEPARATE UNEQUAL? A DISABILITY PERSPECTIVE 6 (2009) (describing a reverse mainstreaming program that was employed in her son's preschool, albeit not using the term "reverse mainstreaming"); Elizabeth F. Emens, *Integrating Accommodation*, 156 U. PA. L. REV. 839, 866 & n.69 (2008) (noting the need for empirical study of whether inviting nondisabled students to a special education classroom could counteract the stigma of disability).

20. *See infra* note 224.

scholars to justify disability integration.²¹ In addition to this normative framework, my methodology also draws upon two descriptive accounts. First, using a novel historical analysis of reverse mainstreaming, this Article documents the circumstances that gave rise to this practice, some of which involved goals other than integration.²² Second, this Article uses an original dataset of administrative hearing officer decisions²³ to identify patterns in the way reverse mainstreaming has been used and adjudicated.²⁴ These empirical data show that legal decisionmakers have largely upheld reverse mainstreaming as a way to meet the IDEA's integration presumption, without inquiring into the detrimental consequences of this practice.²⁵

Reverse mainstreaming is a phenomenon worth exploring in its own right, but it also contributes to our understanding of why intergroup interactions in schools have so far failed to promote disability inclusion and social acceptance.²⁶ In recent years, scholars have attempted to answer that question by pointing to a number of factors, including nondisabled students' parents (who are presumed to transmit negative attitudes to their children²⁷), insufficient or improper use of services,²⁸ the limited social or behavioral skills of disabled students,²⁹ nondisabled people's jealousy of the accommodations

21. See *infra* Part IV.

22. See *infra* Part II.B.

23. For more on the state-level "due process" hearing, which is the primary form of dispute resolution under the IDEA, see Part III.A below.

24. For more on the study conducted for this Article, see Part III and Appendix A below.

25. See *infra* Parts III.E, IV.

26. See Jasmine E. Harris, *The Aesthetics of Disability*, 119 COLUM. L. REV. 895, 913 (2019) ("[T]he physical integration of students with disabilities into neighborhood schools largely resulted in shared physical space rather than inclusion."); Shirli Werner & Katrina Scior, *Interventions Aimed at Tackling Intellectual Disability Stigma: What Works and What Still Needs to Be Done*, in INTELLECTUAL DISABILITY AND STIGMA: STEPPING OUT FROM THE MARGINS 129, 137 (Katrina Scior & Shirli Werner eds., 2016) ("[P]hysical inclusion alone is not enough and . . . more should be done to combat negative attitudes and behaviors."); Odom, *supra* note 1, at 24 (explaining that available data may suggest that "most children with disabilities fail to meet the social integration criterion"); Virginia Buysse, Barbara Davis Goldman & Martie L. Skinner, *Setting Effects on Friendship Formation Among Young Children with and Without Disabilities*, 68 EXCEPTIONAL CHILD. 503, 505 (2002) ("[A]lthough inclusive settings may enhance social interactions between children with disabilities and their typically developing peers, social separation continues to exist . . .").

27. See, e.g., Michael J. Guralnick, *A Framework for Change in Early Childhood Inclusion*, in EARLY CHILDHOOD INCLUSION: FOCUS ON CHANGE 3, 26 (Michael J. Guralnick ed., 2001).

28. See, e.g., Thomas Hehir, *Eliminating Ableism in Education*, 72 HARV. EDUC. REV. 1, 10-11 (2002); MARA SAPON-SHEVIN, *WIDENING THE CIRCLE: THE POWER OF INCLUSIVE CLASSROOMS* 74, 86 (2007).

29. See, e.g., Anne Proffitt Dupre, *Disability and the Public Schools: The Case Against "Inclusion,"* 72 WASH. L. REV. 775, 821 n.265 (1997).

provided to disabled students,³⁰ and the “aesthetics of disability”—the recent proposition that interpersonal interactions with disabled individuals are mediated by the presence of “sensory and behavioral markers” that trigger negative affective responses.³¹

This Article offers another explanation³²: Structured intergroup interactions in disability education do not work, I argue, because such interventions are based on an ableist³³ philosophy that assumes one group is superior to the other. In effect, the supposed solution is part of the problem. Similar situations, where even well-intended interactions between members of different social groups may exacerbate social inequality, have been studied by social psychologists.³⁴ Utilizing insights from that literature and from disability studies,³⁵ this Article identifies the conditions under which reverse mainstreaming leads to harmful consequences. It then proposes a reform agenda designed to promote more egalitarian forms of intergroup contact in educational settings and, thus, redeem reverse mainstreaming and other forms of integration.³⁶

30. See Doron Dorfman, *Fear of the Disability Con: Perceptions of Fraud and Special Rights Discourse*, 53 L. & SOC'Y REV. 1051, 1061 (2019) (noting that the provision of disability accommodations, including extra time on exams, may result in suspicion and resentment toward disabled people); MICHELLE R. NARIO-REDMOND, ABLEISM: THE CAUSES AND CONSEQUENCES OF DISABILITY PREJUDICE 185 (2020).

31. Harris, *supra* note 26, at 897. Importantly, Harris's “aesthetics” theory extends beyond the education arena, including employment and public accommodations. *Id.* at 928-29, 942, 945, 963-67; see also *infra* notes 373-75 and accompanying text (summarizing Harris's aesthetics theory).

32. In doing so, I do not intend to refute any of the other theories aimed at explaining this puzzle.

33. For the purpose of this Article, I adopt Hehir's definition of ableism in the education context:

[S]ocietal attitudes that uncritically assert that it is better for a child to walk than roll, speak than sign, read print than read Braille, spell independently than use a spell-check, and hang out with nondisabled kids as opposed to other disabled kids, etc. In short, in the eyes of many educators and society, it is preferable for disabled students to do things in the same manner as nondisabled kids.

Hehir, *supra* note 28, at 3.

34. *Infra* notes 305-10, 313-15 and accompanying text.

35. Disability studies is an interdisciplinary field of inquiry that explores the “social, cultural, and political dimensions of the concept of disability.” Rachel Adams, Benjamin Reiss & David Serlin, *Introduction to KEYWORDS FOR DISABILITY STUDIES* 1, 2 (Rachel Adams, Benjamin Reiss & David Serlin eds., 2015). By drawing upon the perspectives and lived experiences of disabled people, it serves as a critique of the “constricted, inadequate, and inaccurate” conceptualizations of disability that dominate the popular imagination. SIMI LINTON, *CLAIMING DISABILITY: KNOWLEDGE AND IDENTITY* 2 (1998).

36. See *infra* Part V.

The lessons from this analysis extend beyond the disability arena. For example, my findings are useful in understanding the limits and consequences of the recent trend toward “school gentrification,”³⁷ where white students from middle-class families enroll in urban, predominantly low-income schools.³⁸ This new form of integration is increasingly drawing the attention of researchers.³⁹ By telling the story of reverse mainstreaming in the disability context, I hope to contribute to our broader understanding of how to integrate schools and classrooms.⁴⁰

The Article proceeds in five parts. Part I outlines the statutory framework that governs integration in disability education. Part II introduces reverse mainstreaming and delves into the history of this practice. Part III systematically analyzes administrative and judicial decisions to understand the ways reverse mainstreaming interacts with the IDEA. In doing so, it identifies the type of interactions that reverse mainstreaming practices promote and the most frequent scenarios that give rise to legal disputes. It also documents the reaction of legal decisionmakers to this practice.

Relying on these descriptive accounts, Part IV evaluates reverse mainstreaming from an egalitarian perspective. It identifies four principles that are often invoked to justify the IDEA’s integration presumption and uses these principles as a normative framework to evaluate reverse mainstreaming. It then shows why, even though reverse mainstreaming holds a special allure for educators and legal decisionmakers, its consequences fail to meet the egalitarian principles that justify integration. Lastly, Part V presents the implications of this analysis for intergroup contact in special and general education classrooms. In doing so, it identifies insights from reverse mainstreaming that may be useful for future research on “school gentrification” in the race and class contexts.

37. In this Article, I use the term “school gentrification” loosely to describe any recent involvement of white middle-class families in urban, predominantly low-income schools. Cf. Linn Posey-Maddox, Shelley McDonough Kimelberg & Maia Cucchiara, *Middle-Class Parents and Urban Public Schools: Current Research and Future Directions*, 8 SOCIO. COMPASS 446, 454 (2014) (identifying four necessary conditions for “school gentrification”).

38. *Id.* at 446; see also *infra* notes 245, 409-10 and accompanying text (discussing this trend).

39. See Posey-Maddox et al., *supra* note 37, at 447-51; *infra* notes 410-12 and accompanying text.

40. See *infra* Part V.

I. The Statutory Framework for Integration in Disability Education

Any attempt to critically analyze reverse mainstreaming must begin with the relevant statutory framework that governs traditional integration in disability education, namely the IDEA.

Historically, the majority of disabled children in the United States were denied educational opportunities; even if they did receive education, most disabled students were taught in disability-only settings.⁴¹ Things started to change in the late 1960s as a result of the work of educators, parents, and activists who advocated for moving disabled children out of institutions and into mainstream classrooms.⁴² This advocacy laid the groundwork for Congress to adopt the Education for All Handicapped Children Act (EAHCA) in 1975,⁴³ the statute now known as IDEA.⁴⁴ For the first time, all disabled children were entitled to a “free appropriate public education” (FAPE) under federal law.⁴⁵ The Supreme Court has interpreted the FAPE mandate to require school districts to offer instruction and services that are “individually designed to provide educational benefit” to a disabled child.⁴⁶ Applying this somewhat vague standard, the Court has recently held that schools must offer a program that allows a disabled child to make progress appropriate in light of their circumstances.⁴⁷ To facilitate the provision of services, Congress has promised to supply up to 40% of the funds required to educate disabled children.⁴⁸ However, in the almost five decades since the IDEA’s passage, Congress has reneged on its commitment to deliver this level of funding.⁴⁹

41. See Michael A. Rebell & Robert L. Hughes, *Special Educational Inclusion and the Courts: A Proposal for a New Remedial Approach*, 25 J.L. & EDUC. 523, 524, 527-30 (1996); COLKER, *supra* note 19, at 83-92.

42. COLKER, *supra* note 19, at 88-98.

43. Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142, 89 Stat. 773 (codified as amended in scattered sections of 20 U.S.C.).

44. Education of the Handicapped Act Amendments of 1990, Pub. L. No. 101-476, 104 Stat. 1103 (codified as amended in scattered sections of 20 U.S.C.).

45. Education for All Handicapped Children Act of 1975 § 3(c), 89 Stat. at 775; see MARGRET A. WINZER, *THE HISTORY OF SPECIAL EDUCATION: FROM ISOLATION TO INTEGRATION* 382 (1993); RUTH COLKER, *DISABLED EDUCATION: A CRITICAL ANALYSIS OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT* 39-40 (2013).

46. *Bd. of Educ. v. Rowley ex rel. Rowley*, 458 U.S. 176, 201 (1982).

47. *Joseph F. ex rel. Endrew F. v. Douglas Cnty. Sch. Dist.*, 580 U.S. 386, 403 (2017).

48. See 20 U.S.C. §§ 1411(a)(2)(A)(ii)-(B)(ii) (authorizing the provision of federal funds); NAT’L COUNCIL ON DISABILITY, *BROKEN PROMISES: THE UNDERFUNDING OF IDEA* 17-28 (2018), <https://perma.cc/RG7E-87Q7> (detailing the history of IDEA funding).

49. NAT’L COUNCIL ON DISABILITY, *supra* note 48, at 13 (noting that the federal government pays less than half of what was originally promised).

Inspired by *Brown v. Board of Education*,⁵⁰ Congress also included the “least restrictive environment” requirement (sometimes known as the “integration presumption” or “mainstreaming” requirement⁵¹) in the IDEA.⁵² Under that rule, participating states are required to ensure that:

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.⁵³

This requirement has been understood by circuit courts to create a presumption of integration of disabled students into general education classrooms.⁵⁴ The presumption is rebuttable: Educational agencies can remove a disabled child from a mainstream classroom if the nature or severity of the child’s impairment mandates placement in a more restrictive (segregated) setting.⁵⁵ Neither Congress nor the Supreme Court, however, has provided a bright-line rule for making that decision.⁵⁶ Several circuit

50. 347 U.S. 483 (1954).

51. See, e.g., *Oberti v. Bd. of Educ.*, 995 F.2d 1204, 1209 n.6 (3d Cir. 1993) (noting that “[c]ompliance with IDEA’s mainstreaming requirement is sometimes referred to as placement in the ‘least restrictive environment’”); MINOW, *supra* note 3, at 75 (discussing the least restrictive environment rule and noting that “[v]ariations on this process are known as mainstreaming or inclusion”); COLKER, *supra* note 19, at 103-05 (referring to the “least restrictive alternative rule,” the “mainstreaming rule,” and the “integration presumption” interchangeably). Although Colker uses the term least restrictive “alternative” in this passage, rather than least restrictive “environment,” it is clear from other passages that she uses the two terms interchangeably. *Id.* at 89 & n.40, 128.

52. COLKER, *supra* note 45, at 26. The least restrictive environment mandate was originally introduced in 1974. Education Amendments of 1974, Pub. L. No. 93-380, § 614(a), 88 Stat. 484, 582 (codified as amended at 20 U.S.C. § 1412); see COLKER, *supra* note 45, at 26. The EAHCA, which was enacted one year later, “repeated the least restrictive educational environment rule contained in the 1974 amendments.” *Id.* at 40.

53. 20 U.S.C. § 1412(a)(5)(A).

54. Stacey Gordon, *Making Sense of the Inclusion Debate Under IDEA*, 2006 BYU EDUC. & L.J. 189, 201, 208.

55. *Bd. of Educ. v. Rowley ex rel. Rowley*, 458 U.S. 176, 181 n.4 (1982).

56. Gordon, *supra* note 54, at 190. As a result, a split has arisen among federal appellate courts as to the appropriate test for answering this question. Compare *Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036, 1045-50 (5th Cir. 1989) (devising a test for determining compliance with the integration presumption), with *Sacramento City Unified Sch. Dist. Bd. of Educ. v. Holland ex rel. Rachel H.*, 14 F.3d 1398, 1404 (9th Cir. 1994) (devising a different test). See also Gordon, *supra* note 54, at 201-10 (reviewing these tests). Essentially, most courts consider the academic and nonacademic benefits available for a

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courts developed a two-part test to determine whether a school district is in compliance with the integration presumption: (1) whether education can be satisfactorily achieved in a mainstream classroom with the use of supplementary aids and services and (2) if the answer to the first question is no, “whether the school has made efforts to include the child in school programs with nondisabled children whenever possible.”⁵⁷

What happens after a legal decisionmaker concludes that a disabled child cannot be educated in a mainstream classroom? The short answer, of course, is that the child is placed in a more restrictive environment.⁵⁸ But what that environment looks like can vary dramatically. The regulations promulgated by the Department of Education lack specificity. They simply require that school districts offer a “continuum of alternative placements,” ranging from general education classrooms to “special” schools and home instruction to the most restrictive settings: hospitals and institutions.⁵⁹ Figure 1 illustrates this continuum:

Figure 1
The Continuum of Placements

Less Restrictive		More Restrictive	
<hr/>			
General Classrooms	Special Classrooms	Special Schools	Institutions

Any of the above settings may be the “least restrictive environment” for a particular student, depending on the student’s individual needs. Importantly, integration (or mainstreaming) is not an “all-or-nothing” process. For example, a disabled child may be mainstreamed for only part of their school day.⁶⁰ The exact degree of integration is typically determined in the child’s Individualized

disabled child in the general classroom, as well as the effect of the child’s presence in that classroom. *Id.*

57. *Oberti ex rel. Oberti v. Bd. of Educ.*, 995 F.2d 1204, 1215 (3d Cir. 1993); *see also Daniel R.R.*, 874 F.2d at 1048 (establishing the same test using different language).

58. *See, e.g., Roncker ex rel. Roncker v. Walter*, 700 F.2d 1058, 1061, 1063 (6th Cir. 1983) (noting that, given that a disabled child could not be placed in a mainstream classroom, the district court must determine which of two separate settings is appropriate for the child).

59. 34 C.F.R. § 300.115 (2018).

60. *See, e.g., Hartmann ex rel. Hartmann v. Loudoun Cnty. Bd. of Educ.*, 118 F.3d 996, 1005 (4th Cir. 1997) (upholding an Individualized Education Program that would have placed a disabled child in a general classroom for nonacademic classes).

Education Program (IEP),⁶¹ which is devised at least annually by a team of educators, school district representatives, and the child's parents.⁶²

II. Introducing Reverse Mainstreaming

This Part defines “reverse mainstreaming,” identifies a typology, and traces the history of this practice.

A. Definition and Typology

Unlike traditional “mainstreaming,”⁶³ reverse mainstreaming does not involve integrating disabled students into mainstream classrooms. Instead, it involves one particular form of “integration”: structured interactions between students with and without impairments in educational settings designed for disabled students.⁶⁴

Defining reverse mainstreaming is a difficult task. Indeed, multiple definitions permeate the literature,⁶⁵ but virtually all of them are too narrow. The Encyclopedia of Special Education, for example, defines reverse mainstreaming as a “procedure that introduces typically developing students into special classrooms to work with students with severe disabilities.”⁶⁶ But the term “typically developing” implies that reverse mainstreaming involves only disabled students whose impairments are viewed in the medical discourse as “developmental,” such as autism.⁶⁷ In practice, however, such programs also integrate children with other intellectual, physical, and sensory impairments.

61. 20 U.S.C. § 1414(d)(1)(A)(i)(V); 34 C.F.R. § 300.320(a)(4) (2020).

62. 20 U.S.C. §§ 1414(d)(1)(B)–(4)(A)(i).

63. See *supra* note 1.

64. See, e.g., Kimberly D. Schoger, *Reverse Inclusion: Providing Peer Social Interaction Opportunities to Students Placed in Self-Contained Special Education Classrooms*, 2 TEACHING EXCEPTIONAL CHILD. PLUS no. 6, art. 3, at 1, 4–5 (2006) (describing a program aimed at promoting interactions between disabled and nondisabled students in a variety of settings, including a self-contained classroom); Beth B. v. Van Clay, 282 F.3d 493, 496 (7th Cir. 2002) (noting that reverse mainstreaming was employed to facilitate social interactions).

65. See, e.g., Guralnick, *supra* note 27, at 10 (describing “reverse inclusion” as a “specialized program to which a relatively small group (usually 25%–40% of the total) of typically developing children is added”); EDWARD L. SCOUTEN, TURNING POINTS IN THE EDUCATION OF DEAF PEOPLE 369 (1984) (referring to reverse mainstreaming as “the strategy of bringing one or more hearing children into the classroom with the hearing-impaired for one or more periods of instruction each day”).

66. Nancy L. Hutchinson & Bernice Y.L. Wong, *Reverse Mainstreaming*, in ENCYCLOPEDIA OF SPECIAL EDUCATION, *supra* note 1, at 2261, 2261–62.

67. *What is Autism Spectrum Disorder?*, CDC, <https://perma.cc/WUF8-BTTB> (last updated Dec. 9, 2022).

In fact, hearing and sighted children are sometimes integrated into classrooms designed for students with hearing or visual impairments.⁶⁸ Some programs even involve students with food allergies.⁶⁹

In addition to different types of impairments, reverse mainstreaming programs also vary in other respects, including nomenclature, classroom composition, age of students, and type of intergroup interactions.⁷⁰ Perhaps the most significant difference, however, pertains to the frequency of the interactions. At one end of the continuum are “special education” classrooms⁷¹ where nondisabled students study alongside their disabled peers every day.⁷² In Figure 2 below, such classrooms are referred to as “integrated classrooms.” At the other end of the continuum are special education classrooms where the disabled children receive only sporadic visits from nondisabled children.⁷³

68. See, e.g., *Student v. San Mateo-Foster City Sch. Dist.*, SN 1076-97 (Cal. Dep’t of Educ., Special Educ. Hearing Off. Apr. 21, 1998), <https://perma.cc/WJE7-PZ7F> (“JWPOSD is a reverse mainstreaming school; the majority of the students have a hearing impairment and other hearing students are integrated into the classes.”); *Bos. Pub. Schs.*, 6 M.S.E.R. 143, 147 (Mass. Dep’t of Educ. 2000) (describing a reverse mainstreaming program whereby hearing students join a classroom for children with hearing impairments); Cinda L. Hubbard, *Reverse Mainstreaming Sighted Children into a Visually Impaired Special Day Class*, 77 J. VISUAL IMPAIRMENT & BLINDNESS 193, 193 (1983) (describing a program whereby sighted students visit a classroom for visually impaired students).

69. See, e.g., *Student with a Disability*, No. 1213-16, 114 LRP 19510, at *2, 6 (Ky. State Educ. Agency Feb. 12, 2014) (discussing the potential participation of an autistic child with a severe peanut allergy in a reverse mainstreaming program).

70. See *infra* Appendix B (providing data).

71. I consider a classroom to be a “reverse mainstreaming” setting if the number of students with impairments is greater than or equal to the number of students without impairments. Cf. Samuel L. Odom & Matthew L. Speltz, *Program Variations in Preschools for Handicapped and Nonhandicapped Children: Mainstreamed vs. Integrated Special Education*, 3 ANALYSIS & INTERVENTION DEVELOPMENTAL DISABILITIES 89, 94 (1983) (proposing a similar distinction). However, in a few instances, I consider a classroom to be a “reverse mainstreaming” setting even if the number of students without impairments is greater than the number of students with impairments as long as two conditions are met: (1) the class has other characteristics of a special education classroom (e.g., a special education teacher); (2) the classroom was previously identified as “reverse mainstreaming” by others. I do not consider New York’s integrated co-teaching (“ICT”) classrooms as reverse mainstreaming, even though such classrooms include both disabled and nondisabled students, and even though they must be staffed with at least one special education teacher. N.Y. COMP. CODES R. & REGS. tit. 8, § 200.6(g) (2022). The reason is that such classrooms are also staffed with a general education teacher and the number of nondisabled students may outweigh the number of disabled students, which must not exceed twelve. *Id.* § 200.6(g)(1)-(2).

72. See *infra* note 74 and accompanying text. I am indebted to Jasmine Harris for helping me recognize that reverse mainstreaming practices exist on a continuum.

73. See *infra* note 273 and accompanying text (citing cases in which general education students visited special education settings once a month).

Figure 2
The Continuum of Reverse Mainstreaming Practices

Traditional Integration		Separation
Integrated Classrooms		Sporadic Visits
	Frequent Visits	

In this Article, I define reverse mainstreaming broadly to include all practices along this continuum. My definition thus refers to any participation of *nondisabled* children in educational programs designed for disabled students. For analytical purposes, however, this Article divides reverse mainstreaming into two major types based on frequency: full and partial. *Full* reverse mainstreaming involves the full-time enrollment of nondisabled children in a special education setting, usually a preschool.⁷⁴ *Partial* reverse mainstreaming includes frequent as well as sporadic visits by general education students to a special education setting.⁷⁵ This typology is important because it reflects one tradeoff that educators face when designing reverse mainstreaming programs: Partial reverse mainstreaming offers higher levels of flexibility, while full reverse mainstreaming offers higher degrees of intergroup contact.

B. A Historical Account

This Subpart provides a novel historical account of reverse mainstreaming in disability education. The discussion here, however, is not intended as an exhaustive review of this history, but rather as a means (1) to identify the motivating forces behind the rise of reverse mainstreaming, including Congress’s actions in the 1970s and 1980s; and (2) to trace the growth of this practice in the past five decades. By analyzing the history of reverse mainstreaming, we will see that many of the current problems with this practice—discussed in detail later—can be traced to the early pedagogies.

74. See, e.g., *Blackmon ex rel. Blackmon v. Springfield R-XII Sch. Dist.*, 198 F.3d 648, 653 n.3 (8th Cir. 1999) (noting that a “reverse mainstream” classroom contained “a majority of developmentally disabled children, and a minority of children with ‘normal’ abilities”); *Burlington Pub. Schs.*, 9 M.S.E.R. 91, 93 (Mass. Dep’t of Educ. 2003) (“There are 12 students in the program, 6 on IEPs and 6 typical peers (without special education needs).”).

75. See, e.g., *Beth B. v. Van Clay*, 282 F.3d 493, 496 (7th Cir. 2002) (describing a program where “regular education students come into the [special education] classroom to allow for interaction” with disabled students).

1. The early years

In the United States, the integration of nondisabled children into schools that serve disabled students effectively began in the mid-nineteenth century, when David Ely Bartlett founded an experimental school for deaf children in New York and invited their hearing siblings to join.⁷⁶ Finger-spelling and signing were regularly used in Bartlett's school by both hearing and deaf children,⁷⁷ a concept that was deemed "revolutionary" for its time.⁷⁸ Bartlett believed that hearing students could then serve as interpreters between their Deaf⁷⁹ siblings and other family members.⁸⁰ Roughly three decades later, Alexander Graham Bell would found his own school for deaf children that also included reverse mainstreaming.⁸¹ In Bell's school, hearing children were apparently only present sporadically (i.e., partial reverse mainstreaming),⁸²

76. See John Vickrey Van Cleve, *The Academic Integration of Deaf Children: A Historical Perspective*, in THE DEAF HISTORY READER 116, 118 (John Vickrey Van Cleve ed., 2007); SCOUTEN, *supra* note 65, at 119 (noting that Bartlett was "the first to attempt a kind of 'reverse mainstreaming'" and that the "integration of hearing and deaf children at this period was, indeed, an educational move heretofore wholly inconceivable in the United States"). I was unable to find any earlier references to the integration of nondisabled children into schools for disabled students—regardless of the type of impairment or educational facility. For the rise of American educational institutions for disabled students during the nineteenth century, see WINZER, *supra* note 45, at 82-120.

77. Van Cleve, *supra* note 76, at 119.

78. SCOUTEN, *supra* note 65, at 118.

79. In recognition of the cultural aspects of deafness, I use "Deaf," with an uppercase "D," to refer to deaf people who use sign language to communicate. I use "deaf," with a lowercase "d," to refer to deafness as an audiological matter. See BRENDA JO BRUEGGEMANN, *DEAF SUBJECTS: BETWEEN IDENTITIES AND PLACES* 9-15 (2009).

80. Van Cleve, *supra* note 76, at 118.

81. We know that Bell's two daughters, who were hearing and accustomed to speaking "clearly and distinctly" because their mother was deaf and relied on oral communication, were present in the deaf students' classroom. KATIE BOOTH, *THE INVENTION OF MIRACLES: LANGUAGE, POWER, AND ALEXANDER GRAHAM BELL'S QUEST TO END DEAFNESS* 240, 242 (2021); see also JOHN HITZ, *DR. A. GRAHAM BELL'S PRIVATE EXPERIMENTAL SCHOOL* 7, 9-10 (Washington, Sanders Printing Off. 1898) (quoting Bell as saying that his hearing daughters were present in the classroom that served the deaf students). It can be inferred from another source that there were other hearing visitors in Bell's classroom, but this source is not conclusive. SCOUTEN, *supra* note 65, at 366 (noting that Bell "brought hearing children into the learning situation of his deaf pupils").

82. See HITZ, *supra* note 81, at 10 (quoting Bell as saying that his hearing daughters attended the classroom "for the present" to assist another student in learning to read lips); see also Van Cleve, *supra* note 76, at 120 (noting that the hearing students were not enrolled in the same classroom in which the deaf students learned); BOOTH, *supra* note 81, at 241 (making a similar point).

signing was discouraged,⁸³ and deaf children were expected to learn to read lips from watching their hearing peers.⁸⁴

These early instances of reverse mainstreaming were inextricably linked to broader sociopolitical factors shaping disability education at the time, including a nascent effort to educate deaf children,⁸⁵ the rise of eugenic ideology,⁸⁶ and the emergence of two conflicting philosophies in deaf education.⁸⁷ The first philosophy, known as the “manual method,” mandated instruction based on sign language.⁸⁸ The second, known as the “oral method,” required students to rely exclusively on speech.⁸⁹

Bartlett’s and Bell’s experimental schools did not last long,⁹⁰ but the concept of reverse mainstreaming survived. It resurfaced in 1952, when the New York School for the Deaf opened a preschool program that included a number of hearing participants.⁹¹ According to a contemporaneous account, this was the “only program in the country” where deaf and hearing children played and studied together.⁹² Important for our purposes, this preschool, as well as many subsequent reverse mainstreaming programs,⁹³ effectively

83. BOOTH, *supra* note 81, at 243.

84. HITZ, *supra* note 81, at 10; BOOTH, *supra* note 81, at 241-42.

85. Deaf children were among the first disabled children to receive formal education. WINZER, *supra* note 45, at 83, 98.

86. Notably, Bell’s preference for the “oral method,” *see infra* note 89 and accompanying text, was based on eugenic ideology and pro-assimilation sentiments. By teaching deaf children to read lips and speak, he hoped to prevent deaf intermarriage (and the ensuing procreation) and to assimilate deaf people into the hearing world. RICHARD WINEFIELD, NEVER THE TWAIN SHALL MEET: BELL, GALLAUDET, AND THE COMMUNICATIONS DEBATE 82-96 (1987).

87. CAROL PADDEN & TOM HUMPHRIES, INSIDE DEAF CULTURE 38-39, 47-50, 73-74 (2005).

88. *Id.* at 38-39, 47-50.

89. *Id.*

90. Van Cleve, *supra* note 76, at 118, 120 (noting that Bartlett’s school operated from 1852 to 1861 and that Bell’s school “closed after two difficult years”).

91. Grace W. Weinstein, *Nursery School with a Difference*, PARENTS’ MAG. & BETTER FAM. LIVING, Nov. 1968, at 66, 66-67.

92. *Id.* at 66.

93. The following is a nonexhaustive list of sources documenting reverse mainstreaming programs that used hearing children to foster oral communication skills among deaf students: Diane Brackett & Marian Henniges, *Communicative Interaction of Preschool Hearing Impaired Children in an Integrated Setting*, 78 VOLTA REV. 276, 278, 283-84 (1976); Deborah S. Kearney, *A Study of the Social Skills of Four Year Old Hearing Impaired and Hearing Children in an Integrated Preschool*, Clarke School for the Deaf, Northampton, Massachusetts 17 (Feb. 1979) (M.S. thesis, University of Massachusetts Amherst), <https://perma.cc/2VQB-HD7Q>; Mary Dean & Jennifer Nettles, *Reverse Mainstreaming: A Successful Model for Interaction*, 89 VOLTA REV. 27, 27-29 (1987); *cf.* C. Joseph Giangreco & Marianne Ranson Giangreco, *Reverse Mainstreaming, A Different Approach*, 125 AM. ANNALS DEAF 491, 491-93 (1980) (describing a “total communication”

footnote continued on next page

followed Bell's oralist methods (though not necessarily his other ideologies).⁹⁴ Thus, unlike Bartlett who believed that sign language would benefit hearing people, these programs expected deaf and hard-of-hearing children to develop oral communication skills, often using the hearing peers as linguistic models.⁹⁵

2. The rise of modern reverse mainstreaming

In 1975, Congress adopted the EAHCA (later renamed the IDEA),⁹⁶ which breathed new life into the reverse mainstreaming movement.⁹⁷ Even though the IDEA is silent about reverse mainstreaming,⁹⁸ the law's requirement to educate disabled students "with" their nondisabled peers served as inspiration for many reverse mainstreaming pioneers.

An early example can be found in a project for autistic students in Portland, Oregon.⁹⁹ Up until the late 1970s, these students had been educated in a separate facility.¹⁰⁰ To comply with the least restrictive environment requirement, however, the program was physically moved to a public elementary school, although the autistic students were still educated in

program that involved both speech and signing, where the presence of the hearing children in the classroom "put an added incentive on the deaf children in wanting to use speech and voices").

94. Weinstein, *supra* note 91, at 68.

95. *See id.* at 68-69; sources cited *supra* note 93.

96. Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142, 89 Stat. 773 (codified as amended in scattered sections of 20 U.S.C.); *supra* note 44 and accompanying text.

97. Before the mid-1970s, there were isolated incidences of reverse mainstreaming. *See, e.g.*, Barbara Aiello, *L.A. School Reverses 'Mainstreaming,'* N.Y. TIMES, Jan. 6, 1980, at EDUC 22-23 (describing a reverse mainstreaming program at the Sophia Salvin School, Los Angeles, which was instituted five years before the EAHCA was enacted); K. Eileen Allen, Paulette M. Benning & W. Thomas Drummond, *Integration of Normal & Handicapped Children in a Behavior Modification Preschool: A Case Study*, in BEHAVIOR ANALYSIS AND EDUCATION 127, 127-28 (George Semb et al. eds., 1972) (describing a study of preschool students that involved equal numbers of disabled and nondisabled children); Diane Bricker, *Inclusion: How the Scene Has Changed*, 20 TOPICS EARLY CHILDHOOD SPECIAL EDUC. 14, 15-16 (2000) (describing a 1970 early-intervention program at Peabody College, which also included equal numbers of nondisabled and disabled children).

98. Cf. 20 U.S.C. § 1412(a)(5)(A) (clarifying that the integration presumption applies to situations where disabled students are educated in non-mainstream settings, including "public or private institutions or other care facilities").

99. Patricia Almond, Stephanie Rodgers & David Krug, *Mainstreaming: A Model for Including Elementary Students in the Severely Handicapped Classroom*, 11 TEACHING EXCEPTIONAL CHILD. 135, 135 (1979).

100. *Id.* at 135, 137.

separate classrooms.¹⁰¹ To promote intergroup interactions, teachers began bringing general education students into the special education classrooms, where the nondisabled students served as “supervisors” of their disabled peers.¹⁰² Other accounts from the late 1970s to the early 1980s tell a similar story, in which the passage of the EAHCA triggered attempts to facilitate interactions between disabled and nondisabled students, culminating in joint activities—mainly peer tutoring sessions—in special education classrooms.¹⁰³

In fact, by the early 1980s, reverse mainstreaming programs had become quite popular. According to a number of reports, it was one of two major strategies used by preschools to create an integrated setting.¹⁰⁴ Indeed, a 1980 study found that approximately 15% of the 200 preschools that participated in a network of programs for disabled students had admitted nondisabled children.¹⁰⁵ Moreover, a 1981 survey among elementary school teachers found that almost 60% of the respondents had sent nondisabled students to special education classrooms for a variety of services and activities, both academic and recreational.¹⁰⁶ Interestingly, according to this survey, reverse mainstreaming was often a result of informal arrangements between general and special education teachers.¹⁰⁷

101. *Id.* at 135. As noted, a special education program within a general campus is considered less restrictive than an entirely separate setting. *See supra* Figure 1.

102. Almond et al., *supra* note 99, at 135-39.

103. *See* Richard M. McCarthy & Robert A. Stodden, *Mainstreaming Secondary Students: A Peer Tutoring Model*, 11 TEACHING EXCEPTIONAL CHILD. 162, 162-63 (1979) (describing a reverse mainstreaming program in a Massachusetts high school); Christine Poorman, *Mainstreaming in Reverse with a Special Friend*, 12 TEACHING EXCEPTIONAL CHILD. 136, 136-37 (1980) (describing a similar program in a Pennsylvania school); *see also* Ann Campbell, Joanne Scaturro & Jeffrey Lickson, *Peer Tutors Help Autistic Students Enter the Mainstream*, 15 TEACHING EXCEPTIONAL CHILD. 64, 64-65, 67 (1983) (mentioning the EAHCA in the course of describing a reverse mainstreaming program in a Florida middle school, although not referring to the law specifically as an impetus). *See generally* Scott K. McCann, Melvyn I. Semmel & Ann Nevin, *Reverse Mainstreaming: Nonhandicapped Students in Special Education Classrooms*, REMEDIAL & SPECIAL EDUC., Jan./Feb. 1985, at 13, 14-15 (reviewing several studies on reverse mainstreaming and observing that peer tutoring “is the most common related practice addressed in the empirical literature”).

104. SUZAN WYNNE, LINDA S. ULFEIDER & GAYLE DAKOF, WYNN ASSOCS., MAINSTREAMING AND EARLY CHILDHOOD EDUCATION FOR HANDICAPPED CHILDREN: REVIEW AND IMPLICATIONS OF RESEARCH 68 (1975); JAN BLACHER-DIXON, PRESCHOOL MAINSTREAMING: CURRENT STATE OF THE ART 6 (1979); Michael J. Guralnick, *Fundamental Issues in Preschool Mainstreaming*, in MAINSTREAMING IN EARLY EDUCATION 1, 6-7, 30 (Joan Anderson & Talbot Black eds., 1983).

105. Ann P. Turnbull & Jan Blacher-Dixon, *Preschool Mainstreaming: Impact on Parents*, 1 NEW DIRECTIONS EXCEPTIONAL CHILD. 25, 27 (1980).

106. McCann et al., *supra* note 103, at 15-16.

107. *Id.* at 16. This suggests that existing records may not represent the full scope of this practice.

During this period, reverse mainstreaming was also employed in schools for the deaf.¹⁰⁸ Here, again, part of the motivation behind the initiatives to bring hearing students to schools designed for deaf children may have been the language in the EAHCA emphasizing the importance of educating disabled students together with nondisabled peers.¹⁰⁹ As a result of this requirement (and the ensuing mainstreaming of deaf children into general schools), schools for the deaf experienced a significant plunge in enrollment and a subsequent decrease in financial resources.¹¹⁰ Schools for the deaf quickly realized that, to meet the least restrictive environment requirement, they would need to show an acceptable level of interaction between deaf and hearing students.¹¹¹ It was at this point that one commentator proposed, in part, using “reverse integration” as a way to “convince courts and hearing officers” that sufficient interaction existed in those schools.¹¹²

While the popularity of reverse mainstreaming during the early 1980s was undoubtedly linked to the EAHCA, educators also articulated other rationales for this practice. They believed, for example, that reverse mainstreaming would “enhance[] the development” of disabled children through “the availability of advanced models.”¹¹³ But disabled children were not the only

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108. William N. Craig & James M. Salem, *Partial Integration of Deaf with Hearing Students: Residential School Perspectives*, 120 AM. ANNALS DEAF 28, 30 (1975); Sue Ellen Dingman, Public Law 94-142: A Catalyst for Change for Residential Schools for the Deaf 14, 16-17, 32, 39 (Aug. 17, 1978) (M.A. graduate project, California State University Northridge) (on file with California State University Northridge); R. Perry Connolly, *A Descriptive Study of Vocational Programs in Residential Schools for the Deaf*, 133 AM. ANNALS DEAF 204, 205 (1988).
109. See Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142, § 5(a), 89 Stat. 773, 781 (codified as amended at 20 U.S.C. § 1412) (requiring participating states to educate, to the maximum extent appropriate, disabled children alongside nondisabled students).
110. Sy DuBow, *Courts Interpret Mainstreaming: How Residential Schools Can Adapt*, 129 AM. ANNALS DEAF 92, 92, 94 (1984). For most of the nineteenth and twentieth centuries, deaf children in the United States were primarily educated in schools for the deaf. PADDEN & HUMPHRIES, *supra* note 87, at 12.
111. See, e.g., ALAN J. MEALKA, THE NORTH DAKOTA SCHOOL FOR THE DEAF: FORTY-EIGHTH BIENNIAL REPORT 22 (1987) (noting that the North Dakota School for the Deaf participated in various programs involving hearing students, including reverse mainstreaming, to meet the least restrictive environment requirement); see also Dingman, *supra* note 108, at 1-5, 14-17, 41-44 (discussing possible reactions of residential schools for the deaf to the least restrictive environment requirement). When favoring placement in general schools over schools for children with hearing impairments, judges emphasized that general schools provided deaf children with opportunities to interact with hearing students. See *Springdale Sch. Dist. No. 50 v. Grace*, 693 F.2d 41, 43 (8th Cir. 1982).
112. DuBow, *supra* note 110, at 93-94.
113. Joseph R. Jenkins, Matthew L. Speltz & Samuel L. Odom, *Integrating Normal and Handicapped Preschoolers: Effects on Child Development and Social Interaction*, 52 EXCEPTIONAL CHILD. 7, 8 (1985).

ones perceived as benefitting from the practice. Indeed, one survey found that general education teachers sent nondisabled¹¹⁴ students to special education classrooms to provide *them* with the extra academic support that such classrooms could provide, including help in reading or math.¹¹⁵ In other words, reverse mainstreaming was often used to benefit *nondisabled* students. In addition, educators and researchers assumed that interactions between disabled and nondisabled students could help raise awareness and reduce prejudice among nondisabled students, who presumably would not otherwise have interacted with disabled peers.¹¹⁶

3. The second wave

The second wave of reverse mainstreaming began in 1986 in response to an amendment to the federal Education of the Handicapped Act.¹¹⁷ That amendment expanded the law so that disabled preschoolers were entitled to the same rights provided to K-12 disabled children, including the integration presumption.¹¹⁸ In some school districts, the solution was relatively straightforward: moving disabled children into mainstream preschools while using supplementary aids and services to accommodate their needs.¹¹⁹ For

114. It is entirely possible that some of the “nondisabled” students either had (1) undiagnosed impairments or (2) IEPs with which the survey respondents were unfamiliar. In fact, the study recognized the latter potential flaw in the data, based on a discrepancy between the teachers’ responses and the students’ IEP records. McCann et al., *supra* note 103, at 17. Still, as the authors note, even taking this possibility into consideration, the findings clearly indicate that there were many nondisabled children receiving special education services who were ineligible for such services under the EAHCA. *Id.*

115. *Id.* at 16.

116. *Id.* at 18; McCarthy & Stodden, *supra* note 103, at 163; Poorman, *supra* note 103, at 141-42.

117. Education of the Handicapped Act Amendments of 1986, Pub. L. No. 99-457, 100 Stat. 1145 (codified as amended in scattered sections of 20 U.S.C.); *see infra* notes 118-21 and accompanying text (showing how the amendment resulted in increased incentives for school districts to integrate nondisabled children into preschools for disabled students).

118. Although the pre-1986 law had already applied, to a certain extent, to disabled preschoolers, the amendment increased states’ incentives to offer preschool programs for disabled students. *See* Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142, § 5(a), 89 Stat. 773, 793 (codified as amended at 20 U.S.C. § 1412); *see also* AM. ASS’N OF UNIV. AFFILIATED PROGRAMS FOR THE DEVELOPMENTALLY DISABLED ET AL., MAPPING THE FUTURE FOR CHILDREN WITH SPECIAL NEEDS: P.L. 99-457, at 73-78 (Barbara Smith ed., 1988) (summarizing the provisions of the 1986 amendments); Robert Silverstein, *A Window of Opportunity: P.L. 99-457*, in THE INTENT AND SPIRIT OF P.L. 99-457: A SOURCEBOOK, at A-1, A-3 (1989) (“Congress decided to enact landmark legislation containing significant incentives for states to serve all three to five year olds . . .”).

119. *See, e.g.*, MARY MCLEAN & SAM ODOM, LEAST RESTRICTIVE ENVIRONMENT AND SOCIAL INTEGRATION 3 (1988) (referring to mainstream preschool programs offered by Jefferson County Public Schools in Louisville, Kentucky).

many other districts, however, this requirement presented a major problem: In those districts, there were no general public preschool programs at all, as education programs began only at the kindergarten level.¹²⁰ Thus, to avoid violating the statute, districts without mainstream preschool programs began inviting nondisabled preschoolers to participate in preschool programs for disabled children.¹²¹

Recruitment of nondisabled students was not easy, as many parents were reluctant to send their nondisabled children to reverse mainstreaming programs.¹²² To address that concern, teachers and administrators used incentives to lure nondisabled participants, such as small classes, bigger staff, high-quality instruction, reduced tuition, or free bus rides.¹²³ Some schools also recruited siblings of disabled students¹²⁴ or relatives of staff members.¹²⁵ For some parents, the notion that interactions with disabled children can foster

120. *Id.* at 2.

121. *See id.* at 2, 4-5 (introducing the concept and describing a project that operated three preschool classrooms with equal numbers of disabled and nondisabled students); *see also* GAIL BEALE ET AL., CAPPER FOUND., PROJECT KIDLINK: BRINGING TOGETHER DISABLED AND NONDISABLED PRESCHOOLERS 5-7 (1990) (describing a formerly segregated preschool program in Kansas that included nondisabled children in an effort to promote integration); SEBASTIAN STRIEFEL, JOHN KILLORAN & MARIA QUINTERO, DEVELOPMENTAL CTR. FOR HANDICAPPED PERSONS, UTAH ST. UNIV., GROUPING HANDICAPPED AND NON-HANDICAPPED CHILDREN IN MAINSTREAM SETTINGS: THE FUNCTIONAL MAINSTREAMING FOR SUCCESS (FMS) PROJECT; PROJECT MANUAL FINAL REPORT-PART 2, at 5-10, 16-18 (1987) (describing a similar program in Utah). *See generally* Theresa M. DeMonte, Comment, *Finding the Least Restrictive Environment for Preschoolers Under the IDEA: An Analysis and Proposed Framework*, 85 WASH. L. REV. 157, 174-75 (2010) (describing how some school districts without general preschool programs invite nondisabled children to participate in special education preschools).

122. *See, e.g.*, Joanna Bogin, *The Sunrise Children's Center: Including Children with Disabilities in Integrated Care Programs*, 20 CHILD. TODAY, no. 2, 1991, at 13, 16 ("[W]e spent hours selling our [reverse mainstreaming] program to new parents, worried about their attitudes toward the special needs children."); Bricker, *supra* note 97, at 15.

123. Bricker, *supra* note 97, at 15; Eileen O. Daday, *Mainstreaming in Reverse*, DAILY HERALD (Arlington Heights, Ill.), Nov. 19, 2001 (§ 5), at 1; Aiello, *supra* note 97, at EDUC 22; Dean & Nettles, *supra* note 93, at 31; *see also* Susan Brenna, *Very Special Ed*, N.Y. TIMES, Nov. 9, 2003, at A30 (describing a coveted "reverse mainstreaming" preschool in New Jersey known for its high-quality instruction in which only the disabled students were offered free bus rides).

124. *See, e.g.*, Ronda Rufsvold, Ye Wang, Maria C. Hartman, Sonia B. Arora & Elaine R. Smolen, *The Impact of Language Input on Deaf and Hard of Hearing Preschool Children Who Use Listening and Spoken Language*, 163 AM. ANNALS DEAF 35, 43, 46 (2018); Daday, *supra* note 123, at 1.

125. *See, e.g.*, A.H. *ex rel.* A.H. v. Clarksville-Montgomery Cnty. Sch. Sys., No. 18-cv-00812, 2019 WL 483311, at *2 (M.D. Tenn. Feb. 7, 2019); Student with a Disability, No. 1213-16, 114 LRP 19510, at *22 (Ky. State Educ. Agency Feb. 12, 2014); A.B. v. Stafford Twp. Bd. of Educ., No. EDS 6012-98, 1998 WL 964272, at *3 (N.J. Off. of Admin. L. Dec. 2, 1998); Rufsvold et al., *supra* note 124, at 43, 46.

empathy and social awareness was the impetus for their decision to enroll their nondisabled children in full reverse mainstreaming programs.¹²⁶ Other parents might have been persuaded by evidence that, at preschool ages, nondisabled children in reverse mainstreaming programs make progress similar to what they would have made in the mainstream.¹²⁷

4. Contemporary programs

Although it is difficult to determine how many students currently participate in reverse mainstreaming,¹²⁸ based on the cases that resulted in litigation, we do know that reverse mainstreaming is still used across the United States.¹²⁹ In addition, and more specifically, we know that, during the 1990s and early 2000s, early childhood programs for autistic children sometimes included a reverse mainstreaming component.¹³⁰ There is also anecdotal evidence from educators that the practice is used “by many school

126. See Allison Hanes, *Mackay Centre Offers a School of Empathy*, MONTREAL GAZETTE, <https://perma.cc/KW4G-VT3D> (last updated Mar. 6, 2017) (interviewing parents whose children were participating in a reverse mainstreaming program in Canada).

127. See Samuel L. Odom, Michelle Deklyen & Joseph R. Jenkins, *Integrating Handicapped and Nonhandicapped Preschoolers: Developmental Impact on Nonhandicapped Children*, 51 EXCEPTIONAL CHILD. 41, 45 (1984); Allen et al., *supra* note 97, at 139; see also Dean & Nettles, *supra* note 93, at 31 (presenting survey results finding that the majority of parents whose hearing children participated in a reverse mainstreaming preschool believed their children’s “academic needs had been met”).

128. Prior to 2006, federal reports included data on the number of disabled preschool students enrolled in “[r]everse mainstreaming” environments. U.S. DEP’T OF EDUC., OFF. OF SPECIAL EDUC. & REHABILITATIVE SERVS., 30TH ANNUAL REPORT TO CONGRESS ON THE IMPLEMENTATION OF THE *INDIVIDUALS WITH DISABILITIES EDUCATION ACT*, 2008, at 4 (2011), <https://perma.cc/GM8X-85CJ>. Beginning in 2006, however, “[r]everse mainstream[ing]” was no longer a distinct category. *Id.* at 4-5. Importantly, even in the pre-2006 reports, the data were incomplete. First, school districts were not required to report reverse mainstreaming, as it was an “optional” category; and second, the reports used a narrow definition of “reverse mainstream[ing]” (i.e., only classrooms where the majority of the students were nondisabled). 1 U.S. DEP’T OF EDUC., 25TH ANNUAL REPORT TO CONGRESS ON THE IMPLEMENTATION OF THE *INDIVIDUALS WITH DISABILITIES EDUCATION ACT* 17 n.10, 201 tbl.3-5 (2005), <https://perma.cc/J4ZQ-TA8B>.

129. My research indicates that there were state-level administrative decisions in twenty-two states between 2010 and 2020, all of which involved reverse mainstreaming. For more information about the study conducted for this Article, including data acquisition, selection criteria, and limitations, see Part III and Appendix A below.

130. See Myrna R. Mandlawitz, *The Impact of the Legal System on Educational Programming for Young Children with Autism Spectrum Disorder*, 32 J. AUTISM & DEVELOPMENTAL DISORDERS 495, 502 (2002); Aubyn C. Stahmer, *The Basic Structure of Community Early Intervention Programs for Children with Autism: Provider Descriptions*, 37 J. AUTISM & DEVELOPMENTAL DISORDERS 1344, 1349 (2007).

districts.”¹³¹ The COVID-19 pandemic, which largely curtailed face-to-face interactions, presumably had a significant impact on reverse mainstreaming.¹³² But since most schools have returned to in-person instruction,¹³³ reverse mainstreaming may in turn rebound.¹³⁴

The brief history of reverse mainstreaming shows that school administrators and educators have long used this practice to foster interactions between students with and without impairments. In doing so, they have attempted to comply with the IDEA’s integration presumption. This history also shows, however, that reverse mainstreaming was sometimes invoked to justify goals other than integration, such as providing nondisabled students with special education services.

III. Reverse Mainstreaming in Courts

To better understand the role of courts and lawyers with respect to reverse mainstreaming, I conducted a study of legal decisions involving the practice.¹³⁵ This Part offers the main findings of that study and reveals the dynamics at play in the adjudication of disputes involving reverse mainstreaming. This Part begins by providing a doctrinal background on IDEA litigation. It then describes the original dataset compiled for this study and the research methodology. Finally, it provides an in-depth analysis of cases involving reverse mainstreaming, generating both quantitative and qualitative insights into the ways this practice has been used and adjudicated.

131. Jeanette McCollum, *Merle Karnes, Early Childhood Pioneer (1916-2005)*, 25 TOPICS EARLY CHILDHOOD SPECIAL EDUC. 69, 70 (2005); see also Buysse et al., *supra* note 26, at 506 (noting that inclusive classrooms in which the majority of the students are disabled are “one of two types of inclusive early childhood settings representing the predominant models used to implement inclusion”); David S. Martin, *Inclusion: Time to Rethink*, 61 EDUC. F. 232, 236 (1997) (noting that reverse mainstreaming programs were “being implemented with gradually increasing frequency”).

132. See, e.g., Debra West, *As COVID-19 Threatens Millions of Child Care ‘Slots,’ Families Face Deep Disruptions to Their Children’s Early Learning and Social Development and to Their Own Jobs*, THE 74 (June 15, 2020), <https://perma.cc/6PKY-JZR7> (reporting the closure of a reverse mainstreaming classroom); 21-225: 21-22 *Special Education Annual Plan*, ALLEGHANY CNTY. PUB. SCHS. (Apr. 19, 2021), <https://perma.cc/S7UJ-FQMV> (“During hybrid scheduling due to social distancing requirements . . . reverse inclusion classes have not been reverse inclusion.”).

133. See Eli Cahan, *Despite White House Guidance, Aging School Facilities Still Threaten Kids’ Health*, ABC NEWS (May 17, 2022, 3:42 PM), <https://perma.cc/9LTM-MNN6>.

134. See, e.g., 21-225: 21-22 *Special Education Annual Plan*, *supra* note 132 (presenting a plan to maintain, subject to possible restrictions due to COVID-19, two “reverse inclusion” classes during the 2021-2022 and 2022-2023 school years).

135. See *infra* Appendix A.

A. Due Process Complaints and Hearing Officer Decisions

The IDEA establishes several mechanisms for resolving disputes between parents and school districts.¹³⁶ Most notably, when a disagreement arises, either party may file a “due process complaint” that is followed by a hearing before an impartial hearing officer.¹³⁷ After exhausting this administrative process (which in a few states includes two levels of review),¹³⁸ the parties have the right to bring a civil action in state or federal court.¹³⁹ Notably, courts should not “substitute their own notions of sound educational policy for those of the school authorities which they review.”¹⁴⁰

B. The Data

Overall, I collected and coded 286 decisions originating from state administrative proceedings in thirty-six states and the District of Columbia between 1990 and 2020.¹⁴¹ To draw original quantitative findings, I used a subset of this group of decisions (“the Dataset”). The Dataset includes 130 hearing officer decisions from five states: California (72 decisions), Massachusetts (31), Hawaii (14), Texas (7), and Maryland (6). I chose these states for the following reasons: They are known for generating a relatively high volume of hearing officer decisions,¹⁴² they have operated similar administrative mechanisms to

136. In addition to a “due process complaint,” discussed in this Part, parents can also file a state administrative complaint or engage in mediation with the district. 34 C.F.R. §§ 300.151-153, 300.506 (2018). For a review of these mechanisms, see Perry A. Zirkel, *The Two Dispute Decisional Processes Under the Individuals with Disabilities Education Act: An Empirical Comparison*, 16 CONN. PUB. INT. L.J. 169, 169-71 (2017).

137. 20 U.S.C. §§ 1415(b)(6)(A), (7)(A); see *id.* § 1415(f)(1)(A).

138. See *id.* § 1415(g). For examples of two-tier jurisdictions, see N.Y. EDUC. LAW § 4404(1)(c) (McKinney 2022); and OHIO REV. CODE ANN. § 3323.05(H) (West 2022).

139. 20 U.S.C. § 1415(i)(2)(A).

140. *Bd. of Educ. v. Rowley ex rel. Rowley*, 458 U.S. 176, 206 (1982).

141. There were fourteen states for which I could *not* find any decisions that met the selection criteria. They are: Alabama, Arkansas, Kansas, Mississippi, Montana, Nebraska, Nevada, North Dakota, Oklahoma, South Dakota, Vermont, West Virginia, Wisconsin, and Wyoming.

142. E.g., Perry A. Zirkel & Gina Scala, *Due Process Hearing Systems Under the IDEA: A State-by-State Survey*, 21 J. DISABILITY POL’Y STUD. 3, 4-5 (2010). The District of Columbia, one of the most litigious jurisdictions, produced only one decision involving reverse mainstreaming, and was therefore not included in the Dataset. *Id.* The reason for the discrepancy between the District’s usual litigiousness and the virtual absence of reverse mainstreaming decisions in that jurisdiction may merit further investigation. Cf. COLKER, *supra* note 45, at 211 (pointing to differences in IDEA litigation characteristics between the District of Columbia and other jurisdictions, including the percentage of autistic plaintiffs).

adjudicate due process complaints,¹⁴³ and their hearing officer decisions could be retrieved through multiple sources.¹⁴⁴ To the best of my knowledge, the Dataset includes all publicly available decisions rendered in these five states that meet the selection criteria.¹⁴⁵ The time frame of 1990-2020 offers insights into the ways in which reverse mainstreaming has evolved over time, while taking into consideration that decisions before 1990 might not fully reflect the important 1980s legislative changes described above.¹⁴⁶

The other 156 decisions not part of the Dataset were heard by federal courts or hearing officers in states other than the five states mentioned above. These decisions served the goals of this study in two ways. First, they assisted in identifying patterns in the scenarios that lead to the implementation of reverse mainstreaming and give rise to legal disputes. Second, these decisions provided anecdotal evidence that added texture and context to the quantitative findings.

All of the decisions used in this study refer to reverse mainstreaming, either by using a title associated with the practice or by otherwise describing a program that meets the definition of the practice proposed above.¹⁴⁷ It is important to note, however, that the concept of reverse mainstreaming was not a factor in the legal analysis of all of the cases. In some decisions, the practice was only mentioned as part of the factual background.

C. Methodology

The primary methodology applied in this study is systematic content analysis, which includes three components: (1) selecting cases; (2) coding cases; and (3) analyzing the case coding.¹⁴⁸ The underlying premise of this

143. For example, all of these states operate one-tier hearing officer systems, as opposed to other states, such as New York, which have two-tier systems. Jane R. Wettach & Bailey K. Sanders, *Insights into Due Process Reform: A Nationwide Survey of Special Education Attorneys*, 20 CONN. PUB. INT. L.J. 239, 244-45 (2021). In all of these states, the burden of proof is on the party that files the complaint (usually the parents), as opposed to six other states, including New York and New Jersey, which impose the burden on the district. *Id.*

144. At the time of data collection, hearing officer decisions from those five states were available on *Special Ed Connection* (a commercial database), as well as the department of education websites of each of those states. See *infra* Appendix A (describing data collection methodology). Hearing officer decisions from Massachusetts were also available in the Massachusetts Special Education Reporter on LexisNexis. See *infra* note 422.

145. See *infra* Appendix A.

146. See *supra* Part II.B.3.

147. For the selection criteria, see Appendix A below.

148. Mark A. Hall & Ronald F. Wright, *Systematic Content Analysis of Judicial Opinions*, 96 CALIF. L. REV. 63, 64 (2008) (describing the use of systematic content analysis to conduct a legal empirical study).

methodology is that content analysis allows researchers to identify “previously unnoticed patterns that warrant deeper study.”¹⁴⁹ To this end, I read, coded, and analyzed all the decisions collected for this study.

The data generated by this analysis can be divided into three categories:

1. Characteristics of reverse mainstreaming programs (such as the year, state, school district, school, age, type of disability, type of integration (full or partial reverse mainstreaming¹⁵⁰), terminology used, and frequency of interactions¹⁵¹);
2. The dynamics between the parties (such as which side—the district or the parents—supported reverse mainstreaming and whether the parents’ preferred placement was more or less restrictive than the district’s proposal); and
3. Legal decisionmakers’ reaction to reverse mainstreaming (such as whether reverse mainstreaming was part of the legal analysis¹⁵² and, if so, whether the legal decisionmaker expressed support for this practice).

D. Reverse Mainstreaming in Legal Decisions: An Overview

This Subpart provides an overview of reverse mainstreaming litigation, as well as the program characteristics and trends I identified in legal decisions involving the practice.

Reverse mainstreaming litigation. Based on my review of relevant hearing officer decisions, disputes involving reverse mainstreaming typically revolve around the parents’ decision to move their child from a public school to a private setting, which they believe can better serve the child’s needs. Oftentimes, the parents move the child and then file a due process complaint, arguing that they are entitled to reimbursement for the private school tuition.¹⁵³ The hearing officer must then decide whether the district complied

149. *Id.* at 87.

150. Partial reverse mainstreaming is divided into two subcategories: (1) peer tutoring and (2) social interactions. *See infra* Appendix B (Table 1) (providing data).

151. This criterion only pertains to partial reverse mainstreaming.

152. Based on my review of hundreds of relevant hearing officer decisions, such decisions usually have the following two-part structure: (1) an extensive factual background and (2) an application of specific IDEA rules to the facts of the case. This structure allows a reviewer to determine whether a hearing officer explicitly refers to reverse mainstreaming in the legal analysis, or implicitly relies on reverse mainstreaming on the basis of a reference to the practice in the factual pattern. *See infra* Appendix A.

153. *See, e.g.,* J.G. v. Del. Cnty. Intermediate Unit, Nos. 17816/15-16 AS & 18091/16-17 AS, at 2 (Pa. Off. for Dispute Resol. Nov. 19, 2016), <https://perma.cc/WQA3-KW8D> (“The Parents are asking for the [Intermediate Unit] to fund the Private Placement they have selected, to reimburse them for the tuition to the private classroom . . .”). To prevail on reimbursement claims, parents must show that the private school placement is “proper
footnote continued on next page

with the procedural and substantive obligations enshrined in the IDEA, most notably the obligation to provide a free appropriate education in the least restrictive environment.¹⁵⁴

Such tuition reimbursement cases invite hearing officers to draw comparisons, either explicitly or implicitly, between placements. In making their respective cases, the parties may invoke reverse mainstreaming to support several elements of the IDEA, particularly the integration presumption. Suppose, for example, that the parents challenge a district's decision to place a disabled child in a special education classroom.¹⁵⁵ In such a case, the district's lawyers might argue that, by using reverse mainstreaming, the district complies with the IDEA's requirement to educate disabled students with nondisabled peers to the maximum extent appropriate.¹⁵⁶ This argument might be even more effective if the placement advocated by the parents does not provide any opportunities to interact with nondisabled students.¹⁵⁷

As this example implies, it is not always the district that proposes a more restrictive environment. In some cases, the parents themselves advocate for a segregated setting.¹⁵⁸ Similarly, either party may favor reverse mainstreaming.¹⁵⁹ However, as the next point shows, parents do not support reverse mainstreaming as frequently as school districts do.

School districts' and parents' preferences. Of all the findings regarding program characteristics, one stands out: Reverse mainstreaming was part of the school district's proposed placement in more than 80% of the cases in the

under the Act." *Florence Cnty. Sch. Dist. Four v. Carter ex rel. Carter*, 510 U.S. 7, 12-15 (1993). This pursuit of tuition reimbursement is not unique to reverse mainstreaming cases. See Perry A. Zirkel, *Adjudicative Remedies for Denials of FAPE Under the IDEA*, 33 J. NAT'L ASS'N ADMIN. L. JUDICIARY 214, 215-16, 228 (2013) (finding that tuition reimbursement is "the most frequent, or predominant" remedy for denial of appropriate education under the IDEA).

154. See *Florence Cnty. Sch. Dist. Four*, 510 U.S. at 12-15; *Student v. San Bernardino City Unified Sch. Dist.*, No. SN 593-97, 3 LRP 9773, at *11-12 (Cal. Off. of Admin. Hearings Mar. 20, 1998) (applying this standard).

155. To be clear, this situation might also arise in a case that does not involve a private placement, as when parents want their child to stay in or move to the general education classroom.

156. See *Beth B. v. Van Clay*, 282 F.3d 493, 499 (7th Cir. 2002).

157. See, e.g., *Blackmon ex rel. Blackmon v. Springfield R-XII Sch. Dist.*, 198 F.3d 648, 661 (8th Cir. 1999); *Student v. Miami-Dade Cnty. Sch. Bd.*, No. 10-1242E, 111 LRP 44021, at *10 (Fla. Div. of Admin. Hearings Sept. 14, 2010).

158. For an example involving reverse mainstreaming, see *Blackmon*, 198 F.3d at 653, 661.

159. Compare *Student v. Balt. Pub. Schs.*, No. MSDE-CITY-OT-14-34141, 115 LRP 24835, at *10, *13, *27-28 (Md. State Educ. Agency Jan. 30, 2015) (noting that the parents' proposed placement included a reverse mainstreaming component), with *Beth B.*, 282 F.3d at 496 (noting that the district's proposed placement included a reverse mainstreaming component).

Dataset.¹⁶⁰ Parents, by contrast, supported reverse mainstreaming in only a minority of the cases,¹⁶¹ and those cases primarily involved reverse mainstreaming by a private school.¹⁶²

From an egalitarian perspective, the fact that school districts are more likely to support reverse mainstreaming is not necessarily negative, but it serves as a warning sign. Given that school districts are repeat players in IEP meetings and IDEA litigation,¹⁶³ this finding suggests that reverse mainstreaming might be strategically used by school districts in anticipation of litigation.

Inconsistent terminology. As noted above, the IDEA does not explicitly refer to reverse mainstreaming.¹⁶⁴ It is no surprise, then, that legal decisionmakers referred to this practice in various ways, including “reverse inclusion,” “reverse integration,” “buddy,” and “integrated preschool.”¹⁶⁵ In many decisions, these terms were used interchangeably.¹⁶⁶ While “reverse mainstreaming” has been the most common term used by hearing officers,¹⁶⁷ it appears that “reverse inclusion” is gradually replacing it.¹⁶⁸ This can be explained by a parallel shift

160. See *infra* Appendix B (Table 2).

161. See *infra* Appendix B (Table 2).

162. Thirteen decisions in the Dataset (10% of the total) involved reverse mainstreaming programs in private settings, and three others involved both private and public programs. See, e.g., *Parent ex rel. Student v. Dep’t of Educ.*, No. DOE-SY1314-071, at 14 (Haw. Off. of Admin. Hearings Oct. 29, 2014), <https://perma.cc/FKL4-8HGF> (private school); *Redlands Unified Sch. Dist. v. Parents ex rel. Student*, No. 2011010237, at 6-7, 52, 83-84 (Cal. Off. of Admin. Hearings Mar. 28, 2011), <https://perma.cc/V7FZ-8RB9>; *Parents ex rel. Student v. L.A. Unified Sch. Dist.*, No. 2008080509, at 3, 19-22, 41 (Cal. Off. of Admin. Hearings Mar. 3, 2009), <https://perma.cc/2TPP-EF5J> (both). In fact, private schools employed reverse mainstreaming as early as the nineteenth century. See *supra* Part II.B.1 (describing schools managed by David Bartlett and Alexander Graham Bell).

163. See Eloise Pasachoff, *Special Education, Poverty, and the Limits of Private Enforcement*, 86 NOTRE DAME L. REV. 1413, 1438 (2011).

164. *Supra* note 98 and accompanying text.

165. See *infra* Appendix B (Table 1).

166. See, e.g., *Student v. Balt. City Pub. Schs.*, No. MSDE-CITY-OT-14-34141, 115 LRP 24835, at *22 (Md. State Educ. Agency Jan. 30, 2015) (noting that “reverse inclusion” is also known as “reverse mainstreaming”); *Student with a Disability*, No. 02-116, 109 LRP 38189, at *4 (Va. State Educ. Agency Sept. 15, 2002) (referring to “reverse inclusion” and “reverse mainstreaming” interchangeably); *Capistrano Unified Sch. Dist. v. Student*, Nos. N2006070729, N2006100264 & N2007070928, at 36-37 (Cal. Off. of Admin. Hearings May 12, 2008), <https://perma.cc/M4QK-J2SS> (referring to “reverse mainstream” and “Best Buddies” interchangeably).

167. See *infra* Appendix B (Table 1).

168. Between 1990 and 2009, more than four times as many decisions in the Dataset used the term “reverse mainstreaming,” as compared to “reverse inclusion.” Between 2010 and 2020, the terms were used with equal frequency.

from “mainstreaming” to “inclusion” terminology in special education, even though these terms are not necessarily interchangeable.¹⁶⁹

Type of impairment. Of the 130 decisions in the Dataset, 61 decisions (approximately 47%) involved autistic students.¹⁷⁰ This figure is striking, given that autistic students constitute only 11% of all students served under the IDEA.¹⁷¹ A possible explanation is that educators and researchers commonly view reverse mainstreaming as particularly beneficial for autistic students because it allows them to acquire communication and behavioral skills.¹⁷²

Type of intergroup interactions and the relation to students’ age. Most legal decisions in the Dataset involved “partial reverse mainstreaming,” whereby mainstream students visit special education classrooms.¹⁷³ Such visits took various forms: peer play,¹⁷⁴ joining adaptive physical education classes,¹⁷⁵ visiting the student at lunch,¹⁷⁶ or taking part in special culinary arts classes.¹⁷⁷ With a few exceptions, most of these practices took place in the school environment during school hours.¹⁷⁸

169. See Samuel R. Bagenstos, *From Integrationism to Equal Protection: tenBroek and the Next 25 Years of Disability Rights*, 13 U. ST. THOMAS L.J. 13, 15 (2016); see also *supra* note 1 (discussing terminology).

170. See *infra* Appendix B (Table 1).

171. INST. OF EDUC. SCIS., U.S. DEP’T OF EDUC., NCES 2020-144, THE CONDITION OF EDUCATION 2020, at 40 (2020) (citing data for the 2018-2019 school year).

172. See *infra* note 233 and accompanying text.

173. For data, see Appendix B (Table 1) below.

174. See, e.g., Reed Union Sch. Dist., Nos. SN05-00155 & SN05-00381, 105 LRP 58642, at *10 (Cal. Special Educ. Hearing Off. Oct. 3, 2005).

175. See, e.g., *Parents ex rel. Student v. Catawba Cnty. Schs. Bd. of Educ.*, No. 07 EDC 1382, at 14 (N.C. Off. of Admin. Hearings Jan. 2008), <https://perma.cc/CV38-Z4YN>; *D.B. v. Ocean Twp. Bd. of Educ.*, 985 F. Supp. 457, 517 (D.N.J. 1997), *aff’d*, 159 F.3d 1350 (3d Cir. 1998); *Parent v. Hewlett-Woodmere Union Free Sch. Dist.*, No. 503010, at 107 (N.Y. State Educ. Dep’t Nov. 9, 2017); *Evanston Twp. High Sch. Dist. 202*, No. 004568, 108 LRP 38107, at *12 (Ill. State Educ. Agency Oct. 28, 2005).

176. See, e.g., *Mark. G. ex rel. Joseph G. v. Sch. Dist. No. 1*, No. 15-cv-02399, 2016 WL 5815283, at *8 (D. Colo. Oct. 5, 2016); *Student v. Dep’t of Educ.*, No. DOE-SY0910-070-R, at 8 (Haw. Off. of Admin. Hearings Feb. 4, 2013), <https://perma.cc/7EXY-V9P4> (decision after remand).

177. *Student v. Dep’t of Educ.*, No. DOE-SY1314-033-A, at 13 (Haw. Off. of Admin. Hearings Mar. 7, 2014), <https://perma.cc/FKL4-8HGF>.

178. For the exceptions, see *Application of N.Y.C. Dep’t of Educ. for Rev.*, No. 11-037, at 18 n.12 (N.Y. State Educ. Dep’t June 15, 2011), <https://perma.cc/M9G3-PJVG> (weekend retreat); and *Fahs ex rel. D.F. v. Red Lion Area Sch. Dist.*, No. 10-cv-1558, 2012 WL 175020, at *2 & n.4 (M.D. Pa. Jan. 20, 2012) (summer camp, as part of extended school year services). Cf. *Kutztown Area Sch. Dist.*, No. 1224, 102 LRP 12542, at *4 (Pa. State Educ. Agency Apr. 1, 2002) (noting that the parents’ request to send nondisabled students to interact with their child at his home was denied).

Of the decisions involving *full* reverse mainstreaming, 81% are related to preschools.¹⁷⁹ These data show that full reverse mainstreaming often occurs in preschools. Two factors can explain this pattern. First, full reverse mainstreaming seems easier to implement at the preschool age, when the developmental gap between disabled and nondisabled students is relatively narrow and there is less focus on academic content.¹⁸⁰ Second, as explained earlier, the structure of the U.S. education system creates specific incentives to enroll nondisabled students in special education preschools.¹⁸¹

Economic condition. Based on a review of the Dataset,¹⁸² on average, schools described as offering reverse mainstreaming programs were located in neighborhoods that stood above the national average in terms of economic conditions.¹⁸³ While this might tell us something about the relationship between economic status and reverse mainstreaming, other determinants may also explain this finding. For example, given the high financial costs that special education litigation entails, it might be the case that the parents involved in these legal disputes were wealthier than the average.¹⁸⁴

E. Legal Decisionmakers' Reaction to Reverse Mainstreaming

The preceding Subparts focused on the characteristics of reverse mainstreaming programs. This Subpart turns to a study of legal decisionmakers' reactions to this practice. It begins with a survey of federal cases, situating reverse mainstreaming within the least restrictive

179. The Dataset includes 32 decisions involving full reverse mainstreaming, of which 26 are related to preschool.

180. See Samuel L. Odom et al., *Preschool Inclusion in the United States: A Review of Research from an Ecological Systems Perspective*, 4 J. RSCH. SPECIAL EDUC. NEEDS 17, 17 (2004) (discussing differences in developmental skills between preschool children and older children and noting that "regular education curriculum for older children focuses more on academic content").

181. See *supra* Part II.B.3.

182. This finding relied on decisions (n = 62) involving public schools included in the School Neighborhood Poverty database. For the rest of the decisions in the Dataset, such information was unavailable.

183. To calculate this finding, I used data in the School Neighborhood Poverty database, which "estimate the income-to-poverty ratio for neighborhoods around school buildings." *School Neighborhood Poverty*, NAT'L CTR. FOR EDUC. STAT., <https://perma.cc/3CPM-RQA6> (archived Jan. 22, 2023). Each school in that database is assigned an income-to-poverty ratio indicator, which ranges from 0 to 999, with lower values indicating a higher level of poverty. DOUG GEVERDT, NAT'L CTR. FOR EDUC. STAT., NCES 2018-027, *EDUCATION DEMOGRAPHIC AND GEOGRAPHIC ESTIMATES (EDGE) PROGRAM: SCHOOL NEIGHBORHOOD POVERTY ESTIMATES, 2015-2016*, at 1 (2018). While the national income-to-poverty ratio average is 294, the average of schools employing reverse mainstreaming is 469. *Id.* at 3.

184. See Pasachoff, *supra* note 163, at 1443-50.

environment doctrine. This Subpart then provides quantitative and qualitative data generated from the Dataset, offering insights into reverse mainstreaming's adjudication on the ground.

1. Federal courts

The U.S. Court of Appeals for the Seventh Circuit has perhaps been the most vocal in its support of reverse mainstreaming and has written two detailed opinions on this matter. In the first case, the parents of a thirteen-year-old student with Rett syndrome objected to the placement of their child in a special education classroom, arguing that she could succeed in a mainstream classroom.¹⁸⁵ Having lost at the administrative level, the parents appealed to the district court.¹⁸⁶ The district court sided with the school district, and the Seventh Circuit affirmed in 2002.¹⁸⁷ In affirming the lower court, the Seventh Circuit reasoned that, since the child was receiving “very little benefit” in the general classroom,¹⁸⁸ the special education classroom satisfied the least restrictive environment rule, *so long as there were reverse mainstreaming opportunities*, as well as other opportunities to interact with nondisabled students.¹⁸⁹ The Seventh Circuit did not include any details about the reverse mainstreaming opportunities that would satisfy the statutory requirement,¹⁹⁰ but simply noted that a special education classroom with a partial reverse mainstreaming component (as well as other interaction opportunities) is “an acceptable point along the ‘continuum of services’ between total integration and complete segregation.”¹⁹¹

185. *Beth B. v. Van Clay*, 282 F.3d 493, 495-96 (7th Cir. 2002). According to the decision, Rett syndrome is a neurological disorder resulting in severe cognitive and physical impairments. *Id.* at 495.

186. *Id.* at 495.

187. *Id.* at 495, 499.

188. *Id.* at 499.

189. *Id.*

190. *Id.* at 498-99.

191. *Id.* at 499.

Revisiting the continuum of educational placements from Part I,¹⁹² Figure 3 illustrates the Seventh Circuit’s interpretation of the IDEA regulations:

Figure 3

The Continuum of Placements (Seventh Circuit’s Interpretation)

Less restrictive	More restrictive
General Classrooms	Reverse Mainstreaming
Special Classrooms	Institutions

In 2007, the Seventh Circuit again addressed reverse mainstreaming in a case with nearly identical facts.¹⁹³ Relying on the availability of “reverse mainstream opportunities,” the court upheld the district court’s finding (which affirmed the hearing officer’s decision¹⁹⁴) that the special education placement of another student with Rett syndrome satisfied the least restrictive environment requirement.¹⁹⁵ Here again, the court did not provide specific information regarding the timing, format, or duration of the reverse mainstreaming sessions.¹⁹⁶

While the Seventh Circuit has been the most involved in this subject, a number of other federal courts of appeals have weighed in.¹⁹⁷ In a 2012 case,

192. See *supra* Figure 1.

193. *Bd. of Educ. v. Ross*, 486 F.3d 267, 269-70 (7th Cir. 2007) (reviewing a district court’s decision to uphold the placement of a high school student with Rett syndrome in a special education setting despite the opposition of the student’s parents, who advocated for a mainstream classroom).

194. *Id.* at 270.

195. *Id.* at 277-78.

196. *Id.*

197. The Eighth Circuit upheld a school district’s decision to place a developmentally disabled child in a “reverse mainstream” classroom over the objection of the child’s parents, who advocated for a more restrictive setting. That dispute, however, did not revolve around the integration presumption. *Blackmon v. Springfield R-XII Sch. Dist.*, 198 F.3d 648, 661 (8th Cir. 1999). “Reverse mainstreaming” was mentioned in another decision by the Eighth Circuit, *Gill v. Columbia 93 Sch. Dist.*, 217 F.3d 1027, 1032 (8th Cir. 2000), but this was not part of the dispute. The Sixth and Eleventh Circuits have also referred to reverse mainstreaming. In those decisions, however, the references were indirect or took no position on the doctrinal relevance or desirability of this practice. *Dong v. Bd. of Educ.*, 197 F.3d 793, 803 (6th Cir. 1999); *M.M. ex rel. C.M. v. Sch. Bd.*, 437 F.3d 1085, 1091 (11th Cir. 2006).

Given the federal appellate courts’ reliance on reverse mainstreaming to justify a placement, it is not surprising that federal district courts have generally expressed support for this practice. See, e.g., *L. ex rel. R.L. v. Plainville Bd. of Educ.*, 363 F. Supp. 2d

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the parents of an autistic child argued that the school district violated the least restrictive environment requirement by placing their daughter in a preschool comprised solely of autistic children.¹⁹⁸ The parents pushed for their child to be placed in an inclusive classroom with nondisabled children.¹⁹⁹ The parents lost at the administrative and district court levels.²⁰⁰ On appeal, the Third Circuit applied the two-part test described above,²⁰¹ whereby the court first examined whether the child could succeed in the general education classroom with the use of supplementary aids and services and, if not, whether the district provided intergroup interaction opportunities to the maximum extent appropriate.²⁰² The Third Circuit agreed with the lower court that a mainstream classroom was not an appropriate placement,²⁰³ concluding that the school district complied with the second part of the test by employing a “reverse-inclusion” program whereby nondisabled students visited the separate classroom.²⁰⁴ While the Third Circuit mentioned that the reverse inclusion interactions took the form of peer play,²⁰⁵ it too did not provide details about the hours or frequency of this activity.²⁰⁶

222, 233 (D. Conn. 2005) (finding that an IEP that placed a disabled student in “mainstream or reverse mainstream environments for half of her educational time” provided the student with “mainstream education to the maximum extent possible”); Report and Recommendation, C.L. *ex rel.* A.L. v. Sch. Bd., No. 10-24415, 2014 WL 12857913, at *37-38 (S.D. Fla. Jan. 6, 2014), ECF No. 128; Order Adopting Report and Recommendation of Magistrate Judge (D.E. 128) and Granting Defendant School Board’s Revised Motion for Judgment on the Administrative Record (D.E. 118), No. 10-24415, 2014 WL 12857912, at *1 (S.D. Fla. Jan. 28, 2014), ECF No. 129 (finding that a program that involved visits by general education students to a special education classroom satisfied the least restrictive environment requirement).

198. L.G. *ex rel.* E.G. v. Fair Lawn Bd. of Educ., 486 F. App’x 967, 969-70 (3d Cir. 2012).

199. *Id.*

200. *Id.* at 969-71.

201. *See supra* note 57 and accompanying text.

202. L.G., 486 F. App’x at 973-74.

203. *Id.*

204. *Id.* at 970, 974.

205. *Id.* at 970.

206. *Id.* at 970, 974. The Third Circuit specifically noted that it was writing “primarily for the parties” who were “familiar” with the case, so it provided “only a brief summary” of the case’s “extensive background.” *Id.* at 969. One could argue that the Third Circuit’s lack of specificity simply resulted from this posture. It is interesting to note, however, that neither the district court nor the hearing officer included details about the hours or frequency of the reverse-inclusion interactions. In fact, the district court’s decision did not mention reverse inclusion at all. L.G. *ex rel.* E.G. v. Fair Lawn Bd. of Educ., No. 09-cv-6456, 2011 WL 2559547 (D.N.J. June 27, 2011), *aff’d*, 486 F. App’x 967 (3d Cir. 2012). The hearing officer did mention that the reverse-inclusion program provided “[g]ood models,” but the decision also failed to provide any specifics and acknowledged that this program “was never identified in any IEP.” L.G. v. Fair Lawn Bd. Of Educ., No. EDS5077-08, 2009 WL 6435397, at *7, 25 (N.J. Off. of Admin. L. Oct. 5, 2009). Thus,

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Another decision, this time from the Fifth Circuit, also relied on partial reverse mainstreaming to justify a school district's actions.²⁰⁷ In that case, the parent did not dispute the placement of her developmentally disabled child in a special education classroom, but rather argued that the district had failed to provide the child with sufficient opportunities to interact with nondisabled peers.²⁰⁸ In rejecting this argument and finding that the family failed to establish that the school district violated the least restrictive environment requirement,²⁰⁹ the Fifth Circuit referred to the school's policy of "reverse inclusion," pursuant to which general education peers would eat lunch in the special education classroom.²¹⁰ The Fifth Circuit also noted that the child had other opportunities to interact with nondisabled peers, including during field trips, playground time, and school assemblies.²¹¹

In sum, although there are only a handful of federal appellate cases, the courts of appeals that have considered the matter have generally upheld reverse mainstreaming as a way to meet the integration presumption, even over the objection of parents. In doing so, however, these courts have provided scant information about the nature, type, frequency, or duration of the interactions facilitated by reverse mainstreaming.²¹² This lack of specificity can be explained by an appellate court's traditional reluctance to second-guess or intervene in a hearing officer's factual findings, particularly on issues related to educational policy.²¹³ But the dearth of detail presents a problem given the generality of the courts' statements regarding the ways in which

the administrative and district court decisions did not fill the gap left open by the Third Circuit's lack of specificity.

207. *R.S. ex rel. Ruth B. v. Highland Park Indep. Sch. Dist.*, 951 F.3d 319, 334 (5th Cir. 2020) (per curiam).

208. *Id.* at 333-34.

209. *Id.* at 334.

210. *Id.*

211. *Id.*

212. The exceptions are cases dealing with school districts that do not operate mainstream preschools and place disabled children in reverse mainstreaming preschools. In these cases, which usually involve full reverse mainstreaming, federal courts tend to provide information about the number of disabled and nondisabled students in the classroom. See *T.R. ex rel. N.R. v. Kingwood Twp. Bd. of Educ.*, 205 F.3d 572, 579-80 (3d Cir. 2000); *L.B. ex rel. K.B. v. Nebo Sch. Dist.*, 379 F.3d 966, 968 & n.1 (10th Cir. 2004); *A.H. ex rel. A.H. v. Clarksville-Montgomery Cnty. Sch. Sys.*, No. 18-cv-00812, 2019 WL 483311, at *2 (M.D. Tenn. Feb. 7, 2019).

213. See, e.g., *Bd. of Educ. v. Ross*, 486 F.3d 267, 270 (7th Cir. 2007); see also *supra* note 140 and accompanying text.

reverse mainstreaming meets the integration presumption²¹⁴—especially since, as we will see later,²¹⁵ the devil is in the details.

2. State hearing officers

A systematic content analysis of the Dataset reveals that hearing officers also tend to endorse reverse mainstreaming as a way to meet the integration presumption. Indeed, as Appendix B (Table 4) shows, in the cases in which hearing officers took reverse mainstreaming into account in their legal analysis (n = 85),²¹⁶ almost 90% (seventy-six cases) expressed positive views of the practice, either explicitly²¹⁷ or implicitly.²¹⁸

In many decisions, hearing officers approvingly cited reverse mainstreaming programs, relying extensively on educators' claims that intergroup interactions can assist in developing skills.²¹⁹ In other decisions, the hearing officers themselves recommended reverse mainstreaming or even

214. See, e.g., *supra* notes 188-91 and accompanying text (summarizing the *Beth B. v. Van Clay* case, in which the Seventh Circuit upheld reverse mainstreaming as a way to meet the least restrictive environment requirement). Notably, legal decisionmakers have since incorporated that logic in evaluating reverse mainstreaming. See, e.g., *Student v. Balt. City Pub. Schs.*, No. MSDE-CITY-OT-14-34141, 115 LRP 24835, at *22 (Md. State Educ. Agency Jan. 30, 2015) (noting that “reverse inclusion has been accepted as a legitimate factor in determining the [least restrictive environment] for disabled students” and citing to *Beth B. v. Van Clay*).

215. See *infra* Parts IV.A-B.

216. *Supra* note 152.

217. By “explicit positive reaction,” I mean either a legal decisionmaker’s recognition that reverse mainstreaming is a legitimate factor in the least restrictive environment analysis or an explicit affirmative reference to reverse mainstreaming on the merits.

218. By “implicit positive reaction,” I mean either a legal decisionmaker’s affirmation of a placement that includes reverse mainstreaming, without addressing reverse mainstreaming explicitly, or an implicit recognition that reverse mainstreaming is a legitimate factor in the least restrictive environment analysis.

219. See, e.g., *Parent ex rel. Student v. Dep’t of Educ.*, DOE-SY0910-050, at 8 (Haw. Off. of Admin. Hearings Dec. 23, 2009), <https://perma.cc/Y3B6-KNW9> (concluding that a reverse mainstreaming program “properly addresses” the student’s “social interaction needs at this time”); *San Bernardino City Unified Sch. Dist.*, No. SN 593-97, 3 LRP 9773, at *12 (Cal. State Educ. Agency Mar. 20, 1998) (finding that a “reverse mainstream environment is particularly appropriate” for a disabled student); *Reed Union Sch. Dist.*, Nos. SN05-00155 & SN05-00381, 105 LRP 58642, at *10 (Cal. Special Educ. Hearing Off. Oct. 3, 2005) (noting that reverse mainstreaming was in conformance with the integration presumption); *E. Whittier City Sch. Dist. v. Parent ex rel. Student*, No. 2017070729, at 5 (Cal. Off. of Admin. Hearings Sept. 29, 2017), <https://perma.cc/NPB2-URKE>; *Student v. Alvord Unified Sch. Dist.*, No. 2007070161, at 14 (Cal. Off. of Admin. Hearings Mar. 19, 2008), <https://perma.cc/W869-JDKP> (reporting testimony from a teacher and aide that a disabled student who participated in reverse mainstreaming activities “derived meaningful benefit from interaction with typically developing peers”).

ordered the district to implement this practice.²²⁰ Only two decisions in the Dataset expressed explicit opposition to the idea that reverse mainstreaming can satisfy the least restrictive environment test.²²¹

The previous data reveal that legal decisionmakers, like most educators, generally view reverse mainstreaming as a valid way to meet the integration presumption. Yet notwithstanding this logic, there is reason to question whether the practice actually meets the needs of disabled children. The next Part explains why.

IV. Evaluating Reverse Mainstreaming

Any normative evaluation of reverse mainstreaming requires an understanding of the justifications that underlie integration in disability

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220. See, e.g., *Student v. San Lorenzo Valley Unified Sch. Dist.*, No. SN 2735-01, at 15 (Cal. Off. of Admin. Hearings June 20, 2002), <https://perma.cc/GQ97-E6YU>; see also *Student v. Detroit Pub. Schs.*, No. SEH05-112, at 10 (Mich. State Dep't of Educ. May 17, 2006), <https://perma.cc/6HLW-4FTT> (discussing reverse mainstreaming as a “possibility” for future educational services); *Student v. Dep't of Educ.*, No. 01-125, 109 LRP 35070, at *31 (Haw. State Educ. Agency Oct. 13, 2001) (ordering the district to implement a plan “utilizing reverse mainstreaming in small steps”); *Ipswich Pub. Schs.*, No. 05-3855, 2005 MSE LEXIS 41, at *90 (Mass. Bureau of Special Educ. Appeals Sept. 6, 2005).
221. *Parent ex rel. Student v. Dep't of Educ.*, No. DOE-SY1314-033-A, at 31-32 (Haw. Off. of Admin. Hearings Mar. 7, 2014), <https://perma.cc/PFN9-RYHB> (holding that, even though the “reverse inclusion” program proposed by the school had value for both the general and special education students involved, “that value does not satisfy the mandate of finding the least restrictive environment for [the] Student.”); *Parent ex rel. Student v. Highland Park Indep. Sch. Dist.*, No. 219-SE-0415, at 31 n.251 (Tex. Educ. Agency July 19, 2016), <https://perma.cc/9SQU-RM7B> (finding the district’s policy of reverse mainstreaming inconsistent with the least restrictive environment requirement). Importantly, while the federal district court affirmed the Texas hearing officer’s decision at large, the court expressed a positive view of reverse mainstreaming. *R.S. ex rel. Ruth B. v. Highland Park Indep. Sch. Dist.*, No. 16-cv-02916, 2019 WL 1099753, at *21 (N.D. Tex. Mar. 8, 2019); see also *supra* notes 207-211 and accompanying text (discussing the appellate decision). For two other hearing officer decisions that were not included in the Dataset (because they did not arise in one of the five designated states) but also expressed explicit opposition to the idea that reverse mainstreaming can meet the integration presumption, see *Allen Park Public Schools*, No. SEH 06-77, at 48 (Mich. State Off. of Admin. Hearings & Rules May 1, 2007), <https://perma.cc/VRW5-YEQ4> (“‘Reverse’ mainstreaming has no impact on the [least restrictive environment] continuum at all”); and *Metro. Nashville Pub. Schs.*, No. 00-18, 106 LRP 7687, at *8 (Tenn. State Educ. Agency Oct. 6, 2000) (“Least restrictive environment is meant to keep children with disabilities in [a] regular education environment—not to bring regular education students into a special education environment.”). The *Metropolitan Nashville Public Schools* decision was affirmed by the district court and was again appealed, this time to the Sixth Circuit, which affirmed the decision without addressing the issue of reverse mainstreaming. *Metro. Bd. of Pub. Educ. v. Bellamy*, 116 F. App’x 570, 571-73, 580 (6th Cir. 2004).

education in general. After all, educators and courts have long viewed reverse mainstreaming as a form of disability integration.²²² These principles, although difficult to distill,²²³ can be gleaned from a review of court decisions and existing literature. Based on that review, this Part identifies the four main justifications for the integration presumption commonly used by courts and scholars, all of which are grounded in egalitarianism.²²⁴ These principles are: (1) educational benefits; (2) noneducational benefits; (3) race and class equity; and (4) underlying bias of teachers and school administrators. In reviewing these justifications—first as they are invoked in traditional integration and

222. See *supra* Parts II–III.

223. As other scholars have noted, the legislative history sheds little light on Congress’s purpose in crafting the integration presumption. Colker, *supra* note 3, at 805–06; Mark C. Weber, Response, *A Nuanced Approach to the Disability Integration Presumption*, 156 U. PA. L. REV. PENNUMBRA 174, 179 (2007). For a similar effort to catalog various justifications and goals of integrative policies in disability education, see MINOW, *supra* note 3, at 75–77. See also Samuel R. Bagenstos, “Rational Discrimination,” *Accommodation, and the Politics of (Disability) Civil Rights*, 89 VA. L. REV. 825, 843–44 (2003) (pointing to several ways in which disability integration can address social inequality).

224. In this Article, I do not commit to any particular theory of equality. Cf. KASPER LIPPERT-RASMUSSEN, RELATIONAL EGALITARIANISM: LIVING AS EQUALS 1–11 (2018) (discussing the differences between distributive equality and relational equality). Rather, I interpret “egalitarianism” broadly to include values and interests associated with the promotion of disability equality. In doing so, I rely on special education law’s own normative criteria. Indeed, while some explanations of the integration presumption reflect a utilitarian perspective, the normative framework that governs this discourse is primarily egalitarian. Compare Ruth Colker, *Anti-Subordination Above All: A Disability Perspective*, 82 NOTRE DAME L. REV. 1415, 1422, 1428 (2007) (describing how policymakers used the concept of “mainstreaming” to save public money), with *Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036, 1047 (5th Cir. 1989) (“[M]ainstreaming may have benefits in and of itself.”) *Daniel R.R.’s* language suggests that integration has an inherent value that is not aimed at promoting utilitarian interests such as maximizing aggregate welfare or advancing market-driven objectives. Scholars and educators have also justified the integration presumption by alluding to and drawing upon egalitarian approaches such as anti-subordination theory. See, e.g., MINOW, *supra* note 3, at 78 (“[T]he presumption of integration may still be necessary to counter the legacy of exclusion”); Laura A. Schifter & Thomas Hehir, *The Better Question: How Can We Improve Inclusive Education?*, EDUC. NEXT, <https://perma.cc/Q4K4-6W4S> (last updated Sept. 12, 2018) (opposing the characterization of disabled students as “a separate class”). In using such language, Minow, Schifter, and Hehir allude to anti-subordination advocates’ efforts to rectify the systematic exclusion of socially salient groups from educational opportunities. Anti-subordination theory may be defined in the disability context as a commitment to remedying disabled people’s history of subordination by reallocating social and economic resources and eliminating stigma. See Colker, *supra*, at 1447 n.176; Bagenstos, *supra* note 223, at 839–43.

To be clear, by identifying these four egalitarian justifications, I do not assert that the integration presumption actually promotes equality. Cf. *infra* note 237 (referring to the debate between integration presumption proponents and skeptics). Instead, my goal is to use the normative criteria that underlie current IDEA doctrine as a framework for evaluating reverse mainstreaming.

second as they pertain to reverse mainstreaming—this Part examines whether reverse mainstreaming, as currently implemented, promotes the principles it is designed to achieve.

A. Educational Benefits

Advocates of the integration presumption have long argued that traditional integration is essential to ensure that disabled children receive an adequate education.²²⁵ Not surprisingly, this justification arose during an era when separate residential facilities provided poor educational opportunities for disabled children and were generally viewed by disability advocates as substandard.²²⁶ This justification, however, is still invoked today, especially by those who are concerned that segregation might entail an unequal allocation of resources.²²⁷ The best way to protect disabled children from this inequality, the argument goes, is to place them in a setting designed for nondisabled students.²²⁸

While this rationale has no validity when it comes to reverse mainstreaming—by definition, reverse mainstreaming occurs in a special education environment²²⁹—some proponents of traditional integration have pointed to a secondary educational benefit: namely, the opportunity for disabled students to develop behavioral and communication skills from interaction with their nondisabled peers.²³⁰ The idea is that disabled children can acquire such skills from observing their peers in the general education classroom.²³¹

Advocates of reverse mainstreaming attach great significance to this “observational learning” rationale.²³² Indeed, teachers and researchers often assert that disabled students who are exposed to “peer models” as part of

225. COLKER, *supra* note 19, at 27-29, 89-92, 97, 98.

226. *Id.* at 90.

227. *See, e.g.*, Schifter & Hehir, *supra* note 224 (“[S]tudents with disabilities included in general education tend to have better outcomes even when controlling for other student, school, and district characteristics.”).

228. *See id.* (referring to a recent claim by the Department of Justice that students in a segregated program in Georgia “lacked access to rigorous academics, extracurricular activities . . . and even decent buildings and facilities”).

229. *Supra* notes 73-75 and accompanying text.

230. *See, e.g.*, Daniel R.R. v. State Bd. of Educ., 874 F.2d 1036, 1047-48 (5th Cir. 1989) (noting that “the language and behavior models available from [nondisabled] children may be essential or helpful to the [disabled] child’s development”); Oberti v. Bd. of Educ., 995 F.2d 1204, 1216 (3d Cir. 1993) (referring to the development of communication skills from interaction with nondisabled students as an educational benefit). Not all proponents of traditional integration rely on this justification. For example, it is absent from Schifter and Hehir’s recent defense of disability inclusion in education. *See* Schifter & Hehir, *supra* note 224.

231. Dupre, *supra* note 29, at 826-29 (describing and criticizing this approach).

232. *Id.* at 827.

reverse mainstreaming programs make progress in communicating their needs, taking turns, and playing with others.²³³ There are good reasons, however, to question this benefit as it pertains to reverse mainstreaming.

The first problem has to do with the meaning of the word “benefit.” As used in this context, the term contains a hidden value judgment that relies on mainstream norms.²³⁴ In other words, because many of the so-called benefits of “observational learning” are premised on modeling and imitation of nondisabled children,²³⁵ they reflect an unspoken and ableist²³⁶ acceptance of the need for—and benefits of—strict conformity with mainstream conventions and culture.

Admittedly, this problem exists even in the context of traditional integration.²³⁷ But the issue is particularly acute when it comes to reverse

233. These accounts, which largely focus on autistic children, can be found in various sources. See, e.g., RITA JORDAN & STUART POWELL, UNDERSTANDING AND TEACHING CHILDREN WITH AUTISM 21, 145 (1995); Marian Wooten & Gary B. Mesibov, *Social Skills Training for Elementary School Autistic Children with Normal Peers*, in SOCIAL BEHAVIOR IN AUTISM 305, 318-19 (Eric Schopler & Gary B. Mesibov eds., 1986); Jacqueline Dobres & Lizette Posada, *Reverse Inclusion and the Use of Peer Buddies to Teach Social Skills in a Public School Setting*, AUTISM SPECTRUM NEWS (Jan. 1, 2021), <https://perma.cc/4DQN-3BGY>; *Student v. Lee's Summit R-VII School Dist. No. 944*, at 53 (Mo. Dep't of Elementary & Secondary Educ. Mar. 25, 2011), <https://perma.cc/W2SX-AK68> (“The regular education peers helped the [s]tudent by serving as role models to teach him social skills, turn taking and appropriate ways to interact with other students.”); *C.I. v. Council Rock Sch. Dist.*, No. 8189/07-08 AS, at 5 (Pa. Off. for Dispute Resol. May 13, 2008), <https://perma.cc/W5K8-EZJK> (“[T]he [s]tudent made significant progress in requesting, behavior and social skills in the reverse inclusion periods.”); *supra* note 219 and accompanying text.

234. See, e.g., Weinstein, *supra* note 91, at 66-67 (noting that deaf children in a reverse mainstreaming preschool that adheres to the oral method “are gaining the priceless gift of normal speech” by interacting with their hearing peers); cf. PADDEN & HUMPHRIES, *supra* note 87, at 68 (quoting the Deaf activist and writer George Veditz as saying that sign language is “the noblest gift God has given to Deaf people”).

235. See Dupre, *supra* note 29, at 827.

236. See *supra* note 33 and accompanying text.

237. See Dupre, *supra* note 29, at 827-28. My focus in this paper is on reverse mainstreaming. Thus, I do not evaluate traditional integration in disability education, a topic that has generated a longstanding and lively debate. Compare COLKER, *supra* note 19, at 79, 130-31, 140 (arguing that the integration presumption does not align with current empirical evidence on disabled students’ academic performance in integrated settings), Dupre, *supra* note 29, at 782-83, 812-13, 857-58 (criticizing courts for prioritizing “full inclusion” over competing considerations, including students’ academic progress), and Harris, *supra* note 26, at 897, 903 (arguing that the aesthetics literature complicates the integrative ideal in the disability context), with Samuel R. Bagenstos, Response, *Abolish the Integration Presumption? Not Yet*, 156 U. PA. L. REV. PENNUMBRA 157, 158, 164 (2007) (arguing that the integration presumption should remain intact), and Weber, *supra* note 223, at 174-75, 186 (advocating a “nuanced approach” to integration, whereby the “focus should be on the intensity of services provided to facilitate success in the mainstream”). However, given that reverse and traditional mainstreaming are subject

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mainstreaming. Specifically, by bringing nondisabled children into special education environments to serve as “peer models,” the pedagogical method and classroom dynamics are distorted to reflect mainstream principles—regardless of whether they actually benefit the disabled children.

For example, when hearing children join “oral” classrooms for deaf and hard-of-hearing students,²³⁸ the deaf and hard-of-hearing students are effectively required to read lips or use residual hearing to communicate with their hearing peers.²³⁹ And that is true even if sign language would have provided deaf students with a better understanding of the academic subject.²⁴⁰ Thus, reverse mainstreaming may deprive deaf children of the cognitive, visual, and cultural benefits of signing and may not promote their best academic interests.²⁴¹ In fact, a number of Deaf scholars and activists argue that “the unique sensory orientation of deaf people leads to a sophisticated form of visuospatial language and visual ways of being.”²⁴²

This issue also arises outside the Deaf community. One could question, for example, the pedagogical benefits of integrating neurotypical “peer-models” into a special education classroom to encourage nonverbal autistic students to speak.²⁴³ As researchers and autistic activists often point out, autistic people

to the same legal regime and administered by the same individuals and institutions, my analysis inevitably involves criticism of traditional mainstreaming, as applied, particularly in the context of intergroup interactions.

238. See, e.g., Dean & Nettles, *supra* note 93, at 27-29 (describing such a program).

239. See *id.* at 29 (noting that peer interaction activities provide “hearing-impaired” students with “natural language stimulation and use of hearing in spontaneous situations”); Weinstein, *supra* note 91, at 68. For the use of reverse mainstreaming to foster oral communication skills among deaf children with cochlear implants, see *Bos. Pub. Schs.*, No. 99-4577, 6 M.S.E.R. 143, 147-49 (Mass. Bureau of Special Educ. Appeals 2000); *Student v. San Mateo-Foster City Sch. Dist.*, No. SN 1076-97, at 5 (Cal. Special Educ. Hearing Off. Apr. 21, 1997), <https://perma.cc/WJE7-PZ7F>.

240. See Hehir, *supra* note 28, at 5-9.

241. Cf. Van Cleve, *supra* note 76, at 119 (noting that forcing deaf students “to imitate their hearing fellows by communicating with speech and speechreading” would put the deaf students “at a social and educational disadvantage”). Such reverse mainstreaming is also incompatible with the promotion of Deaf culture. For the Deaf community—whose members perceive sign language as a cultural expression—the promotion of oral skills among deaf students has been a direct cultural threat. See PADDEN & HUMPHRIES, *supra* note 87, at 7, 47-50, 76.

242. Joseph J. Murray, *Deaf Gain*, in THE SAGE DEAF STUDIES ENCYCLOPEDIA 186, 187 (Genie Gertz & Patrick Boudreault eds., 2016). For this reason, many Deaf people do not perceive their inability to hear as “hearing loss”; instead, they regard it as “Deaf Gain.” *Id.*

243. *Student v. La Mesa-Spring Valley Sch. Dist.*, No. SN 807-98, at 1, 2, 9, 11, 14 (Cal. Special Educ. Hearing Off. Jan. 28, 1999), <https://perma.cc/WJE7-PZ7F> (discussing a reverse mainstreaming program in which the nondisabled children served as “language models” to assist an autistic child who “was not using language spontaneously”).

sometimes prefer to use assistive technologies or the written word to express themselves because speech can be distressing and even impossible.²⁴⁴

A similar problem—where privileged groups impose their preferred communication methods in an educational setting that serves predominantly marginalized groups—has been identified in connection with the racial and socioeconomic integration of schools. A recent podcast by the *New York Times* recounts how white parents who had moved their children into a predominantly Black, Latinx, and Middle Eastern school insisted that French be taught in a dual-language program—even though Spanish or Arabic would have been the more logical choice for many of the school’s children.²⁴⁵ Interestingly, the white parents who pushed for the program made no secret of their motivation, which was to promote a language they were more familiar with.²⁴⁶ In fact, one of the program’s fundraisers, a French Embassy employee, described it as part of a mission to exert “soft power.”²⁴⁷

The *Times* podcast shows that the introduction of this program changed school dynamics and resulted in negative repercussions for some students. Consider Maya, a student at the school whose parents speak Arabic and Turkish.²⁴⁸ Maya participated in an after-school drama program where the students performed in French, which made it difficult for her to understand her lines.²⁴⁹ When, during a rehearsal, Maya mispronounced one of the words, another student, a native French speaker, corrected Maya and read her line.²⁵⁰

244. DAVID R. BEUKELMAN & JANICE C. LIGHT, AUGMENTATIVE AND ALTERNATIVE COMMUNICATION: SUPPORTING CHILDREN AND ADULTS WITH COMPLEX COMMUNICATION NEEDS 3-5 (2020); see also ERIC GARCIA, WE’RE NOT BROKEN: CHANGING THE AUTISM CONVERSATION 26, 117-18 (2021) (describing the ways in which a nonspeaking autistic person had been frustrated with educators’ attempts to improve his oral communication skills before he started using a communication device). Some researchers and activists criticize attempts to “correct” behavioral and communicative delays in autistic children; for example, they claim that applied behavioral analysis (ABA), “a type of therapy meant to help people improve basic skills” including communication, “focuses on eradicating autistic behavior.” See *id.* at 116-17; ANNE MCGUIRE, WAR ON AUTISM: ON THE CULTURAL LOGIC OF NORMATIVE VIOLENCE 44-46 (2016) (describing and criticizing the pedagogical underpinnings of ABA); Katherine Reynolds Lewis, *Autism Is an Identity, Not a Disease: Inside the Neurodiversity Movement*, ELEMENTAL (June 30, 2020), <https://perma.cc/23VX-H2CP> (quoting activists).

245. Nice White Parents, *Episode One: The Book of Statues*, SERIAL PRODS. & N.Y. TIMES, at 04:16-05:32, 39:40-40:51 (July 23, 2020), <https://perma.cc/YKU3-6Z6F> (to locate, select “Episode One: The Book of Statues”).

246. See *id.* at 09:38-11:40.

247. *Id.* at 51:50-52:20.

248. *Id.* at 39:05-39:20, 40:02-40:15.

249. *Id.* at 37:51-39:10.

250. *Id.* at 39:20-40:00.

This situation demonstrates that what are perceived as educational benefits by some may actually be an attempt to impose hegemonic norms on marginalized groups—what disability studies scholars refer to as the “hegemony of normativism.”²⁵¹ In Maya’s case, for example, it is not clear whether she benefited from the new language program as much as her French-speaking peers did. Maya herself admitted that she found the lessons “confusing.”²⁵² The upshot is that the so-called educational benefit of reverse mainstreaming does not necessarily benefit the assumed beneficiary.

If this argument is persuasive, then it constitutes an independent reason to reject the conception that reverse mainstreaming educationally benefits disabled children. However, even if one believes that disabled children can gain skills through imitation of nondisabled peers, reverse mainstreaming does not always fulfill this promise.

In fact, empirical evidence casts doubt on the practice’s potential to enhance the performance of disabled children. Indeed, while the results²⁵³ in some studies were positive,²⁵⁴ the results in other studies were not

251. E.g., Mairian Corker & Tom Shakespeare, *Mapping the Terrain*, in *DISABILITY/POSTMODERNITY: EMBODYING DISABILITY THEORY* 1, 7 (Mairian Corker & Tom Shakespeare eds., 2002).

252. Nice White Parents, *supra* note 245, at 39:05-39:20.

253. The studies cited in notes 254-55 below used various methodologies, including tests, surveys, and observational measures. Notably, some of these studies were based on very small sample sizes.

254. See, e.g., Allen et al., *supra* note 97, at 138-40 (finding, based on video recordings, that the behavior of a three-year-old child with developmental delays improved significantly following her inclusion in a preschool with equal numbers of disabled and nondisabled children); Andrew L. Egel, Gina S. Richman & Robert L. Koegel, *Normal Peer Models and Autistic Children’s Learning*, 14 J. APPLIED BEHAV. ANALYSIS 3, 4, 9 (1981) (finding that all four autistic participants significantly improved their performance after first observing a nondisabled child completing the assigned tasks); Tana D’Allura, *Enhancing the Social Interaction Skills of Preschoolers with Visual Impairments*, 96 J. VISUAL IMPAIRMENT & BLINDNESS 576, 579, 582-83 (2002) (finding, based on video recordings, that preschoolers with visual impairments interacted with peers at a higher rate when placed in a “reverse mainstream” program, as compared to preschoolers in a self-contained classroom); Yvonne Rafferty & Kenneth W. Griffin, *Benefits and Risks of Reverse Inclusion for Preschoolers with and Without Disabilities: Perspectives of Parents and Providers*, 27 J. EARLY INTERVENTION 173, 176-77, 181 (2005) (finding, on the basis of a survey of preschool providers and parents, that “reverse inclusion” enabled children to learn by observing nondisabled peers); Allison S. Nahmias, Colleen Kase & David S. Mandell, *Comparing Cognitive Outcomes Among Children with Autism Spectrum Disorders Receiving Community-Based Early Intervention in One of Three Placements*, 18 AUTISM 311, 312-13, 318 (2014) (finding, based on cognitive tests, that autistic children in inclusive preschools, some of which included a reverse mainstreaming component, made greater gains in cognitive performance than children who attended preschools without nondisabled peers); Laura M. Justice, Jessica A.R. Logan, Tzu-Jung Lin & Joan N. Kaderavek, *Peer Effects in Early Childhood Education: Testing the Assumptions of Special-Education Inclusion*, 25 PSYCH. SCI. 1722, 1724, 1729 (2014) (finding, based on an indirect
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conclusive.²⁵⁵ This inconsistency may result from variables such as the nature and level of impairments²⁵⁶ and the ratio of disabled to nondisabled students,²⁵⁷ among others. For example, a reverse mainstreaming program that includes only one nondisabled participant may yield strikingly different (and presumably less favorable) outcomes than a program in which half of the students are nondisabled.²⁵⁸ Similarly, studies suggest that reverse mainstreaming might be less effective for children with severe impairments.²⁵⁹ Another part of the problem is that “social integration” does not occur automatically once disabled and nondisabled students are placed in the same classroom.²⁶⁰ For example, two North Carolina educators have reported that, when typically developing students were brought to a special education classroom for the first time, the autistic children in the classroom identified them as “intrusive peers” and sometimes ignored the visitors or had tantrums.²⁶¹ In fact, it took those educators several years of “structuring and experimenting” to develop a reverse mainstreaming program that enabled their students to acquire behavioral and communication skills.²⁶²

Research also suggests that integrative measures might be less effective in cases where interactions are limited in terms of time and frequency.²⁶³ This is

measure of language ability, that the language skills of disabled children who attended early-childhood special education classrooms benefited from exposure to nondisabled peers who also attended these classrooms).

255. E.g., Jenkins et al., *supra* note 113, at 7, 10, 15 (finding, based on standardized tests, that the placement of disabled children in a reverse mainstreaming preschool “produce[d] developmental changes that [were] no different” from those resulting from a disability-specific preschool); Mary A. Reynolds & Gary Holdgrafer, *Social-Communicative Interactions of Preschool Children with Developmental Delays in Integrated Settings: An Exploratory Study*, 18 TOPICS EARLY CHILDHOOD SPECIAL EDUC. 235, 237-40 (1998) (finding, based on videotape samples, a similar rate of social-communicative performance by preschoolers with developmental delays across traditional integration and reverse mainstreaming settings).

256. See *infra* note 259 and accompanying text.

257. Guralnick, *supra* note 27, at 21.

258. See *id.*

259. Kevin N. Cole, Paulette E. Mills, Philip S. Dale & Joseph R. Jenkins, *Effects of Preschool Integration for Children with Disabilities*, 58 EXCEPTIONAL CHILD. 36, 37, 41-43 (1991) (finding, based on testing, that lower functioning children made greater gains in segregated settings and that relatively higher functioning children made greater gains in reverse mainstreaming settings); Paulette E. Mills, Kevin N. Cole, Joseph R. Jenkins & Philip S. Dale, *Effects of Differing Levels of Inclusion on Preschoolers with Disabilities*, 65 EXCEPTIONAL CHILD. 79, 86-88 (1998) (reporting similar results based on testing).

260. Guralnick, *supra* note 27, at 23, 25.

261. Wooten & Mesibov, *supra* note 233, at 308.

262. *Id.* at 307-08, 318.

263. See Odom, *supra* note 1, at 22 (“If we expect that children with disabilities will learn from, interact with, and form relationships with typically developing children, then

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particularly problematic in light of the challenge of guaranteeing the availability and engagement of nondisabled students, which is a critical element of reverse mainstreaming.²⁶⁴ A 1993 Ohio case illustrates this point.²⁶⁵ In that instance, a seven-year-old autistic child had been placed in a special education classroom pursuant to an IEP that promised opportunities to engage with general education students through reverse mainstreaming.²⁶⁶ In practice, however, such interaction was limited to fifteen minutes per week.²⁶⁷ The child's parents argued that, by not providing him with more opportunities for interaction, the district had failed to comply with the IEP's terms.²⁶⁸ In ruling for the parents, the court determined that the decision to offer only "minimal" reverse mainstreaming opportunities rested *not* on the child's needs or an informed educational policy judgment.²⁶⁹ Rather, according to the court, the decision was based upon the general education students' scheduling considerations and the school's "administrative convenience,"²⁷⁰ neither of which was a sufficient justification.²⁷¹

My research suggests that such limited-contact arrangements are hardly rare.²⁷² In some cases, nondisabled students visited special education settings

the children with disabilities need to be around typically developing peers for a substantial part of their day.").

264. See, e.g., *Parent ex rel. Student v. Burbank Unified Sch. Dist.*, No. 2018100167, at 88-89 (Cal. Off. of Admin. Hearings July 26, 2019), <https://perma.cc/F4VS-MR5Z> (raising doubts about whether a school district could operate a reverse mainstreaming program given a perceived lack of available nondisabled participants); *Marblehead Pub. Schs.*, No. 98-3260, 4 M.S.E.R 127, 132-33 (Mass. Bureau of Special Educ. Appeals Sept. 2, 1998) (recognizing that a reverse mainstreaming program "was unable to attract" nondisabled participants but also determining that some nondisabled students were ultimately in attendance); *Balt. City Pub. Sch. Sys.*, No. 09-083, 109 LRP 77679, at *3 (Md. State Educ. Agency June 23, 2009) (finding that a school district violated the terms of a child's IEP by failing to recruit nondisabled participants for a reverse mainstreaming program); *Student v. Hewlett-Woodmere Union Free Sch. Dist.*, No. 20-047, 120 LRP 22416, at *19 (N.Y. State Educ. Agency May 6, 2020) (noting that fewer nondisabled students were available for reverse mainstreaming during finals).

265. *Bd. of Educ. of Centerville City Sch. Dist. v. Bd. of Educ. of State*, No. C-3-92-442, 1993 WL 1318610 (S.D. Ohio Aug. 24, 1993).

266. *Id.* at *1, 6.

267. *Id.* at *9.

268. *Id.* at *22.

269. *Id.* at *24-26.

270. *Id.* at *24.

271. *Id.* at *24-26.

272. See, e.g., *Student v. Palos Verdes Peninsula Unified Sch. Dist.*, No. SN 233-01, at 7 (Cal. Special Educ. Hearing Off. Nov. 7, 2002), <https://perma.cc/U8FZ-BVAN> (noting that, notwithstanding the district's arguments, mainstreaming and reverse mainstreaming interventions were limited to one to two hours per week); cf. *Student v. Anaheim Union High Sch. Dist.*, No. SN 1316-02, at 23 (Cal. Special Educ. Hearing Off. Mar. 3,

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only once a month.²⁷³ In other instances, the interaction was limited to lunch.²⁷⁴

In addition to issues of efficacy based on lack of frequency, there are other reasons to question whether reverse mainstreaming provides an educational benefit. In fact, there is evidence that some forms of reverse mainstreaming can be *detrimental* to disabled students' education. A number of surveys have found that the inclusion of mainstream students in a special education setting may attract the teacher's attention at the expense of disabled students.²⁷⁵ In one case, parents who objected to the district's proposal to place their disabled child in a reverse mainstreaming preschool argued that the pace was "too fast" due to the presence of typically developing peers.²⁷⁶ Other legal decisions reveal that, for some disabled students, reverse mainstreaming can be overstimulating.²⁷⁷

This concern seems particularly pertinent in partial reverse mainstreaming, where the overall number of students in the classroom sometimes increases, changing the original student-to-staff ratio.²⁷⁸ In such a scenario, disabled students are likely to receive even less attention from their teachers.²⁷⁹ The personal narrative of Ruth Colker, a prominent disability law scholar, is informative. In her book, Colker recalls observing her son's special education classroom during a partial reverse mainstreaming session: "[T]he

2003), <https://perma.cc/8KNJ-5S7B> (emphasizing that the proposed reverse mainstreaming program was "of unknown frequency").

273. Findings of Fact and Decision, No. 167322, at 4 (N.Y. State Educ. Dep't May 11, 2018) (on file with the New York State Education Department), <https://perma.cc/XSQ4-WL8X>; *Student v. Catawba Cnty. Schs. Bd. of Educ.*, No. 07 EDC 1382, at 14 (N.C. Off. of Admin. Hearings Jan. 2008), <https://perma.cc/CV38-Z4YN>.

274. *See Mark G. ex rel. Zachary G. v. Sch. Dist. No. 1*, No. 15-cv-02399, 2016 WL 5815283, at *8 (D. Colo. Oct. 5, 2016); *Student v. Dep't of Educ.*, No. DOE-SY0910-070-R, at 8 (Haw. Off. of Admin. Hearings Feb. 4, 2013), <https://perma.cc/N45M-69G6> (decision after remand).

275. *See, e.g., Rafferty & Griffin, supra* note 254, at 187 (pointing to the concern that disabled children in reverse mainstreaming programs might not get enough assistance from teachers as one of the major risks identified by providers and parents).

276. *Ipswich Pub. Schs.*, 10 M.S.E.R. 244, 252, 255 (Mass. Bureau of Special Educ. Appeals 2004). Although the hearing officer rejected the parents' argument and concluded that this particular student benefitted from inclusion, *id.* at 255, the case illustrates one of the potential structural problems with reverse mainstreaming.

277. *See, e.g., Capistrano Unified Sch. Dist. v. Student*, Nos. N2006070729, N2006100264 & N200707070928, at 36-37, 46 (Cal. Off. of Admin. Hearings May 12, 2008), <https://perma.cc/M4QK-J2SS> (noting that a "Best Buddies" program, which included visits of "typical peers" to the special education classroom, was "agitating").

278. *See McCann et al., supra* note 103, at 17 (pointing to "[i]ncreases in class size and teacher workload" that may result from partial reverse mainstreaming).

279. *Id.*

typical role models, with their much greater language development, dominated the class and made the teachers' jobs more difficult."²⁸⁰

As Colker's narrative implies, it is not only the increased class size that makes reverse mainstreaming disruptive; it may also be the nondisabled participants' behavior. For instance, in one survey conducted in a Chicago school that employed reverse mainstreaming, a majority of teachers reported that the nondisabled participants were "noisy, rude and disruptive."²⁸¹ There is much irony in the potential disruptiveness of *nondisabled* children who visit special education classrooms. The irony derives from the fact that disabled children may be removed from the mainstream classroom because of their potential disruption, but there is no legal mechanism to ensure that mainstream students are not disrupting disabled students' learning in special education classrooms.²⁸²

B. Noneducational Benefits

The second major justification underlying the integration presumption is that it provides noneducational benefits to both disabled and nondisabled people. For example, it is widely believed that interactions with disabled individuals will shift nondisabled people's attitudes toward disability.²⁸³ This assumption relies on what is known as the "contact hypothesis," a longstanding theory in social psychology literature which asserts that contact between members of different social groups can, under certain conditions, reduce hostility and prejudice.²⁸⁴ In addition, some courts and commentators believe that integration will boost disabled children's self-esteem, as the stigma associated with a separate education is removed.²⁸⁵

280. COLKER, *supra* note 19, at 6.

281. MIRIAM A. PHELPS, INCLUSION AND INTEGRATION AND SCHOOL CLIMATE 17-18 (1993).

282. See *Hartmann ex rel. Hartmann v. Loudoun Cnty. Bd. of Educ.*, 118 F.3d 996, 1004-05 (4th Cir. 1997); *Sacramento City Unified Sch. Bd. of Educ. v. Holland ex rel. Rachel H.*, 14 F.3d 1398, 1404 n.6 (9th Cir. 1994).

283. Harris, *supra* note 26, at 904-06.

284. See GORDON W. ALLPORT, THE NATURE OF PREJUDICE 261-81 (1954) (developing the contact hypothesis); Loris Vezzali & Sofia Stathi, *The Present and the Future of the Contact Hypothesis, and the Need for Integrating Research Fields*, in INTERGROUP CONTACT THEORY: RECENT DEVELOPMENTS AND FUTURE DIRECTIONS 1, 2 (Loris Vezzali & Sofia Stathi eds., 2017) (pointing to "consistent evidence that contact 'works'"); THOMAS F. PETTIGREW & LINDA R. TROPP, WHEN GROUPS MEET: THE DYNAMICS OF INTERGROUP CONTACT 77-90 (2011) (explaining how contact reduces prejudice); John F. Dovidio, Peter Glick & Laurie A. Rudman, *Introduction to ON THE NATURE OF PREJUDICE: FIFTY YEARS AFTER ALLPORT* 1, 8-9 (John F. Dovidio, Peter Glick & Laurie A. Rudman eds., 2005) (summarizing Allport's hypothesis).

285. *Rachel H.*, 14 F.3d at 1401; Dupre, *supra* note 29, at 791-92, 817, 822; see also MINOW, *supra* note 3, at 76-77.

Educators and parents have asserted that these noneducational benefits also manifest in the context of reverse mainstreaming.²⁸⁶ They argue that reverse mainstreaming fosters empathy among the nondisabled participants and gives “confidence” to the disabled students.²⁸⁷ Here again, however, there are good reasons to question whether reverse mainstreaming generally gives rise to such positive effects.

Let us start with the empirical data (or lack thereof). Only a few small-scale studies analyze the relationship between reverse mainstreaming and attitudes of nondisabled students toward their disabled peers or disabled students’ self-esteem.²⁸⁸ As a result, it is difficult to reach any firm conclusions about reverse mainstreaming’s potential to promote noneducational benefits. The existing literature, which is primarily based on observations or surveys,²⁸⁹ often comes across as “feel-good” stories, in which considerate and altruistic mainstream students assist their disabled peers and, in so doing, gain a sense of pride and self-worth from their volunteer work (e.g., “I felt like I did something good”; “It helped me feel good about myself”).²⁹⁰ If anything, these reports suggest that what some researchers and educators perceive as positive attitudes are in fact demeaning sentiments. For example, in discussing the “positive” effects of a 2007 program in which nondisabled students tutored autistic children in a special education

286. See, e.g., Dobres & Posada, *supra* note 233; E. Whittier City Sch. Dist. v. Parent *ex rel.* Student, Nos. 2017070729 & 2017060297, at 5 (Cal. Off. of Admin. Hearings Sept. 29, 2017), <https://perma.cc/NPB2-URKE>; Hanes, *supra* note 126.

287. See, e.g., Schoger, *supra* note 64, at 6.

288. E.g., Val Jones, ‘I Felt Like I Did Something Good’—The Impact on Mainstream Pupils of a Peer Tutoring Programme for Children with Autism, 34 BRIT. J. SPECIAL EDUC. 3, 4-7 (2007) (evaluating nondisabled children’s attitudes through questionnaires in a nonexperimental, small-scale study).

289. See, e.g., Rafferty & Griffin, *supra* note 254, at 177, 181-83; Schoger, *supra* note 64, at 7; Campbell et al., *supra* note 103, at 66-67 (presenting observations of specific reverse mainstreaming programs).

290. Jones, *supra* note 288, at 6 (quoting a nondisabled participant in a reverse mainstreaming program); Campbell et al., *supra* note 103, at 65 (quoting a nondisabled participant); see also Andy Attina, *Kenston Teacher’s ‘Reverse Inclusion’ Club Brings Typical Students into Special Needs Classes*, CLEVELAND.COM (Mar. 18, 2013, 11:02 AM), <https://perma.cc/FDE6-D5F3> (quoting a reverse mainstreaming entrepreneur as saying, “You can’t imagine what its [sic] like to watch a football player who’s popular and has a girlfriend, to feed a Thanksgiving dinner to a student in a wheelchair”); Chris Lapka, *When Can You Move Forward by Traveling in Reverse?*, ILL. MUSIC EDUCATOR, Spring 2008, at 73, 73 (noting that some of the “struggling” nondisabled participants in reverse mainstreaming “often feel a great sense of pride in knowing that someone values their skills and knowledge”); Almond et al., *supra* note 99, at 138 (making a similar point).

classroom, a researcher noted that some of the mainstream participants recognized how “lucky” they were—presumably for not being autistic.²⁹¹

There are other reasons to believe that reverse mainstreaming fails to shift attitudes. One such reason is the way reverse mainstreaming assigns disabled and nondisabled participants to stereotypical roles. Reports, studies, and legal decisions often refer to general education students who participate in reverse mainstreaming as “supervisors,”²⁹² “helpers,”²⁹³ “mentors,”²⁹⁴ or “teachers’ assistants.”²⁹⁵ Furthermore, a systematic analysis of the decisions in the Dataset that involved peer-tutoring sessions reveals that nondisabled students were always the givers and never the receivers of help.²⁹⁶

These titles and roles may be well-intended. But they also treat disabled children as helpless individuals to be managed and reinforce pervasive stereotypes and misconceptions regarding disability.²⁹⁷ Indeed, if there is one stereotype that applies to all types of impairment, it is that disabled people are dependent and in constant need of help.²⁹⁸ Thus, identifying nondisabled participants in structured interactions as “helpers” or “supervisors” reproduces, rather than counteracts, disability prejudice. In fact, according to qualitative studies, nondisabled students themselves tend to prefer spontaneous forms of interaction over the assignment of “peer-helping” positions because they, too, identify a “tension between being a helper and being a friend.”²⁹⁹

291. Jones, *supra* note 288, at 6.

292. Almond et al., *supra* note 99, at 135.

293. Poorman, *supra* note 103, at 136.

294. Lapka, *supra* note 290, at 73.

295. N.Y.C. BD. OF EDUC., EDUC. RSCH. HIGH SCH. EVALUATION UNIT, PROJECT BLEND 1993-94, at 9 (1994).

296. The Dataset includes fourteen decisions dealing with peer tutoring. *Infra* Appendix B (Table 1). In all of these cases, nondisabled students served as the tutors of their disabled peers. See, e.g., *Parent ex rel. Student v. Long Beach Unified Sch. Dist.*, No. 2018050736, at 33 (Cal. Off. of Admin. Hearings Feb. 22, 2019), <https://perma.cc/3TU6-B9T2>; *Student v. Dep’t of Educ.*, No. 01-125, 109 LRP 35070, at *6 (Haw. State Educ. Agency Oct. 13, 2001).

297. For example, a “Peer Tutor Worksheet” circulated among nondisabled participants in a reverse mainstreaming program from around 1980 reminded the “tutors” that “[i]f [they] use a threat,” they should “be ready to carry it out.” Campbell et al., *supra* note 103, at 66. For a similar argument in the context of traditional mainstreaming, see Dupre, *supra* note 29, at 826-28.

298. See NARIO-REDMOND, *supra* note 30, at 124-33; Michelle Fine & Adrienne Asch, *Disability Beyond Stigma: Social Interaction, Discrimination, and Activism*, J. SOC. ISSUES, Spring 1988, at 3, 12-15.

299. Zachary Rossetti & Jennifer Keenan, *The Nature of Friendship Between Students with and Without Severe Disabilities*, 39 REMEDIAL & SPECIAL EDUC. 195, 207 (2018). Perhaps no other term better encapsulates this tension than “therapy buddy,” used by a reverse mainstreaming program in New Jersey to refer to a nondisabled participant. G.R. *ex rel.*

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Even when mainstream children are sent to a special education setting without a set responsibility or title, they are still “expected to exert ‘significant behavioral influence’” on their disabled peers, a task for which they often undergo extensive screening and training.³⁰⁰ As part of these screening and training processes, school administrators “carefully” select nondisabled children who are “kind,” “confident,” and exhibit “age-appropriate” communication skills.³⁰¹ Though such screening and training processes may hold some benefits,³⁰² they also have expressive and practical implications that may affect the noneducational gains presumed to follow from reverse mainstreaming.

First, because the screening process focuses on “kind” children, it fails to reach the students who may actually hold negative views of disability. If the purpose of reverse mainstreaming is to foster empathy and social acceptance, it would make more sense to recruit participants from a large pool of students, including those who manifest negative attitudes toward their disabled peers.³⁰³

Second, screening and training may result in an inaccurate portrayal of nondisabled children, according to which *all* nondisabled children are kind, supportive, and compliant. Such a portrayal creates a false binary and may obscure more accurate ideas about people’s bodies and minds—that all abilities exist on a spectrum.

J.R. v. Montclair Bd. of Educ., No. EDS 13573-09, 2010 WL 2546398, at *1 (N.J. Off. of Admin. L. June 2, 2010); *see also* Delaware Cnty. Intermediate Unit, Nos. 17816/15-16 AS & 18091/16-17 AS, at 10 (Pa. Off. for Dispute Resol. Nov. 19, 2016), <https://perma.cc/A5C7-TBK4> (referring to a nondisabled participant in a reverse mainstreaming program as “therapy partner”). While therapy and friendship are not mutually exclusive, it seems odd to see them as fulfilling the same function in the educational context.

300. Odom & Speltz, *supra* note 71, at 98-99; *see, e.g.*, Student v. Capistrano Unified Sch. Dist., No. SN 2102-04, at 20 (Cal. Special Educ. Hearing Off. Feb. 2, 2005), <https://perma.cc/WJE7-PZ7F> (“[T]he four typically developing peers who come into the class for ‘reverse mainstreaming’ were specifically chosen for their demeanor and willingness to socialize . . .”); Evanston Twp. High Sch. Dist. 202, No. 004568, 108 LRP 38107, at *12 (Ill. State Educ. Agency Oct. 28, 2005) (“The regular education students must be recommended by a teacher and go through a screening process to be selected for the program.”); Student v. La Mesa-Spring Valley Sch. Dist., No. SN 807-98, at 10 (Cal. Special Educ. Hearing Off. Jan. 28, 1999), <https://perma.cc/WJE7-PZ7F> (“The preschool students who participated in reverse mainstreaming with Ms. Laing’s class were screened on eight criteria and then trained by Ms. Laing.”); Campbell et al., *supra* note 103, at 66 (describing “weekly group meetings” aimed at teaching the tutors “behavioral techniques”).
301. Dean & Nettles, *supra* note 93, at 28-29; Dobres & Posada, *supra* note 233 (noting that students who are kind, confident, or follow directions are likely to be “well-suited” for the “peer buddy” position).
302. For example, they might mitigate the concern that nondisabled students will be disruptive. *See supra* notes 281-82 and accompanying text.
303. *Cf.* Werner & Scior, *supra* note 26, at 134 (noting that the participation of nondisabled volunteers in contact-based interventions “could be seen as ‘preaching to the converted’”).

Third, the way that nondisabled participants are selected and trained portrays them (or, more accurately, those deemed “appropriate”) as a coveted commodity.³⁰⁴

Most important, the titles and hierarchy established by many reverse mainstreaming programs violate a number of the conditions underlying the very theory that purports to explain how interactions can reduce prejudice. As early as 1954, Gordon Allport, who formulated the contact hypothesis, specifically warned against intergroup relations that are “firmly frozen into superordinate-subordinate relationships.”³⁰⁵ According to Allport, interactions with those of at least “equal status” is a prerequisite to reducing prejudice through contact.³⁰⁶

Subsequent research has echoed these early observations.³⁰⁷ For example, social psychologists have found that contact interventions are more likely to

304. A recent decision from Hawaii presents a striking illustration of how a private special education school commodified “nondisability.” Because that school wanted to provide opportunities for its students to interact with nondisabled children, it arranged to have nondisabled children from the community visit periodically. *Student v. Dep’t of Educ.*, No. DOE-SY1920-053, at 18, 22, 37, 39 (Haw. Off. of Disp. Resol. Nov. 19, 2020), <https://perma.cc/2Z36-Q57A>. To supervise the nondisabled students and encourage interactions, the school also contracted with a provider. *Id.* at 22. The school, however, passed on the cost of the supervisor to the disabled students’ parents. *Id.* at 20-23. When one parent filed a due process complaint seeking tuition reimbursement, the hearing officer ruled, for the most part, in the parent’s favor. *Id.* at 36, 40-42. Putting aside the somewhat disturbing idea of asking the parent to pay to allow their child to interact with nondisabled children, the arrangement illustrates how the interaction provided by nondisabled children can become a “commodity.” Cf. Elizabeth F. Emens, *Disabling Attitudes: U.S. Disability Law and the ADA Amendments Act*, 60 AM. J. COMPAR. L. 205, 231 (2012) (noting that disability rights laws, the IDEA included, reflect and reinforce the perception that “environments are better or worse depending on how much contact they offer with nondisabled people”).

305. ALLPORT, *supra* note 284, at 263.

306. *Id.* at 276 (emphasis omitted). Subsequent research has clarified that this condition applies to “equal status *within* the contact situation.” PETTIGREW & TROPP, *supra* note 284, at 61-62.

307. Allport identified a number of essential conditions for reducing prejudice, including: (1) equal status between members of different social groups; (2) common goals; (3) cooperation; and (4) institutional support “by law, custom, or local atmosphere.” ALLPORT, *supra* note 284, at 281. Although subsequent psychologists have questioned whether these conditions are “essential,” they do recognize that Allport’s optimal conditions “typically enhance[] the positive effects of intergroup contact.” PETTIGREW & TROPP, *supra* note 284, at 67. Cf. Elizabeth Levy Paluck, Seth A. Green & Donald P. Green, *The Contact Hypothesis Re-evaluated*, 3 BEHAV. PUB. POL’Y 129, 153-54 (2019) (pointing to a “lack of experiments that systematically test the moderating impact of [Allport’s] conditions on prejudice reduction” and calling for “further investigation of the conditions under which contact reduces prejudice”). For specific studies emphasizing the importance of the “equal status” condition in the context of disability, see notes 309-10 and accompanying text below.

yield positive results when minority group members are afforded an “authoritative voice that promotes their status as equals instead of as stereotypical subordinates.”³⁰⁸ In the disability context, studies have shown that contact is more likely to change attitudes when interventions do not “reinforce perceptions of dependency.”³⁰⁹ In fact, recent research suggests that contact is likely to *exacerbate* negative attitudes when disabled and nondisabled people “experience each other in limited, stereotypical roles.”³¹⁰

Notwithstanding these findings, the explicit and implicit roles assigned in connection with reverse mainstreaming programs do not treat disabled and nondisabled participants as equals. In light of the power dynamics that result from the framing and structure of these interactions, members of both groups may internalize the different expectations that arise once nondisabled students enter the special education space.³¹¹ For example, a nondisabled participant who is explicitly instructed that their role is to “help” their disabled peer is unlikely to appreciate the disabled student’s unique abilities and skills.³¹²

Some reverse mainstreaming practices are incompatible with the contact hypothesis in at least one more respect: the frequency and duration of interactions. According to the social psychology literature, the efficacy of contact in ameliorating disability prejudice depends on the frequency and duration of the interactions between disabled and nondisabled people.³¹³ Indeed, Allport pointed to early evidence that “the more sustained the acquaintance the less the prejudice.”³¹⁴ In the disability context, studies show that extended and frequent exposure to disabled people enables nondisabled

308. NARIO-REDMOND, *supra* note 30, at 271.

309. *Id.*; see Leila Seewooruttun & Katrina Scior, *Interventions Aimed at Increasing Knowledge and Improving Attitudes Towards People with Intellectual Disabilities Among Lay People*, 35 RSCH. DEVELOPMENTAL DISABILITIES 3482, 3491-92 (2014) (suggesting that “when contact situations arise out of dependency of the person with intellectual disabilities, a decrease in positive appraisals may develop”); Gary N. Siperstein, Robin C. Parker, Jennifer Norins Bardon & Keith F. Widaman, *A National Study of Youth Attitudes Toward the Inclusion of Students with Intellectual Disabilities*, 73 EXCEPTIONAL CHILD. 435, 451 (2007) (“[N]either contact nor exposure per se leads to more positive attitudes, but rather contact and exposure that provide youth with the opportunity to witness the competence of individuals with [intellectual disabilities].”).

310. NARIO-REDMOND, *supra* note 30, at 276.

311. *Cf.* Emens, *supra* note 304, at 232 (“[T]he discussions of integration in the disability context are not framed, *even superficially*, in terms of what nondisabled and disabled offer each other. Rather, benefits are almost always seen as traveling one way—from nondisabled to disabled.”).

312. *Cf.* NARIO-REDMOND, *supra* note 30, at 277 (noting that intergroup contact is effective in reducing prejudice when it provides “opportunities for getting to know people and discovering them as individuals inconsistent with group expectations”).

313. *Id.* at 275 (citing studies).

314. ALLPORT, *supra* note 284, at 267.

individuals to form cross-group friendships and gain knowledge that can help counteract prevailing misconceptions.³¹⁵ Because reverse mainstreaming, however, often involves short and infrequent visits to special education classrooms,³¹⁶ it fails to satisfy this condition.

For some readers, this critique of peer models, peer tutoring, and similar forms of intervention may seem unwarranted. Eliminating such elements from intergroup interactions, so the argument goes, would deny disabled children tools that could help them when they enter mainstream society as adults. After all, the argument continues, one needs to comply with conventional standards of behavior and communication to flourish in our society.

My response to this argument is twofold. First, my claims here are limited to the evaluation of the noneducational benefits of reverse mainstreaming. Thus, I argue that when an educational program equates disability with inferiority, the contact promoted by this program may fail to shift attitudes and may even exacerbate misconceptions and prejudice. Second, and more broadly, I question whether integration should be used to push disabled children to conform to inequitable conventions. Would it not be better to use integration to change mainstream conventions that perpetuate social hierarchies?³¹⁷

None of this is to say that *all* reverse mainstreaming programs fail to promote noneducational benefits. Full reverse mainstreaming programs, for example, may well meet the criteria for fruitful contact since they provide opportunities for sustained and frequent interactions.³¹⁸ Partial reverse mainstreaming programs may also work to reduce prejudice if they involve meaningful interactions and do not assign hierarchical social roles to disabled and nondisabled participants.³¹⁹ Indeed, my point is not that any form of

315. See NARIO-REDMOND, *supra* note 30, at 275-77 (citing studies).

316. *Supra* notes 272-74 and accompanying text; *see also infra* Appendix B (Table 1) (showing that the majority of the decisions in the Dataset involved partial reverse mainstreaming).

317. ELIZABETH ANDERSON, THE IMPERATIVE OF INTEGRATION 115 (2010) (“[I]ntegration does not view disadvantaged communities as the only ones that need to change. Integration aims to transform the habits of dominant groups.”).

318. An example can be found in a 2004 documentary that follows a group of children attending a reverse mainstreaming classroom in Toronto, Canada. Many of the disabled children depicted in the documentary use mobility devices. The group of nondisabled students includes a child named Theo. Toward the end of the film, viewers learn that Theo wants his parents to build a ramp to his new treehouse, so that all of his school friends can come and play. HOW COME YOU WALK FUNNY 04:00, 44:26 (Tina Hahn & James Weyman dirs., 2004). This scene captures reverse mainstreaming’s potential to positively affect nondisabled students’ understanding of and attitudes toward disability.

319. For an attempt to design such a program, see Schoger, *supra* note 64, at 5 (“The goal was to have students work together equally, rather than having the general education student in the role of facilitator or helper to the student with special needs.”).

intergroup interaction in which one individual learns from another is wrong. Instead, my point is to criticize reverse mainstreaming programs that structure intergroup interactions on the assumption that one group (i.e., disabled children) is always expected to learn from the other (i.e., nondisabled children). In the words of activist and scholar Simi Linton, integration in education should not “stem from a valorization of the nondisabled.”³²⁰

C. Race and Class Equity

The third rationale commonly used to justify the integration presumption is the need for race and class equity. Historically, when schools were no longer allowed to exclude students of color on the basis of race, the placement of such students in separate special education settings was used to maintain de facto segregation.³²¹ Today, students of color are still overrepresented in the most stigmatizing disability categories and disproportionately placed in restrictive and underfunded settings, in large part due to institutional and individual biases.³²² These facts, as Mark Weber has argued, support “vigorous inclusion efforts so that placement in special education does not become racial resegregation.”³²³

The discussion of racial equity in disability education sometimes overlaps with issues of socioeconomic justice.³²⁴ Scholars have shown, for example, that students of color and children from low-income families face significant barriers in exercising their rights under the IDEA.³²⁵ While wealthy or middle-class white parents are likely to retain professionals or harness their informational networks to navigate the special education system,³²⁶ parents from marginalized communities may lack the financial or social resources

320. LINTON, *supra* note 35, at 62.

321. Beth A. Ferri & David J. Connor, *Special Education and the Subverting of Brown*, 8 J. GENDER, RACE & JUST. 57, 59-60 (2004).

322. LaToya Baldwin Clark, *Beyond Bias: Cultural Capital in Anti-Discrimination Law*, 53 HARV. C.R.-C.L. L. REV. 381, 392-406 (2018); MINOW, *supra* note 3, at 81.

323. See Weber, *supra* note 223, at 182.

324. Cf. LaToya Baldwin Clark, *Stealing Education*, 68 UCLA L. REV. 566, 570 & n.11 (2021) (framing school segregation as a “race-class” problem and arguing that race and class equity should not be discussed separately).

325. Subini Ancy Annamma, David Connor & Beth Ferri, *Dis/ability Critical Race Studies (DisCrit): Theorizing at the Intersections of Race and Dis/ability*, 16 RACE ETHNICITY & EDUC. 1, 17, 19 (2013); Claire S. Raj, *Rights to Nowhere: The IDEA’s Inadequacy in High-Poverty Schools*, 53 COLUM. HUM. RTS. L. REV. 409, 431-60 (2022); Elisa Hyman, Dean Hill Rivkin & Stephen A. Rosenbaum, *How IDEA Fails Families Without Means: Causes and Corrections from the Frontlines of Special Education Lawyering*, 20 AM. U. J. GENDER SOC. POL’Y & L. 107, 121-130 (2011).

326. Baldwin Clark, *supra* note 322, at 419-31.

necessary to obtain an IDEA diagnosis or engage in disputes with their districts.³²⁷ Thus, the argument goes, integrative measures may help ameliorate the concern that white children from wealthy and middle-class families will monopolize the distribution of resources.³²⁸

How does this justification play out in the context of reverse mainstreaming? The previously presented data show that (1) schools employing reverse mainstreaming tend to be located in areas where families have higher than average incomes, and (2) autism is the disability category most represented in reverse mainstreaming programs.³²⁹ When coupled with the fact that white children from wealthier families have been overrepresented among students receiving education resources for autism, one can conclude that reverse mainstreaming mainly affects white students from upper- and middle-class families.³³⁰ However, as this Subpart will demonstrate, reverse mainstreaming may have a disproportionate adverse impact on students of color and low-income families.

First, with its vague definitions and conflicting terminology,³³¹ reverse mainstreaming can further magnify class and racial disparities that result from the time and informational networks required from parents to ensure that a disabled child receives an adequate education.³³² A striking example can be found

327. Hyman et al., *supra* note 325, at 127; Pasachoff, *supra* note 163, at 1435-40, 1443-50.

328. See MINOW, *supra* note 3, at 81-82 (discussing the relationship among racial segregation, disability segregation, poverty, and unequal distribution of resources); see also Raj, *supra* note 325, at 465 (discussing the relationship between integration and increased access to resources for disabled students who attend high-poverty schools).

329. See *supra* notes 170-72, 182-84 and accompanying text; see also *infra* Appendix B (Table 1) (providing data on type of disability).

330. See Baldwin Clark, *supra* note 322, at 383, 397-99, 402; GARCIA, *supra* note 244, at 174-80. This, of course, does not mean that autism affects only white people. Baldwin Clark, *supra* note 322, at 383-84.

331. *Supra* Part III.D.

332. Part of the problem is that some of the terms used to refer to reverse mainstreaming, such as “buddy,” are not only vague but are also used to describe other educational practices. See *J.M. v. Rose Tree Media Sch. Dist.*, No. 14330-1314 KE, at 14 (Pa. Off. for Dispute Resol. May 17, 2014), <https://perma.cc/9MU2-EMHC>; see also *L.J. ex rel. N.N.J. v. Sch. Bd.*, No. 11-60772, 2017 WL 6597516, at *25 (S.D. Fla. Sept. 28, 2017), *aff’d*, 927 F.3d 1203 (11th Cir. 2019) (describing a similar disconnect); *Student v. St. Paul Pub. Schs.*, No. 7-1300-22768-9, at 8, 12 (Minn. Off. of Admin. Hearings for Dep’t of Educ. Sept. 24, 2012) (on file with author) (same). Moreover, partial reverse mainstreaming can take many forms, which makes it important to provide specific explanations as to what each program entails. Cf. *Parent v. Burbank Unified Sch. Dist.*, No. 2018100167, at 36-37, 107 (Cal. Off. of Admin. Hearings July 26, 2019), <https://perma.cc/F4VS-MR5Z> (noting that “the timing and specifics of the [particular] reverse mainstreaming [program] was unclear” and criticizing the district’s witnesses for being “vague in their explanations as to how the reverse mainstreaming [program] was to be implemented”). As noted above, scholars have documented how information asymmetries between parents and schools have “particularly negative ramifications for poor families.”

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in a 2006 decision from Louisiana.³³³ In that case, the parents of a developmentally disabled child who had been displaced by Hurricanes Katrina and Rita applied for special education services.³³⁴ The school district and the parents discussed several options for placement, including a “Reverse Mainstreaming” classroom, but the parents were confused by the district’s terminology and lack of information and ultimately failed to enroll the child.³³⁵ While there were several reasons why the district was ordered to provide an alternative program and compensatory services,³³⁶ the hearing officer specifically noted that the term “reverse mainstreaming” was vague, that none of the district’s witnesses could give a clear and concise definition of the term, and that the parents did not understand what this term meant.³³⁷ This story demonstrates that the use of undefined terms such as “reverse mainstreaming” or “best buddies” may have an adverse impact on families that do not have the time or resources to address ambiguities or challenge decisions.³³⁸

Moreover, reverse mainstreaming may aggravate an already unfair distribution of resources.³³⁹ As noted above, one of the reasons for the popularity of reverse mainstreaming in the 1980s was that it enabled teachers to provide *nondisabled* students with special education services.³⁴⁰ My review of hearing officer decisions reveals that schools continue to use reverse mainstreaming for this purpose.³⁴¹ Granted, some nondisabled students who

Pasachoff, *supra* note 163, at 1437-39; *see also* Baldwin Clark, *supra* note 322, at 420-27 (discussing the ways in which white middle-class parents gain valuable information about the IDEA process by networking and hiring advocates).

333. *Student v. St. John the Baptist Parish Pub. Schs.*, No. 67 H 5, 107 LRP 53829 (La. State Educ. Agency Dec. 29, 2006).

334. *Id.* at *2.

335. *Id.* at *2-4 (“While the parish personnel knew what they were describing, they, again, assumed parents were able to understand the undefined components. It was obvious that they did not.”).

336. For example, the district failed to provide the parents with accurate transportation information. *Id.* at *2-3, *5.

337. *Id.* at *4.

338. *See* Pasachoff, *supra* note 163, at 1438 & n.124 (referring to studies that show that low-income parents have less knowledge about legal terms and their meaning in the IDEA context); *cf.* COLKER, *supra* note 45, at 1-5, 215 (discussing how special education advocacy is especially burdensome for low-income parents and families from marginalized communities due to the time and expertise required to challenge decisions and navigate the system).

339. *See supra* text accompanying notes 325-27.

340. *See supra* notes 114-15 and accompanying text.

341. *See Student v. Bakersfield City Sch. Dist.*, No. 2010070560, at 20 (Cal. Off. of Admin. Hearings Oct. 7, 2010), <https://perma.cc/A8TA-UWVU> (noting that, occasionally, mainstream children “are moved into the special education class to work on an area that cannot be addressed in the regular class”); *see also Student v. N. Beach Sch. Dist.*,

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received academic support were “at-risk” students or “English language learners,” suggesting that the provision of additional resources was not without merit.³⁴² However, not all cases involved such students, and it is debatable whether support for nondisabled children should come from an IDEA budget.³⁴³ After all, the expensive resources that make special education services effective are scarce, and we should be cautious about using reverse mainstreaming to expand the group of recipients of such services.³⁴⁴

Another problem with reverse mainstreaming is that disabled children from low-income families may be forced to accept services from unqualified “experts”—namely, other students. A low-income district in Tennessee, for example, sent a group of general education students, instead of trained professionals, to work with special education students on their math and

Nos. 97-41 & 97-60, 102 LRP 2748, at *7-8 (Wash. State Educ. Agency Nov. 13, 1997) (noting that “students who needed learning assistance and/or had behavioral problems” spent time in the special education “learning center,” a program that the district characterized as “reverse inclusion”); D.C. Pub. Schs., Hyde Elementary Sch., 108 LRP 45324, at *2 (D.C. Educ. Agency Mar. 15, 2004) (noting that as part of reverse mainstreaming, “general education students would come into the student’s classroom to receive some instruction and/or services”).

342. *Parents ex rel. Student v. S.F. Unified Sch. Dist.*, No. 2011020678, at 25 (Cal. Off. of Admin. Hearings June 17, 2011), <https://perma.cc/ZC4K-Y9RK> (“[T]here is ‘reverse mainstreaming’ in [the] class this year because the children who are English language learners are coming into [the special day] class”); *see also id.* at 21 (noting that the “pupils who are English language learners come into [the special education classroom] for English language development”); *Student v. Long Beach Unified Sch. Dist.*, No. SN 407-98, at 2 (Cal. Special Educ. Hearing Off. Sept. 18, 1998), <https://perma.cc/3TU6-B9T2> (“The [reverse mainstreaming] program was meant to benefit the general education ‘at-risk’ students by giving them the opportunity for extended reading and math instruction in a small-group setting.”).
343. Mark Kelman and Gillian Lester are supportive of allowing students without impairments to receive IDEA services, a phenomenon they call “leakage.” MARK KELMAN & GILLIAN LESTER, *JUMPING THE QUEUE: AN INQUIRY INTO THE LEGAL TREATMENT OF STUDENTS WITH LEARNING DISABILITIES* 97-102, 159-60 (1997). Their argument, however, is largely irrelevant to the situation discussed in this Article because they focus on “leakage” that occurs in *mainstream* classrooms in the specific context of the “learning disability” diagnosis. *Id.* at 1, 99, 160.
344. This Article proceeds from the premise that only children who meet the definition of “child with a disability,” *supra* note 2, should receive services under the IDEA. *See* Mark C. Weber, *The IDEA Eligibility Mess*, 57 BUFF. L. REV. 83, 91-97 (2009) (providing three justifications for using an eligibility standard). For other perspectives, *see* Terry Jean Seligmann, *An IDEA Schools Can Use: Lessons from Special Education Legislation*, 29 FORDHAM URB. L.J. 759, 760-61 (2001) (“[T]he resources already available through the IDEA can, if used inclusively, help provide a better education to every school child.”); and James E. Ryan, *Poverty as Disability and the Future of Special Education Law*, 101 GEO. L.J. 1455, 1502-03 (2013) (“Providing additional services to all struggling students . . . seems sufficiently promising that it ought to be considered as one plausible way to change special education.”).

reading.³⁴⁵ This peer-tutoring program, which the district also called “reverse inclusion,” surely saved the district money.³⁴⁶ But disabled students in this district were entitled to receive educational services from certified professionals or paraprofessionals, and those peer tutors did not meet that definition.³⁴⁷

In sum, the involvement of nondisabled students in special education settings does not necessarily increase educational opportunities for disabled students from low-income families. In fact, reverse mainstreaming may reduce the quality or quantity of resources allocated to disabled children, particularly children from marginalized communities.

D. Educators’ and School Administrators’ Bias

The last justification for the integration presumption stems from the concern that school officials and educators “too often simply find it easier to deal with people who are different by putting them aside in ‘special’ settings.”³⁴⁸ In essence, this justification refers to administrators’ and teachers’ reluctance to educate disabled children in general education settings.³⁴⁹ The concern is that those in charge will resist placing disabled children in the mainstream classroom for reasons unrelated to the children’s actual skills and needs.³⁵⁰ For example, a decisionmaker may underestimate a child’s skills or simply prioritize administrative or economic considerations over the child’s needs.³⁵¹

Reverse mainstreaming, this Subpart will show, does not alleviate this concern. On the contrary, it has been used as an excuse for keeping disabled students in the special education classroom, even in situations where such students could potentially thrive in a mainstream environment. In theory, of course, this should never happen. Recall that, under the IDEA, the removal of disabled children from the general classroom is allowed “only when the nature or severity of the disability . . . is such that education in regular classes . . .

345. Metro. Nashville Pub. Schs., No. 00-18, 106 LRP 7687, at *2-3 (Tenn. State Educ. Agency Oct. 6, 2000); METRO NASHVILLE PUB. SCHS., MAGNET SCHOOL ASSISTANCE PROGRAM GRANT APPLICATION (2017-22): PROGRAM NARRATIVE 1 (n.d.), <https://perma.cc/8YTR-SFSY> (“[T]he majority of the students served by the district (75%) qualify as economically disadvantaged.”).

346. Metro. Nashville Pub. Schs., 106 LRP 7687, at *8; cf. *id.* at *2 (noting that, while the student’s IEP “says that the [s]tudent has a full-time assistant,” the school district “counts its ‘peer tutors’ as a special education assistant for the [s]tudent” for math and reading).

347. *Id.* at *7.

348. Bagenstos, *supra* note 237, at 158.

349. *Id.* at 163; Martha Minow, *Learning to Live with the Dilemma of Difference: Bilingual and Special Education*, L. & CONTEMP. PROBS., Spring 1985, at 157, 178.

350. See Weber, *supra* note 223, at 185.

351. Schifter & Hehir, *supra* note 224.

cannot be achieved satisfactorily.”³⁵² In practice, however, what appears to be happening is that school administrators and legal decisionmakers treat traditional and reverse mainstreaming as if they were the same.³⁵³

The most striking example of this phenomenon involves preschools. As noted, many school districts that do not offer preschool for nondisabled children have historically invited such children to attend special education preschools as a way to provide disabled students with opportunities to interact with nondisabled peers.³⁵⁴ The Department of Education, however, does not consider this solution a proper substitute for a general education classroom in cases where a disabled child could succeed in the mainstream.³⁵⁵ According to the Department of Education, in a situation where general public preschools are not available, school districts must employ “alternative methods” to ensure that the least restrictive environment requirement is met.³⁵⁶ Such methods include community-based childcare programs or enrolling disabled preschool children in private classrooms.³⁵⁷

Nevertheless, school districts across the country have systematically placed disabled students in reverse mainstreaming preschools without considering traditional mainstreaming. In 2018, for example, a Tennessee school district employed a “categorical policy” whereby disabled preschoolers were denied the option to be educated in general education classrooms, regardless of the severity of their impairments.³⁵⁸ This was true even in a situation where it had already been determined that the least restrictive environment for a three-year-old child with Down syndrome was a mainstream classroom.³⁵⁹ In the ensuing litigation brought by the child’s parents, a federal district court noted that, by the school district’s own admission, that policy (and the subsequent proposed placement of the child in a

352. 20 U.S.C. § 1412(a)(5)(A).

353. For example, a California decision effectively endorsed the school district’s position that reverse mainstreaming is “an appropriate general education experience” by holding that (1) reverse mainstreaming “was in conformance with the legal requirement to include a disabled child to the maximum extent appropriate with typical peers” and (2) the term “inclusion” is “broad enough” to cover reverse mainstreaming activities. *Reed Union Sch. Dist.*, Nos. SN05-00155 & SN05-00381, 105 LRP 58642, at *10 (Cal. Special Educ. Hearing Off. Oct. 3, 2005).

354. *See supra* notes 120-21 and accompanying text.

355. Letter from Ruth E. Ryder, Acting Dir., Off. of Special Educ. Programs, U.S. Dep’t of Educ., to Colleagues 4-5 (Jan. 9, 2017), <https://perma.cc/Y22C-Z66W>.

356. *Id.* at 4.

357. *Id.*

358. *A.H. ex rel. A.H. v. Clarksville-Montgomery Cnty. Sch. Sys.*, No. 18-cv-00812, 2019 WL 483311, at *5-7 (M.D. Tenn. Feb. 7, 2019).

359. *Id.* at *2-7.

reverse mainstreaming classroom) resulted from “budgetary reasons.”³⁶⁰ This case represents a broader phenomenon where it may be cheaper for a school district to invite nondisabled children to participate in a special education preschool than to pursue strategies such as hiring a general education preschool teacher.³⁶¹

Using reverse mainstreaming as a way to avoid offering disabled children a spot in a general education classroom extends beyond the preschool context. In 2007, for example, a Michigan hearing officer found that the district had offered reverse mainstreaming without considering whether a six-year-old child could have been integrated into a general education classroom.³⁶² Indeed, the school administrators had ignored the parent’s pleas that the district reconsider whether the child could be placed in a mainstream classroom.³⁶³ Two other California cases reflect a similar pattern. In those instances, the districts agreed to IEPs that guaranteed that a certain percentage of the student’s time would be spent in a general classroom (10% in one case³⁶⁴ and 15% in the other³⁶⁵). It soon became clear, however, that the districts intended to meet their promises by using reverse mainstreaming.³⁶⁶ These cases illustrate the reluctance to change familiar procedures around integration even in the face of promises and parental discontent.

360. *Id.* at *3.

361. *Id.* at *2-3; Adam Galvan, *School Districts Find Creative Ways to Fund Pre-K*, DIST. ADMIN. (Nov. 17, 2017), <https://perma.cc/ZH4J-WM75> (quoting W. Steven Barnett, senior co-director of the National Institute for Early Education Research at Rutgers University, as saying that the “marginal cost of adding [nondisabled] kids [to a special education classroom] is very close to zero”); *see also* Ryder, *supra* note 355, at 7-8 (noting that, if a school district “offers no regular public preschool” and decides to enroll a disabled child in a private preschool program, the district must then cover the private tuition costs if necessary to provide a free and appropriate education to the child).

362. *Student v. Allen Park Pub. Schs.*, No. SEH 06-77, at 1, 17-18, 25-26, 45-48 (Mich. State Off. of Admin. Hearings & Rules May 1, 2007), <https://perma.cc/VRW5-YEQ4>.

363. *Id.* at 17-18, 48.

364. *Student v. San Juan Unified Sch. Dist.*, No. SN 2308-02, at 5 (Cal. Special Educ. Hearing Off. Apr. 17, 2003), <https://perma.cc/QV5W-VFRD>.

365. *Parent v. Burbank Unified Sch. Dist.*, No. 2018100167, at 37 (Cal. Off. of Admin. Hearings July 26, 2019), <https://perma.cc/F4VS-MR5Z>.

366. *San Juan Unified Sch. Dist.*, No. SN 2308-02, at 3, 5 (“Ms. Moore explained that the ten percent mainstreaming consists of recess and buddy time (where general education peers come into the [special day class]) not S[tudent] traveling into another classroom.”); *Burbank Unified Sch. Dist.*, No. 2018100167, at 37 (Cal. Off. of Admin. Hearings July 26, 2019) (“Burbank actually did not contemplate that Student would spend any of his time in general education at all. Rather, the IEP notes and Burbank witnesses’ testimony indicated Burbank’s intent was to offer 60 minutes per week of what was referred to as reverse mainstreaming.”).

My data support this conclusion. The numbers show that, in the majority of cases, the district supported a reverse mainstreaming placement.³⁶⁷ They also show that, in cases involving reverse mainstreaming, school districts generally supported more restrictive placements.³⁶⁸ While not conclusive, these findings reveal structural patterns that dovetail with the anecdotal evidence presented in this Subpart. Taken together, this evidence shows that reverse mainstreaming may still reflect a bias in favor of special education settings and that decisionmakers may be motivated “by cost, internal politics, or standard operating procedure.”³⁶⁹

In sum, the discussion in this Part demonstrates how reverse mainstreaming can violate egalitarian principles and may be counterproductive in terms of integration. For this reason, I believe that many reverse mainstreaming programs should be dramatically revamped. In the final Part, I provide recommendations aimed at changing core elements in contact interventions to avoid the perverse consequences previously described. Notably, this proposal has implications for other types of integration.³⁷⁰

V. Identifying Avenues for Reform

The first step in fixing the problems identified in this Article is to recognize what social psychologists have long understood: Intergroup contact may, depending on context and structure, actually exacerbate social injustice.³⁷¹ Currently, the IDEA promotes interactions between disabled and nondisabled students in part to advance social acceptance, but it does not tell us what to do to avoid the potentially *detrimental* consequences of such interactions. As a result, decisionmakers may promote interactions simply to comply with the law—without giving sufficient thought to context and structure.³⁷²

Jasmine Harris identified this very issue in a recent law review article.³⁷³ She argues that reliance on contact as a sole remedy is misguided, pointing to evidence that integration has not shifted attitudes toward disability.³⁷⁴ Harris

367. See *supra* text accompanying note 160; *infra* Appendix B (Table 2).

368. *Infra* Appendix B (Table 3).

369. Weber, *supra* note 223, at 186.

370. Although reverse mainstreaming has some unique features, it also shares several features with traditional mainstreaming. *Supra* notes 237, 297 and accompanying text.

371. *Supra* notes 305-10 and accompanying text; see also ALLPORT, *supra* note 284, at 263 (observing that, under certain circumstances, “[t]he more contact the more trouble”).

372. See, e.g., COLKER, *supra* note 19, at 6 (describing a reverse mainstreaming program as “odd” and speculating that it was “created to be in compliance with federal law’s emphasis on integration”).

373. Harris, *supra* note 26, at 898, 903, 928-29, 963-67.

374. *Id.* at 896-97, 899, 914-15.

suggests that disability prejudice results from “structural aesthetic and affective distaste for disability” that is triggered when disabled and nondisabled people interact.³⁷⁵ This Article echoes Harris’s skepticism about the ability of current contact measures to shift attitudes, but provides a different explanation for the problem. Specifically, it demonstrates that contact’s failure in the disability education context is the result of an embedded ableist ideology.³⁷⁶

How can we make intergroup contact more egalitarian and less ableist? The contrast between the earliest documented instances of reverse mainstreaming, David Bartlett’s and Alexander Graham Bell’s schools, may guide us toward an answer. While both schools involved bringing hearing children into classrooms for deaf students,³⁷⁷ they differed in many respects: the motivation behind the integrative measures,³⁷⁸ the frequency and length of interactions,³⁷⁹ the mode of communications, and the roles assigned to the disabled and nondisabled students.³⁸⁰ Taken together, these elements constitute what I call the “architecture of contact.”³⁸¹

To speak about a contact architecture is to recognize that disability equity requires more than merely placing disabled and nondisabled children in the same classroom. The pursuit of an egalitarian contact architecture is best understood as part of a broader move from “integration” to “inclusion,” which

375. *Id.* at 897, 926; *supra* note 31 and accompanying text.

376. *Supra* notes 234-44, 290-99 and accompanying text.

377. *Supra* notes 76-84 and accompanying text.

378. As described above, Bell’s educational plan was rooted in eugenics. *Supra* note 86. Bartlett, by contrast, envisioned a future in which the hearing majority would share the work of integration by adapting to the Deaf community’s preferred mode of communication. *Supra* notes 76-80 and accompanying text.

379. Bell apparently brought hearing students into the classroom for periodic sessions, which means that the contact was not sustained. *Supra* notes 81-82 and accompanying text. Bartlett’s school, by contrast, involved significant and regular contact, making it an early example of what I term “full reverse mainstreaming.” Edward Allen Fay, *Mr. Bartlett’s Family School for Young Deaf-Mute Children*, in 3 HISTORIES OF AMERICAN SCHOOLS FOR THE DEAF, 1817-1893, at 6 (Edward Allen Fay ed., Washington, Volta Bureau 1893) (“Hearing and deaf children slept in the same room, sat at the same table, mixed together, sat side by side at the prayers (which were conducted in signs), and, in certain studies, they were together in the class, and *all* recited manually.” (quoting Henry Winder Syle, a former student at Bartlett’s school)).

380. In Bell’s school, hearing and deaf children did not interact as equals, as the visitors had a specific purpose: to encourage deaf children to use oral communication skills. *Supra* note 84 and accompanying text. In Bartlett’s school, intergroup interactions were not based on disability hierarchies; teaching was done using sign language, putting all the children on an equal footing. *See supra* notes 76-80 and accompanying text.

381. *Cf.* Elizabeth F. Emens, *Intimate Discrimination: The State’s Role in the Accidents of Sex and Love*, 122 HARV. L. REV. 1307, 1393-96 (2009) (conceptualizing the “architecture of intimacy” as the design of laws and policies that shape people’s opportunities to closely interact).

reflects a “dedicat[ion] to educating students of varying abilities and social identities in communities of acceptance and support.”³⁸² An egalitarian architecture of contact thus opposes the dominant culture’s attempts to impose mainstream norms upon disabled children, and recognizes that integration should not be a means of forced assimilation.³⁸³ Instead, it strives to “meaningfully challeng[e] the status quo concepts, structures, and practices that yielded social rejection and segregation for some students in the first place.”³⁸⁴

Combining insights from social psychology and disability studies, the rest of this Part outlines a nonexhaustive set of guidelines for designing an egalitarian contact architecture. Ideally, these guidelines would be incorporated into a broader IDEA reform centered around inclusion as the normative ideal.³⁸⁵ But these proposed guidelines can have an impact under the current doctrine as well. For example, they can be incorporated into the federal “least restrictive environment” regulations³⁸⁶ or checklists prepared by the Department of Education.³⁸⁷

Motivation. Many of the problems identified in this study arose when intergroup contact was used to achieve non-egalitarian goals (e.g., school districts’ desire to save money). The first proposal, then, is straightforward: Intergroup contact should be designed from an egalitarian perspective. Of course, it is sometimes difficult to identify the motivation behind a specific practice, and one practice can have more than one purpose. But when it becomes clear that an integration policy was designed to serve a goal other than to promote equality, that should be a warning sign.³⁸⁸

I acknowledge that adopting this approach might entail additional resources, particularly where reverse mainstreaming is used as a “cheap” way to promote intergroup contact. Whether Congress would be willing to allocate those resources, however, is an open question, especially since it never kept its

382. Scot Danforth & Phyllis Jones, *From Special Education to Integration to Genuine Inclusion*, in FOUNDATIONS OF INCLUSIVE EDUCATION RESEARCH 1, 2 (Chris Forlin, Phyllis Jones & Scot Danforth eds., 2015).

383. See *supra* Part IV.A; ANDERSON, *supra* note 317, at 183-84.

384. Danforth & Jones, *supra* note 382, at 13.

385. See, e.g., *id.* at 15 (describing a shift from integration-based educational policies to “genuine inclusion” (capitalization altered)); Harris, *supra* note 26, at 903, 967-71 (calling for evidence-based “[i]nstitutional redesigns” to achieve “broader goals of inclusion”); COLKER, *supra* note 45, at 242-45 (proposing reforms to address systemic problems related to the education of students from marginalized communities).

386. See 34 C.F.R. §§ 300.114-300.120 (2018).

387. For a discussion of such checklists and guidelines, see COLKER, *supra* note 19, at 132, 134.

388. Cf. *supra* notes 358-60 and accompanying text (reviewing a case where a school district denied disabled students any opportunity to be placed in a general education classroom and instead promoted reverse mainstreaming for “budgetary reasons”).

original IDEA funding promise.³⁸⁹ But the fact remains that investing more resources—even in mainstream education—might be helpful. For example, a federally funded mandate requiring free education for *all* preschool children³⁹⁰—disabled and nondisabled—would likely reduce a school’s incentive to use reverse mainstreaming to meet the least restrictive environment requirement.³⁹¹

Type and quality of interactions. Intergroup interactions should not be used in a way that treats, directly or indirectly, disabled students as inferior to their nondisabled counterparts. This means that programs in which only nondisabled students serve as “peer tutors” or “helpers” should be replaced by practices that promote reciprocal learning and treat all participants as equals.³⁹² The current one-sided system is not inevitable. Disabled students have a lot to teach their peers, either disabled or nondisabled.³⁹³ A Deaf child, for example, might serve as a peer tutor in an elective ASL course. If, notwithstanding the above analysis, reciprocity in peer tutoring is not possible, then the equitable solution might be to eliminate the peer tutoring component, while maintaining other forms of intergroup interactions.

Similarly, intergroup contact should not impose mainstream norms on disabled students. Instead, educators should promote disability culture in both special education and mainstream classrooms.³⁹⁴ This can be done by establishing disability-friendly playgrounds, using Braille-based products and design in art classes, playing para-sports in physical education classes,³⁹⁵ or

389. See *supra* notes 48–49 and accompanying text.

390. See Adam Taylor & Miriam Berger, *Biden’s Plans to Expand Free Education May Be New for America. But in Other Countries, They’re the Norm*, WASH. POST (Apr. 29, 2021, 2:27 PM EDT), <https://perma.cc/36GR-GDR2> (discussing proposed and existing universal pre-K plans in the United States and other countries).

391. See *supra* notes 120–21, 354–61 and accompanying text.

392. Cf. ANDERSON, *supra* note 317, at 127 (making a similar argument in the race and class contexts).

393. See, e.g., Alan Gartner & Dorothy Kerzner Lipsky, *Beyond Special Education: Toward a Quality System for All Students*, 57 HARV. EDUC. REV. 367, 389 (1987) (arguing that programs where disabled students serve as peer tutors “promote respect for [these students’] capacity” and “enable them to learn by teaching”).

394. To be sure, not every engagement of mainstream society with disability-focused activities is desirable from a disability studies perspective. See, e.g., LADAU, *supra* note 2, at 145–46 (criticizing disability “awareness” events whereby nondisabled people try to understand what living with impairment looks like by using a wheelchair or wearing earplugs). Accordingly, to avoid negative consequences, educators should carefully plan such activities and incorporate the voices of disabled people.

395. See, e.g., Cathy McKay, Justin Haegle & Martin Block, *Lessons Learned from Paralympic School Day: Reflections from the Students*, 25 EUR. PHYSICAL EDUC. REV. 745, 751–57 (2019) (documenting a shift in nondisabled children’s attitudes toward disability following their participation in Paralympic sports activities alongside disabled children).

teaching hearing students ASL.³⁹⁶ In addition to the pedagogical benefits of such programs,³⁹⁷ they can level the playing field and provide disabled individuals with an opportunity to engage in activities in which their nondisabled peers are required to adapt to “disabled norms.”

Promoting disability culture in educational settings might push aside other mainstream practices. For example, if a school were to teach wheelchair basketball in mainstream physical education classes, students who are used to mainstream basketball might be disappointed. Similarly, incorporating ASL into mainstream class instruction might entail additional costs, with no guarantee that all hearing students and their parents would support such a move.³⁹⁸ But striking a balance between these seemingly competing interests is actually easier than it may seem. ASL, for example, can be offered as an elective or second language.³⁹⁹

Frequency and duration of interactions. The scholarly and public discourse on disability integration in education is often framed in absolutist terms: Either a disabled child is included in the mainstream classroom or not.⁴⁰⁰ But as this Article has detailed, integration often takes more nuanced forms.⁴⁰¹ Educators and judges should thus pay more attention to the benefits and risks of these integration methods. Specifically, contact interventions should be designed to promote true acquaintance. This means that short and infrequent interactions should be replaced, to the maximum extent possible, by long-term programs in which disabled and nondisabled students spend significant periods together. To be sure, it is not always feasible to develop such interventions. But as this analysis has shown, employing short and infrequent contact interventions may

396. Cf. MARTHA MINOW, MAKING ALL THE DIFFERENCE: INCLUSION, EXCLUSION, AND AMERICAN LAW 84 (1990) (proposing instruction through simultaneous oral and sign language communication).

397. E.g., Olga Capirci et al., *Teaching Sign Language to Hearing Children as a Possible Factor in Cognitive Enhancement*, 3 J. DEAF STUD. & DEAF EDUC. 135, 141-42 (1998) (explaining the cognitive and social benefits of teaching hearing students sign language).

398. MINOW, *supra* note 396, at 85.

399. In fact, in the last decades, an increasing number of schools have started offering ASL courses. See, e.g., PADDEN & HUMPHRIES, *supra* note 87, at 76 (“[S]ign language is increasingly taught to hearing children in public schools at all levels as an option for foreign language instruction.”).

400. See, e.g., Gordon, *supra* note 54, at 191 (analyzing the “controversies surrounding the full inclusion” of disabled students into mainstream classrooms); Dupre, *supra* note 29, at 791-94, 817-29 (describing and criticizing the “full inclusion” approach).

401. See *supra* notes 72-75 and accompanying text. IDEA regulations encourage such non-absolute forms of integration. See 34 C.F.R. § 300.117 (2018) (requiring schools to promote intergroup contact in nonacademic and extracurricular activities to the maximum extent appropriate).

be counterproductive—rather than merely a second-best solution—given the potentially detrimental consequences of superficial contact.⁴⁰²

Voice mechanisms and procedural safeguards. School districts and legal decisionmakers should provide space for the voices of disabled children and their advocates in shaping contact interventions and adjudicating claims about such interventions. For example, while school districts allow nondisabled students *not to* interact with their disabled peers in partial reverse mainstreaming,⁴⁰³ they overlook that disabled students may not want to socialize with nondisabled children.⁴⁰⁴ Thus, disabled children should at least be given the opportunity to refuse to participate in such programs.

Furthermore, schools should ensure that contact interventions do not come at the expense of the quality of services provided to disabled children. For example, instead of adding nondisabled students to a special education classroom in partial reverse mainstreaming, educators should consider making student exchanges between special and general education classrooms, so that the number of children in each class would remain as it was before the contact intervention.⁴⁰⁵

Lastly, any future reform should eliminate ambiguities regarding intergroup interactions in schools. Such ambiguities can result, for example, from school administrators' use of jargon and undefined key terms (such as "reverse mainstreaming" or "best buddies"), which in turn poses significant obstacles for families from marginalized communities, as described above.⁴⁰⁶

Implications beyond the disability arena. The lessons from this Article have important implications beyond the disability arena.⁴⁰⁷ This is particularly true

402. See *supra* notes 263, 310, 313-15 and accompanying text.

403. See sources cited *supra* notes 122, 126, 264 (describing reverse mainstreaming as a voluntary practice for nondisabled participants).

404. For a few exceptions in the context of reverse mainstreaming, see *Parent ex rel. Student v. Isaac Elementary Sch. Dist.*, No. 15C-DP-006-ADE, at 7 (Ariz. Off. of Admin. Hearings Aug. 28, 2015), <https://perma.cc/4FVT-MYAQ> ("Student was offered the opportunity to interact with the general education students, but he refused."); *In re Preston*, No. 2004002, at 53 (Mass. Bureau of Special Educ. Appeals Sept. 23, 2020), <https://perma.cc/CX2H-D5XX> (to locate, select "View the live page," and then select "BSEA# 2004002") ("When [the school staff members] encouraged Preston to socialize with other students, he consistently resisted the idea as he believed he was not ready."). Cf. Emens, *supra* note 304, at 231 (pointing to the "presumed desirability of interacting with nondisabled people" embedded in disability rights laws).

405. See, e.g., *Student v. Murrieta Valley Unified Sch. Dist.*, No. SN 328-04, at 19 (Cal. Special Educ. Hearing Off. June 22, 2004), <https://perma.cc/A4MU-PJ96> (describing such a program); McCann et al., *supra* note 103, at 17 (same).

406. See *supra* note 338 and accompanying text.

407. For a discussion of whether and when the analogy of race and disability is helpful in the education context, compare Colker, note 3, at 837 above (arguing that race-based empirical studies "would seem to offer some useful insights for the disability rights

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as America continues to explore new ways to integrate its schools.⁴⁰⁸ One recent practice,⁴⁰⁹ whereby white middle-class parents enroll their children in schools that serve predominantly minority students from low-income families, is illustrative.⁴¹⁰ Some researchers have lauded this trend as a “unique opportunity” to “diminish segregation of races and classes” in urban schools.⁴¹¹ Others, however, have observed that this practice carries social costs.⁴¹²

To be sure, there are stark differences between reverse mainstreaming in the disability context and this latest “school gentrification” trend.⁴¹³ Still, these two practices share common elements, most notably the tension between the egalitarian promise of integration and the challenges that arise when majority group members enter minority educational settings.⁴¹⁴ While the emerging discourse on school gentrification has so far focused on parental involvement (e.g., in fundraising and decisionmaking),⁴¹⁵ this Article suggests that

community”), with Weber, *supra* note 223, at 181 (“[T]he analogy between race and disability is flawed.”). See also KHIARA M. BRIDGES, *CRITICAL RACE THEORY: A PRIMER* 305 (2019) (“Although the analogy between race and disability might be helpful . . . a number of scholars are wary of it.”); Joshua Sealy-Harrington, *Seeing Power, Unseeing People 2* (Mar. 22, 2021) (J.S.D. dissertation, Columbia Law School) (on file with author) (arguing that theorists can identify illuminating similarities by drawing certain analogies across identity axes).

408. See, e.g., Erika K. Wilson, *Monopolizing Whiteness*, 134 HARV. L. REV. 2382, 2414-23 (2021) (introducing an antitrust framework as a lens through which to analyze and address racial segregation in schools); Kimberly Jenkins Robinson, *Resurrecting the Promise of Brown: Understanding and Remediating How the Supreme Court Reconstitutionalized Segregated Schools*, 88 N.C. L. REV. 787, 848-71 (2010) (proposing actions that could be taken by the President and the Department of Education to reduce racial isolation in schools).

409. Post-*Brown* integration involved moving Black students into predominantly white schools. Harris, *supra* note 26, at 909-10; CHARLES J. OGLETTREE, JR., *ALL DELIBERATE SPEED: REFLECTIONS ON THE FIRST HALF CENTURY OF BROWN V. BOARD OF EDUCATION* 313 (2004).

410. See, e.g., KFIR MORDECHAY & JENNIFER B. AYSCUE, C.R. PROJECT UCLA, *SCHOOL INTEGRATION IN GENTRIFYING NEIGHBORHOODS: EVIDENCE FROM NEW YORK CITY* 12, 14 (2019) (finding that “a small but growing share of middle-class and White families” are enrolling their children in neighborhood schools in New York City); JENNIFER BURNS STILLMAN, *GENTRIFICATION AND SCHOOLS: THE PROCESS OF INTEGRATION WHEN WHITES REVERSE FLIGHT*, at xiv (2012) (interviewing “gentry parents”—white middle- or upper-middle-class parents, some of whom enrolled their children in neighborhood schools in gentrifying areas); Erika K. Wilson, *Gentrification and Urban Public School Reforms: The Interest Divergence Dilemma*, 118 W. VA. L. REV. 677, 679-81 (2015) (citing sources).

411. MORDECHAY & AYSCUE, *supra* note 410, at 12.

412. Posey-Maddox et al., *supra* note 37, at 448-51.

413. These include the applicable legal regime, relationship to demographic changes, and level of parental involvement, to name a few.

414. See, e.g., *supra* notes 245-52 and accompanying text.

415. E.g., Posey-Maddox et al., *supra* note 37, at 450 (citing sources).

researchers and policymakers should pay closer attention to the ways that intergroup contact affects the students.

For example, does the presence of white children from middle-class families, who constitute a minority in an urban public school, impose cultural norms on the other students? And if so, by what means? This Article previously pointed to language instruction as one domain in which such influence is exerted.⁴¹⁶ But cultural imposition may also extend to other areas such as the type of music in school gatherings,⁴¹⁷ students' meals,⁴¹⁸ or preferred sports.⁴¹⁹ Furthermore, it is important to understand how the mechanisms used to attract white middle-class students to urban public schools can translate into the commodification of racial and class identity or strengthen white middle-class parents' "consumer power."⁴²⁰ As noted above, similar attempts in the context of reverse mainstreaming have resulted in the inadvertent commodification of nondisabled children.⁴²¹

Conclusion

Disability integration in America's schools is not a one-way street. As disabled students are mainstreamed into general education classrooms, nondisabled children travel in the other direction, a virtually unexamined practice known as "reverse mainstreaming." Using a historical analysis and a systematic study of litigation patterns and outcomes, this Article reveals a discrepancy between the assumed goals and actual consequences of reverse mainstreaming. I suggest that, instead of promoting disability equity, the practice potentially benefits nondisabled children to the detriment of disabled students, thereby reifying social hierarchies, redistributing limited resources, and promoting mainstream norms at the expense of disability culture.

416. See *supra* notes 245-52 and accompanying text; see also Sarah Mervosh, *In Minneapolis Schools, White Families Are Asked to Help Do the Integrating*, N.Y. TIMES (Nov. 27, 2021), <https://perma.cc/A6NG-U8RZ> (detailing the reluctance of a white parent to enroll her daughter in the predominantly Black, low-income high school she was assigned to, in part because the school offered only Spanish, and not Japanese, as a foreign language).

417. See Diana Cordova-Cobo, "Diversity Without Displacement": Lessons from Gentrification for Integration in a Changing Racial/Ethnic Context, VOICES URB. EDUC., Winter 2019-20, at 40, 40.

418. *Id.*

419. Mervosh, *supra* note 416 (describing the addition of lacrosse, which is "popular among affluent, white families," as a sign of school gentrification).

420. E.g., Nice White Parents, *supra* note 245, at 02:07-02:15 ("I don't think I've ever felt my own consumer power more viscerally than I did shopping for a public school as a white parent.").

421. *Supra* note 304 and accompanying text.

To address this problem, this Article proposes interventions aimed at designing a more egalitarian contact architecture. Whether integration occurs in a mainstream or special education classroom, intergroup interactions should capitalize on the lessons identified by social psychologists and disability studies scholars. For example, educators can shift to a model where all children interact on an equal footing. In this way, integration practices may work to fix prejudice and misconceptions—rather than focusing on fixing disabled students themselves.

Appendix A: Data Collection, Selection Criteria, and Limitations

This Appendix provides information about the study conducted for this Article.

Data Collection. Collecting the “entire universe” of decisions related to a certain topic or period is a challenging task, and this is especially true in special education litigation. Most hearing officer decisions cannot be retrieved through legal databases such as LexisNexis and Westlaw.⁴²² Departments of education in most states publish such decisions on their websites. However, in a significant number of states, these repositories are limited in scope (e.g., include only decisions from recent years) or accessibility (e.g., are not word searchable). Therefore, I primarily relied on *Special Ed Connection*, a commercial database with a search system that allows users to retrieve data based on specific terms.

To ensure I reviewed every relevant publicly available decision in the five states whose decisions are part of the Dataset, I conducted, either manually or using filters, a comprehensive review of the database of the education department of each such state. Subject to the practical limitations mentioned above, I also browsed the websites of the education departments of all other U.S. states and the District of Columbia. Furthermore, I submitted public records requests to eight states’ education departments,⁴²³ when I had a reason to believe that there was a discrepancy between the number of decisions posted on a website and the actual number of decisions publicly available. Finally, I reviewed the decisions in a database compiled for a past study, which includes hearing officer decisions from North Carolina (2000-2012).⁴²⁴

I concluded my data collection in August 2021. Thus, decisions published later were not included.

Selection Criteria and Process. I gathered only decisions that referred to reverse mainstreaming practices, using the definition proposed in this Article.⁴²⁵ To find such cases, I first surveyed the relevant literature and known federal court cases to understand what terms legal decisionmakers typically use. I also spoke to a number of special education lawyers. I discovered that “reverse mainstreaming,” “reverse inclusion,” “reverse integration,” “buddy,” “buddies,” or “integrated preschool” are all indicative

422. At the time of data collection, one or both of these legal databases included hearing officer decisions of the following states: New Jersey (Westlaw, LexisNexis), Massachusetts (LexisNexis), and Florida (LexisNexis). I browsed these legal databases to retrieve relevant decisions.

423. These states are Colorado, Louisiana, Maryland, Minnesota, New York, South Carolina, Washington, and Utah.

424. *Scholarly Repository: OAH Decisions*, CAMPBELL UNIV. NORMAN ADRIAN WIGGINS SCH. L., <https://perma.cc/5T6T-YYTE> (archived Jan. 30, 2023).

425. *Supra* notes 71, 74-75 and accompanying text.

terms for reverse mainstreaming (although “buddy,” “buddies,” and “integrated preschool” may also refer to practices that do not meet the definition of reverse mainstreaming). I then searched for cases that included these terms. After identifying these decisions, I examined the role reverse mainstreaming played in each decision, if at all. If the reverse mainstreaming program was proposed by one of the parties or actually employed by the district, I included the relevant decision in the Dataset. I also included decisions in which reverse mainstreaming was central to the legal analysis, even if such a program was not employed in practice.

Limitations. This study has several limitations. First, while I use the reviewed decisions to support my critique of the current state of reverse mainstreaming, I do not evaluate the correctness or justifiability of any particular decision. Second, this Dataset suffers from selection bias, given that all of the decisions examined resulted from disputes between parents and school districts. Such cases are more likely to include problematic or contentious IEPs and thus may not present a complete picture of reverse mainstreaming programs. Third, some of the decisions were redacted to the extent that it made the collection of certain data difficult or impossible, which partly explains why Appendix B reports certain information as unavailable.

Appendix B: Quantitative Findings

This Appendix summarizes the quantitative findings from the study of reverse mainstreaming litigation in five states (California, Massachusetts, Hawaii, Texas, and Maryland) between 1990 and 2020.

Table 1
Descriptive Data, Hearing Officer Decisions

Terminology		
Terminology Used	Number of Cases	Percentage
Reverse Mainstreaming	65	50.0 %
Reverse Inclusion	26	20.0 %
Buddy	14	10.8 %
Integrated Preschool	14	10.8 %
Reverse Integration	3	2.3 %
Other ⁴²⁶	8	6.2 %
Total	130	100 %
Type of Disability		
Type	Number of Cases	Percentage
Autism	61	46.9 %
Multiple	30	23.1 %
Intellectual	7	5.4 %
Hearing Impairments	5	3.8 %
Down Syndrome ⁴²⁷	4	3.1 %
Other/Not Available ⁴²⁸	23	17.7 %
Total	130	100 %

426. Although these decisions included one of the indicative terms for reverse mainstreaming enumerated above (such as “integrated preschool” or “buddy”), the practice of integrating nondisabled students into classrooms for disabled students was referred to using a different terminology.

427. Down syndrome is not one of the impairments enumerated in the IDEA definition of disability. 20 U.S.C. § 1401(3)(A)(i). In this Article, however, I coded Down syndrome as an independent impairment to provide a more thorough analysis.

428. By “Not Available,” I mean that the decision did not provide enough information for analysis.

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Age		
Age Group	Number of Cases	Percentage
6-12	57	43.8 %
Preschool (3-5)	45	34.6 %
13-18	16	12.3 %
Not Available	12	9.2 %
Total	130	100 %
Type of Integration		
Type	Number of Cases	Percentage
Social Interactions (Partial RM*)	59	45.4 %
Full RM*	32	24.6 %
Peer Tutoring (Partial RM*)	14	10.8 %
Not Available	25	19.2 %
Total	130	100 %

*RM = Reverse Mainstreaming

Table 2
District or Parents: Which Party Favored Reverse Mainstreaming

Party	Number of Cases	Percentage
District	105	80.8 %
Parents	12	9.2 %
Both	5	3.8 %
Not Available	8	6.2 %
Total	130	100 %

Table 3

District or Parents: Which Party Supported a More Restrictive Environment

Party	Number of Cases	Percentage
District	50	38.5 %
Parents	34	26.2 %
Not Available	46	35.4 %
Total	130	100 %

Table 4

Hearing Officers' Reaction to Reverse Mainstreaming⁴²⁹

Reaction	Number of Cases	Percentage
Explicitly Positive ⁴³⁰	44	51.8 %
Implicitly Positive ⁴³¹	32	37.6 %
Implicitly Negative ⁴³²	5	5.9 %
Explicitly Negative ⁴³³	2	2.4 %
No Clear Position	2	2.4 %
Total	85	100 %

429. These data are limited to decisions in which hearing officers took into account reverse mainstreaming as part of their legal analysis. *Supra* note 152 and accompanying text.

430. *Supra* note 217.

431. *Supra* note 218.

432. By “implicit negative reaction,” I mean a situation in which a legal decisionmaker opposes the use of a specific reverse mainstreaming program, without expressing categorical opposition to the practice at large.

433. By “explicit negative reaction,” I mean a categorical opposition to the idea that reverse mainstreaming is a valid consideration in the least restrictive environment analysis.