

Moral, Legal, and Functional Dimensions of Inclusive Service Delivery in Catholic Schools

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Catholic school educators are morally compelled by Catholic social teaching to foster inclusive service delivery for students who have traditionally been marginalized in schools, including students in poverty, students of color, English language learners, and students with special needs. This article applies this moral context to analyze the legal obligations of Catholic schools under Section 504 to serve students with special needs. It argues that as Catholic schools follow Catholic social teaching by developing inclusive service delivery to meet students' special needs, their legal obligations grow. The article concludes by describing the learning consultant model, a system of service delivery that balances these moral and legal duties.

Fostering effective and inclusive service delivery systems to meet students' special needs is a fundamental obligation of Catholic elementary and secondary schools. This article examines the moral and legal foundations that oblige this, and argues that a systematic approach to integrated service delivery allows Catholic schools to meet these moral and legal duties. Morally, Catholic social teaching compels Catholic schools to act in manners that affirm human dignity, serve the common good, and demonstrate a preferential option for the marginalized. Legally, Section 504 of the Rehabilitation Act of 1973 directs Catholic school communities to provide equitable educational opportunities for students with special needs. Functionally, a systematic approach, such as the learning consultant model, empowers schools to cultivate service delivery on strong moral and legal grounds.

These three dimensions—the moral, legal, and functional—create three legs of a stool upon which inclusive service delivery in Catholic schools can stand. Inclusive service delivery systems can address the multiple dimensions of diversity that students bring to our increasingly pluralistic school communities. While separate approaches to address these dimensions can lead schools to develop a plethora of distinct and disjointed programs (e.g.,

a bilingual program for students with limited English proficiency, a program such as Title I for students in poverty, a special education program for students with diagnosed disabilities, and a gifted and talented program for students identified as accelerated), a systemic approach to service delivery can address these in an integrated and comprehensive manner (Frattura & Capper, 2007a). Students' needs are exhibited in multifarious dimensions, and inclusive service delivery systems in Catholic schools should leverage an expansive capacity to welcome students across these dimensions (Martin & Litton, 2004; Scanlan, in press-b). Bearing in mind this broad view, this article focuses narrowly on service delivery systems specifically serving students with special needs, including diagnosed disabilities and undiagnosed barriers to school success.

I divide the article into three sections reflecting these dimensions. In the first, I outline the moral obligations toward developing effective service delivery systems by reviewing key dimensions of Catholic social teachings. Next, I describe the legal implications of Section 504 on these service delivery systems. Finally, I describe one example, the learning consultant model, that illustrates a service delivery system that meets these moral and legal duties. The article concludes that Catholic schools are morally and legally obliged to serve students' special needs, and they are functionally able to build their capacity to do this in manners that enrich the entire community.

Catholic Social Teaching

Catholic Social Teaching (CST) outlines in unambiguous terms the moral duty for Catholic school leaders to cultivate inclusive service delivery systems to meet students' special needs. Broadly, CST has focused on issues of the family, work, and peace (Coleman, 1991). The *Declaration on Christian Education*, published by Pope Paul VI out of Vatican II (1965), emphasizes the important role that schools in general, and Catholic schools in particular, play in society. It affirms that people "of every race, condition and age, since they enjoy the dignity of a human being, have an inalienable right to an education" (par. 1), and describes Catholic schools as holding a unique role in preparing students "for service in the spread of the Kingdom of God, so that by leading an exemplary apostolic life they become, as it were, a saving leaven in the human community" (par. 8).

A particular anthropology, or understanding of humanity, grounds CST. Two principles of this anthropology emphasize (a) the inherent dignity and (b) the social nature of the human person (Curran, 2002). As Long & Schuttloffel

(2006) describe, these principles have direct implications for developing systems of service delivery in Catholic schools:

The Church teaches a positive anthropology that each person is a reflection of the divine [principle A], and as such, each is bound together in a community of faith that must respect and care for one another [principle B]. It is the obligation of all members of the Christian community to develop a deeper understanding of those with disabilities and to work to integrate them into society. This obligation includes integrating students with special needs into Catholic schools and parish education programs. (p. 450)

A positive anthropology is the foundation of the tenets of CST. Some central tenets of CST indirectly apply to the topic of inclusive service delivery in schools. These include subsidiarity, the foundational nature of the family unit, human rights, dignity of work and workers, and care for creation (Byron, 1999; United States Conference of Catholic Bishops, 2005). For instance, the tenet of subsidiarity, which holds that decisions should be made at the least centralized level of authority, closest to those whom they affect, can guide central school offices giving schools site-based management, and guide school principals empowering teachers to make decisions about their own professional development. This CST tenet could, therefore, indirectly influence how service delivery unfolds in a school.

Among numerous tenets of CST, three apply directly to developing inclusive service delivery in Catholic schools: human dignity, the common good, and a preferential option for the marginalized (Scanlan, 2008b; Storz & Nestor, 2007). The first two of these tenets are straightforward applications of the underlying anthropological principles, namely that schools are guided to create policies and practices that affirm the dignity of each individual and the good of the community at large. The third of these tenets directs school communities to prioritize attention toward those individuals who are marginalized. CST compels adherents to work directly to ameliorate barriers, including special needs, poverty, racism, and home language, that inhibit students from succeeding in schools.

Within the field of Catholic education a recognition is growing that CST not only justifies, but indeed obligates Catholic schools to pursue creating inclusive service delivery systems diligently to meet students' special needs (Barton, 2000; Blackett, 2001; Congregation for Catholic Education, 2007; DeFiore, 2006; Dudek, 2000; Long & Schuttloffel, 2006; Scanlan, in press-a). We now turn to examine the legal implications to this moral obligation.

Legal Implications of Inclusive Service Delivery

If the Catholic identity of a school includes practicing CST, and practicing CST entails developing inclusive service delivery systems, what are the legal implications? As Shaughnessy (2005) points out, effectively balancing moral and legal duties has vexed many Catholic school communities:

Civil law requires that all persons be treated and evaluated fairly. The Gospel demands no less. Jesus said: “*Let all the little children come to me.*” He did not say: “*Let all the little normal children come to me.*” While there are some happy exceptions, historically Catholic schools have not done a good job of meeting the needs of special children. (p. 20)

More effectively striking this balance by fostering inclusive service delivery systems involves understanding both moral and legal perspectives. Just as inadequate knowledge of CST impedes Catholic school leaders from realizing their moral call to serve students’ special needs, a thin understanding of the legal requirements can inhibit this pursuit. Schweinbeck (2001) explains that this can lead to problems in several dimensions:

Catholic educators have tried to follow the directives of Church leaders, but have not always known the legal parameters involved in accepting and accommodating special needs students; this has often led to frustrated classroom teachers, disappointed parents, and administrators involved in grievance processes. (p. 464)

In this section I first discuss why the regulations of Section 504 provide particularly salient legal guidance for Catholic school leaders, and then discuss the specific implications of Section 504 on developing systems of service delivery to meet students’ special needs.

Legal Requirements for Catholic Schools

Three central laws speak to the treatment of individuals with special needs in school settings: the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act of 1990 (IDEA). Of these, Section 504 carries the most direct implications for inclusive service delivery systems in Catholic schools. The ADA focuses primarily on the requirements of Catholic schools to make reasonable accommodations for employees and families, while Section 504 more directly addresses the requirements for Catholic schools to accommodate

students with special needs. IDEA focuses most directly on the obligations of public schools to deliver services to students with disabilities.

Distinguishing obligations of Section 504 from IDEA is important for Catholic school communities striving to improve special education service delivery. The first question to clarify is whether either, or both, directly applies to Catholic school contexts. IDEA is a federal law providing federal funding to both state and local educational agencies to provide a free, appropriate, public education in the least restrictive environment. Initially passed into law in 1975 as the Education for All Handicapped Children Act of 1975, IDEA is authorized approximately every 7 years (1990, 1997, 2004). While IDEA provides direct guidance to educators in public school settings, Catholic schools fall outside its purview.

Section 504, by contrast, applies to schools in both public and private sectors that receive federal financial assistance. This assistance is defined broadly to include grants, loans, and contracts (34 C.F.R. 104.3(h)). Courts have interpreted such assistance to take place in various forms, including participation in Title programs and National School Lunch and Breakfast Programs (*Hunt v. St. Peter School*, 1997), grants under the Drug-Free Schools and Communities Act of 1986 (*Thomas v. Davidson Academy*, 1994), and funds indirectly received by way of public school district placements (*P.N. v. Greco*, 2003). Participation in programming supported by local school districts can also bring a school under the auspices of Section 504 (*Boston Public Schools*, 2006).

Section 504 applies to the vast majority of Catholic schools and to virtually all Catholic diocesan school systems. Some exceptions, however, exist. For instance, a 2005 Office for Civil Rights (OCR) determination found that federal funding received through the Department of Agriculture did not constitute assistance by Section 504 standards (*Our Lady of Assumption School*, 2005). Moreover, a *de minimis* exception has been made in some courts, excusing Catholic schools from the obligations of Section 504 even though they received applicable federal financial assistance because the amount of assistance was minimal (*Bercovitch v. Baldwin School*, 1998; *Marshall v. Sisters of the Holy Family of Nazareth*, 2005).

These exceptions notwithstanding, Section 504 does provide the most direct legal obligation for Catholic school communities to provide services to accommodate students with special needs. Catholic school constituents are growing in their awareness of this. Schweinbeck (2001) cautions that "Section 504 has grown as a moving force both in public and private education law. Attorneys and advocacy groups are aware of its power; teachers and administrators must be educated about its compliance issues and sanctions" (p. 477). These issues are clear in some ways, but ambiguous in others. Simply put,

while Section 504 typically applies to Catholic schools, it does not do so in a uniform manner. As will be discussed below, schools' obligations grow as their systems of special education service delivery develop.

Implications of Section 504 on Developing Systems of Service Delivery

Clearly Catholic schools adhering to Section 504 are prohibited from discriminating against any individual who has or is perceived as having a "physical or mental impairment" that "substantially limits one or more major life activities" (29 U.S.C. 705 (20)(B)). This is a broader umbrella than that which is defined in IDEA, and includes any physiological disorder or condition affecting a body system as well as any mental or psychological disorder.¹ Section 504 also reaches beyond IDEA, which is limited to disabilities that affect a student's educational performance. By contrast, Section 504 addresses impairments that inhibit "major life activities," including "functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working" (34 C.F.R. 104.3 (j)(2)(ii)). As deBettencourt (2002) states, "The definition for eligibility used by most school districts is broader under Section 504 in comparison to IDEA" (p. 18). In the proposed ADA Amendments Act of 2008 major life activities were explicitly listed: "major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, *eating, sleeping*, walking, *standing, lifting, bending*, speaking, breathing, learning, *reading, concentrating, thinking, communicating* and working" (42 U.S.C. 12102 (3)(3)(A)) (italics added). This expanded list includes additions from previous lists (those items in italics) and for the first time places this language directly in the statutes, as opposed to in the regulations. This expanding notion of major life activities in the ADA Act applies to Section 504 as well. It remains to be seen what effect this language will have on Section 504 demands.

It is also clear that Section 504 affects Catholic schools and public schools differently. Section 504 affords greater latitude to private sector schools, which are considered providers of "other services" in Section 504 regulations (34 C.F.R. 104.3(l)(4)). Compared with public schools, private schools have a smaller umbrella identifying "qualified students" and fewer obligations to these students (Norlin, 2008).

Bearing in mind these distinctions, some of the implications of Section 504 for Catholic school educators are straightforward. In terms of admissions, neither public nor private schools can respond to an applicant with

¹ Worth noting is the fact that Section 504 explicitly excludes from qualification several sexual behavior disorders, other social disorders (i.e., gambling, kleptomania), and disorders associated with current illegal use of drugs (29 U.S.C. 705 (20)(F)).

special needs by revising admissions policies to be more restrictive toward students with disabilities. However, Catholic schools do not legally have to adapt admissions policies to accept all students. In *St. Johnsbury Academy v. D.H.* (2001), the court held that when applied equally to all applicants, a policy requiring a minimal level of academic performance was a legitimate reason to deny admission to a student with a disability. A public school would not typically be able to do so. Thus, “the class of students who are considered qualified students with disabilities is more limited where private schools are concerned” (Norlin, 2008, p. 9:3).

In terms of accommodations, as private sector providers, Catholic schools are obligated to make accommodations that are minor adjustments. Schools must comply with the provisions of Section 504 addressing educational settings (34 C.F.R. 104.34), nonacademic services (34 C.F.R. 104.37), and pre-school and adult education (34 C.F.R. 104.38). For academic, nonacademic, and extracurricular services and activities, schools must pursue an inclusive setting “to the maximum extent appropriate” to the needs of the student with special needs (34 CFR 104.34 (a-b)). Schools must provide equal opportunity to participate in nonacademic services and activities (34 CFR 104.37). They do not, however, need to make accommodations that would fundamentally alter the nature of a program, be unduly burdensome, or result in substantial risk of injury to members of the school community. When requested, Catholic schools must make minor adjustments to provide an appropriate education to a student with a special need (34 CFR 104.39 (a)). These school communities may only charge more for these accommodations “to the extent that any additional charge is justified by a substantial increase in the cost to the recipient” (34 CFR 104.39 (b)).

As Schweinbeck (2001) states, Section 504 prohibits Catholic schools from failing to differentiate service delivery to students with special needs under the pretext that “I don’t discriminate because I treat everyone the same” (p. 477). Schweinbeck recommends professional development that increases the understanding of reasonable accommodations, policies and procedures, access to the compliance officer in the public school district, and access to outcomes of Section 504 complaints and litigation:

Section 504 requires that disabled students have the chance to benefit from their educational placement, and schools must alter their educational practices and provide services to meet that need. Teachers must be made aware of the importance of accessible field trips, school events, and facilities. (p. 477)

Significantly, as Catholic schools grow in their capacity to deliver special education services, their obligations under Section 504 grow concurrently. Private schools that provide special education (34 CFR 104.39 (c)) are obligated to comply with Section 504 regulations regarding evaluation and placement (34 CFR 104.35) and procedural safeguards (34 CFR 104.36). Specifically, such schools are compelled to articulate a complete service delivery process, from preplacement evaluation (34 CFR 104.35 (a)), to procedures for assessing special needs (34 CFR 104.35 (b)), to placement procedures that draw upon multiple sources of information about the child (34 CFR 104.35 (c)), to regular reevaluation of this service delivery (34 CFR 104.35 (d)). This service delivery process should include procedural safeguards that afford parents or guardians opportunities to participate (34 CFR 104.36). Thus, as Norlin (2008) explains, when private schools develop special education service delivery, procedural obligations become “almost coextensive with those imposed on public schools” (p. 9:3).

To recap, the first section of this article examined how the moral obligation of Catholic social teaching compels Catholic schools to articulate service delivery systems for students with special needs. This second section has shown that as Catholic schools meet this moral obligation, their legal obligations to serve students with special needs grow. The final section of this article describes a practical example of a systemic approach to special education service delivery that meets these moral and legal obligations.

The Learning Consultant Model

Though Catholic schools may be morally compelled and legally bound to pursue effective special education service delivery, they often lack the practical knowledge to enable this quest. In this final section I propose one model to fill this gap. The learning consultant model is an integrated and comprehensive approach to meeting students’ special needs. It emphasizes inclusive service delivery, prevention of student failure, and tiered interventions to meet the needs of students who struggle, including those who have diagnosed disabilities and those who may be considered at risk for disabilities. I will first explain the learning consultant model as an exemplar of best practices in special education service delivery, and then describe how this systemic approach effectively meets the moral and legal obligations described above.

A Best Practice of Special Education Service Delivery

The learning consultant model promotes a best practice of special education service delivery in being integrated, comprehensive, and reflecting

the Response to Intervention approach. Integrated service delivery, at the classroom level, involves teachers employing engaging instructional strategies (King-Sears & Cummings, 1996) and welcoming classroom climates (Weiner, 2003; Wiebe Berry, 2006) to meet the needs of all students. Students with special needs are not treated as separate members of the student body, but rather are integral members. Teachers employ multiple, varied strategies to meet their needs before considering making a special education referral (Buck, Polloway, Smith-Thomas, & Cook, 2003). Such service delivery emphasizes improving the instructional strategies of general education teachers to meet the needs of a wider range of students. For instance, a learning consultant meets with a second grade teacher who has a student who is struggling to read. The consultant and teacher discuss what strategies the teacher has used thus far and identify an intervention for this student. The teacher then puts this intervention in place, perhaps having the consultant model it first. They collect data on whether or not this intervention is working to address the problems that the child is experiencing. If it is not working, they reconvene to discuss alternate interventions and, if appropriate, assess the child for a disability. Such collaborative working relationships with special educators strengthen the capacity of general educators to modify materials and adapt instructional strategies to accommodate students who are struggling or exhibiting challenging behaviors (Levine & Barringer, 2008; Stanovich, 1996; Wilkinson, 2003).

At the school level, integrated service delivery directs school leaders to create scheduling of students and faculty in manners that promote heterogeneous, flexible grouping of students and to foster collaborative relationships amongst faculty (Frattura & Capper, 2007b; Idol, Paolucci-Whitcomb & Nevin, 1995; Miles & Darling-Hammond, 1998; Schulte, 2002; Stockall & Gartin, 2002; Wallace, Anderson, & Bartholomay, 2002). These structures are particularly important to encourage strong collaboration between special education and general education teachers (E. Burns, 2004; M. K. Burns, Appleton, & Stehouwer, 2005; Gable, Mostert, & Tonelson, 2004; Korinek & McLaughlin, 1994; Laycock & Gable, 1991; Long, Brown, & Nagy-Rado, 2007; McLaughlin, 2002; Villa, Thousand, Meyers, & Nevin, 1996; Wesley & Buysse, 2004) as well as with service providers beyond the school doors (Lawson & Sailor, 2000). Importantly, inclusive service delivery is undermined when schools do not work closely with parents and caregivers (Xu, 2006). Lack of preparation for teachers, organizational structures that inhibit teamwork, and failure to anticipate resistance to the shift from independent to interdependent working relationships can also present barriers to the collaboration needed to implement inclusive service delivery (Villa & Thousand,

1996; Wesley & Buysse, 2004). Leaders are more likely to succeed when they address these barriers directly and build a common conceptual framework, language, and technical skills within the school community oriented toward this reform.

Simply put, considerable research suggests that special education services are most effective when they are integrated and comprehensive at both classroom and school levels (Cowne, 2003; Frattura & Capper, 2007a; Lawson & Sailor, 2000; Sailor & Roger, 2005). The learning consultant model reflects these best practices. At the heart of the learning consultant model is consultation between special and general education faculty aimed at improving prereferral intervention strategies in the general education classroom.

Prereferral intervention strategies refer to changes in instructional approaches as early attempts to ameliorate students' struggles. When effectively implemented, prereferral intervention strategies have several advantages. For instance, they allow students to be more successful in their own classrooms and access a higher-quality curriculum, facilitate professional and collaborative relationships between general and special education faculty, and reduce inappropriate referrals to special education (Buck et al., 2003; Yocom & Staebler, 1996). Consultation refers to collegial problem-solving efforts between special educators and general educators who work directly together with the goal of indirectly addressing problems students are experiencing (Sheridan & Welch, 1996). As the Archdiocese of St. Louis Catholic Education Office (2002) describes this model, "learning consultants spend 75% of their time in direct consultation with teachers, administrators, parents, and outside agencies and persons who are working collaboratively with and for the student" (p. 15). This consultation seeks to raise the capacity of teachers to adjust their instructional and assessment strategies to meet the needs of students with special needs.

Qualified learning consultants bring a minimum of 5 years of successful teaching experience, special education certification and training, and a record of educational leadership. To be successful, learning consultants must balance a strong understanding of special education theory and application with interpersonal skills that allow them to build effective partnerships with their colleagues throughout the school. Learning consultants also work directly with parents and students as well as professionals in the broader community to build the capacity of the school to meet students' special needs effectively. This special education service delivery model claims to promote educational equity by decreasing barriers to students with special needs and increasing the capacity of educators throughout the school to serve all students.

In addition to being integrated and comprehensive, best practices in special education service delivery are outlined through the Response to Intervention (RTI) approach (Hale, Kaufman, Naglieri, & Kavale, 2006; Martinez, Nellis, & Predergast, 2006; National Association of State Directors of Special Education & Education, 2006). Three core dimensions of RTI are (a) providing high-quality instruction and interventions to all students, (b) using learning rates and levels of performance as the primary information regarding decision making about students with or at risk for disabilities, and (c) deciding intervention intensity and duration based on student responses to tiers of intervention (National Association of State Directors of Special Education & Education, 2006). RTI approaches to special education service delivery focus on providing students with and at risk for disabilities high-quality instruction and early interventions that are grounded in data and tailored to meet student needs and prevent student failure (President's Commission on Excellence in Special Education, 2002). As Prasse (2006) states, "Delivering scientifically based interventions with integrity and monitoring (frequently) how the student responds to those interventions provides an invaluable database of important information about the need to change or sustain the intervention in a timely fashion" (p. 13).

The learning consultant model reflects these characteristics of RTI. The primary responsibilities of the learning consultant are to obtain pertinent information regarding students' specific special needs, communicate this information to teachers and other school personnel, and serve as a resource to assist students with special needs and their parents and caregivers (Archdiocese of St. Louis Catholic Education Office, 2002). Learning consultants help teachers systematically monitor student progress, a practice that contributes to accelerated learning because the instructional strategies are more closely aligned with students' needs (National Center on Student Progress Monitoring, 2008). Progress monitoring is also associated with early identification of and services to students who are struggling (Hale, et al., 2006; National Association of State Directors of Special Education & Education, 2006; Wodrich, Spencer, & Daley, 2006) as well as higher expectations for students, more efficient communication among various constituents (i.e., families, teachers, other professionals), and fewer referrals to special education (National Center on Student Progress Monitoring, 2008). As Yell, Katsiyannis, and Shriner (2006) explain, "Teachers can ensure that they provide meaningful instruction by collecting useful data on a student's progress and then by using the data to inform their instructional decisions" (p. 38). In theory, learning consultants work directly with teachers to ensure that students with or at risk for disabilities are receiving access to the same

curriculum as the rest of their classmates, and that teachers are ensuring this access by providing interventions and accommodations.

The Learning Consultant Model Meets the Moral and Legal Obligations for Catholic Schools

The learning consultant model provides Catholic school educators a practical path toward meeting their moral and legal obligations to craft effective special education service delivery systems. As a best practice in special education service delivery, the learning consultant model clearly meets the moral obligation of Catholic schools to apply CST by affirming human dignity, the common good, and a preferential option for the marginalized. The learning consultant model reflects these values of CST by emphasizing the inherent value of each member of the school community, including students with special needs. This model structures service delivery in a manner that serves the common good by emphasizing inclusivity and systematically building the capacity of classroom teachers to educate all learners more effectively. Through early interventions to address students' struggles, this model operationalizes what a preferential option for the marginalized looks like in terms of special education services.

The learning consultant model also places Catholic school communities on a legally solid foundation for developing special education service delivery in a responsible manner. As described in the preceding section, Section 504 regulations place specific legal obligations on Catholic schools that provide special education service delivery. These legal obligations include educating students with special needs in the least restrictive environment, establishing certain evaluation, placement, and procedural safeguards, and providing equal opportunities for these students to participate in nonacademic and extracurricular activities (34 C.F.R. 104.39). The learning consultant model provides educators in Catholic schools with a structure to meet these obligations. It operationalizes a process for articulating accommodations that can be made in a school community in a responsible manner.

Responsibly approaching special education service delivery is a dilemma to educators in Catholic schools. On the one hand, many of them sincerely strive to follow the moral obligations of CST and welcome all students. On the other hand, they know that they have underdeveloped special education service delivery systems, and they do a disservice when they accept students that they are not equipped to educate. Frequently, Catholic school educators conclude that they cannot, in good conscience, enroll students with special needs. However, to abscond the tenets of CST is unacceptable for schools

claiming the banner of Catholicism. Moreover, as Catholic schools improve their special education service delivery, their legal obligations increase under Section 504. A systemic approach allows Catholic schools to articulate special education service delivery in manners that fulfill both their moral and their legal obligations.

The Catholic school systems of the Archdioceses of Milwaukee and St. Louis have both pursued versions of the learning consultant model for many years (Archdiocese of St. Louis Catholic Education Office, 2002; Hoerig, 1976). Preliminary research of these systems suggested several elements that support this implementation (Scanlan, 2008a). First, central office support was critically important in each system for individual schools to begin embarking on this reform. Second, strong relationships both within schools (i.e., amongst teachers, learning consultants, and administrators) and across schools (i.e., between learning consultants at various schools) were an essential element to the model's success. School communities in which these relationships were weak or nonexistent exhibited less fidelity to the model. Third, external relationships, with the public school district as well as with private service providers (i.e., counselors, school psychologists, therapists), helped learning consultants more effectively implement the model. While funding to implement the model, including the central cost of hiring a learning consultant, was a core struggle in many school communities, evidence also suggested that the model itself served as a recruiting tool for enrollment as well as a vehicle for fundraising.

A key strength of the learning consultant model to special education service delivery is that it works most effectively when approached across a system of schools. Other Catholic school systems have pursued less centrally directed approaches to special education (Durow, 2007; Scanlan, *in press-a*). While pockets of innovation can occur from such efforts in individual schools, the collective Catholic school community does not progress. Special education is left as a specialized niche for select schools to fill. By contrast, a systemic approach supported by the diocesan school office provides pressure on all Catholic schools to improve special education service delivery (Scanlan, 2008a, 2008c). This distributes the responsibility for educating students with special needs across schools and creates a natural community of support for principals, special education personnel, and teachers in improving these practices.

Finally, I present the learning consultant model as one practical illustration of how Catholic school communities might approach special education service delivery. It is certainly neither the only nor the best approach for all school communities. The critical point is that Catholic school communities

recognize both the moral mandate and the legal obligations toward students with special needs. These will compel them to examine practical avenues to do so.

Conclusion

Shaughnessy (2005) explains, “As persons striving to live in harmony with the Gospel, all involved in Catholic education are bound to do their utmost to assist students with special needs” (p. 142). Catholic elementary and secondary schools that are fostering effective service delivery systems to meet students’ special needs are writing the future of Catholic education. Such Catholic schools position themselves as beacons of equity and justice. They enact the social teachings central to Catholicism to the degree that these school communities demonstrate that all have dignity, serve the common good, and place a preferential option for the marginalized. In these ways they unseat shallow, instrumental views of educational outcomes that have grown alarmingly prevalent across educational sectors. By contrast, a preferential option for the privileged persists in Catholic schools with underdeveloped or unarticulated service delivery systems to meet students’ special needs. Catholic schools undermine their Catholic identity when they ignore barriers to traditionally marginalized students.

Durow (2007) asserts that core barriers impeding Catholic schools from serving students with disabilities and special needs are “inadequate funding, insufficient teacher preparation and confidence, inaccessible buildings, and inconsistent commitment from parishes and boards” (p. 487). I submit that by better understanding the moral duty to meet students’ special needs and the legal obligations to do so, Catholic school communities position themselves to embrace models, such as the learning consultant model, that will allow them to surmount these barriers.

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