REPORT OF THE VIRGINIA DEPARTMENT OF EDUCATION

THE INCLUSION OF SPECIAL-NEEDS CHILDREN

TO THE GOVERNOR AND THE GENERAL ASSEMBLY OF VIRGINIA



SENATE DOCUMENT NO. 18

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COMMONWEALTH of VIRGINIA

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December 28, 1995

The Honorable George Allen Governor of Virginia, and The General Assembly of Virginia Richmond, Virginia 23219

Dear Governor Allen and Members of the General Assembly:

Senate Joint Resolution 361 of the 1995 General Assembly requested the Department of Education to prepare a report expressing the sense of the General Assembly in supporting the appropriate identification and inclusion of students with disabilities.

Enclosed is a copy of this study which I hope will be helpful to you. Please feel free to contact me with any questions.

Respectfolly submitted,

C. Bosher. Jr.

WCBjr:jct Enclosure

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EXECUTIVE SUMMARY

The 1995 General Assembly Senate Joint Resolution 361 required the Virginia Department of Education to report to the Senate Committee on Education. This report is divided into two sections: Section I addresses inclusion of students with disabilities; and Section II addresses African-American students with disabilities. Conclusions drawn from the report are provided at the end of Section II. A list of references is provided at Appendix C.

The Department supports the federal and state requirements governing placement of students with disabilities in the least restrictive environment and uses mechanisms for implementing compliance with such requirements. Virginia has in the past, and continues to be, responsive to localities in their movement toward less restrictive placements for students with disabilities. Training and technical assistance on effective practices for including children with disabilities in regular classrooms is available upon request of the public schools. Data were collected on the number of self-contained students with disabilities assigned to regular classrooms. These data suggest that many school divisions do include these students in classrooms with non-disabled peers.

Data were compiled to address the request for the proportion of African-American students by special education disability category compared to the proportion of African-American students in the total student population. The percentage of African-American students in the general population is 25.8 percent; in the special education population, it is 27.8 percent. Although there is a higher proportion of African-American students in the disability categories associated with cognitive/mental retardation and autism, the disproportion in these disability categories does not appear to occur in every local school division. Without conducting a caseby-case analysis, it cannot be determined what factors underlie the difference in proportion of African-Americans to other ethnic groups identified as needing special education. The Virginia Department of Education, in partnership with the United States Office for Civil Rights, is developing strategies to examine minority over-representation in special education through its monitoring of local school divisions.

INTRODUCTION

The 1995 General Assembly approved Senate Joint Resolution 361, introduced by the Honorable Louise Lucas, Member, Senate of Virginia (Portsmouth). The resolution supports the appropriate identification and inclusion of students with disabilities and requested that the Virginia Department of Education (VDOE) provide information on two distinct topics:

- Appropriate inclusion of students with disabilities in settings with their non-disabled peers and
- Appropriate identification and placement of African-American students with disabilities.

The resolution requires the Department to report to the Senate Committee on Education. This report is divided into two sections: Section I addresses inclusion of students with disabilities; and Section II addresses African-American students with disabilities. Conclusions drawn from the report are provided at the end of Section II. A list of references is provided in Appendix C.

SECTION I: INCLUSION OF STUDENTS WITH DISABILITIES

Federal and State Requirements

The VDOE supports appropriate inclusion of students with disabilities. The Regulations Governing Special Education Programs for Children with Disabilities in Virginia mirror the federal language requiring that students with disabilities be placed in the least restrictive environment (LRE).

LRE means 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 that 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 is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

<u>Mechanisms for Implementing Compliance with Federal and State</u> <u>Requirements</u>

The VDOE Office of Compliance and Federal Monitoring fully enforces existing federal and state laws that require a full continuum of placements in the LRE for special education students. Further, VDOE requires strict adherence to the procedures prescribed by such laws for determining individual and appropriate placements, including the use of supplementary aids and related services to support students with disabilities in regular education placements. In addition, VDOE monitors complaints alleging discrimination.

The mechanisms for implementing compliance with federal and state requirements are described below:

- Individuals with Disabilities Education Act (IDEA) Regulations Governing Special Education Programs for Children with Disabilities in Virginia Virginia's Special Education Program Standards
 - Federal Programs Monitoring Review System Regularly scheduled visits are conducted with public and private schools to monitor for compliance with:
 - federal and state special education requirements and
 - methods of administration for federal and state requirements governing special/vocational education.

- Special Education Complaints System The VDOE investigates complaints regarding violations of rights of parents and/or children with disabilities and determines whether or not the local education agency, against whom such complaint has been filed, is in compliance with applicable laws and regulations. If found not in compliance, the local agency must take corrective action.
- Due Process Hearing System The VDOE coordinates a system by which an unbiased third party is selected to hear cases where disagreement occurs and, if necessary, authorizes corrective action. Each local education agency or the parent of a child, determined or believed to have a disability, has the right to initiate a hearing when a disagreement occurs on matters relating to identification, evaluation, or educational placement of the child or the provision of a free appropriate public education for the child.
- 2. Section 504 of the Rehabilitation Act of 1973, as amended by the Americans with Disabilities Act (ADA)
 - All complaints from education facilities relative to disability are referred to the local education agency's "504" coordinator and to the region 3 Office for Civil Rights (OCR) in Philadelphia.
- 3. Titles VI, VII, and IX
 - The Discrimination Complaints System at VDOE investigates alleged discrimination by local education agencies in areas related to race, religion, national origin, gender and age.

In addition to having the above-mentioned systems in place to monitor and address problems, VDOE provides training and technical assistance specifically related to the inclusion of students with disabilities with their non-disabled peers.

Training and Technical Assistance on Inclusion

Virginia has in the past, and continues to be, responsive to localities in their movement toward less restrictive placements for students with disabilities. In 1987, the VDOE began a five-year effort to implement a statewide systems change project. The project provided resources to eleven school divisions to change the delivery of services for students with severe disabilities from separate special education environments to more inclusive settings.

Training and technical assistance on effective practices to be used in including children with disabilities in regular classrooms is available upon request of the public schools. The following list describes VDOE's current initiatives in this area.

- Special Education Technical Assistance Centers -VDOE currently funds and supervises 14 such centers in Virginia in four different areas:
 - Early Childhood Special Education and Intervention (six centers)
 - Severe Disabilities (three centers)
 - Mild/Moderate Disabilities (one pilot center)
 - Secondary Transition (four centers)

The centers provide assistance to general and special educators, support staff and administrators engaged in the delivery of educational services to students with disabilities. All the 14 centers address issues, upon request, related to student success when integrated with nondisabled students into school or work environments. An example of one recent initiative was "Integrated Options for Preschoolers." For two years (1993-95), the staff worked with selected sites on planning for, and development of, inclusion with preschool age students. The staff have been reallocated the Early Childhood/Intervention centers to provide to continued assistance in this area.

2. Parent Resource Centers-

Across Virginia, there are 51 Parent Resource Centers representing 57 public school divisions. VDOE provides initial funds for localities to start new centers, offers training to local center staff, and distributes training and technical assistance materials to local centers. The local centers provide direct assistance to parents as well as training to parents and educators. In addition, the centers conduct workshops and seminars for families and educators which address inclusion. VDOE has distributed to the centers, the document, "Unlocking the Door: A Parent's Guide to Inclusion" developed in 1994.

3. Project ACCEPT Reference Manual-

The manual "ACCEPT Learning Together: Integrating Students with Disabilities" was developed by VDOE in 1993 and is distributed to schools upon request. The purpose of the document is to assist localities with the development of integrated options for educating students with disabilities. The information in ACCEPT is designed to help steer local school teams through an examination of current service delivery options and changing practices. The document also provides recommendations to facilitate the development of environments conducive to integrated placements for students with disabilities.

4. Resources for School Administrators on Implementing the Least Restrictive Environment and Other Placement Issues-VDOE is developing technical materials for school administrators on implementing services for students with

disabilities in the least restrictive environment which will address inclusion.

Data on Students Included in Regular Education Classes

In response to this request from the legislative subcommittee, a survey was developed and disseminated to all public school division superintendents. Of the 133 localities, 85% responded to the survey and the results are included in Appendix A. Localities were asked to provide the numbers of students by school division assigned to regular education classrooms who are receiving special education services for more than half of the school day. For purposes of the survey, students assigned to regular education classrooms who are receiving special education services for more than half of the school day were defined as:

...the students counted as self-contained (50% or more of their school day receiving special education according to their IEP) and some or all of the goals and objectives of the individualized education program (IEP) are met in the general education setting with age-appropriate peers.

Given the wide local variance in interpreting the concept of inclusion coupled with the lack of reliable methods of data collection relative to this particular area, the information in Appendix A should be interpreted with caution. The data reflects that 17,124 students are assigned to regular classrooms, suggesting that many school divisions do include self-contained students with disabilities in classrooms with non-disabled peers.

SECTION II: AFRICAN-AMERICAN STUDENTS WITH DISABILITIES

Data on African-American Students Receiving Special Education

Data were compiled to address the request for the proportion of African-American students by special education disability category compared to the proportion of African-American students in the total student population. These data were taken from the Fall Membership totals for the 1993-94 school year and from the December 1, 1993 Special Education Child Count.

The percentage of African-American students in the general population is 25.8 percent; in the population receiving special education, it is 27.8 percent (refer to Appendix B). The data reflect the number of students for whom the disability listed is their primary disability.¹

Factors Influencing Minority Overrepresentation in Special Education

Although there is a higher proportion of African-American students in the disability categories associated with cognitive/mental retardation and autism, the disproportion in these disability categories does not appear to occur in every local school division. Without conducting a case-by-case analysis, it cannot be determined what factors underlie the difference in proportion of African-Americans to other ethnic groups identified as needing special education.

The research literature on representation of ethnic groups receiving special education reveals a variety of factors which influence student identification and placement including, but not limited to, those listed below:²

- 1. There is a higher proportion of minorities living in poverty, and mental retardation is significantly correlated with conditions associated with poverty and low socio-economic status.
- 2. There is controversy over the definitions of mental retardation and intelligence. Although the diagnosis of mental retardation ought to be based on the consideration of both intelligence and adaptive behavior, there can be an over-reliance on intelligence quotient (IQ) scores. As a result, the IQ cutoff point that defines mental retardation has been changed, which in turn has

¹For example, there are an additional 26,905 students who are identified as needing speech-language therapy as a related service, but speech-language impairment is not their primary disability; of these, 8,619 are African-American.

² Jones, J., Sacks, J. & Bennett, R. 1985; Bedell, F. & Others 1992; Artiles, A. & Trent, S. 1994; Martin, R. 1994; Hunsaker, S. 1994; Harry, B. 1994; Arkansas Department of Education 1994; NADSE Forum Project 1994; NADSE Forum Project 1995; Lara, J. 1995.

raised criticisms and questions of the identification process.

- 3. A relationship between student's ethnicity, socio-economic status, teacher expectations/treatment and pupil achievement level has been documented in research studies. The special education referral, assessment, and program/placement processes may be faulty if they allow for teacher prejudice, racial bias, expectations, and differential treatment to influence identification decisions.
- 4. The size of the educational program is related to overrepresentation; the larger the program, the greater the disproportion of minority students. While large numbers of minority children may lead to a perceived need for more special education programs, it may also be that the greater availability of programs encourages increased identification and placement of minority children.

Office for Civil Rights Investigations

The United States Office for Civil Rights (OCR) has investigated states practices around identification and placement of minority students in special education. OCR uses a statistical methodology to determine if school districts have "overrepresentation" problems (refer to Peelen, J. "OCR Policies Including Overrepresentation of Minorities"). OCR recognizes, as does the literature in this area, that there are a variety of factors which must be considered prior to making the assumption that overrepresentation exists; and more important, identifying where, in the multiple dimensions of the special education process, the mechanism breaks down.

VDOE and fourteen local school divisions have been part of a nationally focused investigation relative to the issue of overrepresentation of minorities in special education. OCR initiated their investigation of Virginia's schools in March 1994, and as of the date of this report, has not issued findings as a result of the investigation. The Virginia Department of Education, in partnership with the United States Office for Civil Rights, is developing strategies to examine minority overrepresentation in special education through its monitoring of local school divisions.

Training and Technical Assistance Pertaining to Inclusion of African-American Students with Disabilities in Regular Classrooms

All efforts by VDOE which focus on inclusion described in Section I of this report involve meeting the needs of a diverse population of students. This is done by focusing on the unique needs of each individual student regardless of abilities, socio-economic status, or ethnicity. In addition, activities of the Equity in Education Office of the VDOE include regional workshops, conducted annually, which address minority student achievement and access to general and vocational education.

REPORT CONCLUSIONS

The VDOE recognizes that local schools use various practices to implement placements for students with disabilities based on an inclusive philosophy. Appropriate inclusion of students with disabilities in settings with their non-disabled peers will continue to occur as state-supported information, training, and technical assistance around least restrictive environment spreads throughout the Commonwealth, and as practices which do not comply with policy are identifed and corrected.

The Virginia Department of Education, in partnership with the United States Office for Civil Rights, is developing strategies to examine minority overrepresentation in special education through its monitoring of local school divisions. At the time of this report, the VDOE/OCR partnership is in the early stages of development.

APPENDIX A

SELF-CONTAINED STUDENTS ASSIGNED TO REGULAR CLASSROOMS BY LOCALITY

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APPENDIX A (page 1 of 3)				
SELF-CONTAINED STUDENTS ASSIGNED TO REGULAR CLASSROOMS BY LOCALIT	Ύ			

LOCALITY	TOTALS	LOCALITY	TOTALS
ACCOMACK	62	DINWIDDIE	0
ALBEMARLE	202	ESSEX	NR*
AMELIA	85	FAIRFAX	3,709
AMHERST	112	FAUQUIER	769
APPOMATTOX	55	FLOYD	14
ARLINGTON	NR*	FLUVANNA	33
AUGUSTA	57	FRANKLIN CO.	211
BATH	0	FREDERICK	260
BEDFORD CO/CITY	117	GILES	30
BLAND	0	GLOUCESTER	312
BOTETOURT	144	GOOCHLAND	NR*
BRUNSWICK	72	GRAYSON	NR*
BUCHANAN	NR*	GREENE	125
BUCKINGHAM	48	GREENSVILLE	105
CAMPBELL	70	HALIFAX/SOUTH BOSTON	0
CAROLINE	NR*	HANOVER	200
CARROLL	0	HENRICO	239
CHARLES CITY	0	HENRY	470
CHARLOTTE	0	HIGHLAND	7
CHESTERFIELD	NR*	ISLE OF WIGHT	
CLARKE	26	KING GEORGE N	
CRAIG	0	KING & QUEEN 32	
CULPEPER	242	KING WILLIAM NR*	
CUMBERLAND	NR*	LANCASTER 12	
DICKENSON	22	LEE 42	

*NR=No Response

APPENDIX A (continued, page 2 of 3) SELF-CONTAINED STUDENTS ASSIGNED TO REGULAR CLASSROOMS BY LOCALITY

LOCALITY	TOTALS	LOCALITY	TOTALS	
LOUDOUN	501	ROCKBRIDGE	25	
LOUISA	109	ROCKINGHAM	22	
LUNENBURG	0	RUSSELL	196	
MADISON	0	SCOTT	87	
MATHEWS	38	SHENANDOAH	NR*	
MECKLENBURG	0	SMYTH	78	
MIDDLESEX	NR*	SOUTHAMPTON	10	
MONTGOMERY	288	SPOTSYLVANIA	594	
NELSON	0	STAFFORD	195	
NEW KENT	0	SURRY	20	
NORTHAMPTON	70	SUSSEX	41	
NORTHUMBERLAND	NR*	TAZEWELL	0	
NOTTOWAY	151	WARREN	18	
ORANGE	99	WASHINGTON	43	
PAGE	119	WESTMORELAND	41	
PATRICK	41	WISE	54	
PITTSYLVANIA	43	WYTHE		
POWHATAN	46	YORK		
PRINCE EDWARD	NR*	ALLEGHANY HIGHLANDS		
PRINCE GEORGE	5	ALEXANDRIA 5		
PRINCE WILLIAM	NR*	BRISTOL		
PULASKI	89	BUENA VISTA 64		
RAPPAHANNOCK	45	CHARLOTTESVILLE 38		
RICHMOND CO.	20	COLONIAL HEIGHTS 74		
ROANOKE CO.	659	COVINGTON 39		

*NR=No Response

APPENDIX A (continued, page 3 of 3) SELF-CONTAINED STUDENTS ASSIGNED TO REGULAR CLASSROOMS BY LOCALITY

LOCALITY	TOTALS	LOCALITY	TOTALS
DANVILLE	0	LEXINGTON	5
FALLS CHURCH	48	SALEM	160
FREDERICKSBURG	147	POQUOSON	NR*
GALAX	15	MANASSAS	318
HAMPTON	44	MANASSAS PARK	25
HARRISONBURG	NR*	COLONIAL BEACH	NR*
HOPEWELL	0	WEST POINT	8
LYNCHBURG	250	TOTAL	17,124
MARTINSVILLE	NR*		
NEWPORT NEWS	100		
NORFOLK	438		
NORTON CITY	4		
PETERSBURG	260		
PORTSMOUTH	418		
RADFORD	28		
RICHMOND CITY	75		
ROANOKE CITY	82		
STAUNTON	73		
SUFFOLK	415		
VIRGINIA BEACH	243		
WAYNESBORO	9		
WILLIAMSBURG/JAMES CITY	96		
WINCHESTER	167		
FRANKLIN CITY	NR*		
CHESAPEAKE	950		

*NR=No Response

APPENDIX B

PROPORTIONS OF AFRICAN-AMERICAN STUDENTS RECEIVING SPECIAL EDUCATION

APPENDIX B PROPORTIONS OF AFRICAN-AMERICAN STUDENTS RECEIVING SPECIAL EDUCATION

Total taken from 1993-94 Fall Membership and December 1, 1993 Special Education Child Count.

TOTAL STUDENT POPULATIC	DN:	1,045,471			
TOTAL AFRICAN-AMERICAN	270,087				
% AFRICAN-AMERICANS:		25.8%			
TOTAL SPECIAL EDUCATION POPULATION: 130,565					
TOTAL AFRICAN-AMERICAN		,			
% AFRICAN-AMERICANS IN	SPECIAL EDUCATI	ON: 27.8%	· · · · · · · · · · · · · · · · · · ·		
DISABILITY	SPECIAL EDUC TOTALS		TOTAL AFRICAN RICANS AME	% AFRICAN ERICANS	
Educable Mental Retardation	9,678	4,864	Ļ	50.3%	
Trainable Mental Retardation	2,626	972		37.0%	
Severe and Profound Disabilities	1,171	413		35.3%	
Hard of Hearing	876	219		25.0%	
Deaf	486	116		23.9%	
Speech & Language Impairments	31,281	7,126	i -	22.8%	
Visual Impairments	538	133		24.7%	
Serious Emotional Disturbance	10,743	3,369	I.	31.4%	
Orthopedic Impairments	847	148		17.5%	
Other Health Impairments	1,791	372		20.8%	
Autism	709	309		43.6%	
Specific Learning Disabilities	60,981	15,249		25.0%	
Deaf-Blind	2	0		0.0%	
Multiple Disabilities	1,363	368		27.0%	
Developmental Delay	7,387	2,598		35.2%	
Traumatic Brain Injury	86	21		24.4%	
TOTALS	130,565	36,27	7	27.78%	

APPENDIX C:

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APPENDIX C: REFERENCES (page 1 of 2)

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