

Importance of Equity: Lessons Learned from Special Education and Delivering Your Message to Elected Leaders

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Goals for Presentation

Discuss effective messaging to policymakers

Examine case of disproportionality in special education

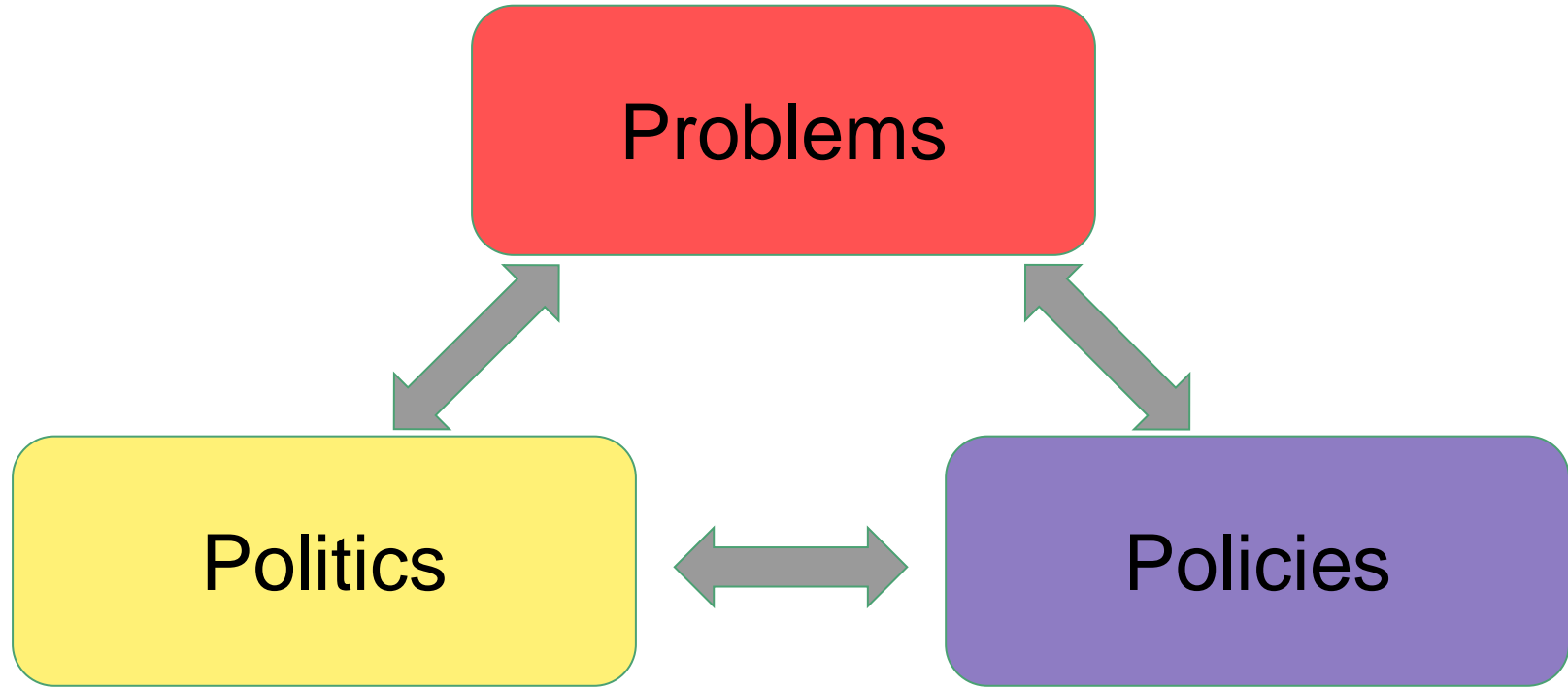
- Describe problem of disproportionality in special education

- Describe policy solution for disproportionality

- Discuss policy effectiveness and implementation

Provide time for questions and reflection

Kingdon Framework



Problems

“Conditions come to be defined as problems, and have a better chance of rising on the agenda, when we come to believe that we should do something to change them.”

“Demonstrating that there is indeed a problem to which one’s solution can be attached is a very real preoccupation of participants in the policy process.”

Disproportionality in Special Education

Data on Identification

Measures

Risk Index

Percent of students within a subgroup with the condition

$$\frac{\textit{NumberwithCondition}}{\textit{TotalStudents}}$$

Risk Ratio

Comparison of risk indexes

$$\frac{\frac{\textit{NumberwithCondition}}{\textit{TotalStudents}}}{\frac{\textit{NumberwithCondition}}{\textit{TotalStudents}}}$$

The Data

Exhibit 25. Number of students ages 6 through 21 served under IDEA, Part B, and percentage of the population served (risk index), comparison risk index, and risk ratio for children ages 6 through 21 served under IDEA, Part B, by race/ethnicity: Fall 2013

Race/ethnicity	Child count ^a in the 50 states and DC	Resident population ages 6 through 21 in the 50 states and DC ^b	Risk index ^c (%)	Risk index for all other racial/ethnic groups combined ^d (%)	Risk ratio ^e
Total	5,734,393	67,272,586	8.5	†	†
American Indian or Alaska Native	77,969	587,392	13.3	8.5	1.6
Asian	131,168	3,115,296	4.2	8.7	0.5
Black or African American	1,087,988	9,529,342	11.4	8.0	1.4
Hispanic/Latino	1,298,343	15,337,881	8.5	8.5	1.0
Native Hawaiian or Other Pacific Islander	17,534	128,547	13.6	8.5	1.6
White	2,962,034	36,296,593	8.2	9.0	0.9
Two or more races	159,357	2,277,535	7.0	8.6	0.8

US Department of Education. (December 2015). 37th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2015. Washington, DC.

Exhibit 26. Risk ratio for students ages 6 through 21 served under IDEA, Part B, within racial/ethnic groups by disability category: Fall 2013

Disability	American Indian or Alaska Native	Asian	Black or African American	Hispanic/Latino	Native Hawaiian or Other Pacific Islander	White	Two or more races
All disabilities	1.56	0.48	1.42	0.99	1.60	0.91	0.82
Autism	0.88	1.15	0.97	0.75	1.25	1.21	0.91
Deaf-blindness	1.63!	0.88!	0.75	1.03	4.15!	1.13	0.69!
Developmental delay ^a	3.80	0.42	1.68	0.68	2.52	0.92	1.15
Emotional disturbance	1.58	0.19	2.14	0.60	1.38	0.95	1.11
Hearing impairments	1.23	1.21	1.03	1.34	2.81	0.77	0.72
Intellectual disabilities	1.49	0.51	2.26	0.91	1.55	0.71	0.66
Multiple disabilities	1.73	0.63	1.38	0.73	1.88	1.12	0.67
Orthopedic impairments	0.95	0.84	0.83	1.21	1.53	1.00	0.73
Other health impairments	1.32	0.28	1.37	0.60	1.39	1.31	0.92
Specific learning disabilities	1.80	0.32	1.51	1.29	1.91	0.74	0.72
Speech or language impairments	1.32	0.71	1.02	1.06	1.10	1.01	0.85
Traumatic brain injury	1.49	0.54	1.09	0.70	1.60	1.31	0.84
Visual impairments	1.51	0.90	1.12	0.96	1.93	0.99	0.79

! Indicates a statistically significant difference from the general population. ^a Includes students with a specific learning disability, speech or language impairment, hearing impairment, orthopedic impairment, and other health impairment.

Is disproportionality in special education a problem?



Absolutely not

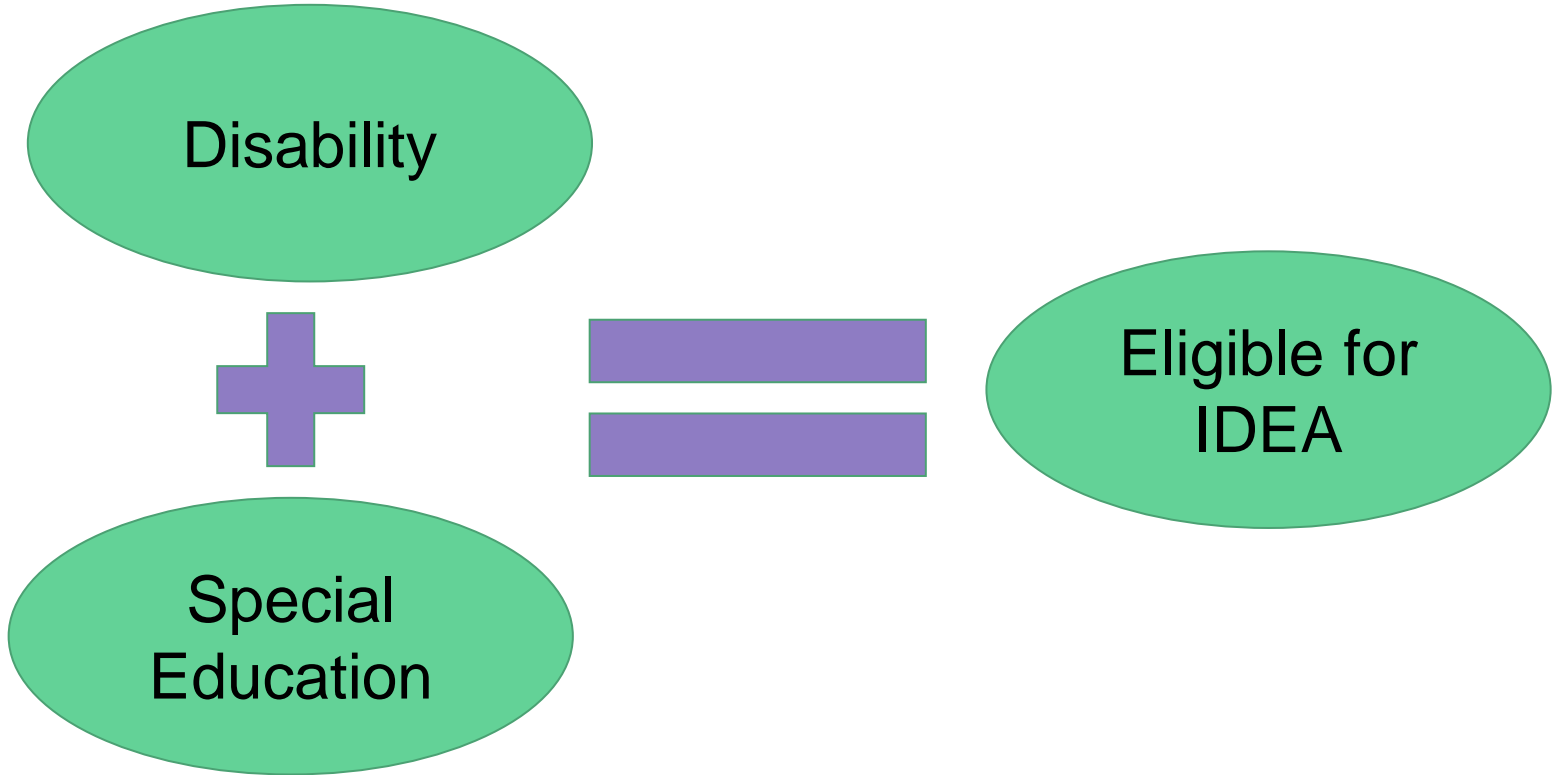
Absolutely

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Making the Case for the Problem

Two Conditions for Eligibility



Eligibility Determinations

Special Education Referral

Usually by teachers or parents

Special Education Evaluation

Variety of assessment
tools and strategies

Determination of Eligibility

Decision by qualified professionals and
the parent of the child

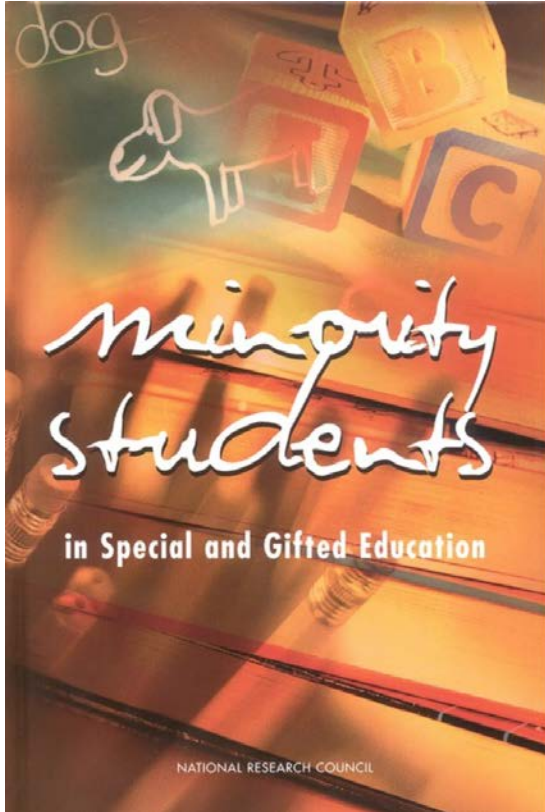
Determination of Services and
Placement

Decision by the IEP Team

Timeline for Disproportionality



The Paradox of Special Education



“The same program that can separate disadvantaged students from their peers, distinguish them with a stigmatized label, and subject them to a curriculum of low expectations can also provide resources, supports, and services without which they cannot benefit from education.”

-Donovan & Cross, p. 20

Hypothesis I:
Prevalence

Hypothesis II:
Systemic Bias

Differences by Disability Category

TABLE 3
Comparison of Risk Ratios between Blacks and Whites in Hard and Soft Disability Categories in the United States and in Selected States^a

	<i>Soft Disabilities</i>			<i>Hard Disabilities^b</i>
	<i>MR</i>	<i>ED</i>	<i>SLD</i>	
Connecticut	4.76	2.62	1.49	1.49
Mississippi	4.31	0.94	1.72	1.07
South Carolina	4.30	2.04	1.26	1.30
North Carolina	4.08	2.76	1.10	1.03
Nebraska	4.08	6.06	1.69	1.50
Florida	3.91	2.14	1.20	1.09
Alabama	3.89	1.27	0.97	1.11
Delaware	3.61	2.45	2.55	1.30
New Jersey	3.60	2.40	1.28	2.18
Colorado	3.48	2.05	1.69	1.34
United States	2.88	1.92	1.32	1.18

Blacks were most overrepresented for mental retardation (MR) in the ten states selected.

^a All data are from 1998 U.S. Department of Education Office of Special Education Programs. See Table 1 for indications on statistical significance.

^b The hard disabilities category includes hearing impairments, visual impairments, orthopedic impairments, deaf-blindness, multiple disabilities, and traumatic brain injury.

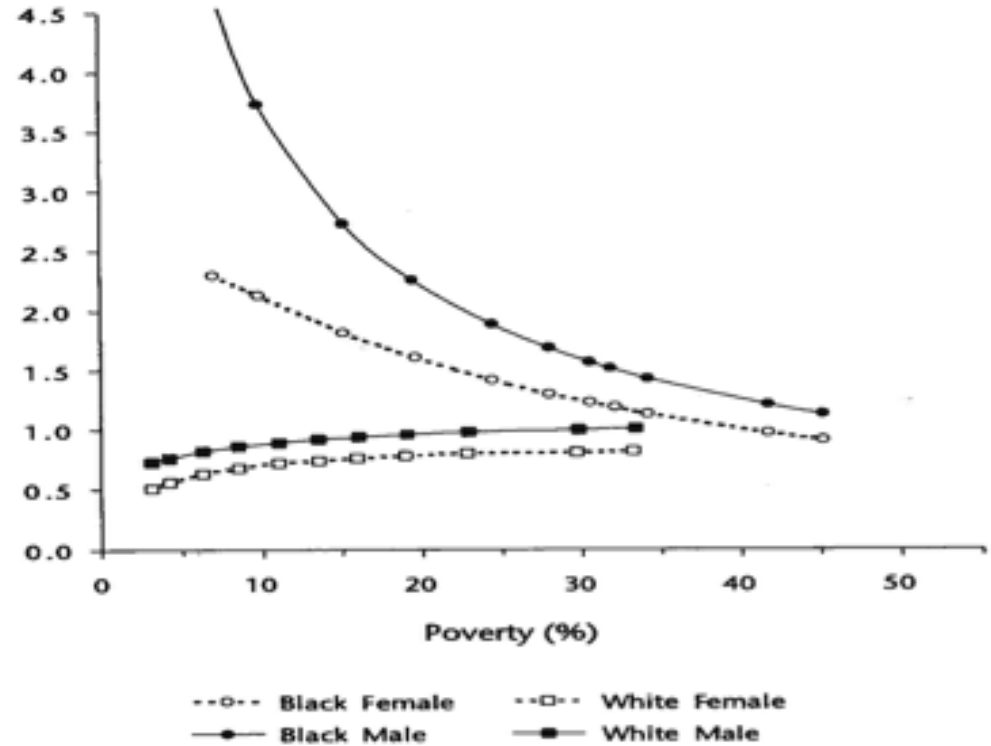
Differences by State Funding Formula

Types of Funding Formulas for Special Education:

- Unlinked: Not tied to SWD population
- Service Linked: Tied to percent eligible
- Service and Category Linked: Tied to percent eligible and type of disability

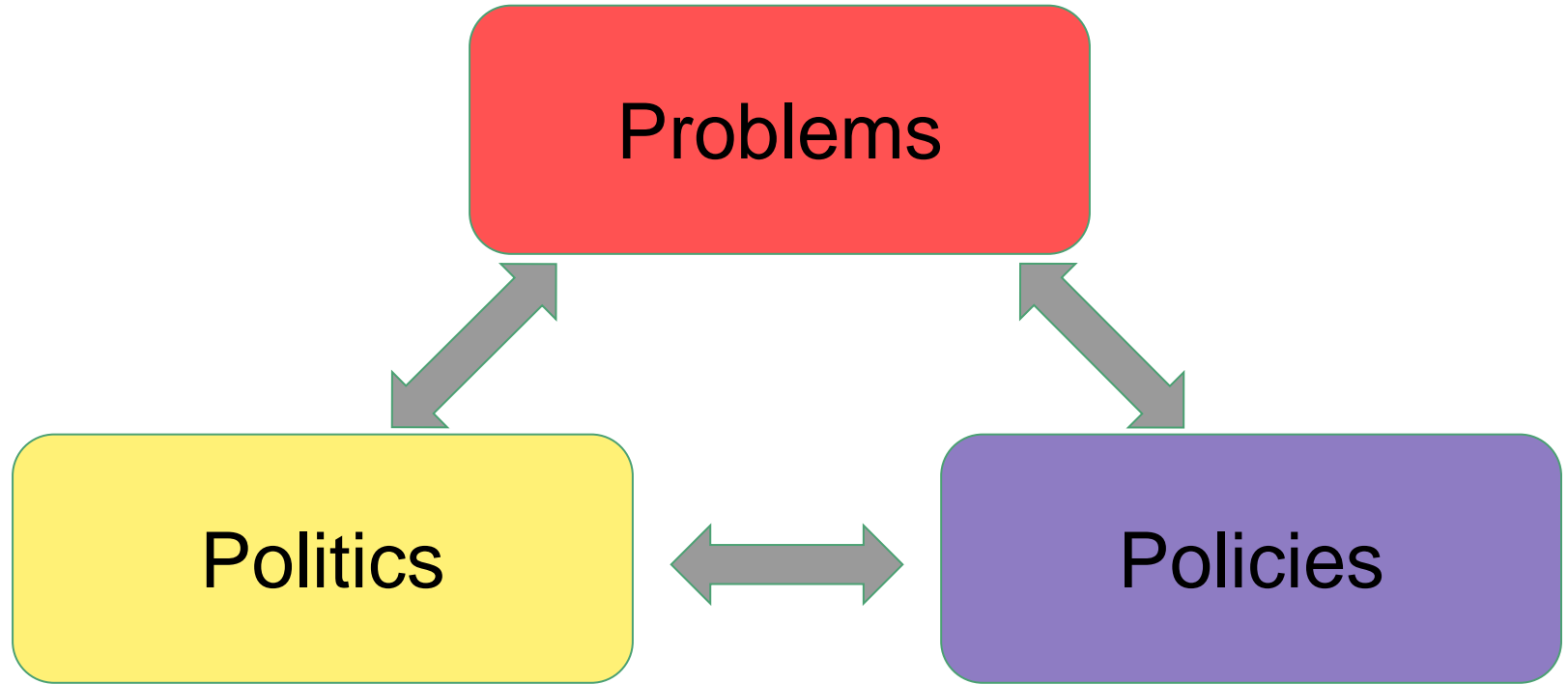
Differences by Community

FIGURE 1
Mental Retardation (MR) Identification Rates and Poverty

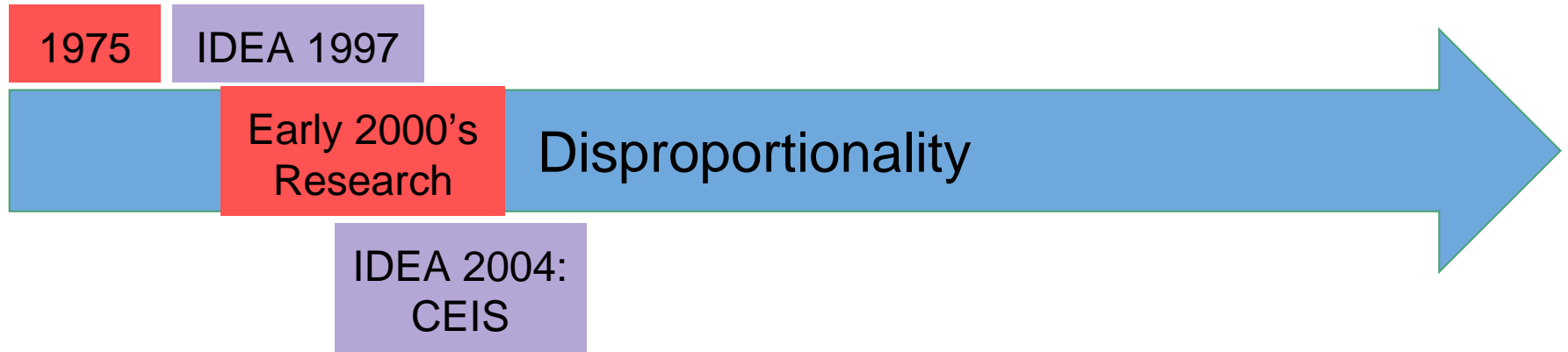


Losen D. & Orfield, G, Eds.. (2002). *Racial Inequity in Special Education*. Cambridge, MA: The Civil Rights Project and the Harvard Education Press.

Kingdon Framework



Timeline for Disproportionality



IDEA Statute: Disproportionality Sec. 618(d)

(1) In general.--Each State that receives assistance under this part, and the Secretary of the Interior, shall provide for the **collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring** in the State and the local educational agencies of the State with respect to---

- (A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3);
- (B) the placement in particular educational settings of such children; and
- (C) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

IDEA Statute: Disproportionality Sec. 618(d)

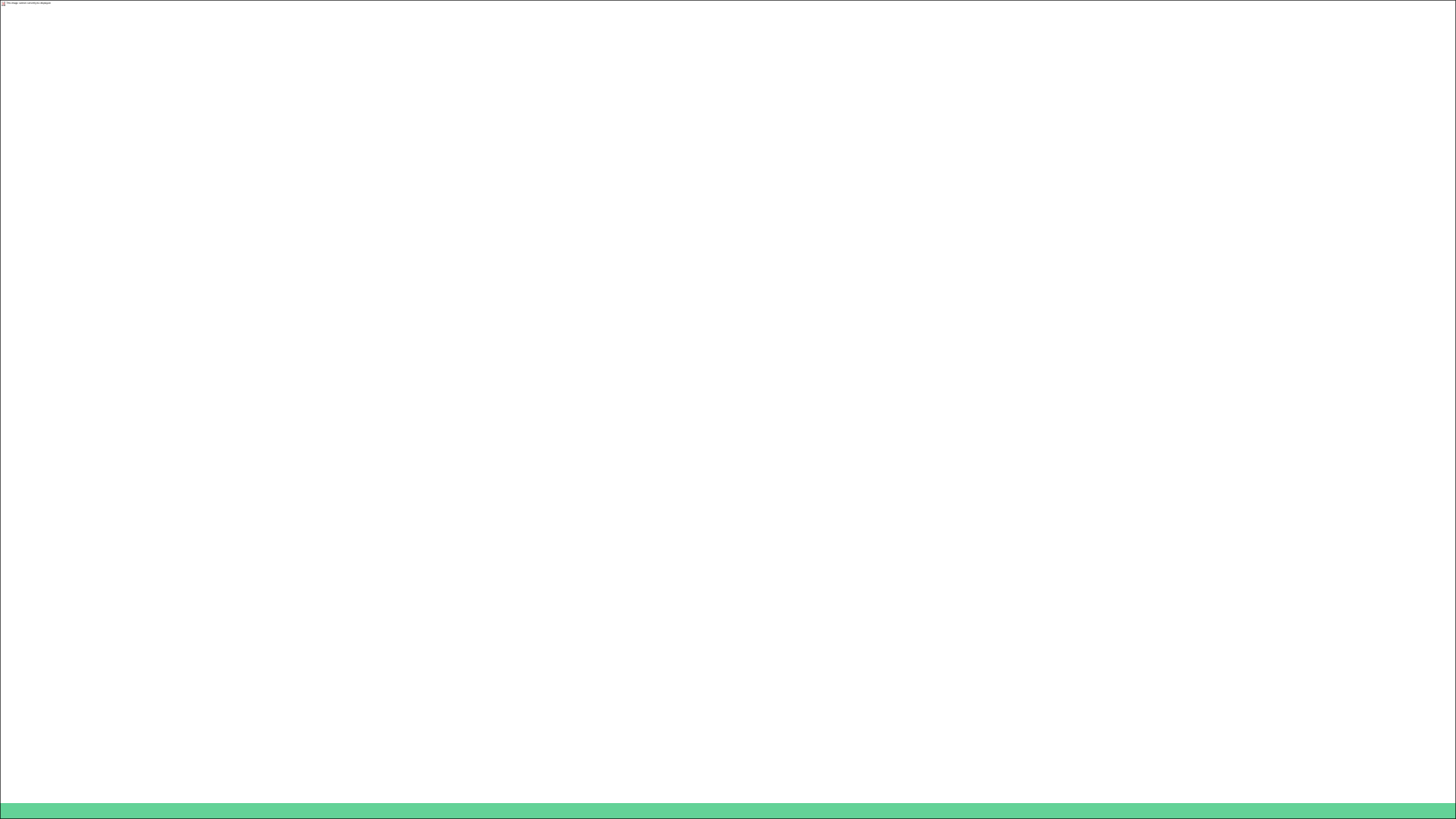
(2) Review and revision of policies, practices, and procedures.--In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in accordance with paragraph (1), the State or the Secretary of the Interior, as the case may be, shall—

- (A) provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this title;
- (B) **require any local educational agency identified under paragraph (1)** to reserve the maximum amount of funds under section 613(f) to provide comprehensive coordinated early intervening services to serve children in the local educational agency, particularly children in those groups that were significantly overidentified under paragraph (1); and
- (C) require the local educational agency to publicly report on the revision of policies, practices, and procedures described under subparagraph (A).

IDEA Statute: Early Intervening Services Sec. 613(f)

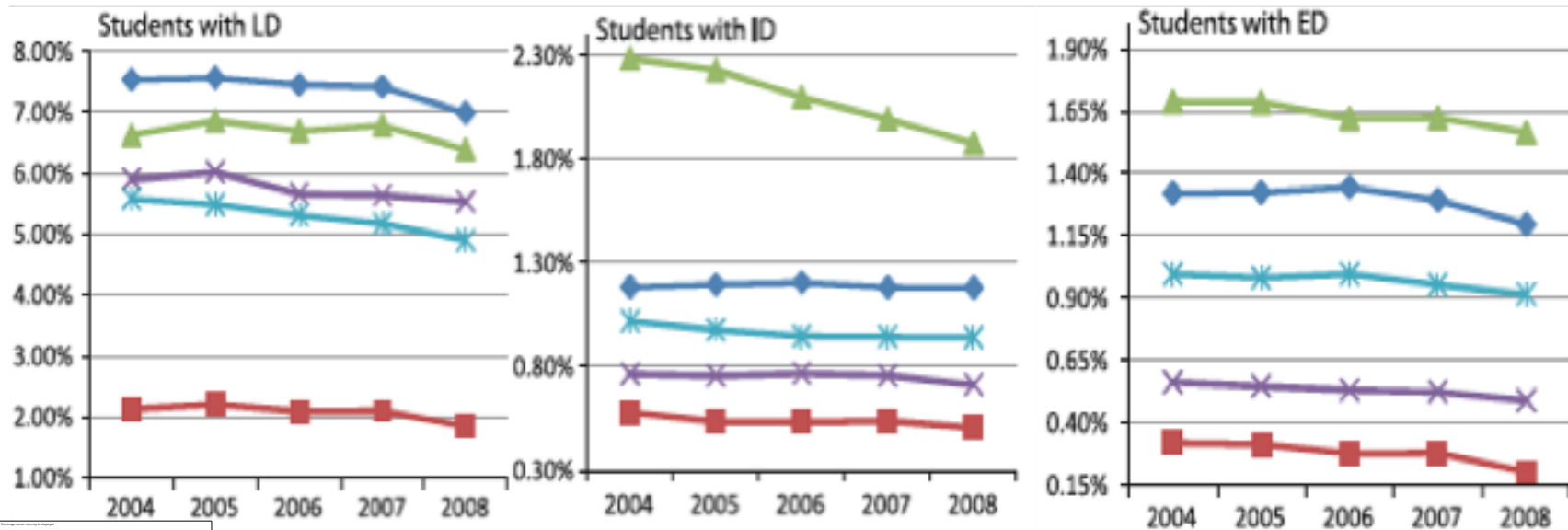
(2) Activities.--In implementing coordinated, early intervening services under this subsection, a local educational agency may carry out activities that include--

- (A) professional development (which may be provided by entities other than local educational agencies) for teachers and other school staff to enable such personnel to deliver scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and
- (B) providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.



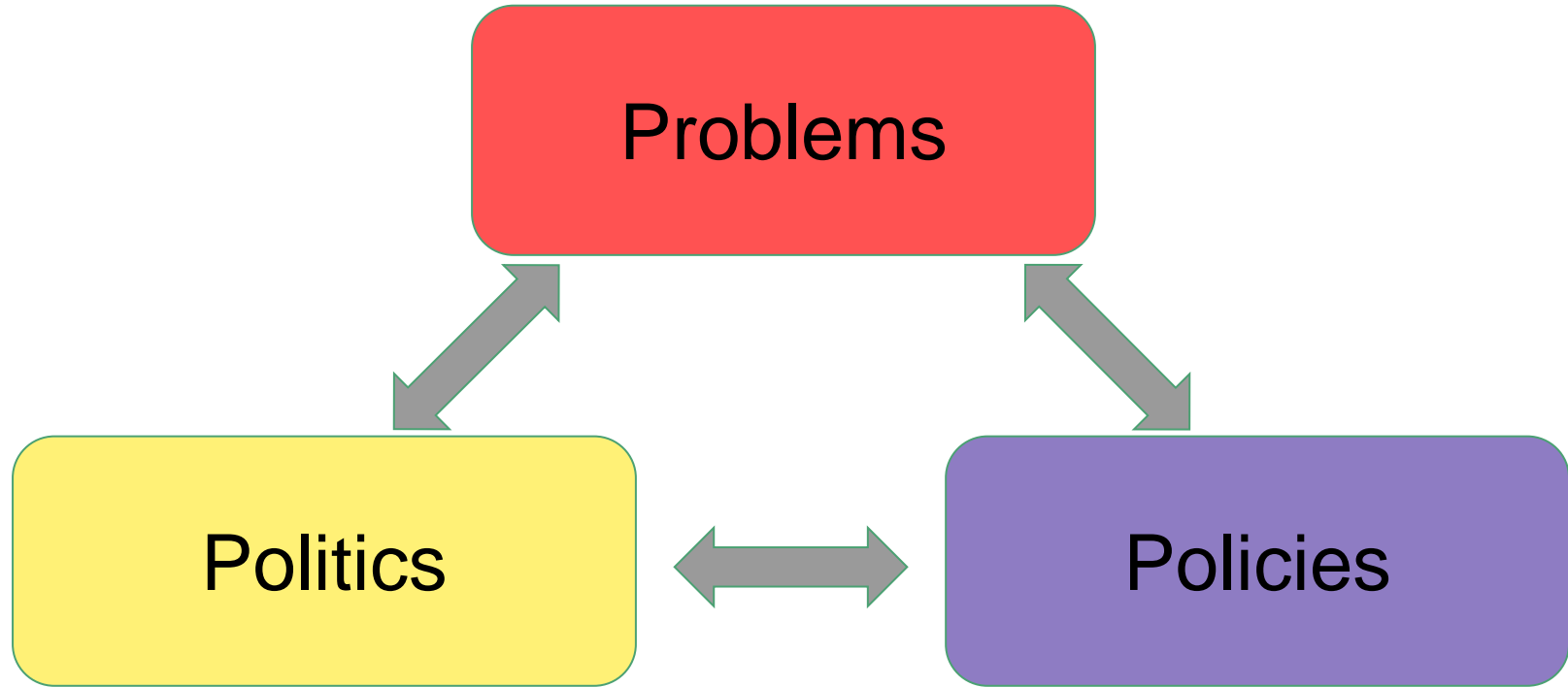
Did the policy solution work?

Trends Overtime

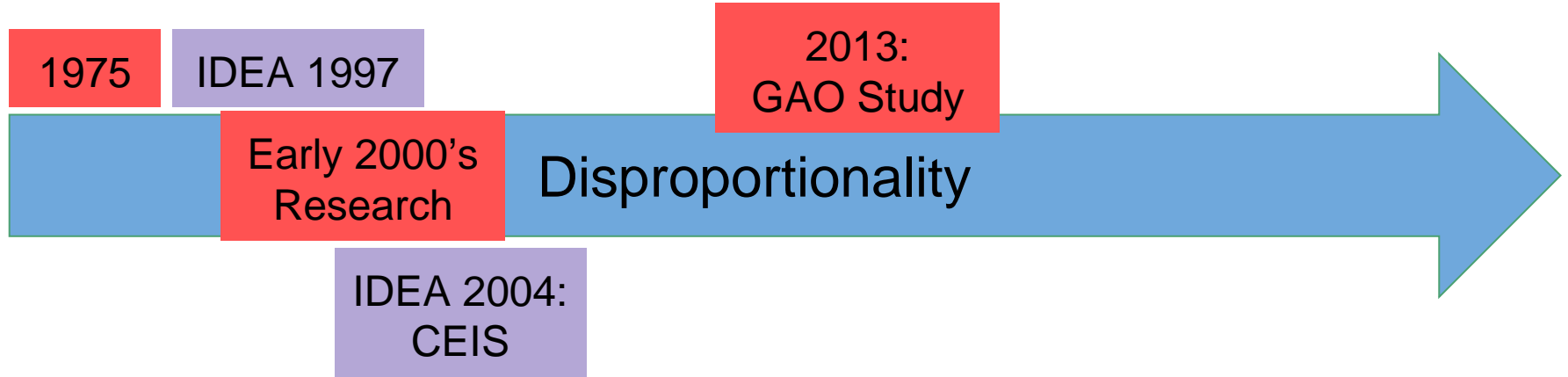


Source: Zhang, D. d., Katsiyannis, A. a., Ju, S., & Roberts, E. (2014). Minority Representation in Special Education: 5-Year Trends. *Journal Of Child & Family Studies*, 23(1), 118-127 .

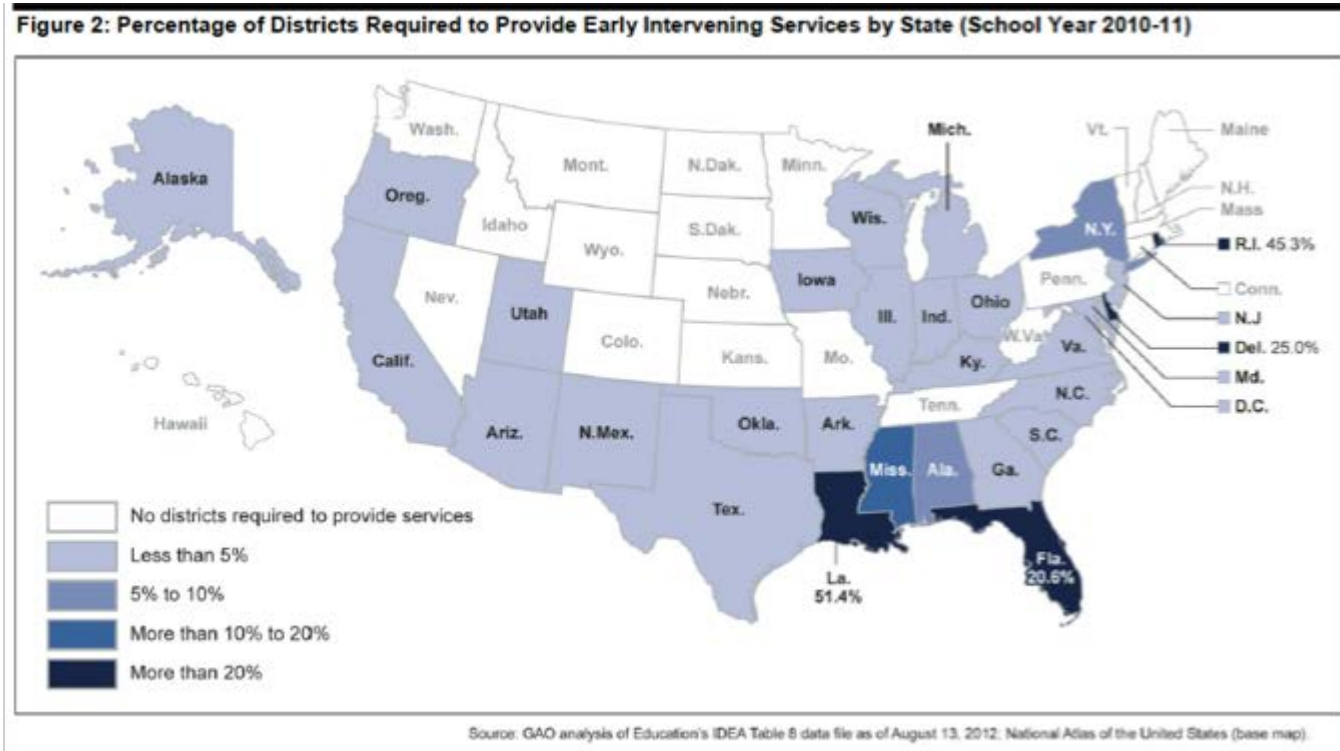
Kingdon Framework



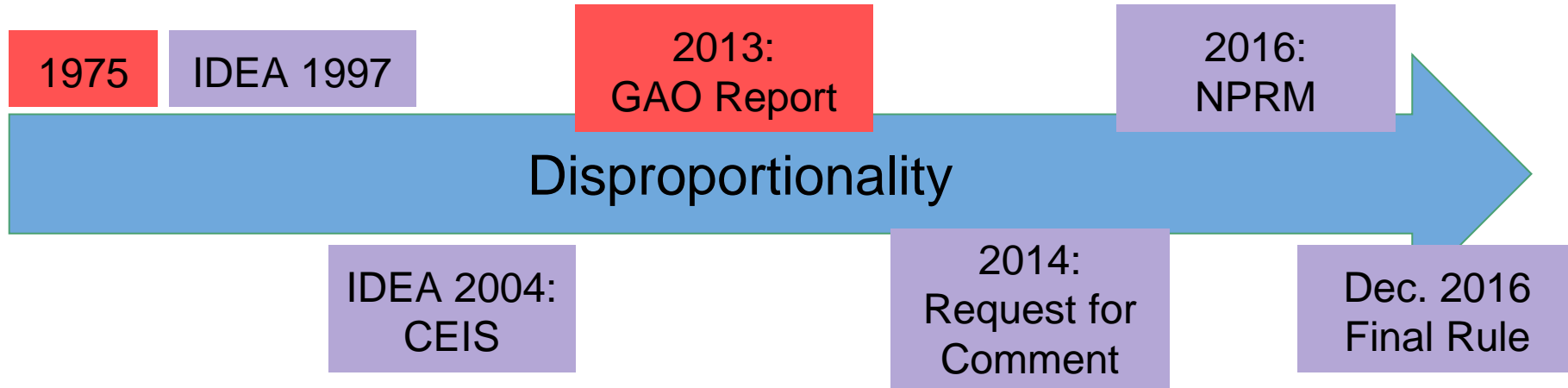
Timeline for Disproportionality



Did the solution work? GAO Study (2013)



Timeline for Disproportionality



Final Rule (2016)

The regulations will:

Require States to use a standard methodology to identify significant disproportionality in the State and in its LEAs

Clarify that States must address significant disproportionality in the incidence, duration, and type of disciplinary actions of children with disabilities, including suspensions and expulsions,

Expand the student populations that may receive comprehensive CEIS when an LEA has been identified with significant disproportionality.

Delivering Your Message

Establish and justify the policy problem

Present evidence to justify the problem

Recommend a policy solution to address the problem

Consider and address the politics and feasibility of your recommended policy solution

Remember: today's policy solution is tomorrow's policy problem

Reflection and Questions
