



CROSSING

THE LINE

PART 2
Perceptions of
Policy and Resources



**Exploring Equity
in Special Education
Across the United States**

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Introduction

The goal of this research series is to provoke questions and provide actionable insights that encourage discussion about how states and local school districts equitably address the needs of students with disabilities. In the first brief, we investigated special education classification rates across the nation. In this second brief, we take a closer look at educators' perceptions of how and why policy and resources contribute to over- and under-classification of special education students and explore how to identify and address barriers to special education equity.

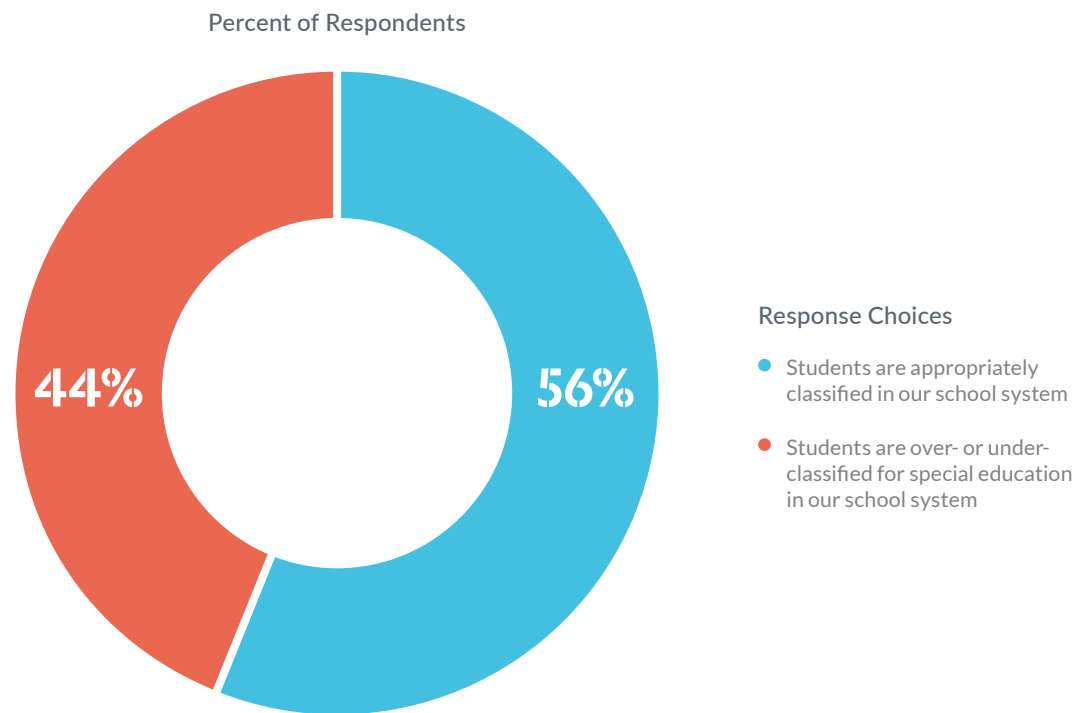


Setting the Context

In Brief 1 of this series, we explored the variance of classification rates across the U.S. While the majority of educators surveyed (56%) perceived the appropriate number of students are classified in their local system, 44% perceived their districts either under- or over-classify students.

Table 1:
Perceptions of Classification Rates

Are students appropriately classified in your local school system?




While a 56% majority perceive the number of students classified as appropriate, is this percentage an acceptable nationwide standard representing educational excellence in special education?

When the *Houston Chronicle* investigated special education classification rates within the state in 2016, it prompted public attention to issues of equity.¹ The investigation revealed students with disabilities had been denied access to services prompting new state policy which resulted in increasing numbers of students classified for special education.² State and local control should not be a guise for inequity. Education leaders focused on educational excellence have a responsibility to ensure equity in achieving excellence across the board for all students.

Without a doubt, equity is ambiguous, especially given that it is often not obvious or recognizable on the surface. As defined within the *Individuals with Disabilities Education Act* (IDEA), students are entitled to a free appropriate public education (FAPE).³ What it means to provide FAPE has been a matter of controversy since the law was first passed in 1975. Because of this controversy, we must be willing to re-examine how policy and resources may or may not contribute to inequitable practices.

Endeavoring to uncover inherent inequities requires a commitment and concerted effort to diving deeper, unpeeling the layers of the onion, to reveal what lies beneath the surface. Given that challenge, we must be willing to confront biases that exist in how and when we determine whether students with special needs get equal or equitable access compared to their peers. Is our measure or standard of equity based on providing an equal opportunity for students with disabilities to learn as their non-disabled peers or “merely more than de minimis”?



We must be willing to confront biases that exist in how and when we determine whether students with special needs get equal or equitable access compared to their peers.

¹Matos, A. (2017). Enrollment of students in special ed programs in Texas surges. Chron. Retrieved from <http://www.chron.com/news/politics/texas/article/Enrollment-of-students-in-special-ed-programs-12346161.php>.

²Ibid.

³U.S. Department of Education (2010). Free Appropriate Public Education for Students With Disabilities. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html>.

How can we understand the state of special education in today's context?

EDUCATION
FOR ALL
HANDICAPPED
CHILDREN ACT:

20

AMENDMENTS

in

40

YEARS.

Why?

EHA has not yet succeeded at **closing the educational gap.**

One pathway to evaluating equity begins by looking at historical landmarks that highlight significant shortcomings in the public education system for students with special needs. When the *Education for All Handicapped Children Act* (EHA), the foundation for today's *Individual's with Disabilities Education Act* (IDEA), passed in 1975, it responded to clear and apparent disparity in providing an appropriate education, or no education at all, for students with disabilities.⁴

For students with disabilities, the law promised a sea change by providing clearly defined legal rights and remedies, and access to the individualized educational services and supports that students with disabilities need to obtain a meaningful education. But the law has undergone twenty major amendments in the last forty years, in large part because it has not yet succeeded at closing the educational gap.

In a recent report published by AASA, The School Superintendents Association, survey results from administrators indicate the current due process system harbors significant intended and unintended

⁴U.S. Department of Education. Thirty-five years of progress in educating children with disabilities through IDEA. *Office of Special Education and Rehabilitative Services*. Retrieved from https://www2.ed.gov/about/offices/list/osers/idea35/history/index_pg10.html.

consequences for students with disabilities and the teachers and administrators serving them.⁵ The report claims “the due process system is inequitable and unpopular” especially considering the strain on financial and personnel resources.⁶

Examining Equity

Using data from a survey of over 3,600 educators across the United States, we evaluated educators’ perceptions of how frequently students are misclassified as eligible for special education services and explored trends in reasons provided for both over-classification (determining students are eligible for special education services when they are not needed) and under-classification (determining students are not eligible for special education services when they are needed). Educators consistently point to two major sources of misclassification: policy and resources.

When policies are overly restrictive, they may reduce the likelihood that students who need support get it. Conversely, when policies are overly lax or unclear, they may increase both over- and under- classification. Resources, including both personnel and appropriate tools, can limit effective classification when training is poor, positions are underfilled or oversubscribed, or tools are insufficient to the task of evaluating student needs.

Over- and under-classification rates have the potential to imperil equity efforts, resulting in life-long consequences for children. Identifying and addressing contributing factors to over- and under-identification empower us to reflect on equitable practices that result in meaningful supports and services provided to students in pursuit of educational excellence.

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⁵ Pudelski, S. (2017). Rethinking special education due process: A proposal for the next reauthorization of the Individuals with Disabilities Education Act. AASA The Superintendents Association. Retrieved from https://www.aasa.org/uploadedFiles/Policy_and_Advocacy/Public_Policy_Resources/Special_Education/AASARethinkingSpecialEdDueProcess.pdf.

⁶ Ibid.

In both under- and over-classification environments, the outcomes are pernicious and wide-reaching. **Both environments increase the risk of special education students not achieving the same level of success as their non-classified peers.** Understanding these scenarios is imperative to ensuring equity across states and local districts.

Effects of Over- and Under-Classification on Students

Under-classification

Based on survey results from June through July 2017, educators perceived students in an **under-classified** environment as **less likely** to achieve their full potential and achieve academic independence. In these environments, more students are likely to be served by mainstream classroom teachers who may or may not provide the appropriate supports given the high demands and limited resources.



“The potential outcome[s] of under-classification is that learning needs are not identified and the student is mainstreamed into an educational system that may not work for him/her without the appropriate educational technology to facilitate a more individualized approach. He/she is lost in the system and may not realize his/her potential.” – School Nurse, IL

Over-classification

In contrast, educators perceived students in an over-classified environment as more likely to achieve their full potential and academic independence. The danger of over-classification of students for special education is the provision of supports and services not warranted, leaving less access to fewer resources for those who truly need them.



“Over classification leads to resources being stretched thin, leaving fewer services for those who need it more.” – School Counselor, TX

Over-classification likely results from the highly litigious underpinnings of special education supported by policy and influenced by resources. Washington D.C, New York, and New Jersey report the highest numbers of adjudicated due process hearings, in addition to the highest frequencies of adjudicated hearings held on a per capita basis.⁷ New York and New Jersey account for 56% of all adjudicated hearings. New York (17.8%), New Jersey (16.6%), and D.C. (15%) have classification rates above the national average of 13%.⁸ The degree of litigation varies across states, but nonetheless has become a reality for many local districts.

As explored in brief #1, state interpretations of classification criteria based on IDEA define the level of supports and services that students receive or do not receive. With regard to the recent decision in *Endrew F. v. Douglas County*, states and local systems must strive for educational excellence beyond a mere standard of basic provision. In this landmark decision, Chief Justice Roberts stated, “A student offered an educational program providing ‘merely more than de minimis’ progress from year to year can hardly be said to have been offered an education at all.”⁹

⁷ Ibid.

⁸ Ibid.

⁹ Wright, P. & Wright, P. (2017, March 22). Educational Benefit: “Merely more than de minimus” or “meaningful”? Supreme court revisits requirements in *Endrew F. v. Douglas Co. Sch. Dist. RE-1*. Retrieved from <http://www.wrightslaw.com/law/art/endrew.douglas.benefit.fape.htm>.

Policy as a Contributing Factor of Over- and Under-Classification



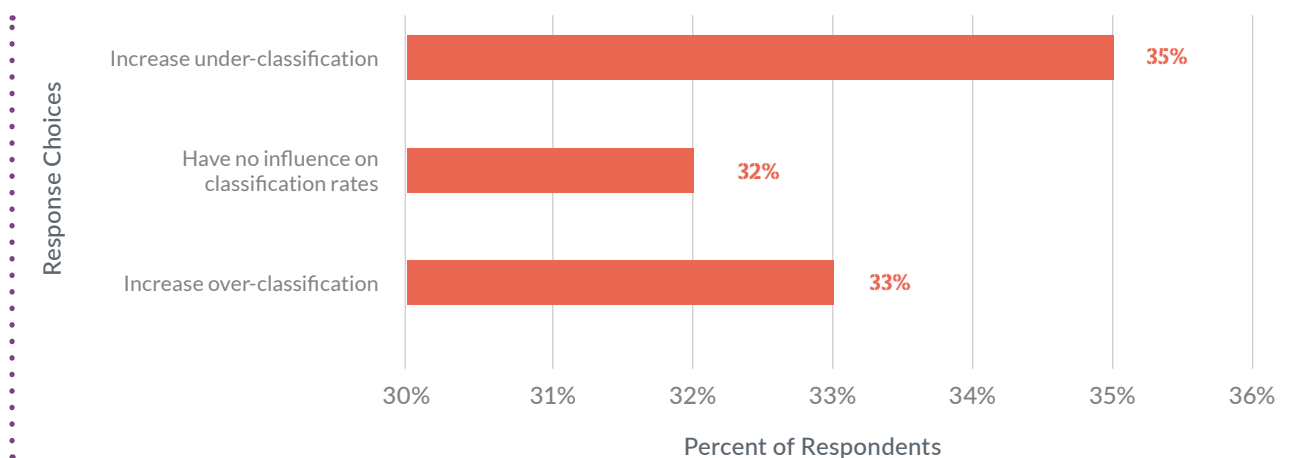
Key Finding


68% of respondents perceived district policy and procedures as an influencing factor in increasing under- and over-classification rates.

Policy influences special education, from federal regulations like IDEA to state and local laws. The current legal and political landscape around special education appears to be shifting toward greater favorability for transparency, accountability and increasing resources to service special education students.

Table 2:

Perception of Policy & Procedures on Classification Rates





The U.S. Department of Education released landmark guidance in January 2017, for example, to promote adoption of a standardized process for identifying minority students for special education in light of potential over-classification of students for special education because of challenging behavior.¹⁰ The current administration is presently reconsidering this effort, which would impose even greater responsibility on states and local districts to assess and address inequitable practices.

Concurrently, the Supreme Court found in *Endrew F. v. Douglas County School District* that students with special needs enjoy a right to a “free and appropriate public education” that helps them make learning progress that is more than “merely de minimis” as previous courts had defined.¹¹ In a unanimous opinion, the court found that special education ought to provide students with the opportunity to academically advance to the extent they are able and that individualized education plans should be reasonably aligned with such advancement.¹²

The *Every Student Succeeds Act* (ESSA), passed in 2015, elevated the importance of measuring and holding schools accountable for the performance and progress of special education recipients.¹³ For example, the law requires that special education students be held to the same challenging academic standards as their peers or, if prohibitive, to alternative standards that are aligned with the same learning content available to all other students.

All of these shifts point toward a future in special education for more accountability and heightened expectations. With the increased availability of assessment data, more and more information is available to evaluate the efficacy of special education programs and to empower educators to make choices that best suit student needs. But with many competing priorities, it will be essential to understand the root causes of over- and under-classification and to identify ways to combat them effectively.

¹⁰ U.S. Department of Education. (2016, February 23). *U.S. Department of Education takes action to deliver equity for students with disabilities*. Retrieved from <https://www.ed.gov/news/press-releases/us-department-education-takes-action-deliver-equity-students-disabilities>.

¹¹ Ibid.

¹² Ibid.

¹³ U.S. Department of Education. *Every Student Succeeds Act* (ESSA). Retrieved from <https://www2.ed.gov/policy/elsec/leg/essa/index.html>.

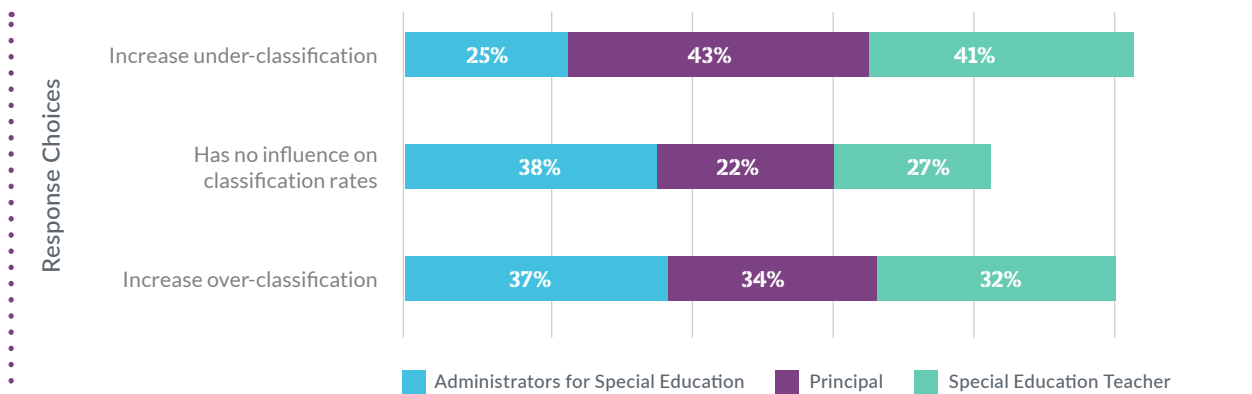
Perception of Policy by Role

Looking at the data from different roles presents an opportunity to dive deeper into understanding the unintended consequences of policy and resource distribution. Accountability and assessment appear to be significant factors influencing policy as a contributing factor to misclassifications.

Principals (43%) and special education teachers (41%) perceive policy to have a greater influence on increasing under-classification rates. From the responses given, mounting accountability pressure on administrators, resulting from state policy, is a contributing factor of increasing under-classification and under-servicing of students as perceived by respondents.

Table 3:

Influence of Policy by Roles





“If state testing results were regarded differently and reported/communicated differently, I think teachers and districts would be more effective in serving the needs of all students – whether or not the student qualifies for special education services.” – Principal, TX

“The schools get so much pressure to have the students meet certain expectations on the state assessments that it affects under servicing students during the year.” – Transition Specialist, TX

“I think that the way high stakes testing is handled for this population is a huge influence in how and to what degree the administration will increase or decrease the numbers. This area really needs to be analyzed and changed.” – Special Education Teacher, MA

Resources as a Contributing Factor



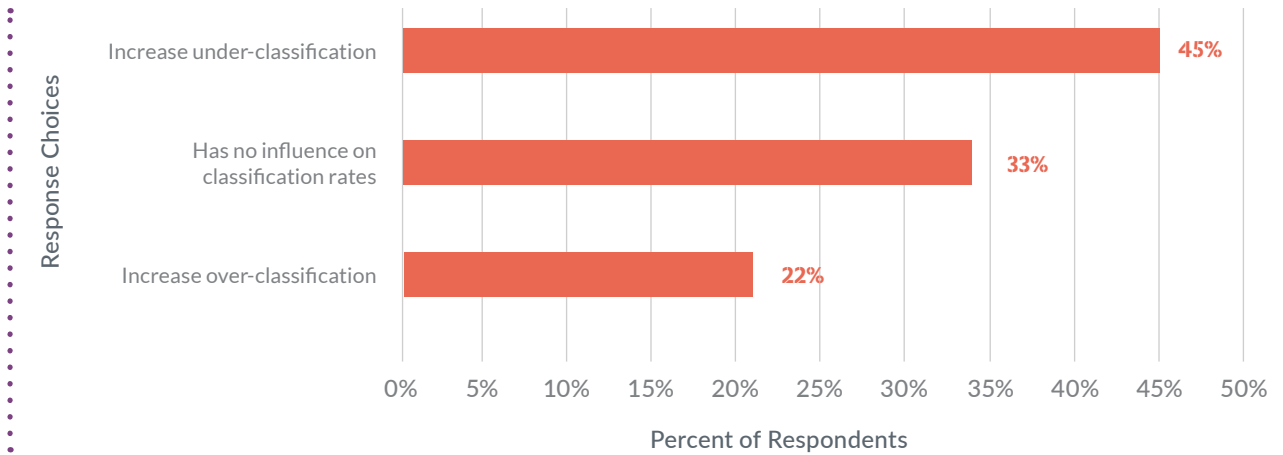
Key Finding

• • • • • *67% of respondents perceived resources as an influencing factor in increasing under- and over-classification rates.*

In addition to policy and procedures, **resources** were also perceived by educators as a contributing factor to increases in both over- and under-classification. Resources within the context of the survey were defined as both personnel and financial. Finances are often the driving force in determining the level of supports and services provided, including those that are personnel related.

Table 4:

Perception of Resources on Classification Rates



Financial and personnel resources are not only contributing factors to over- and under-classification, but they are also equity indicators that beckon a closer look. Educators perceived financial and personnel resources as a key ingredient in the recipe of student success and the pursuit of excellence.

Survey respondents referenced implications of finances and personnel in servicing students.



“I feel strongly that districts don’t have the funding to act in the best interests of students.”

– Special Education Teacher, MA

“It’s not so much classification, rather that once [students are] classified, services are limited due to budgeting and staff which influence student progress dramatically.”

– Special Education Teacher, TX

Personnel resources such as special education teachers, service providers, and specialists continue to be in high demand and are increasingly more difficult to recruit and hire, given a shrinking candidate pool.¹⁴ Special educator positions have historically been identified as a critical shortage field, but the past five years have been more challenging than usual across several states and local municipalities given decreasing special education teacher preparation enrollments.¹⁵

The imbalance between the number of special education teachers and open special education teaching positions reflects a **continued concern**.

Currently, the number of qualified teachers applying for jobs does not meet the demand in all locations and fields.¹⁶ For the 2016-17 school year, on average 26% of available teaching positions posted by districts were for special education teachers.¹⁷ However, according to Department of Labor statistics (2016), only 12% of teachers were special education teachers.¹⁸ The imbalance between the number of special education teachers and open special education teaching positions reflects a continued concern. At the start of the 2017-18 school year, 46 states reported shortages in special education as either a statewide shortage or within designated local municipalities.¹⁹

¹⁴ Sucher, L., Darling-Hammond, L., Carver-Thomas, D. (2016). *A crisis coming in teaching? Teacher supply, demand and shortages in the U.S.* Learning Policy Institute. Retrieved from https://learningpolicyinstitute.org/sites/default/files/product-files/A_Coming_Crisis_in_Teaching_BRIEF.pdf.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Frontline Education. (2017). *Recruiting and hiring data set* [data file]. Malvern, PA: Frontline Education. Distributed by Frontline Education Research and Learning Institute.

¹⁸ United States Department of Labor Bureau of Labor Statistics. May 2016. National Industry-Specific Occupational Employment and Wage Estimates NAICS 611100 - Elementary and Secondary Schools (including private, state, and local government schools). Retrieved from https://www.bls.gov/oes/current/naics4_611100.htm#25-0000.

¹⁹ U.S. Department of Education. (2017). Teacher shortage areas nationwide listing 1990-1991 through 2017-18. Retrieved from <https://www2.ed.gov/about/offices/list/ope/pol/ateachershortageareasreport2017-18.pdf>.

Education leaders need to creatively employ comprehensive recruiting, hiring, and retention strategies to proactively attract applicants from a larger candidate pool and retain high quality special educators and staff to meet the ongoing needs of students with disabilities. Sucher, Darling-Hammond, and Carver-Thomas (2016) argue we don't just need more teachers in critical shortage areas, we need them to "choose teaching as a lasting career in these areas."²⁰ Without quality teachers, it is difficult to provide students with a continuous, equitable, and high caliber education. Strategic human resources leaders must focus on proactive recruiting and retention strategies.

Perception of Resources by Role

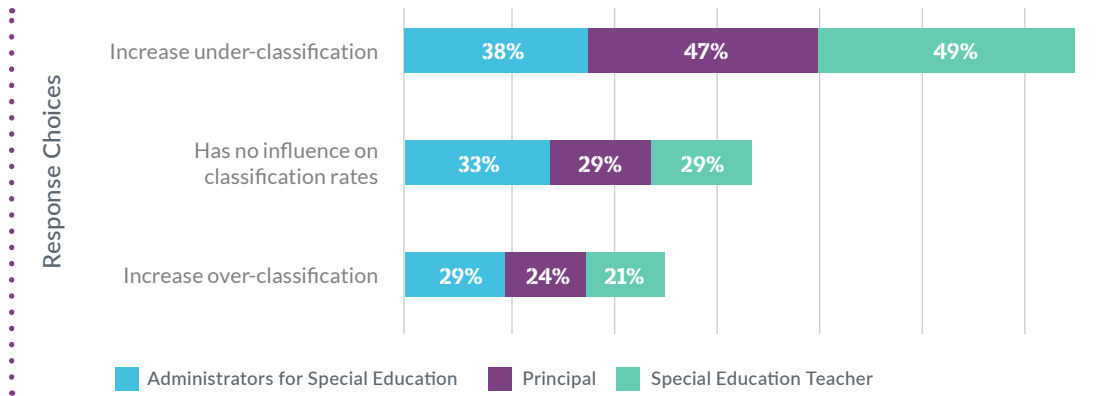
Teachers, principals, and administrators of special education play different roles in how resources are allocated. For this reason, these different roles may perceive the impact of resources on classification rates differently.

Almost 2 to 1, survey respondents collectively said resources have a greater influence on increasing under-classification rates more so than over-classification rates. When disaggregated by role, the results showed that each role individually agreed there is a greater impact on under-classification than over-classification or no influence at all.

²⁰ Sucher, L., Darling-Hammond, L., Carver-Thomas, D. (2016). *A crisis coming in teaching?* (footnote 8).

Table 5:

Influence of Resources by Role



Principals (47%), teachers (49%), and administrators of special education (38%), perceived **resources** as a greater contributing factor to under-classification versus over-classification. The most cited reason was that in the absence of personnel to service student needs, under-classification is more likely to result, as resources are simply not available to meet student needs.

However, given the current state of a national teacher shortage, as students are classified, the reality exists that schools will struggle to meet students' needs. Access to effective teachers, or lack of access to effective teachers, is an equity issue that should be explored within each local district and state. Education leaders should seek to understand the perceptions of different educator groups with regard to both policy and resources. Leaders must examine how policy and resources may or may not be creating the unintended consequence of personnel shortages across the nation, limiting students' access to effective educators.

High Classification States vs Low Classification States

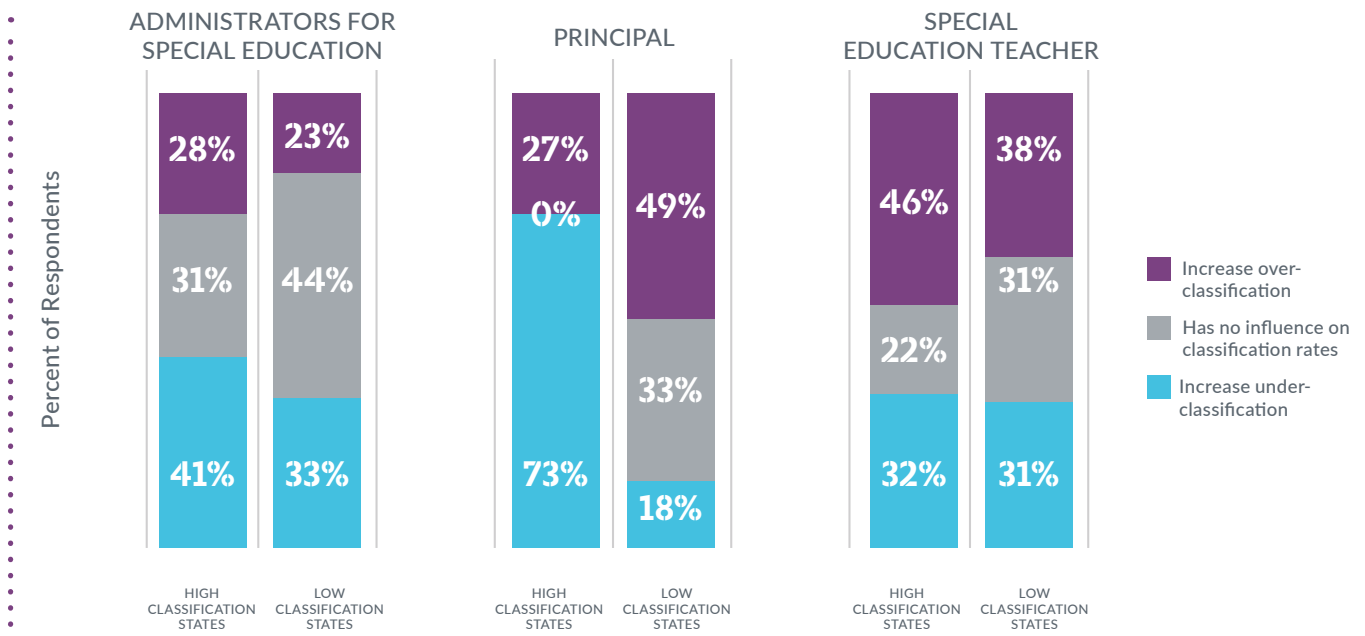
Perceptions of Policy

Just as different roles perceive contributing factors differently, context also impacts perception. For this reason, we explored the perceptions of special education teachers, principals, and administrators of special education across the highest classification states (New York, Massachusetts, Maine, and Pennsylvania) in comparison to those in the lowest classification states (Texas, Idaho, Colorado, and Hawaii).

In the highest classification states, principals (73%) perceived district policy as a greater influence on over-classification, while principals in the lowest classification states (49%) perceived district policy to have the greatest influence on under-classification.

Table 6:

Perceptions of Policy in High- vs Low-Classification States



Administrators of special education (41%) and principals (73%) in the highest classification states agreed that policy has a greater influence on over-classification. Conversely, special education teachers in both the highest classification states (46%) and lowest classification states (38%) perceived policy as having a greater influence on under-classification.

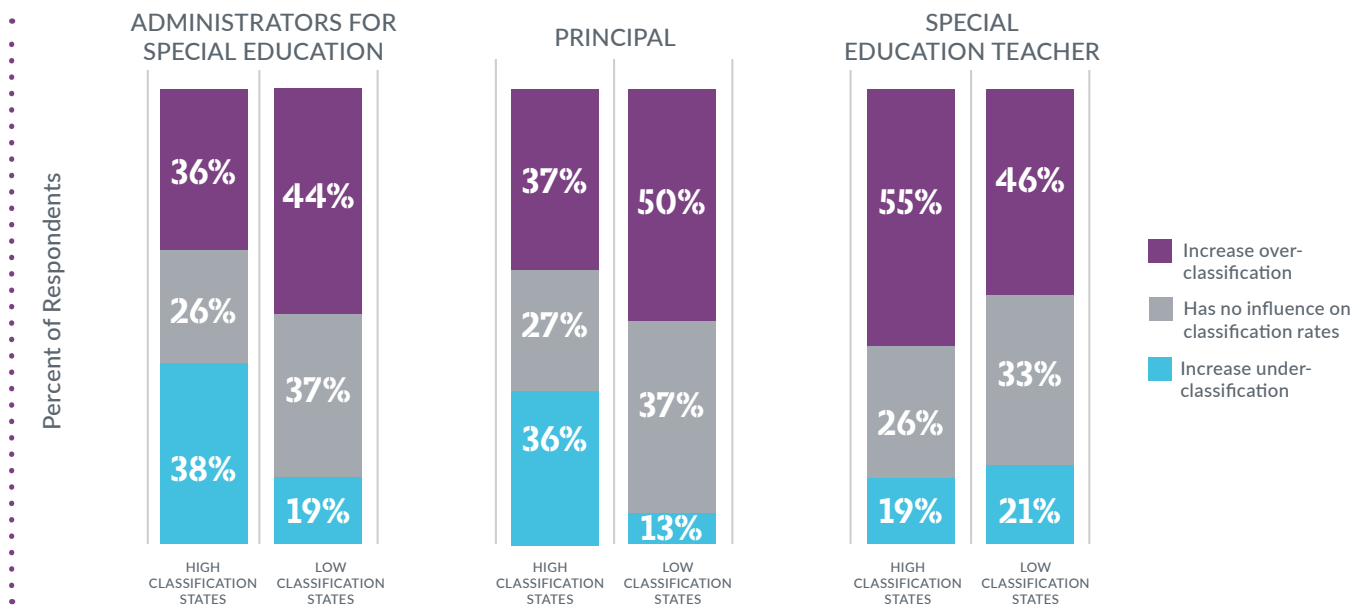
Understanding the perceptions of educators related to contributing factors of over- and under-classification calls for state, district, and school leaders to critically examine policies, both their own as well as others, in an effort to address and promote more equitable practices that benefit all students.

The potential reason behind the split in perceptions in one direction or the other may reflect one's interpretation of policy or how the local school system chooses to implement particular policies. For this reason, developing a shared understanding of what constitutes special education equity is an imperative first step.

Perceptions of Resources

In the highest classification states, administrators of special education and principals were almost equally divided in their perception of resources as increasing both under- and over-classification rates.

Table 7:
Perceptions of Resources in High- vs Low-Classification States



However, special education teachers in the high classification states saw resources as a greater factor in under-classification (55%) versus over-classification (19%). Educators believe there is an unmet need for special education services, which could be a result of districts lacking the financial resources to provide them.



“It doesn’t help to classify students with a disability when the resources to really serve them, assist them in the mainstream, and so on, are sorely lacking.”

– Special Education Teacher, CT

In the lowest classification states, administrators of special education (44%), principals (50%) and teachers (46%) perceived resources to have a greater impact on under-classification versus over-classification. This is likely attributed to the reality that when districts do not have the financial or personnel resources to serve students, they may be less likely to appropriately classify students with special needs.

Education leaders at state, district and school levels should include the perceptions of educators in exploring equitable practices. With equity as the lens, we must seek to understand different perspectives within our schools and districts to effectively address the root causes. Perception data empowers leaders to better understand the degree to which policy and resources are perceived as contributing factors in misclassification and target meaningful learning opportunities to address disparities.

While we explored perceptions to better understand the contributing factors of over- and under-classification, the split in perceptions indicates the influence of policy and resources on both over- and under-classification rates, depending upon the context of the district. Furthermore, it prompts the need for education leaders to build a shared understanding of what special education equity is and what it does and does not look like.

Developing Actionable Insights

Developing actionable insights to examine equitable practices hinges on key questions and data. At local, state, and national levels, we can begin initial explorations to identify and address equity gaps.

Promoting equity requires dialogue.

Starting the dialogue at the local, state, or national level requires a roadmap for conversation. We propose the initial framework of an [Equity Roadmap](#) based on the areas we have explored apropos this series: classification rates, policy, and resources. Having a single conversation or addressing a single question is not enough. **In education, we must embed ongoing equity dialogue into a process of continuous improvement to expose biases not apparent on the surface.**



Equity dialogue requires data.

Data is a driving force for equity conversations. Data collection, accessibility, and review is critical. In addition to student and educator data, we need to consider harnessing perception data. The perceptions of educators and other stakeholders should be included in the data collection process. Perception data helps identify gaps between what is said and what is actually practiced. Different roles in the district likely hold different perceptions. Looking at perceptions by role exposes gaps in equity issues that otherwise would have remained hidden.



Equity Roadmap

Examining Classification

- How do your local and state classification rates compare to national classification rates for special education?
- What evidence supports that the number of students classified in your system is appropriate?
- What do the perceptions of educators related to whether students are appropriately classified, over-classified, or under-classified tell you about your classification practices?
- How do you know if students classified for special education services are achieving success based on high standards set for all students or a standard of “de minimus” acceptable for some?
- How are student needs identified in your system to adjust instructional methods?
- What are the processes you have defined around determining the criteria for who and how students are serviced?

Examining Policy

- How do you identify the impact of intended and unintended consequences resulting from policies?
- Is policy implementation preoccupied with compliance versus supporting a high bar of educational excellence?
- Are local policies regarding students with disabilities maintaining minimal standards of progress? Where is the evidence showing that policies are rooted in providing meaningful, challenging objectives that support the success of students with disabilities in comparison to their non-classified peers?

Examining Resources

- How does the placement of personnel reflect the identified needs of students? What evidence shows these placements are positively impacting student outcomes?
- How do the resources provided in the district or state provide a cohesive support system to serve all students at any given time and/or over time without usurping needed resources? What evidence shows you have the right resources and combination of resources in place?
- Within the context of diminishing resources, how are stakeholders and coalitions coming together to share resources and/or to engage in a system re-design process that transcends the traditional model of instruction?

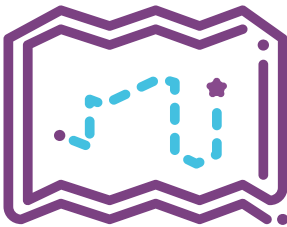
Putting Data into Action

Insights derived from dialogue and data allow us to pivot into action. The action steps outlined below take us from point A to point B on our equity journey.

1. **Develop a common definition** and shared understanding of equity and equitable practices
2. **Examine data** of classification rates
3. **Review local policy** to identify intended and unintended consequences that may jeopardize equitable practices
4. **Revise policy** to prioritize equitable practices and address gaps identified
5. **Review allocation of resources** to ensure equitable alignment to the needs of students in all sub-groups
6. **Engage in redesigning a system of supports** that maximizes resources aligned to student needs

Conclusion

We began our conversation in this second brief pointed toward the importance of staying focused on equity. IDEA set forth a foundation that transformed special education practices across the nation. Every state and district must stay connected and calibrated to the original intent of IDEA.



The newly architected state ESSA plans, rooted in equity, call us to examine equity in our current practices to ensure they are driven by a high bar of education excellence for all students. The *Equity Roadmap* proposed presents a framework for discourse within all education contexts – national, state, and local. The framework promotes the use of perception data in addition to other data sources, as a foundation for examining beliefs, as well as practices, related to classification, policy, and resources that influence and contribute to our pursuit of equity.

By examining policy and resources at federal, state, and local levels, we remain ever-vigilant of equitable practices in policy interpretation, implementation, and resource allocation.

Investing in a higher bar of education excellence, transcending compliance and a mere standard of “de minimus,” will result in practices that influence **a system of equity across and within state lines.**

About the Authors

Dr. Thomas Reap

Dr. Thomas Reap began his career as a school psychologist in the North Rockland School District in New York, later became the Director of Special Education for the Eastchester School District in New York, and served as the president of the Lower Hudson Pupil Personnel Association.

Dr. Reap also built a successful consulting practice assisting other districts in administering special education programs. After 22 years of working in school districts, Dr. Reap founded Centris Group (now part of Frontline Education), the most successful software provider for administering special education programs in New York, New Jersey and Connecticut.

Dr. Reap holds a Doctorate in Psychology and a Master of Science degree in Education. He is a licensed psychologist, school administrator, district superintendent and certified as a school psychologist.

Jo Ann Hanrahan

Jo Ann Hanrahan has over 20 years of experience in K-12 education serving students, teachers, district and state education leaders. She started her career as a classroom teacher in Milwaukee Public Schools and then transitioned into administrative roles in the areas of professional learning, teacher alternative certification and educator effectiveness.

As a co-designer of Wisconsin's first equivalent research-based educator effectiveness system, she was instrumental in the statewide rollout, leading the implementation of innovative technology solutions to support communication, optimize data collection and analysis and promote networking. Subsequently, she served as a consultant for a number of national and international educator effectiveness initiatives and research projects.

Jo Ann leverages her passion for education, research and technology to improve teaching and learning for students of all ages. With a Master of Arts in Education and decades of diverse experiences, she is currently pursuing her Ph.D. and serves Frontline Education as the Director of Research & Data Analysis.

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The Frontline Research & Learning Institute (www.FrontlineInstitute.com) generates data-driven research, resources and observations to support and advance the education community. The Institute's research is powered by Frontline Education data and analytics capabilities in partnership with over 12,000 education organizations and several million users nationwide. The Institute's research reports and analysis are designed to provide practical insights for teachers and leaders as well as benchmarks to inform strategic decision-making within their organizations.