

# Intersections of Race and Class in Special Education Policy

## Colloquium Summary Recommendations

September 2016



**ROOSEVELT  
HOUSE**

PUBLIC POLICY INSTITUTE  
AT HUNTER COLLEGE





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## **Intersections of Race and Class in Special Education Policy**

### **Colloquium Recommendations**

*Sponsored by the Hunter College Office of the Provost and the  
Roosevelt House Public Policy Institute at Hunter College*

Edited by

**Wendy Cavendish  
& Jennifer F. Samson**

**Date of Report Release: September 2016**





## FOREWORD

On May 17, 2016 the Roosevelt House Public Policy Institute at Hunter College hosted a colloquium titled *Intersections of Race and Class in Special Education Policy*. This policy brief is a collection of summary statements and recommendations from participating panelists. The focus of the interactive sessions was to facilitate collaborative problem solving across federal, state, and local education policy stakeholders. It was conducted in four panels with discussion on the following issues: (a) federal policy and monitoring of disproportionality in special education; (b) state and city level reporting and approaches to inequity; (c) legal, ethical, and moral issues at the intersection of race and ability; and (d) parent advocacy. The program included 11 panelists, 4 moderators, and 101 attendees.

In addition to extending our appreciation to our esteemed panelists, moderators and participants, we would like to extend our gratitude to Harold Holzer, Shyama Venkateswar, Rafael Muñoz, Jen Kalaidis, and Daniel Culkin from Roosevelt House for their assistance with planning the colloquium and support with promotional and media related logistics. We also appreciate Catherine Voulgarides at NYU TAC-D, Kathrynne Li, and Kristin Watson for their contributions. Our sincere thanks are also extended to Chelsea Morris for design and editorial assistance for this report. Finally, we thank Lon Kaufman, Provost and Senior Vice President at Hunter College for providing financial support and guidance during the planning process.

Wendy Cavendish  
Jennifer F. Samson

### Colloquium Committee

Wendy Cavendish  
Jen Kalaidis  
Kathrynne Li  
Rafael Muñoz  
Jennifer Samson  
Shyama Venkateswar

University of Miami  
Roosevelt House Public Policy Institute at Hunter College  
Hunter College, City University of New York  
Roosevelt House Public Policy Institute at Hunter College  
Hunter College, City University of New York  
Roosevelt House Public Policy Institute at Hunter College

## Schedule of Colloquium Events & Participants

Topic/Moderator	Panelist, Affiliation
<b>Welcome/Colloquium Overview</b>	<a href="#"><u>John Rose</u></a> , Hunter College Dean for Diversity and Compliance <a href="#"><u>Welcome Address</u></a> <a href="#"><u>Jennifer F. Samson</u></a> , Roosevelt House Faculty Associate, Interim Acting Chair, Special Education
<a href="#"><u>Disproportionality in Special Education: Federal Policy &amp; Monitoring</u></a> Moderator: <a href="#"><u>David Steiner</u></a> , Director, Johns Hopkins Institute for Education Policy and Professor of Education at Johns Hopkins University	<a href="#"><u>Wendy Cavendish</u></a> , Roosevelt House Visiting Scholar, Associate Professor, University of Miami <a href="#"><u>Alfredo Artiles</u></a> , Associate Dean and Professor of Special Education at Arizona State University <a href="#"><u>Dan Losen</u></a> , Director of the Center for Civil Rights Remedies, UCLA Civil Rights Project <a href="#"><u>Kristen Harper</u></a> , Senior Policy Advisor for the Office of Special Education and Rehabilitative Services, U.S. Department of Education
<a href="#"><u>State and City Level Initiatives</u></a> Moderator: <a href="#"><u>Catherine Voulgarides</u></a> , Senior Research Associate, NYU Metropolitan Center-Technical Assistance Center on Disproportionality (TAC-D)	<a href="#"><u>Larry Spring</u></a> , Superintendent, Schenectady City School District  <a href="#"><u>Laura C. Morana</u></a> , Interim Executive County Superintendent, Middlesex and Mercer Counties New Jersey State Department of Education  <a href="#"><u>Jordan Stockdale</u></a> , Program Director of School Climate Initiatives for the Mayor's Office of Criminal Justice in NYC
<a href="#"><u>Legal, Theoretical, and Ethics Based Approaches</u></a> Moderator: <a href="#"><u>Wanda Blanchett</u></a> , Dean, College of Education and Distinguished Professor at Rutgers University	<a href="#"><u>Leigh Patel</u></a> , Associate Professor of Education, Boston College <a href="#"><u>Osamudia James</u></a> , Professor of Law, University of Miami
<a href="#"><u>Parent Advocacy</u></a> Moderator: <a href="#"><u>Lauren Katzman</u></a> , Executive Director Urban Special Education Leadership Collaborative at EDC	<a href="#"><u>Beth Harry</u></a> , Professor of Special Education, University of Miami <a href="#"><u>Lydia Ocasio-Stoutenburg</u></a> , Board Member and Advocate Parent-to Parent
<a href="#"><u>Policy and Practice Recommendations</u></a> Moderator: <a href="#"><u>Shyama Venkateswar</u></a> , Director, Public Policy Program, Roosevelt House	<b>Panelists and Colloquium Participants</b>
<b>Concluding Remarks</b>	<b>Jennifer F. Samson</b>

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# Introduction

A range of legislative acts – from Brown vs Board of Education in 1954, the Civil Rights Act in 1964 and the Education of All Handicapped Children Act in 1975 –have been passed with the intent to improve outcomes for marginalized students. However, students continue to experience unequal treatment and demonstrate disparate achievement at school. This colloquium engaged participants from diverse disciplines of research, policy, and practice to address the impact of legislation on students paying careful attention to the impact of class, race, culture, and disability. Most evident was not just the glaring injustices that exist in our educational and legal systems, but the need to dismantle systemic discrimination and improve efforts to monitor and address the problems through meaningful discourse across stakeholders with a historical context in mind. The following report includes a brief synopsis of each panel topic and specific recommendations related to three predominant themes.

- **Recognizing Intersectional Vulnerabilities**
- **Closing the Policy, Research, and Practice Gap**
- **Promoting Systemic Change**



## **Panel 1: Federal Policy and Monitoring**

### **Disproportionality in Special Education** *Wendy Cavendish, University of Miami*

Equity-focused legal reform as noted in provisions of the Individuals with Disabilities in Education Act (IDEA, 1997, 2004) has prioritized States' responses to the disproportionate representation of students of color in special education. States have been required to report on disproportionate representation and significant disproportionality to the Office of Special Education Programs (OSEP) since 1997. In the most recent report to congress (OSEP, 2009) that included risk ratios for identification by disability category across race/ethnicity, OSEP reported risk ratios for African American students demonstrating that they were 2.7 times more likely to be identified under the intellectual disability (ID) category and 2.3 times more likely to be identified under the emotional disturbance (ED) category. The first report that included risk ratio data from 2000, identified African American students as 2.99 times more likely to be identified with ID and 2.2 times more likely to be identified with ED. Further, the risk ratio across all disability categories in 2000 for African American students was 1.45; in 2013, it was also 1.45 indicating little progress in reducing overrepresentation in special education.

It is evident that the current federal compliance reporting model to remedy disproportionality potentially subverts efforts to address the inequities embedded in this problem. Each state annually defines what constitutes "significant" disproportionality based on an analysis of numerical information (section 618(d)(2), but that is the only requirement in this determination. This has led to variability in the statistical methods used for reporting and monitoring across states. Data from 2009 and 2013 from each state's Annual Performance Report related to disproportionality data reported for compliance monitoring reveals this variability. The risk ratio set by states as criteria by which to measure "significant" disproportionality reveals that 20 states (40%) set a risk ratio (3.0 or higher) higher than the risk ratio historically reported for any racial/ethnic group in any disability category. Further, between 2009 and 2013, 11 states increased their exclusionary criteria related to the total number students that must be present in a specific group in order to report disproportionality in a district. In 2013, 3,620 districts were excluded from reporting disproportionality due to exclusionary group size criteria. Therefore, the percentage of districts reporting nationally for 2013 was 79% of all districts (21% not reporting). The percentage of districts reporting by states ranged from 8% of all districts to 100% in several states. Eight states (16% of all states) reported less than half of their districts.

### **Recommendations**

In alignment with U.S. Department of Education proposed changes to reporting related to disproportionality compliance indicators (Notice of Proposed Rulemakings by the Office of Special Education and Rehabilitative Services (34 CFR Part 300; Docket ID ED-2015-OSERS-0132), recommendations include:

- Applying standard methodology using risk ratios (RR) to determine significant disproportionality.
- Set "reasonable" risk ratios based on a risk threshold of 2 median absolute deviations above the national median of districts' risk ratios (OSERS, 2016). The

OSERS report recommendation that a risk ratio over 1.7 across all categories would indicate exceeding the risk threshold is supported; further, standardizing the RR threshold of 2.9 for the category of ED and 2.5 for ID is an improvement over allowing states to determine the threshold.

- Exclusionary N criteria would be set at 10; an alternate risk ratio could be used for groups smaller than 10. With these changes, 2,652 districts of the 3,620 districts excluded from reporting based on group size criteria over 10 would be required to report disproportionality.
- Allow 15% Early Intervention (EIS) funds to be used for students ages 3-21 and in general and special education (expanding the age from 6 to 3 and including students in special education). The funds should include direct services to students as well as professional development for school personnel on multi-tiered systems of support and culturally responsive instructional practices.

**Reflections on Engaging with the Issues of Racial Inequalities** *Alfredo Artiles,*  
*University of Arizona*

It is important to consider how the data on disproportionality in special education fits a broader context in order to engage in a way that acknowledges the technical and contextual issues. This is critical because we are living in a time where racial inequality in society is polarized, and there is increasing tension in professional circles and research communities. It is not a simple yes/no, either/or question. However, what prevails is a privileging of a binary approach:

- Is there disproportionate representation or not?
- Is it over- or under-representation?
- Is the cause poverty or teacher racism?

This is an overemphasis on a technical view of the problem and a need to measure things. We must be cautious about focusing on indicators x or y only, when in actuality it is a very complex problem. There are deep historical entanglements of race and disability that extend beyond the acknowledgement of disproportionality. Disability has been used as a tool of oppression and discrimination to strip individuals of their rights. It has also been used to justify the exclusion and discrimination of African-American students and racial minorities. Data on economic inequality shows **racism is a structural factor**.

Disability is a **boundary object** which means that it is a category that is defined based on what people agree upon; thus it is adaptable and malleable and has new meanings depending on how people use it. It has different shades and looks different depending on the context across districts, states, nations. The consequence is that individual rights develop a *protean nature*<sup>1</sup> and it changes and is applied in different ways. The boundaries of what is considered a disability are dependent on the context and the teams

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<sup>1</sup> Protean refers to changing into many different forms or able to do many different things.

of individuals who are making the decisions. This in turn creates hierarchies of identities where certain categories are more important than others for real reasons: economic, political, and sometimes racist reasons. Real change requires that conversations capture the complexities and totality of all of these things.

Without these conversations the data reflects what sociologists call **ritual conformity** that is encoded in the policy. This occurs when systems signal to the state that the districts are conforming to the mandates of the policy but not substantially changing the structures and systems to address the issue. It becomes a gaming strategy where everyone is complying with IDEA monitoring of disproportionality, yet the system continues to maintain the levels of referrals/placements without any consequences. Technical assistance centers and professional learning communities are one potential solution to allow systems to change their approach and reflect on what practices are maintaining the inequalities that exist.

#### Recommendations

- Create professional learning communities with a systems change approach.
- Technical assistance centers can help support professionals to engage in learning about the problem.
- Reframe the approach to extend beyond focus on the technical aspects to include contextual aspects.

#### **Racial Inequity in Special Education and Discipline** *Dan Losen, Center for Civil Rights Remedies, UCLA Civil Rights Project*<sup>2</sup>

Racial disproportionality in discipline among students in special education is an ongoing issue. There is a need for close examination of disproportionate representation of students of color in special education identification, restrictiveness of placement, and disciplinary removal/exclusion. The IDEA requires monitoring and intervention in all areas.

Data from the Office of Civil Rights (OCR, 2013)<sup>3</sup> demonstrates disproportionate representation using risk ratios.

- Black students with disabilities are 1.6 times more likely to be served in restrictive environments (removal from mainstream/general education class for over 60% of the school day) than white students with disabilities; Latino students are 1.5 times more likely than white students with disabilities to be served in restrictive settings.
- This ratio increases for Black students when placement risk includes risk for identification—Black students are then 1.9 times more likely to be served in restrictive environments.

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<sup>2</sup> <http://www.civilrightsproject.ucla.edu/>

<sup>3</sup> [www.schooldisciplinedata.org](http://www.schooldisciplinedata.org)

- Black students are 2.77 times more likely to receive disciplinary removal from school than white students with disabilities and 5.14 times more likely to be placed in a correctional facility.

### **Research Findings:**

#### **School Discipline Gap**

- An increased risk for being identified as having emotional disturbance or learning disability is correlated with a higher than average risk for all students with disabilities being suspended for Black and White students.
- The opposite was found for an increased risk for being identified as having autism. Blacks and Whites had decreased risk for suspensions in schools that identified them at higher rates as having autism.
- To the extent that failure to provide a free, appropriate public education (FAPE) contributes to greater risk for suspension, it may be that the failure affects students in some disability categories a lot more than in others.

#### **Out of School Suspensions (OSS)**

- In 2011-12, based on OCR data, in 5,143 districts that enrolled at least 11 Black students with disabilities....
  - 782 districts (K-12) had an OSS rate for Black students with disabilities that was *at least* 20 percentage points higher than all non-Black students with disabilities.
    - This also means that in each of these districts at least one in 5 Black students with disabilities were suspended *at least one time!*

#### **The largest racial disparities are in total disciplinary removals.**

- Nationally per 100 students with disabilities in 2012-13, **75.2** Black students, 27.5 Latino students, and 27.1 White students received disciplinary removal
- 17 states identified 241 districts for disproportionality in discipline in 2012-13; Florida reported the highest rate at 92,001 disciplinary removals of black students

Under IDEA, states are required to report disproportionate discipline, but 34 states identified zero districts, including 7 of the top 11 states for reported disciplinary removal of Black students with disabilities. Thus, risk ratio is purely relative. Districts can have a dramatic increase in suspension for all students without having to report disproportionate disciplinary removal if the Black-White gap remains unchanged.

### **Recommendations**

- Do not use risk ratios as sole measure of progress –use risk difference as well.
- Expand reporting to better understand student experience.
- Provide inclusive coordination and collaboration with teachers, training and administration.

### **Resources**

Losen, D. (2014). *Closing the school discipline gap*. Teachers College Press.

## **Panel 2: State and City Initiatives**

### **District Leadership Role in Supporting Equity**

*Larry Spring, Schenectady City School District*

As the leader, superintendents set the priorities on what data needs to be collected, how the information is processed, and how people are held accountable. It is important to consider how we can use data to change individual practices by bringing assumptions to the surface. For example, after examining the data, we should ask “What practices contribute to disproportionality?”

Data is collected on suspension hearings from across the district and analyzed based on disability, race, gender, and age as well as the nature of offense. The goal is not on reducing the numbers in order to be “in compliance”, but to understand what people can do to address the events lead up to suspension. We should develop consensus on what are considered egregious offenses and data coordination should occur with other agencies to address mental health, law enforcement, social services, and juvenile justice systems.

An “Alternative to Suspension” model can be adopted and significant events of misbehavior may be treated as a symptom to screen for other areas of concern. By engaging other agencies, screenings for alternative therapeutic responses can occur. This results in an attempt to match the student with the appropriate service. This also changes the dialogue and allows new questions to be asked: “What are the issues they are walking in the door with? What has happened to the student vs. what is wrong with the student?”

*Laura Morana, Middlesex and Mercer Counties, New Jersey State Department of Education*

The superintendent is the resource allocator and conducts evaluations of districts. It is important to use data to address significant areas of concern including disproportionate suspension and achievement. Being on the ground and engaged with principals on a regular basis is critical to identify student needs. In addition, bringing the parent into the conversation to develop a plan helps to identify strengths and weaknesses, as well as root causes. Through goal setting one is able to be clear about how to provide resources and set up accountability systems. This can be accomplished during annual presentations to the board and community that further identify areas of weakness and action plans.

### **Recommendations**

- Create a whole community/multi-agency therapeutic response to behavior.
- Employ espoused values of equity in missions, visions, and expectations of school systems.
- Engage in critical conversations with superintendents about needs, goals, resources, and accountability.

- Engage students, parents and families in shared decision-making as part of the solution (e.g., Equity Committee).
- Remember that each context is different and schools' needs vary.

**City-wide School Climate and Safety Initiatives and Policies** *Jordan Stockdale, Education Policy Analyst, Office of the First Deputy Mayor, NYC*

### **Summary from Report on School Climate and Safety Initiatives and Outcomes<sup>4</sup>**

- Total suspensions in NYC down 39% between 2011-2015.
- High suspension rates are clustered in a relatively small number of districts that are mainly in the Bronx and Brooklyn.
- The same geographic areas also cluster high rates of students with special needs.
- Suspension disparity index (Down for all race/ethnic groups; Down 2% for Black students—however rates are still much higher than other groups).
- **Policy change for suspension (B21):** Last April, the NYC Department of Education (DOE) began requiring approval for B21<sup>5</sup> or “insubordination” suspensions. As a result, insubordination suspensions fell 81 percent during the first half of the 2015-2016 school year compared to the same time period last year.
- **Other School Climate Initiatives:**
  - **Warning Cards Program** – Beginning in September of 2015, 32 schools on five campuses in the Bronx have been testing an approach that discourages the use of summonses for minor and non-violent offenses. In these schools, School Safety Agents are empowered to issue warning cards in lieu of criminal summonses and refer students to school administrators to determine an appropriate school-disciplinary response and/or intervention.
  - **Safe and Supportive Opportunity Expanded** – \$5.4 million intensive restorative justice program will be implemented in 20 schools starting in 2016-2017.
  - **Restorative Justice Training** – NYC DOE will train all schools in District 18 in restorative justice techniques.
  - **Mental Health Services for High-need Schools** – The City will spend \$15 million more on school-based mental health supports starting next year. At least 50 schools will receive new mental health supports and the City will hire 100 mental health consultants to provide linkages between students and existing mental health services.
  - **Collaborative Problem Solving (CPS) training for School Safety Division** – For use of CPS techniques to de-escalate students and reduce the need for traditional law enforcement tactics in schools.

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<sup>4</sup> Mayor’s Leadership Team on School Climate Report can be accessed at:  
[http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT\\_Report\\_7-21-16.pdf](http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf)

<sup>5</sup> “B21” is the NYC Department of Education infraction code for “defying or disobeying lawful authority.”

- **Summons Assistance Program** – Several thousand students between 16 and 18 years old have open warrants. Most of these warrants are for failure to appear in court for violations. The Mayor’s Office of Criminal Justice will launch a program designed to offer students in high-need schools legal assistance in clearing open warrants. Through “know your rights trainings,” a community-based organization will identify students who could benefit from legal services and assist them in attending court.

### **Panel 3: Legal, Theoretical, and Ethics Based Approaches**

#### **Intersections of Law, Social Science, Delivery Systems, & Racism** *Leigh Patel, Boston College*

This colloquium offered the rare and sizeable challenge to address how societal suffering does not emanate from one discipline or social institution. People experience privilege and disadvantage in intertwined ways, and yet we study and create policy largely in single silo fashion, with the consequences moving rapidly between those silos.

To address the intersections between special education and race, there are a number of fields that must be considered. First, the law in the United States is a codification system of property rights, originally for land-owning white men, and still defers to protecting property rights for those who own it. The law has transformed itself to enact population-level racialized and gendered harm without uttering race or gender. For a fuller theoretical analysis, see the work of Cheryl Harris (<https://www.law.ucla.edu/faculty/faculty-profiles/cheryl-i-harris/bibliography/>). Schools, in their still-operating design of factory models containers for incremental age/stage progression, are society’s most efficient reproducer of societal stratification. Schools reproduce race, gender, and class inequities. The law is skewed toward single categorical expressions, in which one can claim harm from racism or sexism, but not both. Kimberlé Crenshaw’s work here is essential (<https://law.ucla.edu/faculty/faculty-profiles/kimberle-w-crenshaw/bibliography/>).

#### **Recommendations:**

- In order to address the ways that race and disability intersect societally, we should be thinking about schools and neighborhoods of delivery systems of well-being and suffering. Because the special education field, including its training, tends toward individual modifications, we must examine closely what are the population-level trends running across race, class, gender, and disability? Where does a diagnosis of being in the autism spectrum disorder coalesce with a school being staffed by more teachers with special education certification, and in which neighborhoods does a cluster of socio-emotional disorder diagnoses connect to incarceration, both in the school and in prisons?

- The rhetoric in education and special education assumes good intentions, and this may well be useful, but it cannot be used to mask the undeniable impact of racism that is delivered through these systems.
- Create pipelines of teachers, policymakers, researchers, and lawyers who decentralize Eurocentric models of human development.
- Transform racist and ableist school culture instead of seeking to be included in it.
- Consider delivery systems that position us closer to well-being and suffering.

### **Intersections of Law and Identity** *Osamudia James, University of Miami School of Law*

Law and identity intersect in the public school system in ways that undermine commitments to equal education opportunity. In particular, the law's commitment to formal, but not substantive, equality, preserves and aggravates current education disparities based on differences in identity. As Professor Ian Haney Lopez has noted, a commitment to formal equality gets "racism and remediation exactly backwards," particularly when the commitment subjects race-conscious remedies to heightened judicial scrutiny that curtails or prohibits the remedies outright.

At the same time, a trend in the law toward universal equality frames undermines targeted identitarian interventions that have the potential to address disparities. Although considerations of the needs of humans absent identity markers has utopian appeal, universal frames like dignity neither disrupt nor interrogate implicit norms about which identities inform the universal subject. Between a legal commitment to prohibitions on the use of identity whether benign or invidious, and an increasing reluctance to tailor interventions for populations in need of them, our society increasingly runs the risk of developing education policy that will fail to improve outcomes.

### **Recommendations**

Recommendations run from the ambitious and unlikely to the modest and more easily attainable, and include:

- Continue to demand an interpretation of equal protection that is substantive rather than formal, and which builds on anti-subordination models that permits the active remediation of discrimination—even absent intentional discrimination.
- Critique and interrogate universal responses to equality, like human rights or dignity. Although not without any value, the identities considered "universal" must constantly be interrogated, lest they mask the tendency of laws and policies to favor the already advantaged.
- Continue to demand disaggregated outcomes data, while advocating for targeted interventions.
- Even when targeted interventions are adopted, interrogate implicit assumptions about the communities served, and how those assumptions dictate implementation and participation.



## **Panel 4: Standing Up for Equity: Parent Advocacy**

### **From Assumptions to Reciprocity** *Beth Harry, University of Miami*

In pursuing the goal of meaningful parent participation, Kalyanpur and Harry (2012) recommend the concept of “cultural reciprocity” instead of “cultural competence”. The former concept emphasizes that individuals need to recognize their lack of competence in the range of cultures represented by families and, instead, seek to build a path of reciprocity between professionals and the families they serve. This involves developing a posture of “leaning forward” and being self-critical when experiencing a feeling of “bending over backwards”. The latter is suspect because it typically reflects doing something one does not want to do, and therefore results in resentment toward the parties causing one to take such an unnatural “posture”.

Professionals typically identify three causes for low parent participation: (a) parents are in denial (b) parents don’t respond to invitations to meetings, and (c) parents don’t care about their children’s education. Rather than focusing on these presumptive patterns, professionals need to recognize the assumptions underlying their approach to parents. Specifically, they should examine the (a) belief in professional rather than parental expertise regarding children’s developmental and learning needs, (b) the belief that scientific knowledge supersedes the everyday knowledge of parents, and (c) the notion that collaboration means sharing professional knowledge with the parent and deciding on needed services, rather than reciprocally developing an understanding of both parents’ and professionals’ interpretations of children’s needs. These beliefs lead to the use of language, participation structures, and daily micro-aggressions that professionals think reflect scientific knowledge, while not realizing the alienating effects of this kind of communication.

### **Recommendations**

#### **Professionals should:**

- Seek out and acknowledge one’s own biases and assumptions regarding disabilities, cultures, and social contexts.
- Acknowledge their limited understanding of unfamiliar cultures and explicitly ask families to describe their beliefs and practices.
- Respond to this reciprocally, by then explaining to families the assumptions behind US educational practices, rather than assuming that parents should know and share these assumptions.
- Keep a critical view of oneself when feeling that you’re “bending over backwards”; develop open reciprocal communication in which you can lean toward others, in a genuine search for understanding.
- Seek professional development opportunities to learn these approaches and skills.

**Standing Up for Equity: A Parent's Perspective** *Lydia Ocasio-Stoutenburg, University of Miami*

**From Diagnosis to Deficit: Disempowering Families**

Families are often informed of their child's disability in terms that are negative, stigmatizing and with a poor prognosis.

- A disability diagnosis from a provider can be often be described in terms that implicitly or explicitly regard that child as a burden on systems medically, socially, economically and legally.
- Uninformed providers describe disability with the same terms that were used in the past which overlook the accomplishments, strides and contributions that people with disabilities have made to society.
- Disempowering of families begins with deficit-focused diagnosis, which may be prenatal or postnatal. Families are often unprepared to deal with this issue if they themselves do not know enough about disability legal rights, issues, outcomes and are not provided with adequate resources and support.
- While disability rights are linked to the Civil Rights Movement historically and conceptually, it is also highly linked with a human rights issue, as providers pressure parents to terminate the lives of children who may have a disability.

**Reclaiming Power: The De-marginalization of the Family**

Marginalization and deficit-based decision-making gets transferred from the health care system to educational systems.

- Families are often unaware of the power that they have and need to become advocates for the needs of their children with special needs.
- While rehabilitative services (therapies) and early intervention programs focus on developing strengths, the medical model and school systems focus on identifying weaknesses that too often serve to justify placement of children in separate settings.
- Families are often not included in the decision of where the appropriate setting is for their child and the "supported setting" is undefined and ambiguous. Children are moved to another class without describing what the class is, who it is for and what it will look like.
- Typically developing children who are placed in "reverse mainstream" classes to serve as role models are often not screened appropriately and may exhibit behaviors that are inappropriate, dangerous and emotionally upsetting to children

- with disabilities. Yet children with disabilities are blamed for imitating similar behaviors that they have learned in these environments.
- “Inclusive environments” are undefined, as children with disabilities often experience separate treatment and marginalization, i.e., are separated from the larger group in an inclusive class.

## **Educational and Social Justice**

Learning about the history of special education, the effects of the eugenics movement, segregation, institutionalization and continued use of disability as a means of isolating and marginalizing some populations of people more than others is necessary for parents to know what battle they are fighting, and acknowledging that it is a lifelong battle.

- It forces parents to look outside of the systems and into the community as a means of creating systems change even in areas of life that are not yet directly relevant, such as employment. Parental transformation includes becoming a part of training programs to generate relevant programs, grassroots movements to include voices that can directly impact the public policies that disproportionately affect people with disability, especially minorities.
- The ‘treatment’ prescribed may force parents to go to extreme lengths to ensure equitable treatment and outcomes; to fight to become informed and included in the educational process, and to question progress reports. An example is to video the child doing all of the things we were told he could not do and bringing this to IEP meetings as well as advocating for inclusion in school-wide celebrations.
- People in decision-making positions are removed from the experience of people with disabilities yet policy is top-down. We need people who have the direct experience to be in the decision-making process.
- Disability studies is a necessary perspective in special education but traditional special education seems to downplay it. It is necessary to speak both “languages” in order to be empowered since it will take all houses working in conjunction with one another to influence policy around education. Divisiveness keeps us stagnant. But we absolutely need disability studies, and it should be required of all educators and not just those teaching in the self-contained settings. We also need to understand civil rights and how disability, civil rights and human rights are not separate entities for so many children and that the intersection of these three issues magnify the lived experience.

## **Recommendations**

- Change the perception of “burden.”
- Empower parents by teaching parents their rights.
- Training in disability competency should be required of health care providers who are often the first contact for families in their new role. Providers should be

required to demonstrate understanding and competency in this area and how to appropriately deliver a diagnosis.

- School advisory boards should be representative of all families.
- Parents must be involved in the decision-making process when it comes to appropriate placements for their child.
- We must have discussions about how medical and educational systems facilitate the removal of power from parents who are frequently parents of students of color with disabilities.
- Systems should be provide support for power transfer that begin with regaining power for the family and then redistributing it among the community as well as in the hands of the child with the disability.

# Panelists & Moderators Bios



**Dr. Alfredo J. Artiles** is *Associate Dean and Ryan C. Harris Professor of Special Education at Arizona State University's (ASU) Mary Lou Fulton Teacher's College*. His scholarship focuses on understanding and addressing educational inequities related to the intersections of disability with other sociocultural differences. His work aims to advance policies, personnel preparation programs, and inclusive educational systems in diverse contexts. He directs the

Equity Alliance and co-edits the *International Multilingual Research Journal* (Taylor & Francis) and Teachers College Press book series *Disability, Culture, & Equity*. He was Vice President of the American Educational Research Association (AERA) (2009-2011). Dr. Artiles is an AERA Fellow, a Spencer Foundation/National Academy of Education Postdoctoral Fellow (1998-2000), and a 2008-09 Resident Fellow at Stanford's Center for Advanced Study in the Behavioral Sciences. He received the 2012 Palmer O. Johnson Award for best article published in an AERA journal. Dr. Artiles has held visiting professorships at Leibniz University (Germany), the University of Göteborgs (Sweden), the University of Birmingham (UK), and Universidad Rafael Landívar (Guatemala). He serves on President Obama's Advisory Commission on Educational Excellence for Hispanics and is the author of *Inclusive education: Examining equity on five continents* (Harvard Education Press) (with Kozleski & Waitoller).



**Dr. Wanda J. Blanchett** is *Dean of the College of Education and Distinguished Professor at Rutgers University*. Dr. Blanchett's teaching, research and service focuses on issues of educational inequity including urban teacher preparation, issues of race, class, culture, and gender, disproportionate representation of students of color in special education, severe disabilities, transition planning and issues of sexuality for students with disabilities.



**Dr. Wendy Cavendish** is currently a *Visiting Research Scholar at Roosevelt House Public Policy Institute and Associate Professor at the University of Miami School of Education and Human Development*. She joined the University of Miami faculty in 2007 after serving as research faculty at the Center for Criminology and Public Policy Research in the College of Criminology and Criminal Justice at Florida State University.

Dr. Cavendish's interdisciplinary research focus includes the practices and processes in schools and other social institutions (e.g., criminal justice system) that facilitate and support successful transition of youth both into and out of special education. Her work has been published in the *Journal of Learning Disabilities*, *Journal of Special Education*, *Journal of Youth & Adolescence*, *Journal of Emotional and Behavioral Disorders*, and *Journal of Adolescence* as well as numerous research reports and book chapters.

**Kristen Harper** serves as *Senior Policy Advisor for the Office of Special Education and Rehabilitative Services, U.S. Department of Education*, working to reduce racial and ethnic disparities in the identification, placement, and discipline of students with disabilities and to improve the quality of correctional education services. She previously led the Department's work to advance the Supportive School Discipline Initiative, a partnership between the U.S. Departments of Education and Justice to reduce inappropriate and disparate use of suspensions and expulsions. Before coming to the Department's special education office, Kristen worked for four years in the Department's elementary and secondary education offices to improve school climates, support educator efforts to improve student safety and health, and strengthen the Department's human capital management initiatives. Her accomplishments include the establishment of the Department's first grant program, in 2010, to support state and district efforts to use survey measurement to improve school climate programming; a rewrite of the 2012 Teacher Incentive Fund program, to improve the implementation of performance-based compensation; and, this year, the Department's proposed rule to improve racial equity in special education. Prior to her work with the Department, Kristen provided consultation to an afterschool volunteer organization in Cambridge, MA, and data support for a character education program for middle and high school girls in Washington, D.C. Kristen holds an Ed. M. from the Harvard Graduate School of Education.



**Dr. Beth Harry** is *Professor of Special Education at University of Miami*. Dr. Harry's research and teaching focus on the impact of special education on children and families from diverse cultural and linguistic backgrounds. Her studies have included Puerto Rican, African American and a wide range of other cultural groups. In 2002, Dr. Harry served as a member of the National Academy of Sciences' panel to study the disproportionate placement of minority students in special education.

Her research on these topics has been published in numerous books and articles, most recently, two books: *Why are so many minority students in special education?* and *Case Studies of Minority Student Placement in Special Education*, published by Teachers College Press. In 2003 she received a Fulbright award to do research on Moroccan children's schooling in Spain, where she was based at the University of Seville.



**Osamudia James** is *Professor of Law at University of Miami* and she received a B.A. cum laude from the University of Pennsylvania in 2001, a J.D. cum laude from the Georgetown University Law Center in 2004, and an LL.M. from the University of Wisconsin Law School, where she served as a William H. Hastie Fellow from 2006 to 2008. Previously, she was an associate with King & Spalding in Washington, DC. Professor James writes and teaches in the areas of Education Law, Race

and the Law, Administrative Law, and Torts. Her scholarship explores the interaction of law and identity in the context of public education, and some of her more recent work includes "White Like Me: The Diversity Rationale's Negative Impact on White Identity Formation," published in the *New York University Law Review*, and "Opt-Out Education: School Choice as Racial Subordination," published in the *Iowa Law Review*. Her media commentary also focuses on identity, and has been printed in the pages of the New York Times, The Washington Post, and other outlets. Professor James is a co-recipient of the 2014 Derrick A. Bell, Jr. Award, was named in April of 2015 to Lawyers of Color's 50 Under 50 List, and was selected by *Legacy Miami Magazine* as one of South Florida's Top Black Educators.



**Daniel J. Losen** is *Director of the Center for Civil Rights Remedies, at the UCLA Civil Rights Project/Proyecto Derechos Civiles (CRP)*. He has worked at the Civil Rights Project since 1999, when it was affiliated with Harvard Law School. Losen's work concerns the impact of law and policy on children of color and language minority students. His work addresses legislation such as the reauthorization of the Elementary and Secondary Education Act with a focus on promoting diversity, access to effective teachers, and improving graduation rate accountability. He also examines racial inequity in special education, school discipline, and the "School-to- Prison Pipeline." Finally he is concerned with protecting the rights of English learners to equal educational opportunity.



**Dr. Laura C. Morana** is *Interim Executive County Superintendent in Middlesex and Mercer Counties at the New Jersey State Department of Education*. She has extensive experience working in large and small diverse settings as a classroom teacher, learning disabilities specialist, school and central office administrator. In her current role, she serves on the New Jersey Human Relations Council, New Jersey Department of Education's Board of Examiners, New Jersey Council for Young Children, Mercer County Youth Fire Setter Advisory Council and the New Jersey Council on Juvenile Justice System Improvement Education Committee. In her role as Superintendent, Dr. Morana led the implementation of the new teacher observation and evaluation pilot program sponsored by the New Jersey Department of Education. Dr. Morana completed Rowan University's doctoral program in Educational Leadership.



**Lydia Ocasio-Stoutenburg** is a researcher and advocate for persons with disabilities and their families as a *Board Member of Parent-to-Parent Miami*. She received her Dual Bachelor of Science Degree from Stony Brook University and Master of Science in Biology from Adelphi University and a second Master's Degree in Special Education at St. Thomas University in 2014. Lydia is currently pursuing a doctoral degree in Special Education at the University of Miami. Lydia's



advocacy work began in 2010 with a journey of complete personal and professional transformation. Based on test results during her pregnancy with her fifth child, doctors informed her of the increased likelihood that her child would have Trisomy 21, Down Syndrome. When she refused to put her child at risk by undergoing more rigorous testing, the doctors responded with a pessimistic and deficit-based view of carrying a child with a disability to term and poor prognosis for life. She firmly believes in overcoming the deficit-based perspective by creating stronger communities, raising awareness and fostering hope. To this end, she has completed The Florida Developmental Disabilities Council's Partners in Policymaking Class of 2015, a statewide program that develops advocates and self-advocates among parents of persons with disabilities and persons with disabilities. She is cofounder of the Miami EmployABILITY Movement, a multimedia initiative to reduce the employment gap for young adults with intellectual and developmental disabilities.



**Dr. Leigh Patel** is *Associate Professor of Education at Boston College* and she works as an interdisciplinary researcher, educator, and writer. Her work addresses the narratives that facilitate societal structures. With a background in sociology, she researches and teaches about education as a site of social reproduction and as a potential site for transformation. She supports societally marginalized youth and teacher activists. Prior to working in the academy, Professor Patel was a journalist, a teacher, and a state-level policymaker. Leigh Patel, also published under Lisa Patel Stevens, is the award-winning author of *Decolonizing Educational Research: From Ownership to Answerability* (Routledge), *Youth Held at the Border: Immigration, Education and the Politics of Inclusion* (Teachers College Press), co-author of *Critical Literacy: Context, Research, and Praxis in the K-12 Classroom* (Sage) and co-editor of *ReConstructing the Adolescent: Sign, Symbol and Body* (Peter Lang Publishers). In addition to dozens of academic articles and chapters, her writing has also been featured in media outlets including Beacon Broadside, The Feminist Wire, Racialicious.com and HuffPost Live. She is a national board member of Education for Liberation, a long-standing organization dedicated to transformative education for marginalized populations.



**John Rose**, *Hunter College Dean for Diversity and Compliance* is responsible for developing and implementing a college-wide program to recruit individuals from underrepresented groups as faculty, senior administrators and staff. He also works closely with student groups to address diversity issues on campus, and is responsible for investigating employee complaints involving alleged discrimination based on protected status. Mr. Rose has had a successful career in the private sector managing a wide variety of human resources and employee relations matters. Previously he was Vice President for Human Resources at ABC, and prior to that he held the same position at ESPN. From 1994 to 1999, he was the National Basketball Association's Senior Vice



President for Player Relations and Administration. He is a graduate of Hunter College and Harvard Law School.



**Dr. Jennifer F. Samson** is a *Roosevelt House Faculty Associate and Interim Acting Chair and Associate Professor of Special Education at Hunter College School of Education*. Her work as a bilingual school psychologist that made her question issues related to identification and placement of students from diverse backgrounds into special education. Her current scholarship is focused on teacher quality with a specific interest in literacy outcomes for culturally and linguistically diverse learners with and without disabilities. Dr. Samson has published and presented research, practice, and policy related work in the *Journal of Learning Disabilities*, *Reading and Writing*, *Teachers College Record*, and *Teaching Exceptional Children*. She received her BA from UC San Diego, MA from San Francisco State University, and EdM and EdD from Harvard University.



**Larry T. Spring** is *Superintendent of the Schenectady City School District*. Prior to coming to Schenectady in June 2012, Mr. Spring served as Superintendent of the Cortland Enlarged School District for six years. Mr. Spring also served as an Assistant Superintendent for Instruction at Wayne Central School District in Ontario, NY for five years, Director of Student Learning at Churchville-Chili Central School District in Churchville, NY for two years and was an assistant principal for a year. He spent the first five years of his educational career teaching social studies at East Irondequoit Central School District. He has been recognized and honored by the Southern Christian Leadership Conference, the Human Rights Commission and Mediation Matters. In November 2014, Mr. Spring was honored by the New York Civil Liberties Union (NYCLU) with the prestigious Ned Pattison award. He continues to speak at many conferences and serves as an expert panelist addressing poverty and mental health issues. He recently authored an article on the effects of the poverty. Mr. Spring obtained a B.A. in History/Psychology from SUNY Geneseo, M.S. in Educational Leadership from the University of Rochester. He is pursuing an Ed.D from Vanderbilt University.



**Dr. David Steiner** is *Director of the Johns Hopkins Institute for Education Policy and Professor of Education at Johns Hopkins University*. He previously served as Commissioner of Education for New York State, as the Klara and Larry Silverstein Dean at the Hunter College School of Education, and as Director of Education at the National Endowment for the Arts. As NYS Commissioner, Dr. Steiner took a lead role in the State's successful \$700 million Race to the Top application to support the redesign of state standards, assessments, and teacher certification requirements. His insistence on including major funding for curricula in that grant led to the launch of EngageNY, the nation's most consulted on-line curriculum resource. Dr.

Steiner's work at Hunter College achieved national recognition for innovation in video analysis, clinically-rich teacher preparation (with New Visions for Public Schools), and a partnership with charter school networks which became the Relay Graduate School of Education). Most recently, Dr. Steiner directed the CUNY Institute for Education Policy at Roosevelt House in NY, a venue that will continue to be used for public events by the new Johns Hopkins Institute. Dr. Steiner consults regularly with the federal government, state education leaders, educational reform organizations, and universities. He has addressed audiences on both side of the Atlantic, and authored books, book chapters, and more than fifty articles. He holds degrees from Balliol College, Oxford University (B.A. and M.A.) and Harvard University (Ph.D. in political science).



**Jordan Stockdale** is *Program Director of School Climate Initiatives for the Mayor's Office of Criminal Justice in NYC* this is a one year task force charged with developing policy recommendations to enhance the climate for learning and reduce the need for suspensions, arrests and summonses in NYC public schools. In this role, Jordan co-wrote the Leadership Team's report—*Safety with Dignity* and the group's inaugural memo which detailed the mission, structure and timeline of the initiative. Mr. Stockdale is a former educator who has worked with at-risk youth and students with special needs for many years. As a former Fulbright Scholar, he researched the effects of education budget cuts on the quality and prevalence of alternative education programming in Madrid's Public Schools. Prior to earning a Fulbright, Jordan taught special education in a middle school in East Harlem, New York. Jordan has a Master's of Education and is currently on leave from earning his second Master's from Princeton's Woodrow Wilson School.



**Dr. Shyama Venkateswar** is *Distinguished Lecturer and Director of the Public Policy Program at Roosevelt House, Hunter College*. In this capacity, she leads the Public Policy Program's undergraduate curriculum, teaches the senior Capstone Seminar, co-manages faculty initiatives, works closely with city & state agencies for student internships, manages adjuncts, and directs a Scholars program funded by the Jewish Foundation for the Education of Women. She has almost twenty years of experience in research, policy and advocacy focusing on social justice issues, both in the U.S. and globally. Before coming to Hunter College, she worked at the National Council for Research on Women (NCRW), where she served as Director of Research & Programs, and helped provide the vision and strategic direction for the Council's policy agenda on economic security for low-income women, diversity in higher education and the corporate arena, women's leadership, and ending global violence against women. She is co-author of two NCRW reports, *Caring for Our Nation's Future*; and *The Challenge and the Charge: Strategies for Retaining and Advancing Women of Color* in addition to numerous commentary and opinion pieces on poverty, job creation, peace-building, and immigrant rights published in *The Miami Herald*, *The San Francisco Chronicle*, *The Philadelphia Inquirer*, *Asia Times*, *The Indian*

*Express*, and the *Chicago Sun-Times*. She has given Congressional briefings, and presented her research findings to academic, policy, advocacy and corporate audiences.



**Dr. Catherine Voulgarides** is *Senior Research Associate at NYU's Metropolitan Center-Technical Assistance Center on Disproportionality (TAC-D)*. She received her doctorate from NYU in Sociology of Education in May of 2015. Both her scholarship and professional training focus on understanding how cultural, linguistic, ethnic and racial differences intersect with special education classification and placement in grades K-6 and, exclusionary discipline in grades K-12. She uses an interdisciplinary lens to critically assess how the production of racialized inequities in special education converge with practice. Her research is focused on understanding how educational practitioners, district, and school leaders use disability law—the Individuals with Disabilities Education Act (IDEA)—to address disproportionality in special education. She has a book contract with Teacher College Press focused on disproportionality and is Co-PI on a William T. Grant Foundation project focused on the intersections between IDEA, social context, and racial inequities.