

Voulgarides, C. (2018). *Does compliance matter in special education?: IDEA and the hidden inequities of practice*. Teachers College Press.

The meeting began with the cabinet members sitting down in an office in the central administration building. The attendees were casually chatting about lunch plans and acupuncture when, after about 10 minutes of banter, Roger decided to start the meeting. He handed out a piece of paper to everyone in the room and said, “I received a Christmas present from the state—we will be cited this year for suspensions” for Black students with disabilities. Roger passed around a copy of an email he received from the state education department indicating that the district was being cited for disproportionality.

Dr. Gerald briefly looked at the paper and then at Roger and said, “Oh yes, we already know that. The 10th grade is really an issue this year.” Dr. Katrina, the superintendent of curriculum, added, “The 10th-grade class has always been an issue.” Both Dr. Gerald and Dr. Katrina spoke confidently as they pinpointed the source of the citation to a specific grade. They did not question whether or not the suspensions were legitimate or if larger systemic issues were contributing to their frequency, especially for Black students. Roger looked upset by their comments. He did not engage with their statements, but rather stated, “The district will probably have to go under another comprehensive review by the state,” referring to an IDEA compliance audit. Roger then handed out another piece of paper to everyone at the table. The handout had a list of all of the students who had been suspended up until the day of the meeting, along with their infractions. In the data, the 10th grade was equally implicated, as were other grades.

The cabinet members leafed through the suspension list in relative silence until the director of human resources, Dr. Seria, who was sitting next to Dr. Gerald, punctured the sound of the paper-turning with a chuckle: “I’m surprised we didn’t get on the [citation] list earlier. We have two more [suspensions] to add to it today!” Pointing to the list, Dr. Gerald turned to Dr. Seria and said, “Oh, wow, they are already here!” With this, the district’s business director, Dr. Arthur, pointed to the list of suspensions and looked at Roger and asked, “What are we supposed to do with this information?” Dr. Gerald followed up with a flat statement, “The district really has limited ability with money, so we really need to focus our resources,” implying that addressing suspensions was not a top priority for the cabinet team.

Suddenly, the assistant superintendent of curriculum, Dr. Jones, who had been mostly silent, said, “You know if we can’t pinpoint the problem [where the suspensions are coming from], then we can’t address it.” She was referring to the fact that if Roger could not tell the team why kids weren’t behaving, then the district couldn’t do anything about it. Dr. Katrina followed up after her statement and added, “How do we sweep this problem away and only this problem? We don’t have time for anything else! Where is the broom to get rid of this?” Roger responded, “I think there are bigger issues contributing to the high number of suspensions in the district,” but despite his comment, Dr. Katrina continued to inquire where the “broom” was to “sweep” away the problem. No one in the meeting was startled

by the citation or wondered why disproportionality persisted in the district. And, despite Roger pushing the cabinet members to think beyond the 10th-grade class as the problem, the team consistently fell back on superficial solutions to address this complex issue. Compounding the issue was that schools in Gerrytown operated in silos, islands unto themselves. There were few, if any, central administration directives that united the school buildings in the district. Roger was reactive to this reality and he incessantly focused on trying to adopt programs and/ or interventions that would show compliance with IDEA to state auditors in his efforts to address disproportionality. This was despite any evidence that the programs were effective or that they would be implemented with fidelity in schools across the district.

For instance, when Gerrytown was first cited for disproportionality, Roger immediately responded by hiring a special education behavior consultant to help address the lack of behavioral interventions (e.g., PBIS, FBA, BIP) in the district. The consultant had been working in the district for several years when I interviewed her and she was highly critical of how the district approached discipline. She told me that although she was “trained to look at the behavior of students comprehensively,” she could not do this in Gerrytown. She had to do “things that felt unnatural” because Roger and the state auditors made it feel like the district had to “fix the problem [disproportionality] in the moment.” She added, “All of my training on how to holistically understand a student doesn’t matter here because this is a district that responds to the state.” The compliance pressures she felt from Roger made her feel ineffective and unable to do her job. They also alienated her from the students she was hired to serve because compliance was a means to an end. It was not a method to ensure that educational opportunities were provided to all children.

The specific compliance remedies outlined in IDEA for Indicator 4 that focus on FBAs and BIPs, coupled with Roger’s attempts to streamline district activities, put a considerable amount of compliance pressure onto the work of school psychologists, too. Psychologists are often required to design FBAs and BIPs, and Roger made sure that they were properly trained to do so. The psychologists went on numerous “FBA and BIP trainings,” as one psychologist called it. I even attended one because they occurred so frequently while I was conducting fieldwork. However, despite the psychologists’ training and the intense pressure to speedily create and implement FBAs and BIPs, there were few, if any, substantive changes made to educational practice that improved student outcomes. One day I attended a psychologist PD where 20 minutes of the meeting were dedicated to learning about computer shortcuts that could be used when filling out an IEP. When Roger got to the part where FBA and BIP information should be entered into the computer system, he asked the psychologists, “How are the BIPs and FBAs coming along?” The room was silent for quite a while until one psychologist said, “Every time we hear ‘FBA’ or ‘BIP,’ we want to curl up into a ball and withdraw to the fetal position.” Another added that they were “laborious” to create and that they weren’t used properly in practice.

According to the psychologists, teachers did not consistently and appropriately implement the BIPs and/or FBAs they created. And, if teachers did use them, according to one

psychologist, it was “for the wrong reasons.” The behavior consultant, who was also in the meeting, explained, “I think teachers just want a BIP because they get annoyed with a kid. . . Teachers always want to ‘BIP’ a kid” for “stupid things like he [the student] won’t stop moving his foot!” The psychologist added, “I try to guide teachers to realize that [a student shaking his foot] is not a BIP-worthy behavior,” but “my efforts are in vain because everyone in the district has to create a BIP here.” She was referring to the fact that BIPs and FBAs had little to no meaning in the district. They were just another intervention and/or strategy that the educators had to symbolically comply with. They would do it, comply, but it didn’t mean that it would shift their educational practice to better serve students. Essentially, FBAs and BIPs became part of the problem; they were a quick fix to deeper problems stemming from the community context, organizational culture of the district, and the need to comply with IDEA.

In one PD, a psychologist made a sarcastic comment about the effectiveness of FBAs and BIPs and the resources and collaboration needed to effectively implement them. She said, “Oh, are we talking about communicating with each other now?” referring to how teachers and psychologists are supposed to coordinate resources in order to implement the interventions. She added, “You mean we are trying to coordinate things to help those people? The kids?! In the buildings? We are trying to help them?!?” She sarcastically pointed out the immense gap that existed between what educators were supposed to do and what they actually did. While no one had an answer to her comment, I felt as if everyone understood the gravity of what she was implying: The hours of PD spent on learning to create a good-looking FBA or BIP had little effect on student outcomes. Clearly, staff needed more training on FBAs and BIPs, but, more problematically, the focus on compliance limited a practitioner’s ability to substantively engage with localized inequities through the implementation of an FBA or a BIP.

Each time concerns like these were brought up by the psychologists, who were Roger’s allies in the district, Roger did not seem to know how to handle their comments and he largely ignored them. The comments actually frustrated Roger because he directed a lot of time and energy to ensuring that his staff had access to professional development opportunities that were related to IDEA mandates. However, the trainings never translated to practice in a way that changed student outcomes, because in Gerrytown, superficial and symbolic compliance with IDEA was an accomplishment in and of itself in such a fragmented and disjointed context. And the logic of compliance permitted Roger and his staff to maintain some control over their workflow and maintain the legitimacy of the organization without ever having to radically shift their practices as they showed procedural compliance with IDEA.

(pp. 91-94)