



COMPREHENSIVE SPECIAL EDUCATION EVALUATION

Addressing Bias in a Comprehensive Special Education Evaluation

Prepared By:
Markeda Newell, PhD
Associate Professor, School Psychology
Loyola University Chicago
2020

Acknowledgements

In 2017, the Wisconsin Department of Public Instruction secured a contract with Markeda Newell, PhD, Loyola University Chicago to develop a guide that problem-solving teams could use to make team-based problem-solving more culturally responsive. As a result, the [*Culturally Responsive Problem-Solving: An Evidence-Based Guide for Team Practice*](#) was developed. Stemming from this work, was the need to improve the cultural responsiveness of the processes that IEP teams follow to make determinations about special education eligibility and IEP services. Therefore, Dr. Newell was also contracted to develop this guidance, *Addressing Bias in a Comprehensive Special Education Evaluation*.

Purpose of this Guidance

Across Wisconsin, teams of educators (e.g., child-study teams, building support teams, problem-solving teams, IEP teams) collaborate to maximize the educational success of all students. To that end, educators who serve on school teams must be prepared to address students' academic, behavioral, social and emotional, and mental health needs. Furthermore, they must aim to do so in a manner that does not marginalize students, especially those who are members of historically marginalized groups (e.g., students of color, students who live in poverty, students with disabilities, multilingual learners, students who are LGBTQ+ lesbian, gay, bisexual, transgender, queer, or other).

The purpose of this guidance is to provide research-based guidance on how to identify and reduce bias in the special education evaluation process, as well as provide strategies on how to recognize and harness the strengths, assets, and competence of all students so they can graduate from school, college, career, and community ready. To begin, a review of the disproportionate representation of students of color receiving special education services is needed.

Disproportionate Representation of Students of Color Receiving Special Education Services: A Revised Call to Action

For decades, educators, scholars, and advocates have called attention to the disproportionate disability identification of students of color (see Sullivan, 2011 for a review). In response to these calls, educators have tried to identify effective strategies to reduce the number of such students receiving special education services by reducing disability prevalence rates in certain groups. Although this is a logical response, these efforts can have the unintended consequence of some students who need special education services not receiving the services they need. Therefore, there is a need to revise this important call to action, while keeping IDEA child find requirements in mind. Instead of focusing on simply reducing the number of students of color receiving special education services, we need to develop effective strategies to accurately identify students who are in need of such services. To this end, we must clearly understand the conditions under which the decision to identify a student as having a disability and providing special education services is inappropriate not just for students of color, but for any student. This starts with what happens in general education before a referral for a special education evaluation is ever received.

The special education evaluation process exists [within the context of a local education agency's integrated equitable multi-level system of social and emotional, behavioral, and academic supports \(MLSS\)](#). When a district has a strong equitable MLSS, it can more effectively appreciate and address the role systemic bias and racism may play in special education referral and eligibility decisions; and everyone involved in educating students can take active steps to address potential systemic bias within and outside the special education evaluation process. This, in turn, can have a powerful effect on both reducing disproportionate disability identification of students of color as well ensuring that every student has access to the resources and educational rigor they need at the right moment in their education, across race, gender, ethnicity, language, ability, sexual orientation, family background, and/or family income. [See DPI's [Model to Inform Culturally Responsive Practices](#), for more information on achieving educational equity for all students.]

Disability identification and subsequent IEP development and provision of special education services is a problem when either or both of the following conditions are met:

- 1. Special education services are not what the student needs.** Incorrectly identifying students as having a disability or providing inappropriate or unnecessary special education could result in a misalignment between student needs and educational services, which could result in poorer performance and increased disengagement from school.
- 2. Special education services are ineffective.** Providing services to students that do not work only serves to worsen the problem, prolong the difficulties students experience and further limit their access, engagement, and progress toward meeting age and grade level expectations.

When either of these aforementioned conditions are met, students are marginalized in education and their academic and social emotional learning needs are unlikely to be met. Marginalization is “the process through which persons are peripheralized based on their identities, associations, experiences, and environments” (Hall, Stevens, & Meleis 1994, p. 25). In general, marginalization arises from deeply embedded cultural values, beliefs, and norms about what is and is not acceptable. Essentially, marginalization is the act of excluding, segregating, or devaluing people based on identities that the larger society deem as being different and a problem (e.g., racial minorities, children with disabilities) (Causadias & Umana-Taylor 2018).

For example, students of color have been marginalized through racial segregation in schools; children with disabilities have been marginalized through ineffective general education and special education services; children living in poverty have been marginalized by attending underfunded schools; English learners have been marginalized through lack of access of quality dual language education; LGBTQ+ students have been marginalized through violence and bullying in schools, and the list could go on. Any actions that lead to students being pushed out or systematically locked out of receiving a high-quality education based on their identity is marginalization. For this reason, when students receive special education services they do not need, or special education services that are ineffective, students are being marginalized.

Marginalization through special education is an especially acute concern for students of color and students with disabilities because special education has been used as a tool to maintain the segregation of these populations (Ferri & O’Connor, 2005). For almost 50 years now, researchers, scholars, and practitioners have

debated whether districts have disproportionately identified students of color as having various disability categories. For example, Wisconsin school districts have demonstrated race based patterns of identification for intellectual disability, emotional behavioral disability, other health impairment, specific learning disability, and speech or language impairment.

The most contentious debates have been about the overrepresentation of students of color pulled out of general education classes to receive special education services (Cruz & Rodl, 2018; Dunn, 1968; Sullivan, 2011). Since 1995, the U.S. Department of Education has published Annual Reports to Congress on the Implementation of the Individuals with Disabilities Education Act (IDEA). In examining these reports, it is clear that students of color and students with IEPs have worse educational outcomes than their white peers. Because receipt of special education services has largely resulted in poorer outcomes, especially for students of color, it is seen as a means by which students of color are systematically excluded from receiving a high-quality education; thus marginalized. That is to say that students with an IEP have long underperformed compared to students who do not have an IEP and have higher rates of school dropout or pushout.

Is Special Education Eligibility a Problem?

Given concerns about marginalization, it is important to ask, “Is eligibility for special education services a problem?” The answer is that it does not have to be. As explained earlier, educators have been debating disproportionate disability prevalence for decades because special education services have been a problem for some students with IEPs, especially students of color. Although this is an important debate, it is too simplistic. The question educators should ask is whether the type, amount, frequency duration, and location of special education services described in a student’s IEP is appropriate.

Debating whether the number of students receiving services is too high or too low misses the most important factor, which is, “are the educational services what the student needs to be successful?” To explain further, if your school has a very high proportion of African American students with IEPs receiving special education services, and those students are succeeding academically, behaviorally, socially, and emotionally and becoming college and career ready, then the high number of students receiving these services is appropriate because the students’ needs are being met. Thus, when IEP teams make accurate decisions for special education eligibility and IEP services are effective, then special education eligibility is not a problem—it is providing access to high quality education.

Ensuring Special Education is High-Quality Education Using the CCR IEP Framework

Special education should reflect the most intensive, relevant, and evidence-based instruction that school personnel can offer because it is the provision of individualized services that are designed to meet the unique needs of a learner. Unfortunately, in many schools and districts, special education services have become stigmatized as low-quality, ineffective, and even harmful to learners. In reading about marginalization earlier, there is some validity to this view of special education for many students. For this reason, special education services must be reframed and re-conceptualized to always mean access to high quality education.

The Wisconsin Department of Public Instruction is doing just that with the [College and Career Ready \(CCR\) approach to developing Individualized Education Programs \(IEPs\)](#). The CCR IEP framework aims to ensure that students with IEPs develop “academic and functional proficiencies needed in order to demonstrate independence, self-determination, critical thinking, collaboration, leadership, creativity, responsibility, and persistence)” (p. 1).

With the CCR IEP approach to developing IEPs, the focus is procedural and substantive; ensuring that students with IEPs are engaged learners who are making progress in age or grade-level general education curriculum. With this shift in focus, students with IEPs are viewed as learners who need additional services to access the same rigorous curriculum and learning opportunities as students without IEPs. Thus, the function of CCR IEPs is to ensure that standards and expectations are not lowered for students with IEPs; instead, standards and expectations remain as high as they are for students without IEPs to maximize postsecondary opportunities.

The CCR IEP framework provides the structure and methods to guide educators in reframing and re-conceptualizing the purpose and function of special education services. When used appropriately, this approach to special education can be revolutionary for students with IEPs. However, as explained earlier, special education services can be ineffective if students are being inappropriately evaluated and found eligible for special education or if the services are ineffective. The CCR IEP framework is based on the assumption that an initial comprehensive special education evaluation and reevaluations of the student, as required by IDEA, have been completed. Embedded within the CCR IEP framework are three strategies to protect against these pitfalls:

- 1) using culturally responsive practices,
- 2) aligning services with need, and
- 3) assessing student progress.

Even with these protections in place, one of the most pervasive barriers to students receiving high quality, effective special education services warrant further attention, and that barrier is educator bias during the special education evaluation process.

Using this Guidance

To address bias in decision making in special education evaluations for all students, especially those who are marginalized, IEP teams can proactively take steps to reframe their approach to special education evaluation that can lead to the creation of more possibilities and opportunities for students. By identifying vulnerable decision points in the special education evaluation process, IEP teams can reduce confirmation bias, attribution bias, and personal biases that can adversely impact the evaluation process. The strategies provided in the following sections are designed to magnify the strengths and assets of students, but to also help teams identify when educational systems have contributed to or caused the academic or functional difficulties that students may exhibit. In this way, the purpose of special education shifts from identifying and accommodating internal deficits to identifying and creating optimal learning environments for all students to ensure that they are college and career ready.

Reflection and Application Activities

The following reflection and application activities were developed to build the knowledge, skills, and systems of adults so they can develop better systems for conducting comprehensive special education evaluations.

1. Marginalization is a key concept in understanding disproportionate representation in special education. As explained earlier, marginalization occurs when educational systems do not meet the needs of learners. Please reflect upon the current services and support provided in your school.
 - Are there ways in which specific groups of students may be marginalized in your current school context?
 - Are there specific groups of students in your school whose educational needs are not being met?
 - Describe and discuss specific examples of student groups to identify what types of needs are not being met, discuss root causes of “why” those needs are not being met by the school’s educational system.
 - For those students whose needs are not being met, is it possible to adjust general education supports to better meet the needs of these students?
2. What indicators does your school or district have that general education services are meeting the needs of students who have been historically marginalized in education? If you have these indicators, please review them to assess how well general education is meeting the needs of students.
3. What indicators does your school or district have that IEP teams conduct special education evaluations and reevaluations that are sufficiently comprehensive to make eligibility decisions and identify a student’s educational needs?
 - What actions are taken to ensure special education evaluations and reevaluations are conducted in a culturally and linguistically responsive manner; non-discriminatory for students of all cultural, racial, ethnic, socioeconomic, and other backgrounds?
4. What indicators does your school or district have that special education services are meeting the needs of students who have been historically marginalized in education? If you have these indicators, please review them to assess how well general education is meeting the needs of students.

5. In reviewing the general education and special education services in your school or district, are there strategies or steps school staff can put into place to first assess whether changes need to be made in general education before conducting an assessment of the need for special education services?
 - How can your educational system rule out ineffective general education services as a factor in determining whether a student needs special education services?



Wisconsin Department of Public Instruction
Special Education Team
Daniel Parker, Assistant Director for Special Education

125 S. Webster Street, P.O. Box 7841
Madison, WI 53707-7841
(608) 266-7475
daniel.parker@dpi.wi.gov
dpi.wi.gov/sped/ccr-ieps/comp-eval

September 2021

The Wisconsin Department of Public Instruction does not discriminate on the basis of sex, race, color, religion, creed, age, national origin, ancestry, pregnancy, marital status or parental status, sexual orientation, or ability and provides equal access to the Boy Scouts of America and other designated youth groups.