

NASET Special Educator e-Journal December 2020

Exceptional Teachers Teaching Exceptional Children



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Special Education Legal Alert

By Perry A. Zirkel

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This month's update identifies recent court decisions of general significance, specifically addressing issues of (a) IDEA standards for evaluations (including reevaluations) and (b) FAPE claims arising under COVID-19.

In its officially published decision in *Smith v. Tacoma* (2020), a federal district court in Washington State addressed the parent's various challenges to an IDEA reevaluation in the wake of her request for an IEE at public expense. The reevaluation, which was during the child's second year in the district's preschool program, concluded that the child was no longer eligible for an IEP. It included the BASC-3, two classroom observations, and review of medical, parental, TS-Gold, and teacher/specialist academic and functional data. The parent's principal claims were that (1) the district used insufficient tools for the reevaluation, (2) the district improperly closed the reevaluation before the parent obtained a second opinion via the child's medical providers; and (3) the reevaluation inadequately considered the child's medical diagnoses, including hyperkinesis, general anxiety disorder, and sensory processing difficulties. Various other claims included challenges to the reevaluation team membership and alleged FERPA violations.

For claim #1, the court concluded: (a) the reevaluation was not required to include the same assessment tools as the initial evaluation, (b) consisted of the requisite variety of assessment tools and strategies, and (c) the failure to include the TS-Gold tool in the prior written notice (PWN) was not a harmful procedural violation.

For conclusions "a" and "b," the court observed that the applicable legal authority was rather skeletal and did not specifically support the parent's contentions. For conclusion "c," the court alternatively reasoned that the TS-Gold was not subject to PWN but even if it was a procedural violation, the parent did not show any resulting harm in terms of meaningful participation.

For claim #2, the court concluded that the district was not required to keep the

Again, the court straddled the fence by finding no procedural violation and, even if

evaluation open awaiting parental agreement or medical providers' opinion.	there were one, no showing of resulting harm.
For claim #3, the court concluded that the reevaluation personnel, including the school psychologist and occupational therapist, adequately assessed the child's sensory and other medically diagnosed difficulties.	The court's conclusion seemed to reflect a more generalized judicial deference to school rather than medical authorities for the critical need prong for IDEA eligibility, which is keyed to the respective expertise and familiarity with the child in school.
The court rejected the various procedural claims as having no prejudicial effect and the FERPA claim as lacking an underlying right of private action.	The disposition of these claims further reflected the rather callous judicial treatment of the nuances of special education law, which is likely attributable to institutional structure and overload.
The pro se status of the parent, who was the grandparent-caregiver and representative of three special needs children, may have heightened for her the hurdle of the district-deferential posture of courts, which is pronounced for evaluation issues.	
<p>In an officially published decision in <i>Hernandez v. Grisham</i> (Oct. 14, 2020), the federal district court in New Mexico addressed a proposed class action's motion for a preliminary injunction against the state government's COVID-19 reentry policy for the public schools. This policy gave schools discretion for in-person instruction if they met reentry criteria or with a priority, on a small-group basis, for K-3 students, students with disabilities, and students needing additional support. The plaintiffs claimed that this policy did not provide for in-person instruction with sufficient uniformity and rapidity. The basis for their claims included the Fourteenth Amendment equal protection and due process clauses on behalf of students generally and the IDEA for those students with disabilities. The defendants moved for dismissal on various grounds. Because such preliminary motions are expedited and only tentative, the summary of the principal rulings below has an overriding qualifier of "likely" subject to any subsequent more definitive proceedings.</p>	

<p>The court concluded that the plaintiffs showed that they had standing to sue the head of the state education agency (SEA) but not the head of the state health department or governor.</p>	<p>The reason was that the SEA issued and controlled the reentry process. Thus, the alleged violations were directly traceable to, and redressable by, this defendant, not the others. This ruling merely provided focus for the analysis; it was itself not fatal to the plaintiffs' claims.</p>
<p>The court singled out one plaintiff, who was the only one who had a child who was a student with disabilities, as having standing under the IDEA and not affected by the state's sovereign immunity to liability claims.</p>	<p>The other plaintiffs, including the one who was a member of the state legislature and of a local school board, lacked standing because they were not parents of a student with a disabilities. The state's sovereign immunity under the Constitution's 11th amendment applies to the other liability bases of the suit, but the IDEA expressly waived this immunity.</p>
<p>The court rejected certification of the class action, including the proposed sub-classes of students generally and those with disabilities.</p>	<p>The sub-classes of nondisabled students failed due to lack of standing. The sub-class of students with disabilities failed basically because of the widely varying effect of the reentry policy and the individualized nature of the IDEA.</p>
<p>The court rejected the Fourteenth Amendment equal protection and due process claims.</p>	<p>The court basically found the policy to be rationally related to state interests in health and safety.</p>
<p>For the one parent's IDEA claim, the court ruled that exhaustion was not required.</p>	<p>The court relied on an exception for purely legal questions, which arguably fits under the recognized broader emergency and futility exceptions.</p>

<p>For this IDEA claim, the court ruled that this child was entitled to small-group in-person instruction with social distancing and other health precautions.</p>	<p>The court relied on a combination of the state reentry policy, which provides this small-group option, and <i>Andrew F.</i> because this child was not progressing via remote instruction</p>
<p>This case illustrates the possible range of claims and rulings under COVID-19, but the applicable limitations include that (a) it is only a preliminary ruling by one federal district court; (b) it is specific to the context of this state’s policy; and (c) speculatively, the final IDEA ruling may represent a “bone” thrown to one plaintiff as a small consolation in a much larger adverse decision.</p>	

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COVID-19 GUIDANCE AND CASE LAW: LATE FALL UPDATE*

Perry A. Zirkel

@ Nov. 18 2020

The pandemic continues, and the ultimate two-part question for parents and school districts still remains open-ended: (a) has the district denied FAPE to the eligible child and, if so, (b) what is the resulting relief, including any compensatory education? In the meantime, the issue for IDEA adjudications keeps reappearing in a potentially significant role—upon parental filing for a due process hearing on such pandemic-related issues, what is the “stay-put”? This latest summary provides an update since the coverage in the early fall Special Supplement.

Further Federal Guidance

A pair of USDE guidance documents since the last Special Supplement warrant special attention, both issued on September 28.

The OSEP Q&A document for Part B (sites.ed.gov/idea/idea-files/part-b-implementation-idea-provision-services-current-covid-19-environment-qa-document-sept-28-2020/) reminded districts that regardless of the instructional delivery approach they “must make every effort” to fulfill their FAPE obligation, including the regulatory requirements for prior written notice, IEP amendments, and annual IEP meetings. On the newer side, this guidance suggested that (a) districts should consider ESY during the school year for children who did not receive their full ESY entitlement during this past summer, and (b) states may change via their regulations or policies the 60-day timeframe and its exceptions for initial evaluations.

The OCR Q&A document ([www2.ed.gov>list>ocr>docs>qa-covid-20200928](https://www2.ed.gov/list/ocr/docs/qa-covid-20200928)) discusses various current pandemic-specific issues, such as prioritizing in-person instruction for students with disabilities and individualized exemptions for wearing masks for students with disabilities. Moreover, it repeats the prohibition of waivers of § 504 rights as a prerequisite for online instruction.

State Administrative Decisions

According to a national survey of state education agencies as of the end of the summer (<https://perryzirkel.com/2020/10/29/covid-19-legal-activity-briefingpaper/>), both due process and state complaints activity is limited in comparison to pre-pandemic levels, and the COVID-19 decisions thus far are more frequent for state complaints than for due process hearings.

State Complaints. Since the last Special Supplement, various new state complaint decisions have been issued. Here are some available examples, which show the primary claims and their varying dispositions:

- An August 31 state complaint decision in Indiana (*Porter Township Sch. Corp.*) concluded that the district speech/language (S/L) therapist's posted assignments for a

* The prior five Special Supplements and the linked PDFs are available at perryzirkel.com

student with S/L impairment upon the district's shift to distance learning constituted a failure to implement the IEP provision of 30-minutes of S/L services per week. The corrective action ordered was for the S/L therapist to provide nine 30-minute sessions either in-person or via telephone or videoconference as compensatory services.

- A September 11 state complaint decision in Colorado (*Denver Sch. Dist. No. 1*) concluded that (a) the district's failure to provide the prior written notice (PWN) and the distance learning plan (DLP) on a timely basis impeded the parents' opportunity for meaningful participation, but (b) in relation to the IEP's provision of 100 minutes per week of specialized instruction, the district's shortfall of a total of 260 minutes for five weeks during the pandemic did not constitute a material failure to implement the IEP, because the student continued to make significant progress during this relatively limited period. The corrective action for the notice violations was to provide comprehensive training to special education personnel on the applicable requirements.
- A September 18 state complaint decision in Colorado (*El Paso County Sch. Dist.*) by a different complaint investigator concluded that (a) the district's provision of two thirds of the services specified in the DLP, which were significantly less than those provided in the IEP, in combination with the lack of progress monitoring constituted a material implementation failure warranting hour-for-hour compensatory services (totaling only 130 minutes); (b) the district's failure to provide PWN upon substantially reducing the IEP services via the DLP was a violation that in this case did not result in a denial of FAPE.

- A September 30 state complaint decision in Wisconsin (*In re Student with a Disability*) concluded that the district's failure to implement the child's IEP "to the greatest extent possible," per federal guidance, from March 18 to the end of the school year warranted the corrective action of the IEP team meeting to determine the extent of compensatory services required for this failure.

Due Process Hearings. The relatively few available due process decisions remain largely within a few high-activity states.

- In the *Norris School District* decision on September 2, the California hearing officer concluded that (a) the district did not "make every effort" to provide FAPE during the 28 school days between the schools' closure and the initiation of distance learning, thus constituting a material failure to implement the IEP; and (b) the lack of individualized PWN and an IEP meeting upon this transition significantly impeded the parents' opportunity for participation. The hearing officer ordered (a) compensatory education including a small reduction for the partial progress of the student and his limited accessing of the materials that the district provided during the 28-day period and (b) an IEP meeting to develop an appropriate DLP. The hearing officer also briefly commented that the new IEP, with any amendments, constituted the student's stay-put.^[1]
- In the *J.S. and Lenape School District* decision on October 14, the New Jersey hearing officer denied the parent's request for "emergent relief," which is a procedure similar to a court temporary restraining order and which is specific to the administrative adjudication system in New Jersey. The parent sought the district's provision of a 1:1 nurse, per the IEP of a student with multiple disabilities, including diabetes, while the student was at home per the parent's choice of distance learning during the pandemic. The hearing officer found that the parent had not shown irreparable harm and the likelihood of legal success based on the particular facts of the case, including that the parent provided the diabetes-related glucose monitoring while the student was at home. [www.nj.gov/education/legal/specialed/2020decisions.shtml]
- In the *Springfield Public Schools* decision on November 10, a Massachusetts' hearing officer concluded, as a small pandemic-related part of a long and complicated case, that the district failed to implement the virtual ESY S/L services for at least two weeks, resulting in an order for two hours of compensatory S/L services.

Court Actions

Court decisions for the previously identified COVID-19 lawsuits for general or special education students have begun to appear, especially for the July 28 nationwide class action on behalf of students with disabilities in *J.T. v. de Blasio*. Here is a snapshot of those decisions, which are largely preliminary rulings, since the September 10 decision in *Killoran* in the last Special Supplement, **with the names or rulings of those cases that are of most direct and significant relevance to special education in bold font:**

- Sept. 29 – *Mullen v. Tiverton Sch. Dist.* (D.R.I.) – a federal court in Rhode Island denied the district’s motion to dismiss the First Amendment suit of the teachers’ union president, who claimed that the district terminated her for insisting upon negotiations or at least participatory input in the district’s arrangements for distance learning
- Oct. 5 – *E.E. v. Norris Sch. Dist.* (E.D. Cal.) – a federal court in California granted the parent’s motion for a preliminary injunction enforcing the old IEP, which provided for a mainstreamed placement, as the “**stay-put**,” thus barring the district’s attempt to move the child to a different, more segregated placement at the start of the school year while the proceedings had not yet ended – the court’s reasoning included the conclusion that the hearing officer’s statement about stay-put was merely dicta (i.e., a nonbinding aside) because it was not at issue and without arguments or analysis and that the hearing officer’s decision did not agree that the new IEP was appropriate
- Oct. 9 – *DeSantis v. Fla. Educ. Ass’n* (Fla. Dist. Ct. App.) – a state appeals court in Florida vacated a state trial court’s temporary injunction, based on the state constitution’s provision for safe public schools, against the governor’s July 6 emergency order to re-open the schools – the appellate court concluded that the teachers’ union did not meet the criteria for preliminary injunctive relief, including likely legal success and irreparable injury, especially because the order provided sufficient latitude for district discretion and individual exemptions
- Oct. 14 and Nov. 5 – *Hernandez v. Grisham* (D.N.M.) – a federal court in New Mexico denied most of the requested preliminary injunction that challenged the state’s COVID-19 reentry policy for the public school as purportedly not being with sufficient rapidity and uniformity, rejecting the class action certification and the constitutional claims – as the limited exception, **the court concluded that the only plaintiff with standing was**

the parent of a child with disabilities and ruled that under the IDEA, based on the child's lack of progress in distance learning per *Andrew F.* and the state policy that allowed priority in-person instruction for students with disabilities within health/safety standards, the child was entitled to return to school for small-group instruction with social distancing and other requisite

precautions^[2] – in the subsequent ruling the court denied dismissal of the plaintiffs' § 1983 claim against the governor and head of the state education agency

- Oct. 22 – *Lain v. Pleasanton Unified Sch. Dist.* (N.D. Cal. 2020) – a federal court in California denied the parents' motion for a temporary restraining order to enforce the hearing officer's Aug. 24 **stay-put** order (summarized and provided in the last Special Supplement) because the district's implementation rendered it moot and the parents had not exhausted the location issue
- Nov. 10 – *J.M. v. Jara* (D. Nev.) – a federal court in Nevada denied the parents' motion for a temporary restraining order for their IDEA and § 504 claims, including **stay-put** due the lack of irreparable harm, but moved the proceedings forward by scheduling the preliminary injunction hearing
- Nov. 13 – *J.T. v. de Blasio* (S.D.N.Y.) – **in this July 28 nationwide class action suit, a federal court in New York dismissed all defendants other than N.Y.C. and all plaintiffs outside the N.Y.C. public schools and requiring exhaustion (i.e., obtaining individual due process hearing decisions) for the N.Y.C. cases** – the court's conclusions about **stay-put**, which seem to be at least partly a reaction to the plaintiff attorney's perceived overreaching, do not necessarily preclude success for this threshold issue or other claims, such as a material failure to implement the IEP, that may arise in any subsequent due process hearings for these or other parents [www.courtlistener.com/docket/17390270/jt-v-de-blasio/]

Continuing Conclusion

Although the state of the law, like that for the resumption of schools, continues to be rather fluid, claims of violations procedural IEP requirements and material failure of implementation are emerging as the primary focus in the state complaint cases and, with the addition of the threshold issue of stay-put, in due process hearing and court cases under the IDEA. Moreover, those charged with the decisions in these cases exhibit significant variation in their interpretations and their remedial orders, although thus far all rejecting any broad-based waiver of FAPE obligations. Given the ponderous process of adjudication, which thus far has only yielded a handful of due process hearing officer decisions and preliminary court rulings, the best course continues to be maintaining positive resiliency and creative cooperation of both special educators and parents.

^[1] See the Court Actions section for a subsequent court ruling specific to this student's stay-put.

^[2] The monthly legal alert for November, available at perryzirkel.com, describes this case in more detail.

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Buzz from the Hub

All articles below can be accessed through the following links:

<https://www.parentcenterhub.org/buzz-oct2020-issue2/>

<https://www.parentcenterhub.org/buzz-nov2020-issue1/>

For Parents: Supporting Learning During the COVID-19 Pandemic

This online module from the IRIS Center speaks directly to parents and offers tips they can use to support their child's learning at home during the pandemic.

Back to School Questions and Answers | Webinar

You may be receiving a lot of questions right now about how the pandemic is impacting parental rights and the learning and development of children with disabilities. CADRE identified the pressing questions parents have about navigating the changed educational scene—and responded with this webinar. In the session, an expert attorney answers those questions and concerns—and that attorney is none other than our very own, well-known Diana Autin!

Free Financial Education Activities for Parents to Use with Their Children

(Available in multiple languages) | The Consumer Financial Protections Bureau offers dozens of free activities that parents and other caregivers can use to help school-aged children build the important skills they will need to manage money into adulthood.

Supporting Student Success Through Authentic Partnerships

This article provides quotes from parents and caregivers about their experiences partnering with schools and includes recommendations to schools based on those conversations, including how to involve historically marginalized parents and caregivers.

Collaborating with Families of Students with Disabilities

This online learning module from the IRIS Center addresses the importance of engaging the families of students with disabilities in their child's education. It highlights key factors that affect these families and outlines practical ways to build relationships and create opportunities for involvement.

Distance Learning Helped Me See My Child's Struggles and What She Needs to Thrive

We're all learning from distance learning and each other.

Learning about Democracy at Home

Wondering how to teach civics at home? The iCivics *Remote Learning Toolkit for Families* can help! Parents can find fun, at-home games, activities, and lessons to help their children learn critical civic knowledge and skills while having fun.

Telehealth in an Increasingly Virtual World

(Also available in **Spanish**) | The Child Mind Institute's *2020 Children's Mental Health Report* answers key questions about delivering mental health services via telehealth. The report

includes the results of a recent survey of parents who have used telehealth for their children's mental health treatment and shares their experiences and unique insights.

Bookshare Student Forum: Advocating for Your Rights

Three members of the Bookshare community share their advice as disability advocates on securing accommodations, getting accessible materials, and recruiting allies to succeed in the classroom and workplace.

Creative Alternatives to Family Gatherings During COVID-19

Here are 7 alternative ideas for spending time with cherished loved ones from afar.

Free Printable | 25 Fun Family Night Ideas

Let's face it. The holidays might look a little different this year. Check out this list of things to do as a family to connect both online and offline.

Holidays During the Pandemic

Tips for reducing stress, helping kids cope, and making new traditions.

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Addressing Low Parental Involvement In Secondary Special Education: A Review of the Literature

Sabah A. Ahmed

Abstract

In regards to parental involvement, laws like NCLB, ESSA, and IDEA require schools to report their methods of parental outreach. However, many parents and educators are not satisfied with the methods and levels of parental involvement in secondary schools, specifically in special education. Many educators have noted that parental involvement declines during the secondary school years compared to the level of involvement in the elementary years which can be especially detrimental to students who receive special education services. According to research, parents have indicated that the lack of resources and poor school outreach has turned them away from being actively involved with their child's education. Other obstacles for parents include not understanding the legal processes and jargon involving their child's education and not speaking English as a first language. This literature review evaluates existing research on the potential causes of low parental involvement in secondary special education while suggesting strategies to improve parent experiences in secondary special education.

Keywords: Parental involvement, secondary special education, best practices

In recent years, there has been a renewed interest in increasing parental involvement, particularly in the field of special education. Laws like the No Child Left Behind Act (NCLB, 2002), Every Student Succeeds Act (ESSA, 2015), and the Individuals with Disabilities Education Act (IDEA, 2004) require schools to report the ways they have reached out to parents about their child's individual needs. While much of the literature tends to focus on parental outreach in the elementary grade levels, parental involvement is still a vital component in a child's education in the secondary years. There is also a lack of literature covering the topic of how educators should reframe parental involvement in the secondary years to reflect the needs of the adolescent-aged child's need for autonomy.

The goal of this literature review is to discuss trends in parental involvement in secondary special education and best practices to improve the experiences of parents of children with disabilities in the secondary grade levels; and thus, add to the anemic literature pool on postsecondary outcomes. Specifically, the following questions will be discussed:

1. What are the barriers that prevent parents from being involved in their child's education?
2. Are there enough resources for parents so they can properly be involved in their child's Individualized Education Program meetings?

3. How can educators and parents reframe their current understandings of what parental involvement looks like?
- 4.

Laws Addressing Parental Involvement in Schools

The three main laws that address parental involvement in schools are NCLB, ESSA, and IDEA. NCLB was signed in 2002 during the Bush administration and required schools, states, and districts to report on the plans developed for family outreach. This bottom-up system was meant to be a form of accountability, since accountability is a major feature of NCLB. With this law, parental involvement began to be tied to student and school performance. NCLB was a revolutionary law in regard to accountability in education, however, guidelines on how schools prove their parental outreach plans can be ambiguous (Epstein, 2005). Therefore, professional development must be provided to educators so they can learn effective practices in family involvement. The ambiguity combined with lack of training support for teachers could potentially lead to the accountability measures not being implemented with fidelity. Another issue highlighted by Epstein (2005), was NCLB not providing clear examples of parental involvement programs and plans in secondary schools and the lack of consideration of parental input in these programs and plans.

During the Obama administration, ESSA (2015) was signed to replace and address the shortcomings of NCLB. One percent of Title I funding must go towards parental involvement efforts and 90% of those funds go directly to schools. Unlike NCLB, parental input must be considered when states create their parental involvement plans. Parental advisory boards were implemented in schools because of ESSA to allow families to have a voice in these efforts. While the key features of ESSA generally address the shortcomings of NCLB, a potential pitfall is mandating that districts carry out *at least one* of these methods of promoting parental involvement: professional development for educators, outreach to community organizations, and using home-based programs among other strategies. Notably, the same overreliance on mandates noted with NCLB, can cause districts to not implement the programs outlined by ESSA with fidelity, potentially leaving parents to have a difficult time finding services they need for their children.

Finally, IDEA' reauthorization in 2004 under Section 300.322 addresses parental involvement in the context of students with disabilities. Parents are decision makers and collaborators in the Individualized Education Program (IEP) team. They must be notified in advance of IEP meetings and are encouraged to participate in each component of the process. Parents are also allowed to bring anyone of their choosing to these meetings to advocate for their child's education. Although IDEA mandates schools to use comprehensive plans and procedures for parental outreach, many parents still find it difficult to navigate the legal aspects of their child's right to a free and appropriate public education (FAPE). Parents often lean on community organizations to help their understandings of these laws. If schools and districts do not inform parents of their rights or refer them to community organizations to assist in their understanding of their child's education, it can

not only be a violation of federal law, but it can further discourage parents to be involved in the IEP process.

Potential Obstacles to Parental Involvement in Secondary Special Education

Lack of Resources for Parents

Many obstacles can prevent parents from being actively involved in their child's education. One of the main concerns of parents is the lack of resources in schools and within the community. Lessard (2015), found that there is a lack of communication about available resources within the community and the community programs do not explicitly have a partnership with the schools. Although the findings of this study cannot be generalized to all school districts around the country, it still indicates a communication breakdown that can be both detrimental to parents and students since parents should have all options available to them so their child can receive appropriate services.

In regards to resources within the school other than individualized services received by the student as delineated on their IEP, not many services in secondary schools are specifically for students with disabilities. For instance, Title III funds can be designated for tutoring programs at different secondary school sites for students classified as ELL (English Language Learners). However, Title I funds, which can also address the needs of students with disabilities are not often used for small group tutoring programs, despite the fact these funds can be used under Section 1003A. Having small group tutoring programs can address the specific needs of students with disabilities in a smaller setting while also teaching vital skills to be successful, like organization skills.

Another study by Hirano et al. (2016) found that many parents were not knowledgeable about community resources for their child when it came to the child's post-secondary transition. The lack of knowledge on available resources compounded by generally lacking resources can negatively affect the student's ability to be independent. A clear understanding of the community resources that are available to the parent and student can increase support for their post-secondary goals. This is another example of the school to community organization communication breakdown that needs to be addressed. Hirano et al.'s findings supported the need for home- and school-based involvement activities that parents can utilize to address the lack of school and community resources for the child. Specifically, this is where educators and schools can address the gap by explicitly teaching parents about strategies that can be used at home.

When parents cannot find appropriate resources for their child through the schools, they will likely turn to online resources. Farley et al. (2020) found that many web-based resources utilized by parents were based on dispute resolution, the IEP, and school services provided. Only 10% of those resources were accessible to culturally and linguistically diverse (CLD) families. Moreover, some of the resources did not indicate a date, potentially giving families outdated information about their child's education. This can be problematic for families looking for solutions to target their child's needs (Farley et al., 2020). The lack of resources from the state can cause parents to refer to external

resources for information, even though it is the job of the state to inform parents of resources and organizations that can target the needs of the child. This can also cause parents to steer away from being involved in their child's education, being that the resources needed are not adequate for their child.

Attitudes and Factors of Parental Involvement in Secondary Special Education.

Identifying parental attitudes towards involvement in their child's education during the secondary years is vital to understand the next steps educators can take to tackle this concern. It comes as no surprise that the needs for parental involvement in elementary-aged students is different for secondary-aged children. The current practices addressing parental involvement in secondary education may not be sufficient, since many parents are not as involved with their child's school during the secondary transition and thus outreach efforts from teachers also decline (Hirano et al. 2016).

One factor is the parents' efforts to establish a sense of autonomy with their child. According to Hirano & Rowe (2016), since the child would usually prefer to establish independence, the parent may support that need for autonomy that they may find the level of parental involvement in elementary school to be inappropriate for their child who is now in secondary school. Educators understanding the need for the child to establish autonomy can help establish best practices when working with families in this specific age group. Changing the traditional definition of parental involvement during these years can also be beneficial.

Another factor that influences parental involvement with parenting styles and communication at home with the child. A study done by Shute et al. (2011) found that parents with an authoritative approach to parenting had higher student achievement in the secondary grade levels. Parents offering their input about school activities and homework and having high expectations for their child were also correlated with the student's success in the secondary grades. These findings can be beneficial for educators who can share these practices of authoritative parenting styles with families to increase involvement in their child's education.

For CLD families, parental outreach in secondary education may not be sufficient to meet their needs. Hirano & Rowe (2016) argue that although educators and administrators believe these families are harder to reach out to or communicate with, it may be because the school's outreach methods are not meeting these families' needs. Hirano & Rowe (2016) also state that there is even lower parental involvement in CLD families of students with disabilities because of the legal nature of their child's education. Although there may not be explicit involvement with the child's school, transition planning for post-secondary goals are active for CLD families (Hirano & Rowe, 2016).

In the context of the IEP meeting, parents tend to feel overpowered in the meetings since teachers generally dominate the conversation and parents may not have as much knowledge about the process as a whole (Fish, 2008). A study by Fish (2008) noted the power imbalances felt when parents

attended their child's IEP meeting. Because of this lack of knowledge, parents cannot understand the jargon and are more easily persuaded to take the side of the educator rather than their interests. While it is comforting to know that parents trust the knowledge of the educator, this can potentially cause a decline in involvement in the IEP meeting.

What Can Be Done to Improve Parental Involvement in Secondary Special Education?

With the knowledge of what can potentially lead to a decline in parental involvement in secondary special education, there are many practices that educators and the school can implement.

Again, in secondary education, it should be understood that the level of parental involvement in the elementary years will not be as intensive when the child reaches the secondary years. Understanding this concept will help educators and schools reframe how parental involvement should look like to meet the needs of their students.

To reframe parental involvement in secondary education, it must be understood what should be expected of parents who also want to give their child a sense of autonomy. While parents may feel they can pull away from frequent contact with their child's teacher, there are still many ways they can be involved in their child's education. One way is for parents to talk about the child's academic endeavors while focusing on positive experiences and making sure to use a mindset that puts the child's needs first. This can prove to be especially beneficial during transition planning for students with disabilities (Hirano & Rowe, 2016).

Schools can also benefit by sending out surveys, questionnaires, and interviewing parents what are their needs when it comes to their child's education. This can prove to especially be useful for Title I schools or schools with high CLD student populations. Rather than using this information to prove to the district and state that basic parental outreach efforts were made, the schools can use the data gathered to make informed and targeted decisions about the needs of the school population. This method of outreach also has the benefit of changing the school culture positively by putting the needs of children and families first.

Training and informing parents about the information that can benefit the education of their child during their secondary and post-secondary years can also be beneficial to increase parental involvement. Educators and schools cannot expect parents to know information about the education of their child if the information is not accessible to them. This can be useful during either the IEP process or teaching crucial life skills like organizational skills, self-advocacy, and self-determination (Hirano & Rowe, 2016).

During the IEP process, educators should practice having parent and/or child-focused meetings since the child can participate in the IEP process when they are in the secondary grade levels. Educators can allow the parent time to view a draft of the IEP in advance while also submitting a

form to them prior to the meeting so they can voice any questions or concerns. Parents can also list what they need in terms of outside supports and resources and educators can refer them to the appropriate channels. Educators can also make sure to use clear language and avoid jargon so parents can understand aspects of the meeting. If jargon must be used, educators can take the time to explain the concept being discussed and hand the parent a list of key terms to facilitate discussion.

To reinforce life skills in the home, educators can explicitly teach parents how to support their child's goals of being independent. For instance, educators can teach parents strategies on how their child can outline secondary and post-secondary goals to support the child's self-determination skills. Educators can also train parents about clarifying questions parents can ask to further understand their child's goals in a positive and non-judgmental manner. If more support is needed for the parents, information to community organizations that target the individualized needs of the child.

To increase parental involvement in secondary schools, specifically in the context of special education, educators and school administrators need to reframe what parental involvement looks like. For children in this age group, parents and educators are expected to grant them autonomy. With this knowledge, parents and educators can encourage this by instilling skills like self-determination and organizational skills. Educators carrying out the IEP meetings should practice parent-centered meetings and address each concern the parents put forth. Further research is needed to confirm the effectiveness of the best practices listed in this literature review to improve parental involvement in secondary special education.

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Families of Students with Disabilities in School Systems: Considering the Influence of Terminology Used in Federal Education Legislation

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Abstract

Family members of students with disabilities powerfully influence students' long-term outcomes, including employment, community living, and quality of life. The two U.S. federal education laws; the Every Student Succeeds Act and the Individuals with Disabilities Education Act, recognize the importance of family members in the educational process. However, these laws use various terms and phrases when referring to and describing family members and family-professional interactions. This is important, as terminology may inform expectations and education professionals look to these laws to inform their practices. The purpose of this manuscript is to (a) briefly describe U.S. federal general and special education laws, (b) present examples of terminology used within the laws related to families and family-professional interactions, (c) provide potential implications for family-professional interactions, and (d) explore future directions for this line of inquiry.

Keywords: parent, family, school, disability, education, law

Families of Students with Disabilities in School Systems: Considering the Influence of Terminology Used in Federal Education Legislation

The importance of family members, especially parents, became apparent at the start of the disability rights movement. Over 40 years ago, P.L. 94-142 (1975) became the first federal law to mandate the right for students with disabilities to receive a free and appropriate public education (FAPE). The formation of this, and other disability laws, was no easy feat. On the contrary, family member advocates- later referred to as a “hidden army for civil rights-“ displayed staunch lobbying efforts for their children with disabilities to be included in public schools (Shapiro, 1994, p. 105). These efforts contributed to federal education laws highlighting the importance of family-professional interactions. Positive family-professional interactions involve interactions where family members and professionals (e.g., teachers, administrators) “agree to build on each other’s expertise and resources, as appropriate, for the purpose of making and implementing decisions that will directly benefit students and indirectly benefit other family members and professionals” (Turnbull et al.,

2015, p. 161). Such interactions have been found to result in numerous benefits for families, professionals, and students. For example, research indicates that positive family-professional interactions influence inclusive school culture (Francis et al., 2016), effective professional teaching practices (Haines et al., 2013), and family well-being (Kyzar et al., 2016). On the other hand, negative family-professional interactions (e.g., interactions characterized by ineffective communication and mistrust) result in diminished school reform efforts, increased conflict, and resentment (Tschannen-Moran, 2014).

Despite the benefits of positive family-professional interactions, numerous barriers to such interactions exist, including (a) culturally biased professional processes and assumptions (Kalyanpur & Harry, 2012), (b) paper-driven and jargon-filled educational processes (Mueller & Buckley, 2014; Zeitlin & Curcic, 2014), and (c) professionals maintaining negative perceptions of family members (Colker, 2015). Moreover, professionals frequently employ school-centric family involvement activities (e.g., family members volunteering, fundraising, attending meetings at school, organizing classroom materials), with the expectation that families meet the needs of schools without fostering reciprocal partnerships to benefit all stakeholders (Christianakis, 2011; Lai & Vadeboncoeur, 2013). Further, when professionals interact with families regarding student education, it often involves passive family interactions (e.g., education professions providing family members information, void of family member input) as opposed to active family interactions (e.g., direct interactions between educators and families, whereby family input is required, expected, and intentionally sought out; Mueller, 2017).

These barriers are the result of many factors, including a lack of professional training and preparation to understand educational laws and engage in meaningful family-professional interactions (Bezdek et al., 2010; Chu & Wu, 2012). An additional barrier involves professionals focusing on compliance with federal laws in school systems in lieu of employing innovative approaches to developing positive family-professional interactions (U.S. Department of Education, 2015). To further complicate the issue, terminology used within federal education laws does not clarify how and to what extent professionals should engage in family-professional interactions (Haines et al., 2017; Wolfe & Durán, 2013).

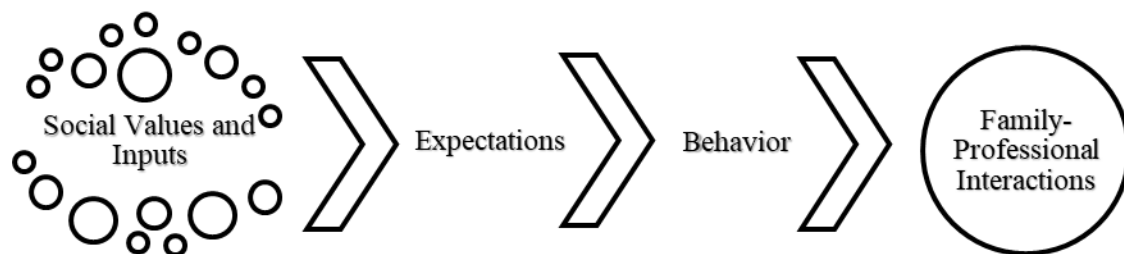
Unfortunately, the influence of negative and dismissive terminology is a long-standing barrier to positive family-professional interactions. Historically, professionals in the medical and educational fields have described families of individuals with disabilities with stigmatizing terminology such as 'refrigerator mother,' 'absentee parent,' 'helicopter parent,' 'tiger mom,' 'lawnmower mom,' and 'snowflake parent' (Colker, 2015; McEwan, 2005). However, terminology need not be overtly stigmatizing to result in negative outcomes. For example, seemingly benign terms or the absence of terms (e.g., consistently using the term 'mom' or 'mother' in reference to a student's primary caregivers) can also result in isolation and disenfranchisement among family members, thus compromising family-professional interactions (Mueller & Buckley, 2014).

Importance of Terminology on Expectations and Behavior

The influence of terminology on expectations and behavior is reinforced by several theories, including linguistic relativism, or the notion that language influences an individual's thinking (Beek, n.d.; Whorf, 2012). Looking-glass theory also emphasizes that the more a person is exposed to a term or social construct, the more likely the person will internalize and act on it (Yeung & Martin, 2003). Further, expectancy-value theory of achievement motivation highlights the impact of social factors such as terminology on individual expectations that guide behavior (Eccles & Wigfield, 2002). However, social role valorization theory is perhaps the most well-studied theory regarding the influence of terminology on behavior and individual outcomes. Social role valorization contends that an individual's well-being is directly influenced by their social role (Kendrick, 1994; Osburn, 2006; Wolfensberger, 2000). Social role valorization emphasizes the influence of language, including terminology, on how an individual is perceived by others, including, who is 'permitted into' an environment and how individuals are expected to interact with others in varying environments (Wolfensberger, 2000, p. 111). Research on social role valorization theory targets populations who are commonly considered devalued by society, including individuals who have disabilities. A considerable amount of literature exists on factors that impact social roles for individuals with disabilities (see Colker, 2015; McEwan, 2005; Schweik, 2009; Shapiro, 1994; Trent, 2017; Turnbull et al., 2015). For example, research highlights the impact of derogatory terminology (e.g., cripple, retard, idiot, moron) on increasing discrimination, low expectations, exclusion from society, and profound mistreatment among individuals with disabilities (Schweik, 2009; Trent, 2017). The impact of derogatory terminology was reinforced by the passing of Rosa's Law (P. L. 111-256) in 2010, which called for repealing the stigmatizing term "mental retardation" in education legislation to avoid low expectations and discrimination for students with intellectual disabilities. Research also notes how social inputs (e.g., terminology) influence expectations, or pre-existing ideas of social roles (e.g., considering individuals with disabilities as incapable or deviant; Schweik, 2009), as well as how individuals with disabilities are treated as a result of socially-constructed expectations (e.g., isolation, lack of choice and opportunity, institutionalization; Armstrong, 2006; Trent, 2017; Tyree, 2017). However, scholars who apply social role valorization theory also note that changes in social inputs (e.g., positive messaging and terminology) can result in higher expectations (e.g., optimism) and positive behavior change (e.g., goal-setting, individualization; Armstrong, 2006; Tyree, 2017). Despite existing theories documenting the importance of terminology on individual outcomes, an exploration into factors that influence family-professional interactions remains to be seen. Investigating terminology related to family-professional interactions used in federal education laws is a worthwhile endeavor, as existing research documents that educators are unsure how the laws may inform family-professional interactions (Bezdek et al., 2010; Chu & Wu, 2012; Haines et al., 2017). Exploring family-related terminology in education law may help educators better understand the nature of the laws, as well as provide school administrators, scholars, and policymakers considerations to promote valorized social roles among family members and, as a result, enhance family-professional interactions.

In Figure 1, the authors use social role valorization theory as a foundation to propose a framework for how social factors, including terminology used in education law, may influence expectations and behavior related to family-professional interactions in school. In order to explore the potential uses of this framework, the purpose of this paper is to (a) briefly describe federal general and special education laws, (b) present examples of terminology used within the laws related to families and family-professional interactions, (c) provide potential implications for family-professional interactions, and (d) explore future directions for this line of inquiry. Two research questions guided this work: (1) How do federal education laws define family members? and (2) How do federal education laws describe family-professional interactions?

Figure 1



Terminology used in Federal Education Law	High/Low Expectations For Family-Professional	Effective/Ineffective Behavior to Facilitate Family-Professional Interactions	Positive/Negative Family-Professional Interactions
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Notes. This framework displays how social factors, including terminology used in education law, may influence expectations and behavior related to family-professional interactions in school.

Federal General and Special Education Laws

Two federal education laws exist in the U.S.: (a) the general education law, the Every Student Succeeds Act (ESSA, 2015) and (b) the special education law, the Individuals with Disabilities Education Act (IDEIA, 2004). ESSA applies to all students enrolled in primary and secondary school (including students with disabilities), whereas IDEA is an eligibility-based law by which students may receive specialized educational services. Further, while ESSA focuses on a school-wide approach to education, IDEA regulations include two distinct sections relevant to the provision of individualized services: Parts B and C. Part B of IDEA includes service provisions for school-age students with disabilities aged 3-21 years, whereas Part C outlines requirements for early intervention services provided to infants and toddlers with disabilities aged 0-2 years (20 U.S.C. §632). Students and young children found eligible for IDEA services are provided an Individualized

Education Program (IEP) through Part B or an Individualized Family Service Plan (IFSP) through Part C.

IEPs are designed to provide the student a Free and Appropriate Public Education (FAPE). This includes a written statement generated to address the student's unique needs, and consequently, enhance the student's outcomes. IEPs include several required components, including (a) the student's present level of performance, (b) measurable annual goals, and (c) special education and related services. Further, IEPs also include transition plans (e.g., measurable postsecondary goals and services based on appropriate transition assessments) for students starting no later than age 16. IFSPs are intended to support a family unit to enhance child development. IFSPs also include several required components, including (a) the child's present level of functioning and need in addition to family information, (b) anticipated outcomes of the child and family, and (c) services the child and family will receive.

While differences exist between ESSA and IDEA, the laws reflect a similar intent. For example, the purpose of ESSA is "to provide all children a significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps" (20 U.S.C. §1001). Similarly, IDEA recognizes that "improving education results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities" (20 U.S.C. §682(c))[1].

Method

The authors conducted document analysis, a form of qualitative research (Merriam, 1998), to examine ESSA and IDEA for terminology related to family members and family-professional interactions. Document analysis involves researchers systematically coding document content into themes and analyzing the themes to interpret results and gain an understanding on a specific area of interest (Bowen, 2009; Corbin & Strauss, 2008). Researchers often use this methodology when research questions are related to the analysis of specific documents to retrieve and interpret information for novel research questions or theoretical frameworks (Bowen, 2009). The authors sought to explore ESSA and IDEA to better understand how terminology is used to develop implications for practice and provide a foundation for future research.

The authors first gathered complete copies of the most recent reauthorizations of ESSA (2015) and IDEA (IDEIA, 2004). Second, the authors created and operationalized a priori codes based on the research questions. These codes included: (a) 'definition of family member,' which the authors defined as unpaid individuals who come in direct, consistent contact with and provide ongoing physiological, emotional, informational, logistical, or other needed support to early childhood and school-age children with disabilities, and (b) 'family-professional interactions,' which the authors defined as interactions between professionals and family members, where information, ideas, or materials are delivered and/or exchanged. Third, the authors used these researcher-defined codes to hand code ESSA and IDEA, line-by-line, for keywords and phrases related to the terms, definitions, and descriptions of family members and family-professional interactions. Fourth, the authors

engaged in content analysis, or placing information into categories related to research questions (Bowen, 2009). After independently coding ESSA, they met to discuss and compare analyses, line-by-line, to review similarities and differences among the codes to ensure the trustworthiness of the analysis. They then engaged in the same process for IDEA. When differences in analyses occurred (e.g., one author did not code information while another did), the authors referred to the code definitions and collectively determined if the information should or should not be coded.

Findings

This section reports salient examples of terms and phrases used to define and describe family members and family-professional interactions across ESSA and IDEA, including quotations of terminology used. Figure 2 provides examples of key family and family-professional interaction terminology used in ESSA and IDEA.

Figure 2

ESSA and IDEA Family-Related Terminology Examples

Terminology	Regulation	Examples from Laws
Every Student Succeeds Act		
<i>Family Members</i>		
Parent	§1116	Undefined
Family	§1116	Undefined
<i>Family-Professional Interactions</i>		
Provide ¹	§1112	...the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers...
Outreach ¹	§1113	... Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can...be involved in the education of their children; and...be active participants in assisting their children...

Notify ¹	§1113	...Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand...
Invite ¹ Inform ¹	§1116	... Each school served under this part shall... convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation...to explain the requirements of this part, and the right of the parents to be involved...
Jointly develop ² Agree ²	§1116	... Each school served under this part shall jointly develop with , and distribute to, parents and family members of participating children a written parent and family engagement policy, agreed on by such parents...
Share responsibility ²	§1116	...a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards...
Involve ²	§1116	... Parents and family members of children receiving services under this part shall be involved in the decisions regarding how funds...are allotted for parental involvement activities...
Individuals with Disabilities Education Act		
<i>Family Members</i>		
Parent	§602	... The term 'parent' means—...a natural, adoptive, or foster parent of a child...a guardian...an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare...
Family		Undefined

<i>Family-Professional Interactions</i>		
Receive ¹	§636	... A statewide system...shall provide, at a minimum, for each infant or toddler with a disability, and the infant's or toddler's family, to receive ...a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler...
Provide ¹	§613	...all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that those children and their parents are provided all the rights and procedural safeguards described in this part...
Inform ¹	§639	... Procedures designed to ensure that the notice...fully informs the parents, in the parents' native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section...
Describe ¹	§614	...The local educational agency shall provide notice to the parents of a child with a disability...that describes any evaluation procedures such agency proposes to conduct...
Consent ¹	§614	...The agency proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability... shall obtain informed consent from the parent of such child before conducting the evaluation...
Notify ¹	§614	... shall notify the child's parents of...
Request ¹	§614	...the right of such parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs...
Assist ²	§615	... Procedures that require the State educational agency to develop a model form to assist parents in filing a complaint and due process complaint notice...
Include ²	§636	... a written individualized family service plan developed by a multidisciplinary team, including the parents...

Consult ²	§614	... In the case of a child with a disability who transfers...the local educational agency shall provide such child with a free appropriate public education... in consultation with the parents...
Enhance capacity ²	§636	... a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler...

Note. This figure displays examples of key terminology related to family members and family-professional interactions in federal education law. ¹notes passive interactions (e.g., professions providing family members information, void of family member input). ²notes active interactions e.g., direct interactions between educators and families, whereby family input is required, expected, and intentionally sought out).

Definition of Family Member

ESSA

The most recent ESSA reauthorization in 2015 included a terminology language change from ‘parent involvement’ to ‘parent and family engagement.’ ESSA referred to both ‘parents’ and ‘families’ in Section 1116 of the statute. However, neither ‘parents’ nor ‘families’ are defined. Throughout the statute the phrase ‘parent and family’ are used together (e.g., the call to “... reach parents and family members at home, in the community, and at school;” 20 U.S.C. §1116[a][3][D][ii]), while other times the term ‘parent’ is used in isolation (e.g., LEA “programs, activities, and procedures...be planned and implemented with meaningful consultation with parents;” 20 U.S.C. §1116[a][1])). In fact, in Section 1116 of the statute, variations of ‘parent’ is used just over 50 times, ‘parent and family member’ is used 25 times, and ‘family member’ is used only twice in isolation from other family member terms.

IDEA

IDEA defined ‘parent’ as “a natural, adoptive, or foster parent of a child...a guardian...an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare” (20 U.S.C. §602[23][A][B][C]). Although the term ‘family’ is used in Part C of the statute, it is not defined.

Descriptions of Family-Professional Interactions

ESSA

ESSA incorporated several provisions for family-professional interactions with regard to individual student education, such as local education agencies (LEAs) or administrative agencies for public schools implementing “adequate outreach... to ensure parents can exercise a meaningful choice” regarding services provided to students (20 U.S.C. §1003A[d][1][2]). ESSA also indicated that schools “shall provide materials and training to help parents to work with their children to improve their children’s achievement...” (20 U.S.C. §1116[e][2]). Further, according to ESSA, “...parent-teacher conferences in elementary schools [should occur] at least annually...” (20 U.S.C. §1116[d][2][A][B][C][D]). In addition, ESSA mandated, that “at the request of parents...opportunities for regular meetings...to formulate suggestions and to participate, as appropriate, in decisions related to the education of their children” (20 U.S.C. §1116[c][4][C]). ESSA also described family-professional interactions related to policy development. Under ESSA, schools must “jointly develop with, and distribute to, parents and family members...a written parent and family engagement policy, agreed on by parents” (20 U.S.C. §1116[b][1]) in addition to “a school-parent compact that outlines...by which the school and parents will build and develop a partnership to help children achieve the State’s high standards” (20 U.S.C. §1116[d]). According to ESSA, this compact should also “address the importance of communication between teachers and parents...” including “regular two-way, meaningful communication between family members and school staff...” (20 U.S.C. §1116[d][2][A][B][C][D]). ESSA also stated that “parents shall be notified of the [parent and family engagement] policy in an understandable and uniform format and, to the extent practicable, [the policy should be] provided in a language the parents can understand” (20 U.S.C. §1116[b][1]). Further, if a parent disagrees with the parent and family engagement plan, the LEA must “submit any parent comments...to the State” (20 U.S.C. §1116[b][4]). Further, ESSA described leadership opportunities for family members such as LEAs ‘...conduct[ing], with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy...’ to identify barriers, parent and family member needs, and strategies to support family-professional interactions (20 U.S.C. §1116[a][2][D][i-iii]) and involving “parents and family members...in the decisions regarding how funds...are allotted for parental involvement activities” (20 U.S.C. §1116[a][3][B]). ESSA also generally indicates that LEA “programs, activities, and procedures...be planned and implemented with meaningful consultation with parents” (20 U.S.C. §1116[a][1])

IDEA

Parts B and C described family-professional interactions aimed at developing student IEPs and IFSPs. Part B of the statute specified that the “IEP Team... is composed of the parents of a child with a disability” (20 U.S.C. §614[B][i]) who determine the ‘educational needs of a child’ (20 U.S.C. §614[a][4][A]) and “consider... the concerns of the parents for enhancing the education of their

child” (§614[d][3][A][ii]). Under Part C, IDEA noted that IFSPs are to be “developed by a multidisciplinary team, including the parents” (20 U.S.C. §636[a][3]) based on “family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family’s capacity to meet the developmental needs of the infant or toddler” (20 U.S.C. §636[a][2]). Part C noted that the IFSP should include family-centric goals and “measurable results or outcomes expected to be achieved for [both] the infant or toddler and the family” (20 U.S.C. §636[d][3]). Part C also described the need for “family training, counseling, and home visits” (20 U.S.C. §632[4][E][i]), as “there is an urgent and substantial need...to enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities” (20 U.S.C. §631[a][4]).

IDEA also indicated additional instances when parents and LEAs must collaborate or concur on educational decisions, including “consent[ing] to the excusal” of IEP Team members from IEP meetings (20 U.S.C. §614[d][1][C][ii][I]) and “agree[ing] to [IEP] reauthorizations that occur more frequently than once a year or that a reevaluation is unnecessary” (20 U.S.C. §614[a][2][B]). Another example applied to students who transfer schools, when LEAs must “consult with the [student’s] parents” to provide “services comparable to those described in the previously held IEP” (20 U.S.C. §614[c][4][A][ii]).

Parts B and C also included provisions for ‘parental consent,’ including consenting to IEPs and IFSPs. For example, in Part B LEAs must “obtain informed parent consent...prior to conducting’ student evaluation or reevaluations for special education services” (20 U.S.C. §614[c][3]). Similarly, Part C noted that “the contents of the individualized family service plan shall be fully explained to the parents and informed written consent from the parents shall be obtained prior to the provision of early intervention services” (20 U.S.C. §636[a][d][8][e]). Further, IDEA mandated the opportunity for parents to “refus[e] to consent special education and related services’ for their child” (20 U.S.C. §614[a][D][1][ii][II]) or “request a reevaluation” of their child (§614[a][2][A][i]).

Finally, the statute provided terminology related to parental rights, including that LEAs “giv[e] a copy of the procedural safeguards [i.e., parent rights under IDEA] to parents” (20 U.S.C. §615[d][1][A]) and that parents maintain “an opportunity...to examine all records relating to [their child] and participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to [their] child” (U.S.C. §615 [b][1]). IDEA also noted that parents maintain the right to file “a complaint and due process complaint notice” if they believe child or parental rights, as outlined in procedural safeguards, are violated (20 U.S.C. §615[a][b][8]).

Discussion

As previously discussed, family members are valuable partners in education, yet they experience a number of barriers effectively interacting with professionals. As theories such as social role valorization (Wolfensberger, 2000) postulate, terminology has the potential to influence who is ‘permitted into’ an environment and how individuals are expected to interact with others

(Wolfensberger, 2000). In this section, the authors offer implications based on their analysis of terminology used to describe family-professional interactions in ESSA and IDEA, as well as highlight opportunities for family-professional interactions and future research.

Implications for Terms Related to Family Members

Using social role valorization as a foundation, Figure 1 proposes that social values and inputs, including terminology used to identify and describe families in federal laws, influence the expectations and behaviors with regard to family-professional interactions. The terms ‘parent’ and ‘family’ or ‘family member’ are used in both ESSA and IDEA; while these terms are related, they also carry different connotations and legal weight for students under the age of the majority. Although the term ‘parent’ is generally understood to be a student’s mother, father, or legal guardians, the term ‘family member’ is more expansive (‘a group of people who are related to each other;’ ‘Family’ n.d.). Indeed, the importance of recognizing parents and guardians cannot be ignored in K-12 education contexts, as they are often responsible for providing care and legal educational decision-making for students. Nevertheless, focusing only on parents (a) dismisses other essential sources of daily support for students (e.g., step-parents, domestic partners, grandparents, siblings, close family friends); (b) “perpetuate[s] a heteronormative, white ideal within educational settings;” and (c) “wrongly assum[es] that students are supported, and solely, by their parents” (Kiyama & Harper, 2015, p. 6).

While the phrase ‘parent and family’ is more inclusive of all influential family members, ESSA fails to provide a definition of ‘parent’ or ‘family member.’ Further, throughout the statute the phrase ‘parent and family’ sometimes are used together (e.g., the call to “... reach parents and family members at home, in the community, and at school;” 20 U.S.C. §1116[a][3][D][ii]), but more often the term ‘parent’ is used in isolation (e.g., LEA “programs, activities, and procedures...be planned and implemented with meaningful consultation with parents;” 20 U.S.C. §1116[a][1]). In fact, in Section 1116 of the statute ‘parent[s]’ is used just over 50 times, ‘parent and family member’ is used 25 times, and ‘family member’ is used only twice in isolation from other family member terms. This is important, because the more a person is exposed to a concept or word, the more likely they are to internalize and apply it (Yeung & Martin, 2003). The inconsistency of the use of ‘parent’ and ‘family member’ in ESSA emphasizes parents over other family members, which may influence professional expectations to emphasize interaction with a student’s parent(s) only.

Similarly, although Part B of IDEA defines ‘parent’ with a number of descriptive terms and phrases (e.g., natural parent, adoptive parent, guardian), each construct is separated by the word ‘or.’ The use of the word ‘or’ in this definition infers that, a ‘parent’ is a single individual with a singular attribute. This phrasing provides professionals a legal means for interacting with a singular individual in a family unit. The term ‘family’ is not used in part B and, while used, not defined in Part C. The terms ‘parent’ in Part B versus ‘family’ in Part C demonstrates a shift in value placed on family support in early childhood (Haines et al., 2017). As with ESSA, the existence of a definition for ‘parent’ and the

absence of a definition of ‘family’ provides professionals the latitude to assign meaning to ‘family’ through their interpretations of the law or who constitutes a family member.

In short, the imbalance and inconsistency between the use of ‘parent,’ ‘family member,’ and ‘parent and family member’ in ESSA and a lack of a definition for ‘parent’ in ESSA or ‘family member’ in both statutes potentially affords professionals the opportunity to formally interact with more expansive and diverse family members, assuming they maintain a broad perception of the individuals who comprise a family such as the definition outlined by Poston and colleagues (“people who think of themselves as part of the family, whether related by blood or marriage or not, and who support and care for each other on a regular basis;” Poston et al., 2003, p. 319). Conversely, a lack of a definition may become problematic when professionals maintain a narrow view of family members. Professional conceptualizations of family are increasingly important given the growing diversity in family compositions among American families (Knop & Siebens, 2018) and the differences between Western and non-Western perceptions of family (Stein et al., 2013).

In order to rectify the importance of recognizing the role of legally responsible guardians and the roles of key family members who contribute to the well-being of students, school districts should consider operationalizing a term (i.e., defining in observable and measurable language) such as ‘family’ (a term already used in both laws) consistently throughout documents (e.g., district emails, registration letters, school invitations). School districts may also provide professionals examples of individuals who may be considered part of a ‘family’ such as parents, extended family members, and siblings in district policies and handbooks to reflect the dynamic composition of American families (Widmer et al., 2013) and better situate professionals to appropriately recognize and include important stakeholders. Further, districts could operationalize and consistently use a term to designate instances that require individuals with legal authority to interact with professionals or act on behalf of a student to ensure professionals and families have a clear understanding of legal requirements.

Implications for Descriptions of Family-Professional Interactions

According to the Merriam-Webster Dictionary, involvement is defined as ‘participating in something’ (‘Involvement’ n.d.) and engage (ment) is the process of ‘occupy(ing) the attention or efforts of a person or persons’ (‘Engage,’ n.d.). The change from ‘involvement’ to ‘engagement’ in the most recent reauthorization of ESSA reflects a shift in expectations for professionals interacting with family members from taking part in a process to maximize family member efforts (Haines et al., 2016). Section 1116 of ESSA describes parent and family engagement provisions including passive interactions from families (e.g., ‘conducting outreach’ to parents and family members, ‘distributing’ written parent and family engagement policies) and active interactions (e.g., jointly ‘developing’ parent and family engagement policies, ‘involving’ parents and family members in ‘determining’ funding allocation).

Unlike ESSA, IDEA does not use a holistic term or phrase to describe family-professional interactions and includes provisions specific to individual students and their family members.

However, similar to ESSA, the statute describes both passive and active interactions (see Figure 2). Examples of passive involvement includes professionals ‘informing’ parents of their rights afforded through procedural safeguards under Part B and ‘providing’ families services such as transportation in Part C. Examples of active involvement includes parent and family membership on IEP and IFSP teams (e.g., ‘constructing’ annual goals and ‘determining’ needed services) and professionals building the capacity of families to “meet the special needs of their infants and toddlers with disabilities” in Part C (20 U.S.C. §631[a][4]). That is, informing and providing implies *doing to* the families, whereas constructing and determining implies *doing with* the families.

On the other hand, Part C of IDEA moves beyond the concept of ‘membership’ (e.g., ‘being a member of a group,’ ‘Membership,’ n.d.) used in Part B, and uses terminology that reflects reciprocal interactions such as ‘collaboration,’ (e.g., ‘the action of working with someone to produce or create something,’ ‘Collaboration,’ n.d.), and ‘partnership’ or ‘a relationship...usually involving close cooperation between parties having specified and joint rights and responsibilities’ (‘Partnership,’ n.d.). Part C of IDEA also differs from both Part B of IDEA and ESSA with its focus on family-centric interactions (e.g., home visits, goals designed for toddlers and their families) in place of school-centric interactions (e.g., families volunteering in classrooms).

ESSA generally emphasizes interactions with parents over family members, sometimes even reverting to ‘parent involvement’ - the phrase used in the previous authorizations of the law. Further, with the exception of descriptions about how parents are responsible for supporting student learning and interacting during parent-teacher conferences in elementary school (ESSA does not mention conferences for high school students), the statute primarily focuses on school-wide family-professional interactions (e.g., Parent Teacher Associations and advisory councils), thereby placing far less emphasis on interacting with family members of individual students, than that of IDEA. In addition, family-professional interactions described in ESSA generally reflect school-centric activities, or activities developed by school staff and designed for parents to help educators enhance student performance (Lawson, 2003). Examples of school-centric activities in ESSA include families volunteering in classrooms, attending annual meetings, and evaluating school policies. Such activities fail to foster meaningful relationships and can result in family members feeling like “help labor” as they support teachers as their “supervisors,” instead of respected participants in the education process (Christianakis, 2011, p. 164).

Given criticisms of school-centric interaction practices, school districts may consider creating partnership guidelines that reflect research-based family-centric interactions such as professionals working with family members to identify student goals and conducting home visits throughout the grade-span (Sheldon & Jung, 2018). Professionals may also consider other practices such as (a) recognizing the influence of their own life experiences and beliefs on interacting with families (Francis et al., 2017); (b) investigating the characteristics, strengths, values, and needs of diverse families (Villegas, 2007); (c) prioritizing the adoption of manageable and meaningful family-professional interaction strategies and indicators for success (Elbaum et al., 2016); and (d)

effectively using other forms of language such as active listening, tone, and body language to positively influence interactions (Wolfensberger, 2000) to enhance family-professional interactions.

Limitations and Opportunities for Future Research

This study sought to explore how federal education laws define family members and described family-professional interactions, which limited the scope of understanding of terminology used across all relevant laws, policies, and regulations. Additional document analysis studies investigating other important policy documents such as state regulations, the Americans with Disabilities Act of 1990, the Developmental Disabilities Assistance and Bill of Rights Act of 2000, and the Rehabilitation Act of 1973 would serve as complementary data collection procedures in support of triangulation and theory development.

Although various theories document the influence of language on expectations and behavior (e.g., looking-glass theory, social role valorization theory), there is no research on if or how these theories directly apply to the field of education and student outcomes. Given the criticisms of family-professional interactions currently enacted in school systems and the potential concerns identified in this analysis of ESSA and IDEA (e.g., a lack of cohesive terminology, definitions, or descriptions of interactions), future researchers should consider engaging in grounded theory studies by conducting interviews and focus groups with professionals and family members to investigate how terms used in ESSA and IDEA are interpreted and enacted by these stakeholders.

Further, there are numerous terms and phrases used to describe family-professional interactions in ESSA and IDEA, including ‘parent involvement,’ ‘parent and family engagement,’ ‘membership,’ and ‘participation’ (see Figure 2). Family-professional interactions are often criticized because they are school-centric and fail to consider how diverse and dynamic family members can meaningfully contribute to the advancement of schools and well-being of students (Haines et al., 2017; Kiyama & Harper, 2015; Weiss et al., 2010). Future researchers should continue to study the effectiveness of family-professional interaction strategies to enhance stakeholder outcomes across grade levels (Hirano & Rowe, 2016).

Finally, given that developing individual competencies is key to enhancing social roles (Armstrong, 2006), future researchers should investigate how to maximize preservice and in-service professional trainings to not only understand requirements of ESSA and IDEA, but also how to employ effective practices used to develop and maintain meaningful interactions with family members (Kyzar et al., 2019). Moreover, the field cannot ignore or underestimate the importance of recognizing the roles of students in federal education laws and society at large. Future research and policy analyses are needed to investigate how to incorporate effective terminology and methods for valorizing the roles of students in education laws and procedures.

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The Debate of Disproportionality in Special Education

Jessica Bus

Abstract

Emerging research has recently contradicted the large body of literature that suggests diverse students are often overrepresented in the identification process for special education, suggesting that minority students (e.g., Black students) are misidentified as needing special education services. While the case for overrepresentation has been unequivocal for decades, a case for underrepresentation is materializing. Despite this ongoing debate, literature typically sides with overrepresentation or underrepresentation without considering that the findings are mixed. Whether there is an overrepresentation of diverse students or an underrepresentation of diverse students, it is time that equity is finally reached in the identification and placement process of students into special education. In order to begin seeking equity for such students, professionals in the field of special education must recognize that the debate seems to be far from over.

Keywords: overrepresentation, underrepresentation, special education, identification, representation

Introduction

The transition of general education into special education and gifted education has considerably changed in the last twenty years. This metamorphosis has been especially evident in the identification and placement process, as well as in the ethnic and cultural make-up of the student population. Researchers suggest that the current majority (White) will become the minority by the mid 21st century, resulting in the United States having a multiracial majority (Ford, 2012). Therefore, our education system has never been more diverse, and is only becoming more so. However, given the disproportionately increasing numbers of African American or Black, Latinx, Asian and Pacific Islander students in special education, the identification and referral processes remain unclear. Dever et al. (2016) defines disproportionality as “an overrepresentation or underrepresentation of a particular student group within a setting or outcome of interest, given that group’s proportion in the total population.” Professionals in the field of education have been aware of this disparity since the 1960’s, but there has been little action done to target the factors contributing to it (Dever, Raines, Dowdy, & Hostutler, 2016). The purpose of this literature review is to explore the emerging research regarding identification, placement, and thus representation of minority students in special education.

The Importance of Accurate Identification and Representation

As the question of overrepresentation or underrepresentation is addressed, it is important to remember why special education identification and placement is important to students. To begin, a student's disability diagnosis/identification can cause an emotional and/or psychological reaction in children and families. It is natural for caregivers to feel as though they have done something to cause their child to struggle. The confirmation of a disorder could, as a result, endorse a false sense of caregiver "inadequacy." Similarly, children generally do not like to feel different, or "less than" their peers. For some, requiring extra help or being identified as an "other" can be shameful, thereby compounding the existing frustration that may already exist due to their symptomology. Therefore, while this is not always the case, misidentification can bring undue harm to children and families.

Along with this emotional/psychological harm, we understand that special education placement can slow students' academic progress if they are not adequately moving along with the curriculum at a mirrored general education pace. Over the years, students in special education who could be in general education may end up far behind their potential academic achievement. Being grouped in special education can have lifelong implications. Special education programs are sometimes less likely to receive the support that pushes those students toward higher education (i.e., college prep programs, dual-enrollment courses, etc.) (Ford, 2012). Without higher education, there are less career options available to the students who were misidentified in the first place. A student who is grades behind his academic peers is going out into the world with significantly less options to climb the socioeconomic ladder. For minority students, who are often already systematically disadvantaged in the US, this can be extremely disheartening. This illustrates how important it is to identify and place students correctly. The debate between overrepresentation and underrepresentation of minority students deserves to be clarified so that professionals are able to appropriately direct their energies toward the delivery of equitable education.

The Case for Overrepresentation

Multiple factors point to minority students being overrepresented in special education. Cultural, ethnic, and linguistic diversities may become barriers for students if not understood by the professionals who work with them. Generally, the education system is set up for the majority: native-born, White, English-speaking, and upper-middle class. Because cognitively or linguistically diverse (CLD) students may not have all the correct answers for an assessment designed with the majority in mind, they may appear to meet diagnostic criteria that do not truly represent them. For example, when an English-language learning (ELL) student is given an assessment in English, they are likely to fail. CLD students are in need of assessments that access the same knowledge through instruments that are statistically sampled with similar populations. Moreover, CLD students need assessment instruments that address the cultural, ethnic, and linguistic barriers that may have once caused misidentification. ELLs deserve high quality translators that can administer assessments in their primary language, assuming the translation does not alter the validity of the assessment. Over

time, we have seen the educational and legal system make adjustments for these differences. Court cases such as *Larry P. V. Riles* and *Lau V. Nichols* made significant strides to ensure equitable identification and placement for students who have been systematically misrepresented in special education.

According to Ford (2012), children who exhibit impairments that are diagnosable by medical professionals (i.e., deafness, blindness, orthopedic impairment, etc.) are not disproportionately represented. Instead, it is students who are sorted into high-incidence categories and are identified in the school context [i.e., emotional or behavioral disorders (EBD), learning disabilities (LD), etc.] that seem to be sorted at disproportional rates (Ford, 2012). For example, in 2006, Black students made up 17.13% of public-school students, yet 32.01% of those Black students were identified as having an intellectual disability, 28.91% as being emotionally disturbed, 20.23% as having a specific LD, and 21.66% as being developmentally delayed (Ford, 2012). Ford (2012) suggests that Black males experience the most disproportional rates of overrepresentation and explains that oftentimes the pipeline for Black males into special education is based upon and further increases exclusionary disciplinary practices. Educators who want to prevent inaccurate identification and placement of Black males into special education are advised to practice culturally relevant pedagogy, rather than penalizing children for their cultural differences (Ford, 2012). Ford (2012) mentions the importance of teacher training and school policy with referrals for culturally responsive practice, all of which would likely decrease biased and undue issues of exclusionary discipline.

One study (2016) elaborates on the overrepresentation of African American males in the special education system. Unfortunately, children from the Black community are disproportionately concentrated in poverty-stricken schools that are characterized by low achievement and inadequate resources (Cartledge & Robinson-Ervin, 2016). Dever et al. (2016) contends that demographic characteristics are better predictors of special education placement than academic factors and economic conditions. This is especially true for African American students who are identified as LD and EBD (Dever et al., 2016). Considering that the Black community has been systematically disadvantaged and, according to Ford (2012), is a largely involuntary minority, poor outcomes seem to be inevitable in such a situation. Moreover, it should not be a shock to educators that students who systematically experience the weight of poverty, inadequate teaching, little to no resources for opportunity, and racial discrimination are the same students who exhibit the symptomology of EBD. Though, the high percentage of Black males with EBD representation may not simply reflect symptomology spurred by the effects of poverty and disadvantage. Some Black students may exhibit behavior, attitudes, and expression in ways that are not clearly identified as cultural by educators or other professionals. There are some Black students who are identified incorrectly after an onslaught of biased teacher referrals and programs eventually misconstrue their cultural differences as possible disabilities (Cartledge & Robinson-Ervin, 2016). Cartledge and Robinson-Ervin (2016) suggest that school-wide positive behavior supports (SWPBS) should be directly influenced by the racial, ethnic,

cultural, and linguistic differences of a school's population if such cultural differences are to be honored.

The Case for Underrepresentation

While innumerable textbooks and articles claim the overrepresentation of minority students in special education, some researchers are debating its truth. For instance, one article by Morgan and Farkas (2016) claimed to find that White children are underrepresented while minority students are overrepresented. Morgan and Farkas (2016) analyzed a total of nine nationally representative datasets and have consistently failed to find an overrepresentation of minority students in special education. They explain that this was done through controlling for all confounds and isolating the only factor that could contribute to race-based representation: race (Morgan & Farkas, 2016). In one statistic, when the *ceteris paribus* condition was met, "the odds of identification for emotional or behavioral disorders for children who are Black were 64% lower than for otherwise similar children who are White" (Morgan & Farkas, 2016). In a sample of fourth-grade children displaying low levels of academic achievement in reading (the lowest 10% of the distribution), they found that 74% of the children receiving special education services were White and only 44% to 48% of the students receiving those services were Black, Hispanic, or American Indian (Morgan & Farkas, 2016). This is a drastic change from what previous and other researchers have found through their research. However, Morgan and Farkas (2016) are able to explain their findings.

The underrepresentation, according to the article, is evident because of one major factor: the *ceteris paribus* condition. The *ceteris paribus* condition is the condition of "all other things being equal," suggesting that when two variables are compared, the *ceteris paribus* condition ensures that no confounding variables contribute to the differences between the variables (Morgan & Farkas, 2016). The researchers suggest that prior studies have not controlled academic and behavioral functioning when comparing children in the minority versus children in the majority (Morgan & Farkas, 2016). According to the article, studies that find an overrepresentation have been finding a false positive. In addition, prior research has been based on cross-sectional designs and covariate analyses from district-level data, rather than individual, child-level data. By using covariate adjustment for individual- and family-level factors, Morgan and Farkas (2016) were able to control for academic and behavioral achievement, which more rigorously satisfies the *ceteris paribus* condition.

Whereas in the case for overrepresentation, it was logical to consider that minority children are unjustly identified as having a disability or disorder, there is also some logic to the idea of minority children being unjustly unidentified, or, importantly, being identified without follow-up services. White children who seek emergency services for high fevers are more likely to receive high-quality care than minority children who report the same symptomology (Morgan & Farkas, 2016). The medical setting provides additional logical reasoning for why underrepresentation of minority students is not improbable. Research finds that minority students are far less likely to be diagnosed

and provided with treatment for health conditions and disabilities such as Autism, learning disabilities, and Attention-Deficit/Hyperactivity Disorder (ADHD) (Morgan & Farkas, 2016).

In response to this finding and in light of the research base of special education, several researchers offer critiques and implications for future research. While critiquing Morgan and Farkas's work from 2015 and 2016, Connor et al. (2019) and Ford and Toldson (2015) point out several flaws in the research promoting underrepresentation of minority students in special education. First, Morgan and Farkas's data was based on longitudinal data that is slightly out of date and was collected from teacher reports that may not be accurate (Connor, Cavendish, Gonzalez, & Jean-Pierre, 2019). In addition, their research only examined five federally established categories of disability rather than all thirteen (Ford & Toldson, 2015). Finally, the study conducted by Morgan and Farkas was supposedly built upon methodological flaws (i.e., limited assumptions) including the difference hypothetical and real student-centered research (Connor et al., 2019). These three flaws are quite large and undermine the generalizability of Morgan and Farkas's findings. Connor et al. (2019) suggest that one main idea missed in the aforementioned research is the fact that race and social class impact the "quality of options, including labels, placements, levels of support, opportunities to learn, and academic outcomes" (Connor et al., 2019). While Morgan and Farkas did control for the variables of race and social class, the implications of those variables are more complex than they were made out to be (Connor et al., 2019). Connor et al. (2019) concludes that because this subject is inherently subjective due to the cultural lens that each of us uses to interpret the world, the field of education must continue to expand its understanding of disproportionality as a social and historical issue, rather than a medical issue defined solely by the White majority of educational professionals.

Conclusion

The debate of disproportionality in the field of special education continues. While it seems most educational professionals contend that overrepresentation is a persistent issue that requires additional, more rigorous attention and resources. Other professionals and even politicians, such as Secretary Betsy DeVos, are seeking more research that puts a stop to the research promoting overrepresentation (Connor et al, 2019). Whether the issue is overrepresentation or underrepresentation, it appears that students are not receiving equitable services. In order to put the debate to rest and move forward with change, it is likely that the field will need to employ different tactics than what has been considered sufficient since the 1960's when this all began.

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Book Review: Coherent School Leadership: Forging Clarity from Complexity

Mary Verrastro

Fullan, M., & Kirtman, L. (2019). *Coherent school leadership: Forging clarity from complexity*. Alexandria: ASCD, 128. \$26.95.

Abstract

Change, and the disturbance that is caused by change, is necessary for schools to improve. However, disturbance without coherence-making will lead to failure, especially in today's fragmented and reactive world of education. In *Coherent School Leadership: Forging Clarity from Complexity*, Fullan and Kirtman show leaders how to create a route to success based on combining grounded frameworks (The Framework and the Competencies) to improve coherence.

All organizations, including schools, require change for improvement. Change leads to disturbance, which is needed to encourage new ideas and innovations. However, disturbance without coherence leads to chaos and confusion within organizations. But, how does one create coherence, especially in today's fragmented and reactive world of education? In *Coherent School Leadership: Forging Clarity from Complexity*, Michael Fullan and Lyle Kirtman apply decades of work in the field of leadership to answer this question. Throughout the book, the authors link ideas and concepts to practical examples of what the authors consider "successful leaders in action" (p. 38) and urge the reader to combine Fullan's components of coherence (The Framework) with Kirtman's 7 Competencies for Highly Effective Leaders (the Competencies) to improve coherence.

Coherent School Leadership: Forging Clarity from Complexity is built upon two organizing principals based on the authors' shared belief that the "route to success involves a combination of using the components of the Framework and the Competencies" (p. 8). A key focus of the book is a description of how the seven key competencies (challenges the status quo; builds trust through clear communication and expectations; creates a commonly owned plan for success; focuses on team over self; has a high sense of urgency for change and sustainable results in improving student achievement; has a commitment to continuous improvement for self and organization; and builds external networks and partnerships) can be used in combination with the four components of the Framework (focusing direction; cultivating collaborative cultures; deepening understanding; and securing accountability) to create coherence and change the culture of schools. This book teaches leaders how to create a plan that outlines the best course of action to meet their schools' unique needs.

In the opening chapter of *Coherent School Leadership*, the authors discuss the challenges of achieving coherence and introduce the Framework and the Competencies. From the very beginning of the book, Fullan and Kirtman argue that the reader must combine The Framework and the

Competencies (that both push and pull change) to achieve coherence and effective change. In Chapter 2, the authors provide a detailed description of how to use the Competencies in relation to each of the components of the Framework, while cautioning readers that “leadership is situational” (p. 15) and therefore, readers must focus on the competencies that best meet their needs and specific circumstances. Chapter 3 begins with examples of nine school districts that displayed coherent leadership followed by a discussion in which the authors guide readers to connect the common factors (the Framework and the Competencies) that led each district to success. The authors discuss how the districts followed similar paths, focused on a small number of key elements, and were comprehensive and relentless in their quest to improve student achievement. In Chapter 4, Fullan and Kirtman address the challenges of effective change in schools, discuss the need for leadership to include effective management of the day to day distractions, and validate the difficulties faced by school leaders. Chapter 5 revisits the nine school districts introduced in Chapter 3 and walks the reader through how each district tackled the growing complexities that leaders are and will face in the future. Throughout the book, Fullan and Kirtman make a convincing argument for combining the two frameworks and provide information and examples to support their argument.

In *Coherent School Leadership*, Fullan continues to share many of his original guiding principles from his earlier books. For example, in *Leading in a Culture of Change* (Fullan, 2001), he discusses his Framework for Leadership which encompasses five components including moral purpose, understanding change, relationship building, knowledge creation and sharing, and coherence-making. He notes that in order to achieve coherence the leader must display the first four components. However, unlike many of Fullan’s earlier works which focused primarily on abstract principles, *Coherent School Leadership* provides readers with guidance, strategies, and real-life examples of how to implement the components and competencies.

Coherent School Leadership is a useful book for anyone studying educational leadership in schools and anyone looking for a book that provides more than abstract theories. In this book, Fullan and Kirtman have successfully brought together an analysis of grounded leadership frameworks, provided a variety of illustrative examples, and outlined key perspectives to inspire leaders to embrace change to improve their schools. As in many of Fullan’s book, he validates the challenges faced by school leaders and builds trust with the reader. By the end of the book, the reader is left feeling empowered and ready to cope with even the most complex situations. The only weakness is that if the reader is unfamiliar with Fullan’s Coherence Framework or Kirtman’s Competencies the book may require multiple readings to fully grasp the frameworks.

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Book Review: Building on the Strengths and Needs of Students with Special Needs

Lindsey Riha

Building on the Strengths of Students with Special Needs

During Toby Karten's first year of teaching in 1976, she experienced working with students who had varying disabilities from all different kinds of socioeconomic backgrounds at a private school in Brooklyn. She described these students as being unteachable by public schools, which is why they came to her private school. However, she noted that these students were capable of learning, in their own unique way. She taught them in conventional and unconventional ways, even taking them out into the community to give them more real-life experiences. She explains that these students that their challenges were not just theirs, but hers to take on in order to teach them. Working in various public and private schools throughout her career, Karten noted that the labels of these students' disabilities does not define them. Meaning, it does not tell teachers and administrators their strengths, difficulties, likes, and dislikes. To actually be in the classroom with them and find what their learning capabilities are takes time. This also may take several changes in order to fit the needs of each student. Karten went into further detail about how laws that have been created in the last several years have allowed these students time into the general population for different classes in school, and how inclusion must be viewed as a continuous learning opportunity for the students and teachers.

Main Themes

Building on the Strengths and Needs of Students with Special Needs discusses in detail each disability that falls under the Individualized with Disabilities Education Act (IDEA). Each chapter goes into a different disability. Karten explains in each chapter why the disability occurs in students, the characteristics of the disability, what strengths students with these disabilities may exhibit, and successful inclusion strategies to use when working in the general education population. For the purpose of this book review, the table listed below will go over the key points discussed in each chapter.

Disability Name	Cause	Characteristics	Inclusion Strategies
Dyslexia and other Reading Differences	Caused by corpus callosum, which effects sending messages back and forth from left to ride side of the brain.	Affects reading in early grades in these areas: word recognition, reading fluency, spelling, comprehension, and written expression. May also exhibit other characteristics of other disorders such as Attention Deficit Hyperactivity Disorder (ADHD), Dsycalculia, and Dsygraphia.	Continuous screening, multitiered system of support, direct instruction of phonological awareness, segmenting words, advancing spelling, writing, word comprehension and fluency are highly recommended, especially with the younger age groups.
Attention Deficit Hyperactivity Disorder (ADHD)	Indicated that it is caused by an imbalance of neurotransmitters, which causes messengers in the brain to not be able to communicate with one another.	Daydreaming, lack of concentration, listening challenges, impulsivity, difficulty following multi-step directions, disorganization, fidgeting, forgetfulness, and distractibility.	Organization and structure in classroom, sticking to same schedule, and creating a behavior plan at home, focusing on reinforcing positive attention.
Social, Emotional, and Behavioral Differences	Many factors that can lead to social, emotional and behavioral differences, such as biological,	Two types of behaviors to look for in these differences: internalizing (eating disorders, mood swings, compulsive	Have students reflect on their own behaviors, offer structured goals and resources, offer positive feedback immediately, and

	environmental, cultural, and family.	behavior, anxiety) and externalizing (bullying, physical aggression, defiance, refusal to follow rules).	turn negative scenarios into positive actions.
Specific Learning Disabilities	No main cause. Possible causes include: central nervous system dysfunction, genetic and biological factors, toxins, and medical factors.	Deficits in the areas of reading, writing and math, maintaining attention, differences in short and long-term memory, and focusing.	Assist when required, but fade and monitor students to hold them accountable, teach real life literacy and math, strengthen memory over time, and use of peer mentors.
Executive Function Disorder	Affect cognitive skills that relate to organization and regulation. Possible link to disease or injury to frontal lobe.	Starting and completing assignments, management of time, multitasking, seeking help from others, acting on verbal and written information.	Have students set goals, show organizational models, monitor students' workspaces for organization and completion.
Speech and Language Disorders	Differences in muscles and bones, polyps, cysts, oversue, stomach acid. Varying causes including medical and unknown reasons.	Voice problems, difficulties in articulation of speech sounds, and comprehending, using oral language for communication and understanding, and ability to understand and share thoughts.	Complete communication profiles (verbal and non-verbal), identifying speech-language level, use assistive technologies if required, collaborate with other staff members (teacher

			assistants, speech-therapists, etc.).
Auditory Processing Disorder	Impairment in the corpus callosum and executive function deficits.	Difficulty understanding speech in loud environments, following directions, extracting and interpreting information.	Include low and high-tech options in the classroom, have patience, providing appropriate visuals and organizers.
Autism Spectrum Disorder	May be attributable to hereditary, genetic, and neurological disorders. This depends on brain scans of the child.	Affects communication, social skills, repetitive and stereotypical behaviors.	Enhancing literacy instruction, behavioral supports when needed, breaking tasks into digestible bites, enhance students' strengths and different perspectives.
Intellectual Disabilities	Diverse causes: genetic factors, pre and perinatal, and environmental hazards that affect different parts of the brain (occurring before the age of 18).	Can be a wide variety of characteristics including: intellectual functionality (learning, reasoning, and problem solving), and adaptive behavior (functional life skills such as daily living, travel, schedules, safety, and use of money).	Offering students outline of expectations/lessons during the school day, acknowledge when students are able to acquire prior knowledge, and continuous feedback with families.

Deafness and Hearing Impairments	Prenatal and postnatal causes such as: premature birth, head injury, genetics, or health complications during pregnancy.	The characteristics depends on the age of onset, degree of hearing loss, and student's families' hearing status. May have preferred ways of communicating such as lip reading, sign language, and a combination of the two.	Teachers should focus on inclusion strategies that address hearing impairments, providing hard copies of notes during lectures, increase social participation, and collaborate with service providers of the student.
Blindness and Visual Impairments	Causes include premature birth, family history of eye cancer, infection during pregnancy, and developmental delays.	Varies greatly depending on the visual impairment of the student. They may hold papers close to their faces, squint, wear glasses and/or contacts, and rocking.	Develop resiliency and independence, seeing the environment from the students' point of view, use of verbal, tactile, and technological tools.
Physical Disabilities	Possible outcomes can include substance abuse, child abuse, neuromotor impairments, or diseases (tuberculosis).	Decreased attention span and restlessness, missing school frequently due to the severity of the impairment.	Include adaptive devices in the classroom, combine academic goals with functional goals, collaborate with team members, and fade support once specific instructions have been implemented.

Multiple Abilities	This can be define as a student who may have two or more disabilities under their IEP. Factors for these can be genetic, neurological, or unknown.	Multiple characteristics that can combine with one or more disabilities.	Early intervention, consistent monitoring, give students and parents outcomes for the school year in the classroom, “I do, We do, You do.”
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Key Quotes:

“Having met so many diverse learners, I realize that a student’s label is inconsequential.” (Pg. viii)

“Points to emphasize in your classroom include the following: 1) Each student is different! 2) Reinforcement should be consistent, realistic, and enthusiastic, 3) Motivators can be both extrinsic and intrinsic, 4) Desired responses need to be modeled, 5) Appropriate collaborative planning, pacing, and step-by-step scaffolding increase skill sets, 6) Academic, social, emotional, and behavioral objectives are often intertwined, 7) Data should drive instructional decisions, 8) Classroom organization includes multitiered system of support, (9 Accountability includes staff, students, and families, 10) Every moment of the day is an educational one.” (Pg. xiii).

Strong and Weak Points

Toby Karten’s book explored multiple disabilities, which is essential for teachers, staff members, and administrators to recognize. There is a diverse population that exists in each school and getting to know each student is essential for their success. Understanding why disabilities occur and the characteristics that come with it can be important for them to notice the traits and make decisions on how to take steps for diagnosing a child, and creating an Individualized Educational Plan (IEP) for them once they have confirmed the disability.

Each chapter of Karten’s book goes into great detail about effective inclusion strategies to use when dealing with these students in the general education classrooms. Many teachers are unaware of these disabilities that are in their rooms. Therefore, it is imperative they get to know the child while in their room for a certain amount of time. Once they have focused on the students’ strengths and difficulties, and they can accommodations and modifications for lessons/assignments as needed.

The one element that was missing from this book was trainings and professional development that administration can offer to teachers in order to better serve these students in their classrooms.

Administrators need to be trained on how to identify students with disabilities in order to pass the knowledge along to the coordinators and teachers in their school.

Comparison to Fullan

While *Building on the Strengths of Students with Special Needs* primarily focuses on the disabilities that are seen in the classroom and how to implement effective strategies, Fullan's text has a focus on administration roles and expectations while in the school and district setting. While reading Fullan's text, it is extremely detailed of the steps one needs to take in order to become a great leader.

Fullan's descriptions of multiple descriptions of working with school and district leaders highlight strategies that are effective for passing knowledge to coordinators and teachers within their schools. Whereas, Karten details strategies used in classrooms to be effective, while also providing visual examples.

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Book Review: Schools that Succeed: How Educators Marshal the Power of Systems for Improvement

Evelyn Stover

Chenoweth, Karin. *Schools that Succeed: How Educators Marshal the Power of Systems for Improvement*. Cambridge: Harvard Education Press, 2017. 229pp. ISBN 978-1-68253-027-6. \$30.00

Introduction

A graduate of Columbia University's School of Journalism, Karin Chenoweth has dedicated her career to researching and writing about education, specifically in low socio-economic and high minority communities. According to the author's website, www.karinchenoweth.com, she has composed two books, co-authored another book, and has extensive experience writing educational articles for various magazines and news outlets, such as Huffington Post. Chenoweth is an award-winning author, journalist, public speaker, and influencer in the education community. *Schools that Succeed: How Educators Marshal the Power of Systems for Improvement* is organized in vignettes that highlight the school administration's experiences, both positive and negative, with what the author refers to as "unexpected schools".

Overview

Purpose and Thesis

Schools that Succeed: How Educators Marshal the Power of Systems for Improvement by Karin Chenoweth highlights systems that were successfully used to turn around low performing schools. Chenoweth refers to these schools as "unexpected" throughout the book. The author argues that carefully structured systems implemented with fidelity create successful schools. In fact, these systems are so strong that, given effective leadership, they are powerful enough to improve schools with long histories of failure in impoverished communities. The author also makes a case for implementing these systems in schools that are complacent and depend on middle or upper-class communities to sustain their achievement.

Main Themes

The overarching theme is that schools that are successful implement systems that work. After each vignette, Chenoweth highlights the systems that were successful – many of them overlapped – continuously proving the point that systems are necessary for schools to excel.

Master schedules. The first and most important system is the master schedule. Chenoweth (2017) states, “Nowhere are schools’ values and priorities more on display than in a school’s master schedule” (p. 49). Based on the examples provided in the book, master schedules should include the following:

- Common planning, collaboration time, and professional development for teachers
- Built around student needs and high expectations
- Time for intervention and remediation
- Inclusion of special education student in the general education curriculum and setting
- Uninterrupted instructional time
- Designated time for leadership teams to meet

This book affirms that the master schedule is the heart and soul of a school. It should not be guided by teacher preferences or low expectations stemming from systemic economic and cultural disparities. Some examples Chenoweth shares how master schedules with all honors, college prep or advanced classes worked in these communities. It starts with the schedules and success is ensured with expectations and fidelity.

Systems that promote excellence. High expectations are accounted for in the master schedule but the ability to achieve those expectations are attained through core beliefs, fidelity of implementation, dedicated leadership, and hard work. Chenoweth is clear in all the accounts featured in the book: students will rise to expectations. To start, student mindset must be addressed, “To build students’ academic confidence, the emphasis in the school is not just on absolute performance but on improvement” (Chenoweth, 2017, p. 52). The process is slow and may take years.

Excellence also extends to teacher expectations. Changing the dynamic of schools starts with professional development and teacher collaboration. It is the principal’s role to ensure teaching and learning is a priority. Chenoweth (2017) comments, “...keeping this focus on instruction takes enormous discipline and careful development of the leadership of others” (p. 72).

Systems of discipline and support. Most of the schools featured in the book start with students that are out of control, disgruntled and disjointed teachers, and distressed communities. Discipline problems were severe and often stemmed from community struggles. The topic of developing relationships is continuously featured. “... they (students) don’t care what you know until they know that you care” (Chenoweth, 2017, p. 46). Consequences should be used to educate, not punish. Social emotional services and/or academic interventions are made available to students.

Support systems are also developed for teachers. They promote collaboration through observations, book studies, collaboration, data analysis, professional development, and progress monitoring. The school’s culture will shift “by changing one behavior at a time” (Chenoweth, 2017, p. 24).

Key Quotes

“I can’t tell who’s a teacher and who’s management...” (p. 21).

“A culture gets changed by changing one behavior at a time” (p. 24).

“...high schools need to be centers of the community...an ‘oasis’ in an otherwise rather dangerous and threatening environment” (p. 25).

“It was a matter of understanding the ‘deep need’ teachers have to do their job well...and building the systems to help them do it” (p. 33).

“We are not task driven; we’re mission driven. We’re doing this for a reason” (p. 35).

“To build student’s academic confidence, the emphasis in the school is not just on absolute performance but on improvement” (p. 52).

“Poor discipline in a school is always a function of poor instruction” (p. 62).

“The problem with education reform is that they tried to change the system without changing the underlying beliefs” (p. 68).

“...keeping this focus on instruction takes enormous discipline and careful development of the leadership of others” (p. 72)

“...it is impossible to be a truly great teacher in isolation...” (p. 129).

“The magic is not in the plans – it’s in the process” (p. 137)

“...principals can fix schools all they want; they won’t stay fixed in an incoherent district” (p. 170)

Review

Chenoweth describes the difficult steps and hardships for principals to turn around schools that are failing. The author’s detailed accounts are engaging and continuously reminiscent of experiences in education. Developing systems that are successful is hard work. The author does not make light of the copious amounts of time and dedication needed to turn a school around. It is at times repetitive; however, the use of repetition distinctly emphasizes the systems that are most important.

The book is organized, and the strategies are clear to understand. They are best practices in education and leadership techniques. Although based on data, it is not meant as an instructional tool or textbook. Rather, readers with experience in education can make connections with the stories. It is highly recommended as a book study in a school setting or among school leadership teams.

Comparison to *Leading in a Culture of Change* by Michael Fullan

Schools that Succeed: How Educators Marshal the Power of Systems for Improvement aligns with the principles recommended in Fullan’s *Leading in a Culture of Change*. Both authors provide real

world examples that prove the rationale for the strategies and systems detailed in the books. Fullan's five components of leadership are as follows

1. Moral purpose – acting with the intention of making a positive difference
2. Understand the change process – reculturing
3. Relationships – purposeful interactions
4. Knowledge creation and sharing – social process that requires moral commitment
5. Coherence making – shared commitment and lateral accountability

(Fullan, 2001, pp. 4 – 6)

Each of these components can be linked to systems Chenoweth researched. Master schedules and systems of excellence reflect a school's moral purpose. If built according to Chenoweth's recommendations, the schedule will incorporate time for knowledge creation and sharing through shared planning, collaboration, and professional development. Effective master schedules also improve coherence making efforts. Understanding the change process can be linked to the supports needed for teachers and students during transitions and maintenance of systems that work. Relationships are essential in all aspects of education, most notably concerning discipline. Fullan (2001) states, "leadership is the need for problems that do not have easy answers" (p. 2). Chenoweth clearly presents those problems and the need to implement strategic leadership techniques.

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Latest Employment Opportunities Posted on NASET

* **Educational Instructional Support Specialists** - The Collaborative for Educational Services (CES) is seeking Educational Instructional Support Specialists to assist with onsite coordination of hybrid and/or remote teaching and learning. The Specialist will provide structure, onsite support and the connection to teachers as needed. The Specialist's purpose is to make sure that students have what they need in order to actively, and successfully engage with their learning when done via remote instruction, or through a combination of in person and on-line (hybrid) programming. To learn more- [Click here](#)

* **FT Special Education Teachers, (K-4, 5-8, 9-12)** - PA Virtual has openings for Full Time Special Education Teachers at the Elementary, Middle and High School Levels. All teaching positions are remote and we require candidates to have a current, valid certification to teach in the state of Pennsylvania. The Teacher position is responsible for the planning, organization and implementation of an appropriate instructional program, in an elementary or secondary virtual learning environment. To learn more - [Click here](#)

* **Special Education Teacher** - A local school district in Charleston, SC has partnered with an industry leading healthcare job placement agency, to fill several vacant Special Education Teacher positions in Charleston, SC for the entire 2020-21 School Year. The Special Education Teacher is responsible for planning, coordinating and the provision of special education services to eligible students. This position assures adherence to timelines and federal and state requirements for special education services and the responsibility for monitoring compliance with Individualized Services Plans (ISP) and/or Individualized Education Plan (IEP). To learn more - [Click here](#)

* **Special Education Teacher** - Merakey is seeking a Special Education Teacher to join our Education Services within our Children's and Family division in our school in Chambersburg PA for the 2020-2021 school year. The Merakey Children's and Family Division focuses on a continuum of care throughout the lifespan. The core, fundamental principles of Applied Behavior Analysis (ABA) are incorporated into a specialized approach across all service offerings. To learn more - [Click here](#)

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