

Anxiety about the Future of Special Education for Students with Emotional and Behavioral Disorders*

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Abstract: All of special education, particularly that for students with emotional and behavioral disorders, faces pressures for nonidentification of disabilities. Special education must come to grips with four distractions from its central mission of providing effective special instruction. These include the issues of disproportionality (statistical over-representation of certain minority groups in special education), stigma, inclusion, and tiered instruction. Tiered instruction goes by a variety of names and acronyms and is most often referred to as multi-tiered system of supports or MTSS. Tiered instruction offers promise in many ways but does not solve any of special education's inherent problems such as making subjective judgments about what students need, sorting, categorizing, and labeling students. Special education appears to have “taken its eyes off the ball”, the ball being its core purpose of providing effective instruction and teacher education. Effective instruction and teacher education are fundamentals without which special education will fail to achieve its mission.

Key words: core mission, education of students with disabilities, special educational needs, tiered education

1. Introduction: The Context of Concerns

The future of education for children with emotional and behavioral disorders (EBD) must be seen in the context of the broader, overall field of special education. This makes the future of special education for children with EBD look more ominous, because the direction of special education is troublesome. In 2016, a combination of beliefs and recommended practices threatens to suppress identification of students as having not only EBD but any other disability. Those with EBD are already the most underserved category in special education (Forness, Freeman, Paparella, Kauffman, & Walker, 2012) making suppression of their identification all the more tragic.

Special education is endangered by four distractions from its central mission, which is special *instruction*. These distractions include the matter of over-representation of minorities, stigma, inclusion, and various versions of tiered instruction, essentially frameworks for providing instruction that are seen as alternatives to the *Individuals with Disabilities Education Act* or IDEA (first enacted in 1975 as the *Education of All Handicapped Children Act*, or P. L. 94-142; Martin, 2013). They threaten special education's future because they take precedence over the core purpose of providing more effective, specialized instruction for children with disabilities.

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2. Distractions

2.1 Over-Representation

A great concern in special education today is the over-identification of minorities or over-representation (Cannon, Gregory, & Waterstone, 2013; Wiley, Brigham, Kauffman, & Bogan, 2013). The fact is that special education is now often seen as a mostly bad thing, thought to do more harm than good. That is the reason for worry about disproportionality, which inadvertently emphasizes the downside of special education. No one protests *any* group's over-representation in something considered good, more helpful than hurtful, a privilege, except for those who are *under*-represented in it. Some people are greatly concerned about over-identification or over-representation of minorities, even though no group is over-identified as having emotional disturbance (ED, the federal category of special education for students with EBD) according to the best estimates of prevalence (Forness et al., 2012). Furthermore, known risk factors for EBD and other disabilities (e.g., poverty) are experienced disproportionately by minority children, and some studies suggest that minority children are disproportionately *under*-identified for special education (e.g., Morgan, Farkas, Hillemeier, & Maczuga, 2012; Morgan, Farkas, Hillemeier, Mattison, Maczuga, & Cook, 2015).

The Office of Special Education Programs (OSEP) has stated in a letter that school personnel should not be concerned about *under*-identification (i.e., false negatives), only over-identification (i.e., false positives; see OSEP, 2008). Worry about over-representation reveals the assumption that special education is, on balance, a raw deal. But, supposing that special education is typically a bad thing and false positive errors are often made when a minority student is evaluated for special education. If that is to be established as fact, then convincing evidence demands a finding that false positives are found to occur often in a large sample of minority students. Anecdotal evidence or case studies, even if they pass as qualitative research, are unconvincing. The issue is *quantitative* and can only be addressed by a quantitative evaluation. The fact of disproportional identification (as having a particular disability) is not in itself persuasive of bias in evaluation (Morgan et al., 2012, 2015).

Current enthusiasm for "Pay for Success" (PFS) programs, which some people see as a good idea, will only make things worse, not better. PFS requires that an investor (in collaboration with school personnel) predict who is likely to need special education in coming years. Then, the investor is paid when those predicted to need special education are *not* identified. If the child predicted to need special education is *not* identified, then the school pays the investor each year. But if the child *is* identified, then the school has to pay for the cost of special education. Payment to the investor of the yearly sum is less than the cost of special education. Therefore, it is cheaper to pay the investor than to pay for special education. This is a strong incentive for schools to deny problems for as long as possible because *not* identifying children for special education saves money. PFS is like a thumb on the scale in an unavoidably subjective judgment. PFS provides a financial incentive *not* to identify a child who needs special education.

2.2 Stigma

If the assumption is that special education stigmatizes a child forever, and the stigma is worse than anything special education offers, then prevention of identification might be assumed to prevent the stigma. That is, the *identification* of the disability, not necessarily the disability itself, must be prevented. That is part of the appeal of PFS, too. However, it ignores the fact that the child's maladaptive behavior also creates stigma, not the label alone (Cannon et al., 2013).

A popular idea is that different words describing a child's behavior problems (e.g., "challenge" rather than "disorder") or using "person first" language (e.g., say "child with a disability", not "disabled child") will reduce stigma. This is an old idea that the name of something, not the thing itself, produces stigma. How people think about what a word means is what needs changing, not the words describing the problem, unless the words are unprofessional and pejorative (e.g., "jerk", "nutcase"). Another mistaken assumption is that we can avoid labels altogether, as if we can talk about something without a label for it (Kauffman, 2013; Kauffman, Mock, Tankersley, & Landrum, 2008) or that we label only services, not children (but labels for services inevitably are attached to those who receive them).

2.3 Inclusion

In the literature of special education, full inclusion means that all students with disabilities should be taught exclusively in the environment of the typical (i.e., regular or general) classroom (Kauffman, Ward, & Badar, 2016). The rhetoric accompanying full inclusion sometimes includes the mantra "all means all" (e.g., SWIFT schools, 2016). Magical thinking is required to conclude that if the right words are used and the wrong ones are not (i.e., that the appropriate language is used and students are not labeled), all students are included in the same school environment, and high expectations are held for *all* students, then all students will be well taught. Disabilities are mistaken as merely another kind of diversity to be accepted (Kauffman & Landrum, 2009 for commentary). Moreover, concern for inclusion has seemed to overshadow concern for effective teaching, an unfortunate turn of events and proposed policy (Kauffman & Badar, 2014; Kauffman & Hung, 2009; Kauffman, Anastasiou, Badar, Travers, & Wiley, 2016).

2.4 Tiered Education

More than two tiers (general and special education) are thought by some to be a solution to many of special education's problems. Some special educators believe this, and the idea has its merits. The basic idea is that special education is not all-or-nothing, that there should be a "sort-of" special education, that some type of intervention should be tried before a child is identified for special education, that the child must be shown to have failed with less support than is necessary to conclude that special education is required. The alternatives to the two-tiered system of general education-special education have involved various frameworks, including pre-referral strategies (PRS) response to instruction (RtI), multi-tiered system of supports (MTSS), positive behavioral interventions and supports (PBIS), coordinated comprehensive early intervening services (CISE), and intensive intervention/data-based individualization (IDBI). Additional descriptions of and acronyms for tiered education are likely. The basic premise of all tiered education is that some students need more assistance in learning a curriculum than do others. Therefore, there should be stages, levels, or tiers of assistance in which the intervention is less than that provided in special education.

The idea of having more than the traditional two tiers is rational. Tiers allow educators to start interventions earlier than is typical of special education — if they will — as soon as they see struggle to learn and behave, so that problems do not become extreme before identification for special education. Tiers offer promise of the prevention of need for special education (Kauffman, 1999, 2014). Tiers make good sense and could be practiced well. And we need good research about them. But they do not address special education's core problems. Efforts to make tiers work are admirable, but logical skepticism about them as alternatives to two tiers is reasonable.

Special education is criticized because it involves sorting, labeling, stigma, arbitrary criteria for identification, disproportionality, false identification, waiting to see students fail before intervening, high cost,

failure to cure disabilities, different curriculum, instruction in a special place, homogeneous grouping, etc. But, every single one of those criticisms applies just as much to every tier in any alternative (to IDEA) framework. That is, the more tiers, the more all of these problems will occur; to determine what tier is most appropriate for a given student, students must be sorted, and all the other problems follow.

Some proponents of tiered education suggest that tiers are just a framework, a way of describing an array of interventions and resources, not a way of sorting and labeling students. However, that is not the way things work, in the world as we know it, including our language — at least English. People are always sorted and labeled by the resources they use or do not use. The English language does not allow it to be otherwise, nor does logic. Probably, this is true of languages other than English as well. Furthermore, just because something is the law does not mean it (1) will be done or (2) will be done well or (3) will not eventually be criticized or complained about because it costs a lot of money and requires a lot of effort and people do not do it right and avoid making mistakes. So changing the law or education policy to demand tiers does not mean a rubicon will have been crossed.

IDEA is just a framework too, not an intervention, but it is now regarded by some as “outdated” and a feature of education that has not worked well. Remember, too, full inclusion is not an intervention, but a framework. Full inclusion is a newer framework than IDEA, although it is blatantly illegal under IDEA and very obviously irrational. Cannon et al. (2013) concluded:

The purposes and premises underlying the IDEA are precisely those that ought to animate any approach to ensuring a more positive future for children with social, emotional and behavioral difficulties. We would do well by these children — and our society — to devote our attention and our resources to ensuring that they are fully realized (p. 497).

Perhaps having more than two tiers is better than having only two, but once the novelty of additional tiers wears off tiers will be open to the very same criticisms as IDEA’s two tiers of special and general education. All tiered systems *could* be used to delay or deny special education or become a rationale for allocating almost all resources to general education’s first tier, making special education a true dumping ground.

An advantage of tiers higher than one but not yet special education is that if students are not receiving special education, then school personnel do not have to deal with the IDEA requirements. Things like individual education programs (IEPs) and parental involvement — all the paperwork school personnel can complain about — can be avoided simply by calling a student a struggling learner instead of a child with a disability. Tiered education might also be used to promote full inclusion, because every student can be in a tier of *general* education. Following is a quotation from a letter of the federal Office of Special Education and Rehabilitative Services dated October 23, 2015:

For those students who may need additional academic and behavioral supports to succeed in a general education environment, schools may choose to implement a multi-tiered system of supports (MTSS), such as response to intervention (RTI) or positive behavioral interventions and supports (PBIS). MTSS is a school wide approach that addresses the needs of all students, including struggling learners and students with disabilities, and integrates assessment and intervention within a multi-level instructional and behavioral system to maximize student achievement and reduce problem behaviors.

This OSERS statement clearly suggests that RTI and PBIS are not really distinctively different from MTSS. Combined with “all means all”, this OSERS statement could be read as an endorsement of full inclusion. A skeptic might wonder, too, as a practical matter, by whom and where different levels are to be implemented, especially in the lower grades. One might wonder how students will develop close relationships with teachers and peers if they

often have different teachers and peer groups, depending on their instructional needs in different areas. Or, one might ask what special and intensive instruction students with special needs will actually receive if they have the same general education teacher for all classes. Tiered education properly done may be a wonderful idea, but it is also open to inadequate funding, abuse, sloppy practices, and chicanery, just as is IDEA and any other law or framework. Furthermore, tiered education done well seems to demand a level of sophistication in assessment and instruction that few teachers have or are likely to have.

Tiers do not address many of the problems inherent in special education regardless of how that special education is structured and no matter what framework is adopted — problems for which special education has been criticized. That is, if we have special education, then we will have these problems. Always, frameworks with more levels do not solve the inherent problems of offering some students what others do not receive. The only way to solve these problems is not to have special education. And this is true regardless of the number of tiers we have unless the number is one, meaning no special education, because then a student is either in school with the same instruction and expectations as all other students or is not in school at all.

3. Inherent Problems and Keeping “Eyes on the Ball”

Some of the problems of special education just “go with the territory” or are inherent to special education’s core mission or purpose. For example, the matter of needing to make subjective judgments about students’ needs and risking errors in the process is unavoidable. Having more tiers than two requires more judgment calls and increases the risk of error. Stigma accompanies observation of any undesirable difference and any attempts to address that difference. Stigma is minimized by confronting reality, not by denying reality or renaming it (Kauffman & Badar, 2013). Special education must have a separate budget and specially trained personnel and an administrative structure that gives special education identity, visibility, authority, and boundaries if it is to exist. It must sort, categorize, and label students. These are all important problems, but in trying to avoid or solve them special education has lost its *raison d’être*. To use a sports metaphor, special educators have taken their eyes off the ball.

Special education’s “ball” is very basic, and it is not surprising that many people think keeping their eyes on the ball is so basic it is boring. But as good teachers know — whether they are coaches or music teachers or teachers of anything else — it is basics that people tend to neglect and that often make the difference in performance — the game or concert or outcome. If a player or performer or other professional fails to get those boring fundamentals right, then she or he is likely to make embarrassing mistakes.

For special educators, the “ball” is two basics: Instruction and teacher education. Instruction means finding through scientific research the best or most effective instructional strategies for teaching a specific skill, whether the instruction is in academics, social behavior, or self-care skills. Teacher education applies to both the pre-service training of teachers and in-service training. Such training must help teachers become proficient and relentless in using the instructional strategies research indicates are most effective. These two basics will not be learned through on-line courses alone, and generic special education covering all types and levels of difference or exceptionality of students will be insufficient. Training must involve individuals, not merely electronic devices, and training specific to children with particular types of exceptionality is essential.

4. Conclusions

Special education cannot and was never intended to “cure” disabilities or help students with disabilities perform on average like those without disabilities. Its mission has always been to help students with disabilities perform better than they would without special education. This core mission can be achieved only if special education focuses on the instruction of students with disabilities and their teachers.

Policies and administrative issues may make effective instruction possible or impossible; no one can teach effectively with too many students or too diverse a group of students or too few resources or with only a computer connection to the student. Reasonable case loads, homogeneous grouping, and adequate resources may not seem all that important to many taxpayers, but they are necessary for appropriate education.

Special education does have many problems, and it needs much improvement. It is easy to forget that there is much to celebrate as well as fear. One thing to be happy about is that, at least as of 2016, IDEA remains the law, and it might be “a solution hiding in plain sight” (Cannon et al., 2013). Full inclusion is still (in 2016) illegal if IDEA is implemented as intended, even though such inclusion is popular, widely practiced, and supported by federal funding. Child psychiatrist Richard Mattison pointed out in a recent chapter on child psychiatry and special education that once someone understands that most students with EBD have very severe, complex disorders it is amazing that so many of them do so well, which is often a tribute, in large part, to the work of their special education teachers (Mattison, 2014). The future of special education for students with emotional and behavioral disorders will be much brighter if special educators keep their eyes on the ball and think critically about what problems are inherent in their core mission.

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