MTSS is Not Enough: Preventing Disproportionality through Nondiscriminatory Tiered Services

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WELCOME AND INTRODUCTIONS
Learner Objectives

Learn how disproportionality within special education and school discipline may be prevented through nondiscriminatory tiered services.

Identify laws and policies designed to address disproportionality as well as evidence for nondiscriminatory universal, targeted, and intensive supports to prevent disproportionality.

Identifying common pitfalls to remediating disproportionality as well as recommendations for action and future research.

Background & Conceptualization

Amanda L. Sullivan, PhD, University of Minnesota
What Is Disproportionality?

- **Group differences** in identification, placement, or other outcomes
  - Differences in individual’s risk due to sociodemographic group membership
- Common indices: risk, relative risk, composition

### Legal-Historical Context

Disproportionality in the Individuals with Disabilities Education Act (IDEA):

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tbody>
<tr>
<td>1997</td>
<td>States required to define “significant disproportionality” (i.e., over-representation) and identify districts accordingly</td>
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<tr>
<td>2004</td>
<td>Sig Dispro→15% federal funds shifted to comprehensive early intervening</td>
</tr>
<tr>
<td>2016</td>
<td>Equity in IDEA; Standard approach + state definition of thresholds</td>
</tr>
<tr>
<td>2018/19</td>
<td>DeVos defers new rule</td>
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Little improvement in state patterns & intentional avoidance of sanction and change/improvement

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Are We Identifying the Right Students?

- What is and isn’t disability?
- How do we identify it?
- Are our decisions unbiased?

...We’re not sure.

Special Education’s Persistent Tension

“The same program that can separate disadvantaged students from their peers, distinguish them with a stigmatizing label, and subject them to a curriculum or low expectations can also provide additional resources, supports, and services without which they cannot benefit from education…” (p.20)

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How Else Are Students Pushed Out?

Exclusionary discipline = Removal of students from their usual learning environment

Source: https://preventexpulsion.org/overview/

Who Is Most Affected?

Figure 5: Students with Disabilities’ Overrepresentation Among Students Who Received Disciplinary Actions, School Year 2013-14

This chart shows that students with disabilities were overrepresented among students who received six types of discipline. For example, students with disabilities were overrepresented among students suspended out of school by approximately 13 percentage points, as shown in the chart, because they made up about 12% of the overall K-12 student population, but 25% of the students suspended out of school.

Source: GAO analysis of Department of Education, Civil Rights Data Collection | GAO-18-256

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Who Is Most Affected?

Students with disabilities
- More frequent punishment
- More removals
- More days missed
- Highest risk:
  - Black, Hispanic, and American Indian students
  - Students with emotional disabilities, learning disabilities

Who Is Most Affected?

Suspensions and Expulsions by Socioeconomic Status

Among students who started high school in 2009, a higher percentage of students of low socioeconomic status (SES) than those of high or middle SES had ever been suspended or expelled by 2012.

- High SES: 9%
- Middle SES: 17%
- Low SES: 29%

Notes: 1. Socioeconomic status (SES) was measured by a composite score on parental education and occupations, and family income. 2. Includes suspensions and expulsions prior to high school as well. Starting high school is defined as starting 9th grade.


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Unintended Consequences of Exclusionary Discipline

Source: https://www.aclu-wa.org/student-discipline
Greater Disparities for More Severe Consequences

Race, Gender, Disability
Gaps in Educators’ Use

In-school Suspension
Restraint & Seclusion
Expulsion

Out-of-school Suspension
Arrest & Referral to Law Enforcement

What Disproportionality Is NOT About:

- Differences in student behavior
- Improving student behavior

“In sum, a fairly extensive body of research has failed to find any evidence to support that notion that students of color earn higher rates of exclusionary discipline through higher rates of disruptive behavior.”

(Skiba, 2015, p. 110)


Disproportionality in Context

STEM
Literacy
Disability
Gifted/talent dev
Discipline
Graduation
School Readiness

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Disproportionality in Context

Experiences are inherently intersectional compounding dis/advantage and marginalization.

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Disproportionality Is a Consequence

Systemic Inequality

Opportunity Gaps

Educational Disparities

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Redressing Disproportionalities

- Research-based Instruction and curriculum
- Belongingness
- Mental Health Support
- Inclusive practices
- School Climate
- School Readiness
- Differentiated Instruction
- Family-school engagement
- Culturally responsive practice
- Social-emotional support
- Community engagement
- Health care
- Resource allocation
- Student-teacher relationships
- Early intervening

The Potential of MTSS
Pitfalls of MTSS

Well-intentioned but misdirected conceptualization and implementation ignores inequities that contributed to ‘disproportionality’.

Common Pitfalls

- Categorization (“tier 1/2/3 students”)
- Race-neutral / color-blind (evasive) / culture-blind
- Data only for gauging student performance

Disproportionality—and preventing it through MTSS—is not about what students do or do not do.

It is about what the adults do.
MTSS Is Not Enough

Disrupting systemic inequity means MTSS must be driven by:

✔ Race-conscious
✔ Cultural-conscious
✔ Bias-aware
✔ Focused on the systems and adults within it

...will simply be like old wine in a new bottle, in other words, just another deficit-based approach to sorting children


Mollie Weeks, MA, University of Minnesota

NONDISCRIMINATORY SERVICES: TIER 1
Equity Policies and Legislation

<table>
<thead>
<tr>
<th>Individuals with Disabilities Education Improvement Act</th>
<th>Title IV of the Civil Rights Act of 1964</th>
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<tbody>
<tr>
<td>• Requires LEAs to monitor for significant disproportionality</td>
<td>• Prohibits discrimination based on protected class (e.g., race, national origin)</td>
</tr>
<tr>
<td>• Redirection of 15% of an LEA’s CEIS funds</td>
<td>• Disproportionality may be evidence of discrimination</td>
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<tr>
<td>• Standard methodology and root cause analysis</td>
<td>• Policies</td>
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<td></td>
<td>• Procedures</td>
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<tr>
<td></td>
<td>• Practices</td>
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Preventing discrimination may involve “developing and implementing strategies for teaching, including the use of appropriate supports and interventions, which encourage and reinforce positive student behaviors and utilize exclusionary discipline as a last resort” (Lhamon & Samuels, 2014, p. 21).
High Quality Core Instruction

Academic and instructional material taught to all students and aligned to standards.

Academic → Social-Emotional → Behavioral

(P Gibbons et al., 2019)

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Purpose of Core Instruction

• Prevention of problem behavior and academic issues through evidence-based supports.
• Promotion of appropriate behavior.
• Early identification of behaviors or academic skills that are unresponsive to universal instruction.

How can core instruction promote equity and non-discrimination?

(Fuchs et al., 2012; Gibbons et al., 2019; Stoiber & Gettinger, 2016; Sullivan et al., under revision)
Core Instruction and Equity

- Reduction in disproportionality?
- Shift from categorizing students to categorizing educational issues.

(Sullivan et al., under review)

Culturally-Responsive Instruction

- Cultural variety is celebrated
- Competency is recognized and leveraged
- United home and school experiences
- Floor responsibility of maintaining language and culture
- Language and culture are inherently valued
- Advances educational equity and social justice initiatives

(Au, 2016)
Culturally-Responsive Behavior Supports

• What about SWPBIS?
  – Ill-defined relationship between SWPBIS and educational equity.
  – Evidence shows limited effectiveness for the association between SWPBIS and reduced exclusionary discipline disproportionality.

(Sugai & Horner, 2019, Weeks & Sullivan, 2019)

Culturally-Responsive Behavior Supports

There are possible and largely untested adaptations to SWPBIS to promote equity:

• Identity
  – The recognition and valuing of the myriad culture identities within a school in addition to your own.

• Voice
  – Authentic communication that allows students and families to take ownership of school initiatives.

• Supportive Environments
  – Fostering a positive school climate via a whole school effort to teach appropriate behavior to fluency.

(Leverson et al., 2016)
Culturally-Responsive Behavior Supports

- Situational Appropriateness
  - Teaching school-based behavioral expectations to fluency for all students to succeed (i.e., code switching).
- Equity Data
  - Not only analyzing educational data but engaging in open discussion of the patterns therein and malleable factors to promote equity.
  - Student Outcomes
  - Implementation Fidelity

*See PBIS cultural responsiveness field guide: Resources for trainers and coaches

(Levenson et al., 2016)

Universal Responses to Threat

- The students who are referred to teams who conduct threat assessments provide evidence for some discriminatory treatment.
- Systems for responding to threats (e.g., the Virginia Model) can support more equitable decision-making.

(Cornell et al., 2017; Cornell et al., 2018)
Universal Data to Improve Equity

- We cannot solve a problem if we are unaware.
- Schools contain a wealth of data that can be leveraged to identify disproportionality.

Systematic Problem-Solving with Data

- Multiple metrics
- Group Comparisons
- What, Where, When, Motivations, Who?
- Implementation
- Core Instruction
- Bias
- Implementation and discipline monthly
- Risk ratios quarterly

References:


(McIntosh et al., 2014)
Cultural Competency Self-Assessment

- The first step to enhancing culturally competent practice is to look inward.
- Self-assessments as a *cultural audit* of an organization.
- Involve:
  - Leadership
  - Staff
  - Other Stakeholders

Areas to Evaluate

- Resources for Students
- Physical Spaces
- Methods of Communication
- Values and Attitudes
- Differential Treatment
- Service Effectiveness
- Policies
- Discipline Practices
- Staff Recruitment
- Cultural Competence Interventions
- Language Services
- Community Connections

(Rice, 2007)
Tara Kulkarni, MA, University of Minnesota

NONDISCRIMINATORY SERVICES: TIERS 2 AND 3

Effective Teaming

- Multidisciplinary
- Structured Meetings
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Teacher support and training

- Implicit Bias
- Coaching
- Protocols
- Data based decision making

NONDISCRIMINATORY SERVICES: TIERS 3

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Ecological Framework

- Help teachers consider sociological factors
- Avoid within child labels

Individualized Services

- Avoid used of standard “batteries”
- Multiple sources of data including MTSS sources
- Encourage parent participation

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**Monitor outcomes**

- Individual student
- Across school
- Each intervention

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**Assess needs of Individual/Community**
- Evaluate
- Select EBI
- Decide on adaptations
- Test
- Train staff
- Implement

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**Cultural Adaptations of Evidence Based Practices**
(Fernandez & Mullen, 2019)
How do we integrate social justice and MTSS to achieve the fundamental aims of both?

Social justice is both a process and a goal that requires action. School psychologists work to ensure the protection of the educational rights, opportunities, and well-being of all children, especially those whose voices have been muted, identities obscured, or needs ignored. Social justice requires promoting non-discriminatory practices and the empowerment of families and communities. School psychologists enact social justice through culturally-responsive professional practice and advocacy to create schools, communities, and systems that ensure equity and fairness for all children and youth.

Adopted by the NASP Board of Directors, April 2017
What are the primary barriers to engaging in socially just, equitable MTSS?

How can we leverage data already being collected within most MTSS applications to support social justice?
What are data are necessary to evaluate equity within MTSS?

QUESTIONS?
For References and Additional Resources

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