Conceptual, policy, or position paper

A Case for Systems Change in Special Education

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Abstract

With this position paper, we advance the case for reformation of special education law and praxis. These have undergone mostly incremental changes over the five decades since their inception despite a substantial body of evidence amassed over this period, which points to a major gap between extant policy and praxis, and contemporary cultural ethos and mindset of stakeholders engaged in the mission of special education. We review evidence supporting the need for change, with a particular focus on the continuing practice of segregating students with complex educational support needs. We examine this practice's contributions to ongoing racial segregation within special education, including intersectionality. We consider the inclusion movement and reasons for its failure to rectify problems with implementing the least restrictive environment mandate in current law. Furthermore, we discuss the importance of mindset and nomenclature as they pertain to students with support needs in considering reformation. Finally, we review relevant theories of systems change and their potential contributions to the process of reformation. We conclude with a suggestion that alternatives to the next reauthorization of the Individuals with Disabilities Education Act (IDEA) be considered in the public policy arena, including a possible conversion of policy and funding to a Title program as one option.

In this position paper, we offer the opinion that special education law and associated federal and state implementation policy have run their course and the time is right to undertake substantial changes to the systems and policies that govern "special" education. The Individuals with Disabilities Education Act (IDEA) has undergone reauthorization on a roughly 15-year cycle, with the last in 2004. As the next cycle approaches, we ask should it be reauthorized? Do better alternatives exist? We approach these questions by examining the need for substantive change in special education, particularly as it applies to the physical segregation of students with complex and extensive support needs, and by considering the critical issue of cultural mindset, its associated nomenclature, and its effects. We conclude with a review of research-informed practices that point to new directions in the delivery of differentiated support and services for students who need them to progress in education to their full potential, regardless of the nature and extent of their need.

In this context, we consider three systemic issues: the why, where, and how of special education. The first is the *why*. Special education law has been widely regarded as civil rights legislation, and an emancipatory contribution to the intent of the U.S. Constitution. IDEA promises students designated as having "disabilities" a free, appropriate public education (FAPE) based on an appropriate evaluation

and an individualized education program (IEP), provided in the least restrictive environment (LRE) possible (IDEA, 2004) and guided by parent participation. Over the past five decades of implementation, has it served these emancipatory purposes and resulted in an appropriate education for students, particularly those with extensive and complex support needs?

To answer these questions, we first examine the intent of the law and meaning of the term "appropriate." In the decades leading up to the federal legislation, the national student body grew larger and more diverse as a result of compulsory attendance in the early 1960s. While the *Brown v. Board of Education* (1954) decision prohibited segregation based on race, nothing prohibited segregation based on ability in public schools. At the same time, intelligence testing became mainstream and was used to classify students as "mentally deficient." Special education formed as a response and students identified as having disabilities were educated in segregated settings, if at all. However, by the late 1960s,

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parents, teachers, and disability activists organized around the exclusion of students labeled "disabled" from public school settings. Pub. L. No. 94-142 was a manifestation of systems change efforts advanced by these groups and propelled by progress of the civil rights and disability rights movements (Lazerson, 1983). The most recent iteration of the law defines special education (IDEA, 2004) as specially designed instruction appropriate to the needs of an eligible child. Specially designed instruction is defined as addressing the unique needs of a child resulting from disability and ensuring the child's access to the general curriculum (Wehmeyer & Kurth, 2021). The law mandates that students be educated in the LRE to ensure access to the general curriculum. The law states that removal of a child from general education requires a demonstration that the nature and severity of a child's disability justifies the removal.

The Ongoing Problem of Segregation

Consideration of the *where* and *how* of special education emerge in IDEA's FAPE and LRE principles, which were intended to mitigate exclusionary educational practices. However, the extent of segregation of students with IEPs in separate classrooms, schools, and even separate districts (e.g., Special School District of St. Louis County, MO) calls into question the *appropriate* designation in FAPE and whether students' right to be educated in the LRE is actually upheld. Philosophical positions on whether students with extensive support needs should be educated alongside or separate from their general education peers have been advanced through various avenues since the 1960s (e.g., Sailor & Guess, 1983). Proponents of educating students with extensive support needs alongside general education peers, such as Brown (Brown et al., 1976, 2006), Wehmeyer (Wehmeyer & Kurth, 2021; Wehmeyer et al., 2020), and Gee (Gee, 1995; Gee et al., 2020), argued that the place in which students are educated constitutes the contextual element of instruction. Instruction in inclusive classroom settings results in improved social and academic outcomes for students with and without disabilities when compared with self-contained settings (Agran et al., 2020; Jackson et al., 2008).

Conversely, Kauffman et al. (2004, 2016, 2020), Fuchs et al. (2023), and others have been leading proponents for separation. They consistently have argued that the quality of instruction should take precedence over issues of placement and, more recently, that segregated placements are preferred by professionals, students, and families who decide that the general education curriculum and setting are not appropriate for their student (Kauffman et al., 2020). The preponderance of evidence clearly supports the former philosophy (Agran et al., 2014; Satter et al., 2019).

A recent analysis by Agran and associates (2020) speaks to the detrimental academic and social outcomes that result from students being relegated to self-contained (i.e., segregated) settings for 80% or more of their educational day. The analysis is based on evidence that the organizational setting in which education is conducted is an integral part of the instructional design for learning. Evidence in support of the context hypothesis is reviewed in the article and includes improved academic, social, communication, self-determination, vocational, and behavioral outcomes (Jackson et al., 2008). Given this evidence, along with the Supreme Court decision in *Endrew, F. v. Douglas County School District* (2018) that requires challenging objectives and potential for growth for students determined eligible for special education support, why do IEP teams continue to select the most restrictive placements for students with complex and extensive support needs? While IDEA mandates that placement decisions are to be made by an IEP team, including the students' parents or guardians, evidence suggests that administrators often have the final say in such decisions, regardless of family input (Elbaum et al., 2016; Mueller & Buckley, 2014). Agran et al. (2020) posited that the best explanation can be found within six determinants of placement decisions. These are as follows: (a) perceptions of competence (e.g., mindset), (b) economic and demographic stratification (i.e., segregation of lower socioeconomic strata students), (c) biases (e.g., racial bias), (d) teacher preparation and experience (e.g., separate personnel preparation and licensing programs for general and special preservice educators), (e) lack of resources and capacity (e.g., cost savings accruing to concentration of needed supports and services such as therapists in self-contained settings), and (f) absence of knowledge of current research (e.g., lack of transfer of praxis knowledge from special education research to general education). Taken together, these determinants of administrative decisions concerning the ecology of education point the way to systems change in policy and resultant praxis.

A growing body of evidence suggests that the categorical structure of the professional service system of special education contributes not only to discrimination against students with disabilities in public education, but also to discrimination on the basis of race (Skrtic et al., 2021). The implementation of special education law results in discriminatory professional practice by denying students access to the general education curriculum through relegation to segregated placements. If this is the case, and it also contributes to discrimination against students of color who are more likely than their White counterparts to be referred and found eligible for special education services (Gardner et al., 2014) and are more likely to receive services in restrictive placements (Kurth et al., 2015; Saatcioglu & Skrtic, 2019), then the issue of systems change becomes paramount. However, if it can be argued that if special education law results in positive outcomes for students who require extra support and services,

regardless of how the law is implemented, then should the saying, "don't fix it if it ain't broke," apply?

The following evidence suggests that the special education system is, in fact, broken: at present, only 17% of students assigned the label "intellectual disability" (ID) are educated in general education classrooms for 80% of the day, as reported under federal requirements addressed to LRE (problems with this reporting requirement are addressed in the following). Similarly, fewer than 50% of students assigned the label "emotional and behavioral disabilities" (EBD) meet this criterion (Wehmeyer & Kurth, 2021). A survey conducted across states involving data on 39,837 students who took a state assessment based on alternative achievement standards in the 2010–2011 school year found that 93% were segregated in self-contained classrooms, separate schools, or home settings. Only 7% met the 80% criterion for general education participation (Kleinert et al., 2015). Between 1995 and 2017, there was only a 9% improvement in educating students with the ID label, as measured by the 80% LRE criterion in general education settings (U.S. Department of Education, 2018). The percentage of students in segregated classrooms was reduced by only 7%, and those in even more restrictive settings decreased by only 2% (Wehmeyer et al., 2020). All of these findings reflect the continued segregation of students with disabilities, which is compounded for students of color (Kurth et al., 2016).

Overrepresentation of minorities in special education is well documented (Artiles et al., 2010; Skiba et al., 2008; Sullivan, 2011), but not without critics (e.g., Elder et al., 2021). Racial disproportionality in special education is maintained, among other factors, by the "structural characteristics of schools" (Skiba, 2013), including separate special and general education service delivery systems. In addition to problematic referral and evaluation processes, evidence of racial stratification within special education is emerging. Saatcioglu and Skrtic (2019) considered what they termed "categorical manipulation" by examining reasons for reassigning students to certain special education categories in a large school district. They found that disproportionate numbers of Black and Latinx children are overrepresented in "low-status" categories (e.g., ID and emotional disturbance) for which services tend to be provided in the most restrictive settings. White students are overrepresented in "high-status" categories (e.g., attention-deficit/hyperactivity disorder and autism) for which services tend to be provided in the general education setting.

The Problems With Administration of Special Education Law

As advocates were organizing around the education of students with disabilities throughout the 1950s and 1960s, teaching was increasingly becoming professionalized and specialized. By the time Pub. L. No. 94-142 passed in 1975, special education discourse had drastically shifted from a focus on civil rights to debates about which assessments, pedagogy, and curricula could address the needs of students labeled as deficient. This shift in special education was reified by the standards-based reform movement, codified in the No Child Left Behind Act of 2001 and strengthened by the Every Student Succeeds Act (ESSA), which reinforce requirements to demonstrate that students with disabilities were participating and achieving in the general education curriculum (Courtade et al., 2012; ESSA, 2015). From its inception, the law seemed to hold such promise for integrating children with extensive and complex support needs into general education settings. Parents were empowered to fully participate in their children's educational planning and their collective voice was reified in subsequent Supreme Court decisions. The 2004 reauthorization of the law included strong language that mandated general education participation for all students, with the burden of justification for any removal placed squarely on the school district's administration (Yell, 2018). We have strong legal language in the statute itself; we have Supreme Court decisions in support of families challenging segregation; and we have a preponderance of scientific evidence pointing to full general education participation with specialized support. Yet we continue to segregate students with complex and extensive support needs. So what went wrong with the administration of special education law?

Cornett and Knackstedt (2020) addressed what they termed the three "original sins" of special education law: (a) reliance on a medical model of disability, (b) a failure to provide a mandate for full participation in general education settings (i.e., inclusion), and (c) permitting segregation by restricting meaningful enforcement.

At its inception, special education law embraced a medical model of professional service delivery: diagnose, prescribe, treat, and cure. Congress, with intense lobbying from the Educational Testing Service, readily adopted categorical reasoning built into Pub. L. No. 94-142. Prominent educators of the period strongly resisted this approach, recognizing that a focus on categorical diagnosis and prescriptive services would be likely to perpetuate the abuses of state institutions for "the retarded" (Blatt et al., 1977; Hobbs, 1975; Larson, 1977). Yet states moved quickly to embrace categorical differentiation of services. California, for example, opened its implementation law with 18 categories of "handicapped" to be addressed through special education (Sailor & Guess, 1983). This positioning of disability as a medical problem of the individual continues to shape federal and state special education policy. In the words of Cornett and Knackstedt (2020), "the societal view of disability as a 'problem' within a person . . . influences thinking toward what people cannot do rather than setting expectations of what people can achieve and then remove

barriers to aid achievement" (p. 512). In other words, the medical model guides professional and parental mindsets toward highly specialized education services designed to retrofit the child to the environment, rather than designing the environment to meet the needs of the student.

Cornett and Knackstedt's second original sin was Congress's failure to prevent exclusion. Congress mandated that students with IEPs be educated with their peers in the general education setting *to the extent appropriate*, but in doing so "created a framework that permitted segregation" through the implication that education in the general setting is *inappropriate* for some students (p. 513), building on previous work discussing the problems of a placement continuum (Sauer & Jorgensen, 2016; Taylor, 2004). While the social construct of inclusion gained traction in special education in recent years, it too presents challenges to public policy and professional praxis to replace the deficit-based mindset with one focused on enhancing the interaction of individual students' performance characteristics and their ecologies of learning. To do so requires full legislative recognition of the *context* of education as an integral part of instruction and the immersion of students into general education with specialized support matched to their needs.

The third original sin recognizes the conundrum created by Congress in granting power to parents of children served under special education law to challenge school districts when they believe an FAPE is not delivered to their child (Cornett & Knackstedt, 2020). This provision turned out to be a "Sword of Damocles" (i.e., it cuts both ways): Congress's failures to provide a means to correct the power imbalance between school districts and parents, and provide funding for families unable to afford attorneys to pursue their right to due process serve to inflict emotional and financial distress on many families. Congressional effort to extend power to parents with children identified for special education is laudable, but the resultant language in federal and state statutes hampers enforcement and, in effect, stacks the deck against meaningful family participation by placing the onus on them to ensure compliance.

In summary, we assert that the nearly 50-year-old special education law has largely failed to fulfill its promise of an FAPE in the LRE for students identified with extensive support needs. We view this failure as being due to a misguided federal approach to special education that privileges the medical model of disability and to the lack of a coherent federal approach to the issue of segregation of students based on their categorical classification and their racial identity. Further reauthorization of the law should be subject to debate that leverages scientific evidence to revisit *why, where*, and *how* of special education, and assumptions inherent to the medical model on which it is based. Page restrictions prevent us from presenting all the voluminous literature from special education law and disability studies scholars, but we recognize their

contributions and encourage readers to refer to Yell (2018), Voulgarides (2018), and Slee & Tait (2022) for a deeper dive. Next, we examine some root causes of these legal and policy failures and how to collectively address them going forward.

Changing Mindset and Nomenclature

Mindset is a dispositional concept; it is how we think about a phenomenon and, through that cognitive process, how we frame our responses to it (Bolman & Deal, 2013). The ethos of the 1960s and 1970s regarding students with specialized educational support needs was very different from today. Pub. L. No. 94-142 was conceptualized during a period when such children were condescendingly considered "special," in need of pity, charity, and even "fixing." Special education, the Special Olympics, and so on, all reflected the mindset that public policy should be framed in a context of "otherness." Debates before Congress during this period were geared to feel-good messaging, to do something morally right on behalf of unfortunate families so afflicted with the burden of a handicapped child. Subsequent reauthorizations of special education law have carried that mindset forward in policy in the face of a very different ethos.

More recently, emphasis is placed to a much greater degree on similarity among children rather than on differences. Within research, the deficit-based mindset informed by the medical model of disability has been largely replaced by one more closely aligned with the social model of disability, which builds upon student strengths by modifying the ecology of learning, as represented in Universal Design for Learning (UDL; Basham et al., 2020; Nelson, 2014). The social model represents disability as a natural part of the human experience and holds that societal barriers to public access, not innate personal characteristics, are disabling. As such, environments, rather than people, are the subject of intervention (Oliver, 2013). Emphasis has shifted from what a child *is* categorically due to deficits, to what a child *needs* to succeed. Rather than fixing the characteristics of the student that make them who they are, emphasis is placed on identifying and removing physical, social, and academic environmental barriers to their education. Consistent with research, the focus of the current ethos is on the *context* of learning and the need for full participation in general education settings, *which include, but are not restricted to, classrooms*. The locus of the context of learning is increasingly shifting to the whole school environment (e.g., cafeteria, playground). The present reauthorization of special education law (IDEA, 2004) tends to restrict, rather than enhance, application of these contemporary evidence-based practices.

Nomenclature, or the words we use to describe a phenomena of interest, is informed by our collective mindset regarding that phenomena and, in turn, informs our mindset.

As research contributes new knowledge concerning phenomena over time, a previously held collective mindset can become challenged and aspects of its nomenclature obsolete. Special education is a case in point. The children of interest are no longer to be considered "special" in the sense that the construct represented 50 years ago. Some students need different supports to benefit from public education. The term "special" has thus become obsolete in the face of scientifically generated knowledge, showing that the outcomes of such students can more closely resemble those of their "non-special" peers with an appropriate ecology of learning. Furthermore, our nomenclature affects others' perceptions of what we do and for whom we do it. Evidence demonstrates that, while general educators report they believe students who need support should be served in general education settings, they also personally do not feel prepared to do so (Burke & Sutherland, 2004; Cook, 2001; Zagona et al., 2017). Might our nomenclature contribute to general educators' perceptions that they are not prepared to teach students with support needs in their classrooms? If we have succeeded in arguing a case for systems change, the following theoretical models may offer promise in its pursuit.

Theories of System Change

The case for systems change in education was put succinctly by Cornett and Knackstedt (2020):

> While there is an extensive research base on the benefits of inclusion for children with disabilities and their peers, novel questions remain on the transition of systems from segregation and exclusion to systems of inclusion on a national scale. Future research should explore systems change and provide a path for policymakers, school leaders and stakeholders to create an inclusive system that supports all children. (p. 517)

But how is the process of systems change to be initiated and, ultimately, accomplished?

Structural Dynamics Theory

Consider the first law of Fritz's (1999) structural dynamics theory (1999): organizations either advance or oscillate under the pressure for systems change. *Structural advancement* is driven by continuous improvement through problem-solving by stakeholder participants (Kelly & Maynard-Moody, 1993). *Structural oscillation* is maintained by "the next big thing" syndrome. Organizations buy into the latest "shiny object" and move to adopt it before attaining the goals of the previous innovation.

Fritz's second law of structural dynamics holds that. in advancement, success multiplies, whereas, in oscillation, success is neutralized. The third law holds that, in the absence of change resulting from success, the organization will revert to its stasis. Finally, the fourth law holds that, if the organizational structure experiences changes resulting from success, the system will overcome oscillation and transform into a new system. Patterned after the laws of thermodynamics, Fritz's theory is keenly attuned to the tendency of busy systems, such as schools, to revert to stasis in the face of efforts to accomplish systems change. We see the process in the early stages of installing, implementing, and sustaining a Multi-tiered System of Support (MTSS) in schools (Sailor, 2012). Staff participants tend to misapply the newly learned language to existing processes, rather than changing the extant processes: "Here is our Tier 3 room." If success is not experienced early and frequently in connecting to tiered instruction, the process is unlikely to move beyond learning the "lingo" and applying it to business as usual (i.e., stasis). The school will remain in oscillation. In his critique of the cascade of school reform approaches that appeared under the federally funded Comprehensive School Reform Demonstration Program (CSRDP; Viadero, 2001; Zavadsky, 2009), Payne (2008) provides numerous examples of systems change efforts that reverted to oscillation following initial change efforts, often not long after the CSRDP grant expired.

Coherence Theory

On the contrary, Fullan and Quinn (2016) present examples of successful transformation in schools that achieved what they term "coherence." To help ensure advancement toward transformation, rather than oscillation, Fritz (1999) and Fullan and Quinn offer some key steps to be followed by systems change agents: (a) set clear purposes and shared organizing principles, (b) expect conflicting priorities, (c) create new structures rather than patch up old ones, (d) revisit core purposes and principles with staff on a regular basis, (e) involve all voices (e.g., parents, community members), (f) create a safe haven for discourse and disagreement, and (g) stay focused. Applied to schools as a target of systems change, additional considerations are needed to ensure program coherence: a common instructional framework guides everything, staff working conditions support implementation of the framework, all resources are allocated for the common cause, and random distractions are avoided.

Fullan and Quinn (2016) point out that a key driver in achieving program coherence is *capacity building*. Capacity refers to the capability of an organization to implement systemic changes. It requires development of a common base of knowledge among leaders in the system who are focused on a few goals and prepared to stay the course over multiple years. Building capacity for sustainable systems change has been enhanced by the National Implementation Research Network (NIRN; Ward et al., 2015). Tools they developed through implementation science, such as the District and

State Capacity Assessments (Fixsen et al., 2005), have contributed in a substantive way to systems change efforts.

Systems Integration Theory

Systems integration theory emerged in the 1990s as a progressive agenda to cut across encapsulated service systems to achieve a seamless web of educational, health, welfare, and community services matched to individual need, regardless of the cause of that need (e.g., disability, poverty), and provided as a kind of "wraparound" system (Adelman & Taylor, 1998; Haines & Turnbull, 2013; Halverson & Sailor, 1990; Skrtic & Sailor, 1996; Tyack, 1992; Zollers, 2002). Systems integration theory, also described as services integration, was defined by Gerry (2002) as

> a set of stereotypes by which a community seeks to ensure the immediate and uninterrupted access of all children and families to those children's services and family supports needed by the family to optimize the cognitive, social, emotional, and physical development of each of its children, and to ensure the healthy functioning, stability, social, and economic self sufficiency both of the family and the neighborhood of which it is a part. (pp. 66–67)

As a progressive social agenda, systems integration theory's zenith was during the Clinton administration and the Goals 2000 agenda. With increasing support in federal policy and funding measures, several states advanced major initiatives. Noteworthy among these were the California Healthy Start initiative (Gardner, 1994) and the Kentucky Education Reform Act (KERA; Kentucky Department of Education, 1995). Much progress was made during this period in overcoming barriers to integrating systems, such as confidentiality protections associated with differentiated data tracking systems (Parrish, 2002). As often happens within the constraints of our American two-party political system, the shift from progressive policy making to a neoliberal agenda under the George W. Bush administration halted further development in systems integration. Some measures, such as KERA, continue in some form to this day; others, such as Healthy Start, returned to categorical stasis. Neoliberal policy in human services favors privatized systems and views integrated systems as compromising potential markets for private investment.

Economic Theory

A fourth theoretical position that informs our approach to systems change is the economic theory advanced by McKnight (1995). McKnight's primary concern was the impact on American community structure and life, resulting from the ongoing shift from a manufacturing to a service economy. In education, the service economy is driven by differentiation of presumed need. In special education, for example, the disability category of autism differentiated into autism spectrum disorder (ASD). Autism as a "market-maker," afforded new markets for entrepreneurs to develop tests, textbooks, consulting companies, and other services, to address the differentiated subcategories of ASD (see also Broderick, 2022). Most recently, education researchers have raised concerns about the political leverage exerted on public policy from networks of private companies responding to rapidly differentiating needs arising from gradual education privatization (Koon, 2020). Koon's analysis revealed how a public/private network of education policy actors co-opted the "school to prison pipeline" agenda by coordinating efforts addressed to law enforcement and other social entities, leading to commodified interventions in the form of marketable products and services for schools and districts.

Lessons Learned From Theory Directed to Systems Change

What should a new structure for the provision of services and supports under "special" education look like? Can we collectively imagine a reconstructed system designed to avoid as many negative unintended consequences as possible, while taking advantage of the new knowledge gained over the past five decades? The four theoretical positions reviewed above offer new insights into restructuring, and identifying, potential pitfalls.

From structural dynamics theory we gain insight into the critical issues of sustainability and capacity. Systems transformation is a complex process with many actors, policies, and participants. Engineering social change requires attention to the structural dynamics of extant systems and their tendency to revert to stasis in the face of transformational interventions. Sustainability and administrative-level capacity must be hallmarks of systems transformation in special education. From coherence theory, we learn that systems fragmentation and ontological differentiation can contribute to failure of the system to reach its goals. Education's classic example of this problem is the "Christmas Tree School," described by O'Day (2002), which captures districts' tendency to quickly jump to the "next big thing" before existing big things have even run their course. With multiple interventions occurring at schools, system interference sets in and defeats the goals of the initiatives. Coherence theory points to the need for all stakeholders to be involved in the selection of system interventions and the importance of having a process to defend against competing agendas.

Systems integration theory has acquainted us with barriers to FAPE stemming from encapsulated subsystems of

education. Early childhood education policy and praxis rarely intersect with those of elementary and secondary education policies to ensure a seamless transition of children requiring supports and services from preschool settings to kindergarten and subsequent grade levels. Elementary and secondary systems are largely separate from special education systems, yet they are interdependent. Even service delivery within special education is bifurcated. General educators benefit from ready access to the fruits of special education research, such as UDL, Positive Behavior Interventions and Supports (PBIS), and Response to Intervention (RTI). In many instances, the three are now combined and expanded into a fully integrated MTSS and provide evidence-based instruction and support to all children. Yet, given the siloed systems, access to new knowledge with which to improve educational outcomes is sorely lacking. Systems integration theory clearly suggests education reform that *unifies all systems of support* for the benefit of each and every student, regardless of disability label.

Finally, economic theory has taught us to become fully grounded in the politics of education. In America's two-party system, we witness the ongoing struggle between demand-side policies, aligned mostly with progressives of the Democratic party, and supply-side policies, consistent with the neoliberal agenda of privatization and reduced taxation, largely aligned with the Republican Party. Unifying public education to provide a seamless system of support to benefit each student will require policy analyses reflecting the perspectives and requirements of both parties. We live in a service economy, with government systems chiefly driven by market forces. Educational reform will need to seriously consider the free market side of the equation.

Having reviewed the bones of systemic reform, we return to our original question: Should special education be reauthorized in its present form, with some tinkering around the edges? Our answer is not without considering alternatives. Solid scientific evidence, consistent with an evolved mindset around "special" education, suggests a need to unify public education into a comprehensive system of support, with services directed to *all* children, regardless of any extraordinary needs. Special education today is better thought of as *specialized* education and no longer requires a separate statute to guide its mission. Today's special education has more in common with Title programs (e.g., Title I): it represents a subsystem of specialized supports and services available to students who require them to benefit from public education. As research funding was withdrawn from the auspices of the Office of Special Education Programs (OSEP) and placed within the Center for Special Education Research in The Institute for Education Sciences (CSER/IES), we see no defensible reason to continue encapsulating funding and policy in a separate system under IDEA. We recommend that the Executive Branch create a commission to craft a plan for unifying educational administration and consider moving support for current special education programs into a Title program closely tied to Title I administration.

Furthermore, if a new Title program be considered, it should have the following features:

1. Whole school/whole child: Schools should reflect comprehensive unification of all educational support systems. This integration of services should be brought to bear to meet the needs of children and families through specialized, culturally responsive supports and services. The present siloed system removes children whose needs require these differentiated supports. In a unified system, focused on whole-school applications rather than discrete classrooms, specialized supports and services can be utilized when warranted for students in a variety of school settings, *including the general education classroom* (Gee et al., 2020; Wehmeyer et al., 2020), and are no longer a justifiable basis for segregating students.

2. MTSS: An MTSS is emerging as the principal driver for a unified educational system. For example, a child whose academic performance with universal support in the general education classroom quickly accelerates beyond the average performance of students in the classroom may, out of boredom, develop a behavior that impedes learning. An alternative to removal to a "gifted" classroom is to provide additional or intensified supports that extend or accelerate the curriculum, which may occur in a separate grouping within the general education classroom or elsewhere in the school, including possible cross-grade groupings. MTSS makes possible the desegregation of students with specialized supports through reconfiguring space and personnel utilization within the school. A practical guide to implementing equity-based MTSS is found in McCart and Miller's book (2020). We note here valid criticisms that, under certain conditions, applications of the MTSS framework have served to reflect the neoliberal agenda of targets for intervention in individual students rather than the ecology of learning. Readers may consider the new book by McCart and associates (McCart et al., 2023) for a discussion of evolving conceptions of MTSS praxis addressed to this issue, and Hunter and associates' book (Hunter et al., 2023) for a discussion of culturally sustaining MTSS.

3. UDL: Since the publication of Rose and Meyer's (2002) book, a sizable evidence base has amassed, warranting culturally sustaining implementation of

UDL principles (Basham et al., 2020; Jimenez & Hudson, 2019; Kurth et al., 2015; Morningstar et al., 2015). UDL involves curating learning environments and activities to meet all students' needs by planning for diverse learners to access and engage with instructional content. Key features of UDL include the following: (a) lesson plans that use multiple means of representing information to students, (b) multiple means of student expression, and (c) lesson plans that allow for multiple means of student engagement and response (CAST, 2018). Practitioners will find the books by Novak (2014) and Nelson (2014) helpful resources for introducing UDL practices into the teaching/learning process.

Conclusion

In this article, we presented a case for reformation of special education law and praxis that stands in opposition to further reauthorization of IDEA by Congress without consideration of alternatives. We position this argument on decades of evidence indicating a poor record of academic and social outcomes for students identified for special education, especially those with complex and extensive support needs. We considered the intersectionality of race and disability, showing how ongoing segregation of students with extensive support needs and students of color furthers their marginalization (Kurth et al., 2015) and precludes opportunities for meaningful, quality life experiences post-school. We considered how special education law continues to foster segregation of student groups in the face of sizable and growing evidence favoring fully integrated arrangements of teaching and learning processes for all students. We considered the importance of nomenclature, how we describe students in terms of interest groups, and its influence on the critically important concept of mindset. Specifically, we argued for discontinuing application of the term "special" to students requiring specialized support services.

We considered contributions from four theories of systems change that, together, suggest a new framework from which to proceed with special education reform. We concluded with a recommendation to replace reauthorization of IDEA with a new Title program providing funding for specialized (not "special") support and services to students who require them, regardless of the source or cause of the need. We further recommended that specialized support and services be delivered within a fully integrated system in each school, and that the reformed system reflect at least the following evidence-based practices, applicable to all students: (a) a whole-school/whole-child approach, with a fully integrated nexus of support and services (i.e., no "silos"); (b) a culturally responsive MTSS focused on the ecology of learning and that encompasses social and emotional learning; and (c) an instructional approach rooted in UDL.

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