

NASP Position Statement

Rights Without Labels

Throughout the history of special education, the use of categorical labels to describe and define a disability has stimulated debate and concern. On the one hand, the use of such terminology serves to bring consistency to research and communication regarding disabilities. On the other hand, labeling is frequently associated with stigmatizing, isolating and stereotyping individuals with learning, behavioral or physical differences; labeling appears unrelated to instructional needs and current systems of classification are unreliable. Further complicating this debate are federal and state mandates that appear to tie funding and services to specific labels and classification systems.

The National Association of School Psychologists recognizes the need for consistency and fairness in the provision of educational services to *all* children, as well as the importance of recognizing individual differences in designing instruction and school programs. Further, NASP promotes services that serve the best interests of students at risk and with disabilities, and believes that such services should not be contingent upon categorical labels and arbitrary classification systems. Such systems are not supported by research, are not required by federal law (IDEA) and, in fact, have not promoted consistency in practice. Further, while categorical funding may have helped to assure that students with disabilities were provided a “free and appropriate education” 25 years ago, advances in research and instructional technology, and more sophisticated, data-based trends in legislation, negate the value of traditional labeling in the 21st Century.

Contrary to commonly held assumptions, research indicates that:

- State by state and district by district variations exist in the definition and criteria for specific disability conditions, despite the common language of IDEA and its regulations;
- Particularly among the more subjective, “mild” disability categories of Specific Learning Disability, Mental Retardation, Emotional Disturbance, and Speech/Language Impairment, labeled students show significant overlap in skills and receive highly similar instruction;
- Among students with very low achievement, there are no consistent distinctions between those identified as disabled (e.g., SLD) and those who are considered “Slow Learners”;
- Regardless of instructional needs, students tend to be placed in programs based on labels;
- Despite increased opportunities for inclusion in the general education program, students who are labeled as having a disability are less likely to have general education friends, are less likely to have instructional goals tied to the general education curriculum, are more likely to drop out of school and have lower rates of successful adult outcomes.

Another common assumption of educators and advocates is that IDEA mandates a categorical system of special education. Although IDEA (1997 Amendments) clearly delineates specific disability areas, IDEA does not require that students be *classified* by their disability, nor does it require States to label children, as long as children are appropriately identified as having a disability using federal regulations. Noncategorical models of service delivery are permitted by federal law.

In the absence of empirical evidence for the efficacy of categorical systems, and given the legality of noncategorical models, NASP promotes service models that insure the rights of all students to an appropriate education without pejorative disability labels. Approaches considered tentative and experimental ten years ago have been proven effective in meeting the needs of at-risk and disabled students and deserve wider implementation. The following guidelines are offered to promote the concept of “Rights Without Labels.”

Alternatives to Categorical Services

Problem Solving Models offer alternatives to the traditional refer-test-place system leading to categorical labeling of students with disabilities; further, such models offer early support to at-risk student, potentially reducing referral to special education. Underlying all problem-solving models is a *functional* rather than *diagnostic* approach to student learning and behavior difficulties-- by examining student performance relative to expectations, identifying instructional needs, and monitoring and evaluating progress in response to intervention. The end result is a data-based approach to instructional planning rather than a specific label.

Screening and General Education Intervention: When students first exhibit difficulties with academic and behavioral skills, screening/intervention methods should be provided by classroom teachers and other general education personnel, with the support of other building resources as needed (i.e., school psychologists, curriculum specialists, social workers, speech therapists, etc.). This approach benefits all children, especially those experiencing educational problems, while helping to identify students with characteristics consistent with legal definitions of disability conditions. Such practices will engender an abiding respect for students' rights under the law not to be evaluated in the absence of genuine suspicion of a disability. Further, research supports these early intervention strategies as preventing more serious difficulties and in many cases reducing referral and placement in special education.

Curriculum Based and Functional Assessment: Secondly, identification and evaluation methods must include functional (instructionally relevant) and curriculum based assessment (CBA) procedures. Research demonstrates these procedures provide reliable, valid measures of student performance and produce relevant information for instructional planning. Further, they fulfill the evaluation protection criteria mandated in IDEA. The primary purpose of these procedures is not to classify or label children, but rather to identify specific curriculum and instructional deficits and strengths in order to provide a framework to develop appropriate educational programs. For students ultimately

determined to have a disability requiring an Individual Educational Program (IEP), CBA and other functional procedures provide a foundation for developing instructional plans and for monitoring student progress toward goals in general education.

Reallocation of Resources: Traditionally, the array of special education supplementary aids, services and resources (including teachers/aides) have been available to children only outside the general education classroom. Our goal is to broaden the context within which special education resources can be used and to reverse the practice of moving students with disabilities to special education services outside mainstream classrooms and schools. Instead, special education resources can be transferred into the non-categorically identified students' regular classroom setting. Consistent with the recent "inclusive education" movement, research has demonstrated that students with disabilities benefit from the socialization opportunities and higher expectations of exposure to the general education curriculum and make at least as much progress as do similar students placed in segregated programs. Recent revisions of IDEA further promote inclusion of students with disabilities in instructional activities within general education.

Assuring Student Rights to Free and Appropriate Public Education

Any change from a categorical to noncategorical model of service delivery must insure that all rights to a Free and Appropriate Public Education (FAPE) are upheld, as specified in the most recent Reauthorization of IDEA. This includes the following guarantees:

- 1) Standards for fair and unbiased identification and evaluation of children to determine the presence of a "disability;"
- 2) Individualized Education Programs (IEPs) for all students who are identified as having a disability, including specialized instruction and related services;
- 3) Least Restrictive Environment (LRE) standards in determining educational placements;
- 4) Appointment of surrogate parents when appropriate;
- 5) Non-discriminatory discipline procedures;
- 6) All timeline standards governing the above practices and procedures;
- 7) Parental rights in the identification, evaluation, IEPs and placement of students identified as having a disability;
- 8) Due Process rights for parents and students who wish to pursue concerns/complaints regarding educational evaluations, programs and placements;
- 9) Local advisory boards to assist (LEAs) in planning for the provision of appropriate educational services;

- 10) All other due process and procedural safeguards specified in IDEA;
- 11) Full disclosure of the procedures and alternatives available under the noncategorical model of services.

Assurance of Quality Instructional Program

Any proposed noncategorical program or system shall:

- 1) Employ general education (pre-referral) screening/intervention measures and utilize evaluation procedures that include curriculum-based and other functional assessments.
- 2) Employ methodology known to be associated with effective teaching/learning (for example, provide students with orderly and productive environments, ample learning/teaching time, systematic and objective feedback on performance, well-sequenced curricula, etc.).
- 3) Focus attention on basic skills as priority areas for instruction (for example, language, self-management, reasonable social behavior, mathematics, health and safety, etc.).
- 4) Provide procedures to identify and respond to the individual needs of all students, and in particular, those who may need modifications in their school programs.
- 5) Provide for special education aids, services and resources to be delivered in general education settings, to the extent feasible and appropriate for the individual student.

Assessment of Outcomes

Any proposed noncategorical program shall:

- 1) Have an objective methodology for assessing the educational progress of students in major curriculum domains (including academic, social, motivational and attitudinal variables), for each IEP goal, and for comparing such progress with results in traditional programs.
- 2) Develop and utilize a cost-benefit analysis to compare costs with traditional programs.

School Personnel and Facilities

Any proposed non-categorical program shall:

- 1) Include instruction and services by teachers and staff who are qualified in accordance with current state certification standards.

- 2) Include a delivery system that provides continuing staff development responsive to the training needs of the teaching staff and administrative personnel who will be implementing the noncategorical program.
- 3) Include appropriate instructional materials and other resources.
- 4) Include assurances that funding levels and personnel allocations will not be decreased as a result of implementation of noncategorical services.

Implementation Issues

Successful implementation of noncategorical, problem solving models across states and districts has demonstrated the efficacy of this alternative; additionally the experiences of these projects has demonstrated barriers to success and strategies to overcome these barriers.

Research has shown that effective implementation of problem solving and noncategorical programs require:

- Administrative support (at the state and district level)
- Comprehensive and ongoing staff training
- Community and parent involvement in all stages of planning
- Assurances of financial support (alternative funding; “hold harmless” provisions, etc)
- Readiness for and commitment to change
- Frequent evaluation of program implementation and student outcomes

In some communities, implementation of a noncategorical system has been undertaken in the context of a “dual” system, whereby the traditional, categorical system and a noncategorical alternative co-exist. Thus both traditional and new procedures are used; traditional classification is determined for reporting purposes yet labels are not emphasized in programming; traditional funding and staffing formulae remain in place. While such dual systems were considered essential to experimentation in the last decade, sufficient data now exist to support noncategorical approaches and negate the need for a dual system. Dual systems, although they appear to offer an idea compromise, create a new set of problems without eliminating the primary concerns of labeling: Confusion as to the purpose of either system; collection of data that are irrelevant to instruction; a double message as to the desirability of labeling; confusion regarding program philosophy; significant training difficulties; confounding of data used to determine program outcomes.

The National Association of School Psychologists considers the current body of research more than sufficient to warrant recommending large-scale implementation of noncategorical models of service delivery, following the above guidelines. In 25 years, traditional categorical service models have failed to demonstrate their efficacy, while

recent applications of problem solving models and noncategorical services show far more promising outcomes.

We call upon our colleagues, advocates and parents to join us in promoting best practices in serving the wide range of needs of at-risk learners and those with disabilities. We further call upon policymakers to assure that adequate funding continues to support a full range of appropriate, data-based services for *all* students, and that such funding be contingent upon identified student needs rather than arbitrary labels.

References

Reschly, Tilly & Grimes (1999). *Special Education in Transition*. Sopris West.

Telzrow & Tankersley (2000). *IDEA Amendments of 1997: Practice Guidelines for School-Based Teams*. NASP.

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