JAMES M. KAUFFMAN'S IDEAS ABOUT SPECIAL EDUCATION: IMPLICATIONS FOR EDUCATING CULTURALLY AND LINGUISTICALLY DIVERSE STUDENTS

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For decades, James M. Kauffman has been a reputable scholar in the field of special education. While his contributions to the field cannot be doubted, his ideas about special education have been somewhat controversial and even devastating to the education of culturally and linguistically diverse (CLD) learners with and without disabilities. Specifically, his ideas about student labeling, standardized tests and testing, multicultural education, and disproportionate placement of CLD learners seem inconceivable and counterproductive. We respect Kauffman as a renowned scholar and we do not doubt his heart, *however, we are unclear if he is aware of the negative consequences of his ideas. In this article, we critique his ideas based on his writings on some critical issues in special education.*

James M. Kauffman is currently Professor Emeritus of Education at the University of Virginia, where he has been for over 40 years. He began his professional career in special education in the 1960's, teaching children with emotional and behavioral disorders. He has written many books and articles on education; much of his writings have focused on issues in special education. Hallahan and Kauffman (2006) defined special education as *specially designed instruction that meets the unusual needs of an exceptional learner…the single most important goal of special education is the finding and capitalizing on exceptional learners' abilities* (p.13). Earlier, Kauffman (2002) argued that special education must be improved; not discontinued. While we whole-heartily agree with this statement, we argue that many of his views on special education are shared by a few traditional elements in the field and not by all in the field of special education. The labeling of students, the use of standardized tests alone to determine eligibility, multicultural impacts on special education, and the disproportionate placement of culturally and linguistically diverse (CLD) students into special education continue to be pillars of disagreements.

Kauffman and Konold (2007) acknowledged that *most practitioners do know fantasy from reality about education* (p. 92). Indeed, there are elements of truth in their statement. The question is, who engages in *fantasy* and who engages in *reality?* The reality is many scholars and practitioners in the field do not necessarily support Kauffman's statements about the need for labeling, the value of standardized testing, and the *fantasy* of cultural insensitivity. Earlier, Kauffman (2004) argued that *it is impossible to have special services (something only some get, not everyone) without labels* (p. 316). Labeling can be defined as the practice of assigning a name to a child's differences with any of the federal or state government's categories of impairment. Identifying a child with a disability often has implications that affect the child's entire life, especially when the identified child comes from a CLD background (Oswald, Coutinho, Best, & Singh, 1999). Stigma, low self-esteem, lower expectations, inappropriate interventions, and the disproportionate placement of CLD students may result from the disability label a child is given (Obiakor, 1999, 2001, 2007a, 2007b). Kauffman (2002) acknowledged that standardized tests are norm-referenced tests that have been valuable resource for the measurement of student progress. The Individuals with Disabilities Act (IDEA) Amendments of 1990 and 1997 required students with disabilities to participate in district and state assessments. These tests are also a source of controversy, as the results are often used to determine labels for students (Gates, 2010; Obiakor, 2001) and placement into special education. Another negative aspect of these tests is that there is a test bias that can be a

contributing factor to the disproportional placement of CLD students into special education (Harry & Klingner, 2006; Metzger, et al., 2010; Salend, Garrick Duhaney, & Montgomery, 2002).

Clearly, the current demographic shift in our nation due to accelerated immigration has created a more diverse student body in U.S. schools; schools are required to make changes to meet the needs of this diverse student body (Ysseldyke, Algozzine, & Thurlow, 2000). Students who come from these diverse backgrounds that differ from the cultural norms of any given area can be classified as CLD learners. It is no surprise that multicultural education has been viewed as a solution to this dilemma (Obiakor, 2001). Multicultural education encompasses educational programming that seeks to maximize the potential of all learners and to provide educational and vocational opportunities for everyone, regardless of cultural and linguistic differences, nation of origin, or socioeconomic background (Obiakor, 2007a, 2007b). Multicultural education and the disproportionate representation of CLD students in special education are both important issues (Kaufman 2002, 2010). Disproportionate representation was defined by Oswald, et al., (1999) as *the extent to which membership in a given ethnic group affects the probability of being placed in a specific special education disability category* (p.198). Kauffman's (2002, 2010) ideas differ on the methods to best educate children from CLD backgrounds, as well as the reasons for disproportionality. There is also strong link between living in poverty and the risk of being identified with a disability (Fujiura & Yamaki, 2000).

Kauffman (2005b) noted that *it is time-way past time, actually – for real-world talk about education, not fantasy talk, not nonsensical statements supposed to express a vision of reality but conveying only an aberration* (p. 521). In this article, we agree that it is way past time to decipher Kauffman's ideas. We are taking up on his offer and examine the realities of some of the issues and trends (the need for labels, the value of standardized tests, multicultural education, and the disproportionate placement of CLD students) in special education that he has so prolifically written about during his long and prominent career.

Labeling of Students: A Necessity or Just Fashionistas?
Our society has become somewhat obsessed with labels. Fashion-forward consumers seem to delight in having a designer label visibly displayed on their apparel. Product labels influence what groceries are purchased at supermarkets. However, labeling a child with a disability is much more serious matter. The reality of such a label is the label not only affects the labeled child, but all who interact with the child, often for a lifetime. In special education, the use of labels was established by law. According, to Kauffman (1999b), labeling is not of matter of educator preference. Furthermore, labeling a child is unavoidable, as anything that is talked about needs to be named (Kauffman, 1999b, 2002, 2004, 2005a, 2005b, 2007b; Kauffman & Brigham, 2009; Kauffman & Konold, 2007). Kauffman (2004) affirmed that, *It is impossible to have special services (something only some get, not everyone) without labels. A label for what we observe is not the big problem* (p. 316). Another reason for labeling children, according to Kauffman (2002) is, *People need labels describing their characteristics if we are to understand who they are and what they need* (p. 96). He believed labeling issues should be about the responsible usage of labels and the understanding of labels (see Kauffman, 2005a). In some fashion, we agree with him; however, student labeling would not be an issue if the positive effects outweighed the negative effects (Ysseldyke, Algozzine, & Thulow, 2000). The negative effects of labeling can include inappropriate interventions, lower expectations, stigma, seeing the label and not the child, inaccurate self-concept, and the disproportionate labeling of CLD students (Obiakor, 2001). Unfortunately, the use of disability labels by special education professionals and associated fields often focuses on the negative aspects of the disability instead of on the child's strengths (Blum & Bakken, 2010).

Kauffman (1999b) argued that *concerns for negative effects of formal labeling appears to have little foundation in research evidence* (p. 452). Lauchlan and Boyle (2007) reported that labeling a disability may be beneficial, as it may lead to appropriate interventions and resources that may not have been available to the child without the label. Certain disabilities, including learning disabilities, cognitive disabilities, and emotional behavior disorders do share some characteristics such as academic challenges or similar problem behaviors (Ysseldyke, et al., 2000). However, there may be limits to the usefulness of generalizing interventions. Individualized interventions may be more effective as they are based upon each child's strengths and weaknesses (see Lauchlan & Boyle, 2007). Metzger, Simpson, and Bakken (2010) found that the practice of a label determining placement, as well as the amount and level of services to be provided to a child, can lead to inappropriate interventions. Parents usually pursue a diagnosis for their child's difficulties, believing the resulting label will result in an improved life; but when the process does not lead to appropriate interventions, there is little value in the labeling process

(see Lauchlan & Boyle, 2007). In consonance, Ysseldyke, et al. (2000) argued that labeling students has not guaranteed that those labeled receive appropriate services for their disability. In some cases, labels provided excuses for students with needs who have not met their goals, and have led to the decreased willingness of some teachers and service providers to work with students. Labels have also victimized students as they inevitably caused them to make inaccurate assumptions regarding their actual abilities (Obiakor, 2001, 2007b; Ysseldyke, et al., 2000). Students with a disability may be excluded from some activities because of their disability label (Lauchlan & Boyle, 2007). They may be perceived to not be competent enough to be successful, despite actually being fully competent. Teachers' preconceived notions of a students' ability level may preclude them from daily classroom activities (Blum & Bakken, 2010; Obiakor, 1999).

While it is common knowledge that labeling a child can lead to lower expectations for the child by teachers, families, and even the child (Obiakor, 1999), Kauffman, McGee, and Brigham (2004) explained this unfortunate outcome as a perceived *benefit of special education* (p. 617) and *freedom from the expectations of performance* (p. 617) to compensate for the stigma of being in special education. Appropriate expectation must be based upon the child's responses, and not national or state goals (see Kauffman & Brigham, 2009). The process of setting appropriate expectation is easier when a child has been classified and identified (see Kauffman & Brigham, 2009). Although Kauffman (1999b) stated that a problem must be labeled before it can be dealt with effectively, Blum and Bakken (2010) found that *the disability label often gets in the way of the most effective education practice* (p. 120). The practice of a label determining placement, as well as amount and level of services to be provided to a child, can lead to inappropriate interventions (Metzger ,et al., 2010). Another unfortunate effect of labeling children with disabilities is the perception of the child by others. Labeling a child as disabled can become the focus of the way he/she is perceived and may predetermine the perception of his/her performance (Blum & Bakken, 2010; Gates, 2010). Labels often cause the child to become the problem, and not the child's behavior (Cassidy & Jackson, 2005). A child's behavior and socialization can be affected by a label (see Gates, 2010). Even Kauffman and Brigham (2009) acknowledged that *prejudice against those with behavior problems is real, and because of it we can't be cavalier toward labeling or identification* (p. 60). Inappropriately used labels can have devastating effects on the labeled person (Obiakor, 2001). The child can become overshadowed when the label becomes the focus (Gates, 2010; Harry & Klinger, 2006). Disability labels do not go away (Blum & Bakken, 2010; Lauchalan & Boyle, 2007); once a child is placed in special education he/she usually remains in special education (Harry & Klingner, 2006). However, Kauffman (2002) concluded that students in special education will require service throughout all their years in school and many of them will still require support services throughout the balance of their lives.

Kauffman (2003a) stated that *the assumption that special education, which is at its best the fair treatment of disability, creates stigma is not just wrong; it is perverse* (p. 196). In a perfect world this statement would be absolutely true; an education system in this perfect world would, indeed, ensure that the needs of all students with special education would engender fair treatment at all times. The reality of our current society is that there is stigma attached to special education. *Short bus* jokes abound on television; students are often unwilling to admit that they are receiving special education services; and parents become very selective in choosing public outings for their children with special needs. Kauffman (2002) believed this social stigma was due to the differences in the affected person, not due to an official label; *we don't need to believe the fantasy that the label is the problem* (p. 95). Kauffman and Konold (2007) alleged that the problem with stigma comes from people's negative reaction to the label and not because there are labels for conditions and interventions. However, abusive labels that can create unnecessary stereotypes, division, and stigma (see Obiakor, 2001).

Kauffman (1999a, 2005a) noted that many children with a disability are stigmatized and suffered from a loss of self-esteem prior to being identified and labeled because of their behavior and learning difficulties. Receiving a label and giving a name to the child's struggles is actually a relief (Kauffman, 2005a; Lauchlan & Boyle, 2007). Social rejection or isolation can be a result of labeling a child, but can also occur even when a child is not labeled (Kauffman & Brigham, 2009). Changing the name of a disability, such as renaming it as a challenge, is simply fooling people with the underlying reasoning that *people are stupid* (Kauffman, 2002, p. 45); *the social reality of disabilities cannot be hidden with anti-labeling rhetoric* (Kauffman, 2002, p. 95). Kauffman and Konold (2007) indicated that using the word *challenge* for a disability has several negative effects; the person with the alleged disability ends up being ridiculed, communication is hampered, and eventually the disability is viewed more negatively. Not talking about a disability or pretending that the disability does not exist does not make it go away;

pretending the disability does not exist may actually increase the associated stigma. Speaking directly, honestly, and openly about a disability has been the most effective way to minimize the attached stigma (Kauffman, 2003a, 2007b; Kauffman, McGee, & Brigham, 2004). Kauffman ,et al., (2004) expressed a correlation between an aversion to labeling and the denial of a disability. Disabilities should be treated as any other medical condition; with a realistic description of the disability and a supportive attitude toward the child with the disability (Kauffman, 2003a). Labeling disabilities has led to more public awareness for many disabilities, although this has not necessarily made the disability more understood by others (Lauchlan & Boyle, 2007). Kauffman (2002) noted that labels with the most objections were the labels used to indicate something was wrong; the person had a disability, a deficit, or a disorder that was in need of correction. Blum and Bakken (2010) believed a disability label is not a neutral term in most cultures and it is often regarded negatively.

Race has proved to matter in the labeling of students (Obiakor, 2001). The stigma that labeling brings can be compounded by the stigma of ethnicity for CLD children (Harry & Klingner, 2006). Teachers may resort to labeling students from CLD backgrounds to remove them from the classroom because they speak, look, or behave differently from peers (Obiakor 1999, 2001). Teachers and service providers must be careful when using a label to classify students; this is especially true for the labeling of students from culturally, linguistically, and socioeconomically diverse backgrounds (Obiakor, 2001). It is essential for educators to learn about the facts of labeling and classifying students (Obiakor, 2001); and misclassifying CLD students can lead to the incorrect labeling. The use of standardized tests, the subjectivity in labeling problem behaviors, the ambiguity of the definitions of some disabilities, and gaps in teacher knowledge can all lead to the incorrect labeling of a student (Lauchlan & Boyle, 2007). Special education teachers and other professionals often use labels as an aid for communicating; it can provide a rapid description of a student. However, differences in teachers' understanding of a disability could lead to generalizations and the overlooking of a child's individual needs and strengths (see Lauchlan & Boyle, 2007). Gates (2010) emphasized the importance of educators considering the needs, challenges, and strengths of a child before considering his/her label. Though Kauffman and Brigham (2009) noted that labels can lead to incorrect labeling, social stigma, lowered expectations, social isolation or rejection, and the educational decline of the child while in special education, they explained that labeling a child with a disability when he/she is not disabled (a false positive) is not as problematic as failing to identify a student when he/she does have a disability (a false negative). The occurrences of school shooting have caused the public to be concerned about the prevention of emotional and behavior disorders, and for false positive labeling to be preferable to false negative labeling (Kauffman, 1999b). As a result, Kauffman and Brigham (2009) concluded that the reasons to forgo labeling are not as compelling as labeling a child. The question is, what does this premise mean to a CLD child or youth?

The prevention of emotional and behavior disorders is actually hampered by concerns over false negatives (Kauffman 1999b, 2004, 2005a, 2007b, 2010). The failure to label a child hampers prevention (Kauffman 2004, 2007a, 2010). According to Kauffman (2010), an inadequate reason for this hesitation to label a child is the unwillingness of educators to incorrectly label a child for a disability they do not have. This unwillingness is due to special education's closer alignment to a legal model and the resulting fear of stigma, poor outcomes, and legal reprisals (see Kauffman, 2007a). Trying to avoid labeling a child has two problems in reality; communication becomes complex or even unfeasible and creates increases stigma for whatever label may eventually be given to the child (see Kauffman, 2007b; Kauffman and Konold, 2007). On the other hand, Higgins, Raskind, Goldberg, and Herman (2002) conducted a 20-year longitudinal study on the effects of labels on 41 individuals with learning disabilities where they found that many of them felt that they had been labeled incorrectly. Once they were labeled with a learning disability, they experienced a period of coming to an understanding of the label before they were able to compartmentalize and accept the label of learning disability. Their difficulties were similar to those experienced by others labeled with a disability, especially in terms of dealing with the stigma from society. Many of the participants experienced problems daily because of the stigma attached to their disability and further described experiences of being bullied, teased, and ridiculed. In addition, they acknowledged that the stigmatization and abuse was far more difficult to cope with than the disability. Higgins, et al. (2002) believed general and special education teachers must work to discourage the teasing and abusing that currently labeled students experience. Professionals must be careful not to label students inappropriately and not provide misinformation about the disability to labeled students, as both practices force them to develop confused and negative self-images.

Some years ago, Kauffman and Pullen (1996) discussed some myths in special education; the given definition of myth for the purpose of the article was *a partial truth that is accepted uncritically,*

especially in the support of existing or proposed practices (p. 1). One myth is the elimination of labels in the provision of needed services to all students. Kauffman and Pullen (1996) alleged that this myth was one of the most pervasive myths in special education; it is a myth fueled by stigma, inappropriate descriptions of need, incorrect labeling and interventions, and the longevity of a label once given. They believed labels are required for communication even though these labels became attached to the child once services were rendered. It is critical to note that Kauffman (1999-2000) wrote several obituaries for the death of special education, including an obituary in which he listed the *ideas that proved fatal to special education, which depends on recognizing and labeling differences among children* (p. 65). In another version of the obituary, Kauffman spoke of the *evil practice* (p. 67) of labeling children and created the *Promise Keepers to Kids* (p. 67), a fictional organization that does not label children. He also issued a call for special educators to rebuild the identity of special education and explained that labeling is an essential component of special education and concluded that the idea of providing services without labeling is a *fantasy* (Kauffman, 2002). The need for labels is a reality, and *realities cannot be changed by political machinations, philosophical speculation, or wishful thinking* (Kauffman, 2007b, p. 246).

In one of his works, Kauffman (2003) made a comparison between clothing and the labeling of disabilities, using a cloak to describe the practice of educators not labeling a child. While labels may provide *fashionistas* with an elevated sense of self-worth, disability labels do not do the same for the labeled child. Although labels may assist in the classification of students, the labels usually do not assist students to receive the needed services (Hattie, 2009). Disability labels bear numerous negative effects which include inappropriate interventions, lower expectations, stigma, seeing the label and not the child, negative self-concept, and the disproportionate labeling of CLD students. The reality of labeling is this; giving a child a label should not and cannot be taken lightly. Despite Kauffman's (2002) statement that *some people have suggested that special treatment can be provided without labels, but that is clearly just a fantasy, not a possibility* (p. 95); students are best served when programming emphasizes the needed services, not the label (Obiakor, 2001). If we are to truly rebuild the identity of special education, labeling, when necessary, must be done with the almost care and sensitivity for students in our care.

Standardized Testing: Reality or Fantasy for CLD Students?
Standardized testing goes hand-in-hand with labeling since schools label students based on the scores on standardized tests (Gates, 2010; Obiakor, 2001). Kauffman (2002) stated that while some standardized tests have been poorly written or have been misused, they have been a valuable resource for the measurement of student progress. *In education, students with disabilities are those who score low on tests because of their disability* (Kauffman, 2005b, p. 520). Not all educators have shared Kauffman's confidence in standardized testing. Over 250 million standardized tests have been given yearly to students in the United States; the intent of many of these tests has been to identify low-performing students (Ysseldyke, et al., 2000). Using IQ tests to determine the labeling of students often results in the misclassification of students and the application of incorrect labels, leading to dissatisfaction with using these tests for the purpose of labeling (Lauchlan & Boyle, 2007). For example, although the diagnosis of a cognitive disability should be determined by taking into account both intelligence level and adaptive behaviors, IQ scores are overly relied upon (Artiles & Trent, 1994). In the *Larry P. v. Riles* case, the court ruled that tests used to determine an IQ for the purpose of identifying a child as EMR were biased against African Americans (Harry & Klingner, 2006). However, according to Kauffman (2005a), *Standardized tests are the best single means we have to measure general intelligence* (p. 206); and they are a fairly good predictor of a student's academic performance.

Those who criticize No Child Left Behind because it requires standardized testing are on the wrong track (Kauffman & Konold, 2007, pp. 80-81); without measurements of student and teacher educational performance, there cannot be any accountability. Unfortunately, one test score can change perceptions and expectations of a child' performance even though he/she has remained the same as before the testing (Gates, 2010).

Mehring (2010) argued that expecting students with disabilities to participate in district or state assessments has created student stress, increased *teacher-assisted* cheating, and an increased drop-out rate by students who have been held back a grade after failing one standardized test. Excessive reliance on standardized test scores as a predictor of future success is perilous; these tests lack reliability, validity, and common sense (Obiakor, 2001). It is no surprise that some educators have seen standardized tests a as type of institutionalized racism (Ferri & Connor, 2005). Test bias is a contributing factor to the disproportionate placement of CLD students into special education (Harry & Klingner, 2006; Metzger, et al., 2010; Salend, Garrick Duhaney, & Montgomery, 2002). For example, in a community with a history

of racial tensions, interactions between a White test examiner and an African American or Latino student may be affected (Artiles & Bal, 2008). Kauffman (2005a) did acknowledge that there is a possibility of bias towards some ethnic, cultural, or socioeconomic groups; but he noted that *a great deal of effort has gone into removing obvious sources of bias from assessments in the past few decades* (p. 135). In addition, he acknowledged the fact that more work was still required to further decrease bias. Not surprisingly, Patton (1998) found that the effect of test bias was actually magnified for African American students, as the majority of standardized tests are used to classify students, instead of diagnostic or prescriptive purposes.

Students can be misidentified and mislabeled when they are given discriminatory tests which produce discriminatory results (Obiakor, 2001). Test norming, examiner bias, and lack of examiner preparation have contributed to the underrating of English Language Learners' and other CLD learners' performance on standardized tests. As a result, the use of alternative forms of assessment to reliably measure students' actual abilities is recommended (Hart, 2009). Test scores are not always understood by professionals (Kauffman & Konold, 2007). Care must be taken to avoid problems of transition and interpretation when using the results of standardized tests (Kauffman, 2005a). The first problem Kauffman (2005a) cited is a failure to scrutinize the margin of error in test scores, which can lead to misinterpreting a measurement error as improvement in students; performance. Second, the lack of the ability to determine changes in scores over time after instruction does not allow for feedback regarding students' performance. Third, the *failure to consider the match between an achievement test and the instructional expectations of the students' class can lead to senseless interpretation of test results* (p. 135). Although most states have curriculum standards, there is still variability in methods of teaching the curriculum among teachers; and standardized tests do not measure individual teachers' instructional methods. Finally, the failure of standardized test scores to   forecast significant student outcomes means that the scores cannot predict the results of specialized instruction that may be provided to the student. For instance, students with emotional or behavioral disorders may be more impacted by these issues, as their disabilities often impede their performance level during both classroom instruction at periods and during testing. As Kauffman (2005a) pointed out, these students often perform below their actual ability level on standardized tests. Therefore, he cautioned educators to be careful when evaluating the test scores of students with emotional or behavioral disorders to avoid making mistakes in setting expectations for students.

Testing has evolved from an assessment tool to the single determining factor of a school's success (Obi, 2010). Earlier, Kauffman (2002) alleged that educators want to know how their students' performance compares with other students from other schools and districts; and he argued that making these comparisons allows us to tackle the issues of teacher performance and equity. *Not wanting to know how a child or group is doing compared to the norm, whether in education…, is a lapse of common sense and caring that most of us would consider to border on criminal stupidity* (Kauffman, p. 239). As it appears, the reliance on standardized testing has produced negative outcomes including teaching to the test, using unethical test preparation methods, extending time limits, allowing students to respond directly on test booklets, and systemically excluding low-scoring students (Mehring, 2010 as cited in Haladyna, 2002). Kauffman (2002) did acknowledge that teaching to the test exists; but he stated this practice is possible with any method of assessment. Any type of testing can be used poorly, according to Kauffman (2002), and he questioned the extreme hostility that standardized testing evokes. Conversely, Harry and Klingner (2006) called for the reconsideration of the method of using standardized testing for the purpose of evaluating schools. As they found, standardized tests are disadvantageous to CLD students, especially in schools with large African American or Latino student populations. Teachers may be inclined to teach to a test, which often means teaching low-cognition skills, including how to correctly fill out a bubble test form, writing using a pre-established formula, and choosing answers through a process of eliminating incorrect choices. Schools are rewarded or punished based upon the results of testing. Community respect, financial resources, and voucher programs can all hinge on results of standardized test scores. Several school district personnel admitted that many of the lowest-achieving students are often CLD students and who are also at risk of inappropriate placement into special education in an effort to increase school test scores.

Summarily, standardized test are often used to label children and to determine school success. The emphasis on these tests has led to the incorrect labeling of children, student stress, increased drop-out rates, disproportionate placement of CLD students into special education, and unethical test preparation practices. Having a disability is not the sole reason for scoring low on a standardized test; student stress, test bias, and lack of understanding of the English language can be realistic reasons for low performance.

Standardized testing can affect teachers negatively, as well. Given these shortcomings in the use of standardized tests in schools, there is little reality in Kauffman's (2002) statement that noted, *I think we have yet to invent a better or more reliable way than standardized testing of finding out fairly what someone knows* (p. 189).

Culturally Responsive Education: A Reality or Fantasy?
As a nation, we are constantly undergoing a demographic shift due to accelerated immigration in the United States. The percentage of the population born in another country is the highest it has been nearly a century, currently about 12.1% of the population (Camarota, 2007). The demographic shift has created a more diverse student population in schools; schools that will need to make modifications to meet the needs of their changing students bodies (Ysseldyke, et al., 2000). In special education, many of these students have not been receiving a free, appropriate public education (Oswald et al., 1999). In other words, the education has been Eurocentric rather than multicultural. Multicultural education, according to Kauffman (2002), must emphasize the commonalities; between people in a manner that makes differences secondary to these commonalties; emphasizing cultural, religious, or ethnic differences leads to a lack of social justice. Many educators may not be able to indicate educational practices that are culturally responsive (Kauffman, Conroy, Gardner, & Oswald, 2008). Kauffman (2010) believed using more cultural sensitivity to solve problems in special education *is based on nothing more than fantasy* (p. 181).

Ysseldyke, et al. (2000) reported that almost a third of the residents of the United States are African American, Latino, Asian American, or Native American and schools must be willing to respond to the diversity within their buildings. Cartledge, Kea, and Ida (2000) agreed that *understanding the diversity within and between cultures is critical* (p. 3). Earlier, Patton (1998) stated that *a new set of enlightened cultural filters and discourses is needed to replace the current language and narrative used to maintain the legitimacy of the current special education social and political arrangements* (p. 28). In today's diverse society, educators and service providers cannot ignore cultural, religious, or ethnic differences of their students, if these children and youth are to be successful in school. For instance, in many states, the Latino population has grown by almost 100% in the years from 1990 to 2000 (Center for Family and Demographic Research, 2002). Within a generation, nearly 1 in 4 students in U.S. schools will be Latino (U.S. Bureau of the Census, 1993). Many of these Latino children may begin school without the literacy skills needed to become literate adults, if current trends in reading readiness persist in the United States (Perry, Kay, & Brown, 2008). Many of these children may be referred for special education services. Historically, CLD students have been disproportionately represented in special education (Liu, Ortiz, Wilkinson, Robertson, & Kushner, 2008; Oswald et al., 1999); however, the results of early interventions have been promising (see Liu, et al., 2008). De Valenzuel, Copeland, Oi, and Park (2006) found that Hispanics and ELL have a greater chance of placement into a more segregated educational setting than their peers. School-based family literacy programs have often failed to value diversity, and have attempted to force Eurocentric school values and needs onto CLD families (Abrego, Rubin, & Sutterby, 2006). Several studies have illustrated the benefits of using cultural sensitivity when working with Latino students and their families as well as highlighting the efforts being made by parents to help their children succeed in an educational setting with different expectations than the school they attended. For instance, Gillanders and Jimenez (2004) agreed that parents are actively seeking to understand these differences and to find ways to accommodate to best help their children (p. 265).

Latino families living in a neighborhood approximately one mile from the Texas-Mexico border where 99% of families are economically disadvantaged were the focus of the study conducted by Abrego, et al. (2006). Ninety family members completed surveys and 32 members participated in focus groups for four semesters primarily Spanish language. The families were part of an on-going partnership called the Evening Reading Improvement Program involving two components of tutoring and family literacy. These families felt more confident in dealing with school personnel and assisting their children at home with literacy activities. They expressed the desire to have their children maintain their Spanish culture and language; traditional Latino rhymes and finger plays were incorporated in the language lessons. The professionals involved worked with the families in their native language, understood the families' desire to maintain their native culture, and provided strategies to the families for assisting their children to learn literacy skills required for success in school. Clearly, culturally sensitive prevention and intervention strategies work. Even Kauffman (2004) acknowledged that, *If it were implemented well, prevention could help many children avoid the need for special education altogether* (p. 310). Unfortunately, the relationship between special education teachers and CLD families has not been optimal due to the over-representation of CLD students in special education; this has been especially true for African American

families, as their students have been most likely overrepresented in emotional behavior disorder programs and underrepresented in gifted programs (Cartledge, et al., 2000).

Kauffman (2002) boldly asserted that IDEA has cut most of the *easy and unjustified identification* (p. 261). While it has been recognized that disproportional placement of African American students exists in special education, the inequity has continued and it has raised concerns about violations of civil rights and racial discrimination (Patton, 1998). Kauffman and Hung (2009) argued that *...racial segregation and special education are built on completely different assumption s and placement of children for their special education is not the same as racial segregation* (p. 455). Harry, Klingner, and Hart (2005) followed 12 African American families with a child with a disability attending school in one of the country's largest school districts and found that although some school personnel treated the parents with respect and sensitivity, others treated them with disdain, disrespect, and even rudeness. One teacher who very openly expressed that there was a lack of parenting by African American parents, had never visited the home of any students, and had no real clue as to the strengths of any of the families of her students. Some of the teachers' style of discipline contributed to the children's difficulties; however, this did not appear to be addressed by the school district. Earlier, Patton (1998) called for special educators to develop a good understanding of the African American culture and the African American experience, a paradigm shift from the current special education system which has not been just to African Americans, as evidenced by their over-representation in special education. Utley, Delquadri, Obiakor, and Mims (2000) reported that school districts outside of inner cities have had a higher percentage of African American and Hispanic students labeled as disabled than inner-city school districts per data from the Office of Civil Rights (OCR) and the Common Core of Data Public School Universe File (CCD). They developed the Multicultural and Special Education Survey (MSES) as a method to identify the areas of need for professional development training in multicultural education for general and special education teachers. Over 60% of teachers surveyed felt that knowledge of their students' ethnic, national, or cultural backgrounds would help their teaching in areas of planning curriculum, instructing students, selecting classroom materials, managing challenging behaviors, assessing students, and understanding expectations of both teachers and students. Similar percentages were cited for survey responses in areas of student performance of environment, peer interactions, motivation, classroom and test performance, and acquiring academic skills. Teachers and service providers must be willing to examine their own attitudes regarding culture, and be willing to commit to professional growth in multicultural education (Obiakor, 2001). In addition, they must be taught to value the differences in individuals and cultures (Obiakor & Utley, 1997).

Clearly, the use of several strategies allows educators to successfully teach students from CLD backgrounds in either the general or special education setting (Obiakor, 2001; Ysseldyke, et al., 2000). The strategies include (a) stimulating students intellectually by presenting new ideas, (b) helping them maximize their fullest potential by understanding their strengths as well as weaknesses, (c) focusing on their positive energies to prepare them for their futures, (d) empowering them within a nurturing environment, (e) collaborating and consulting with their parents as equal partners, and (f) becoming problem solvers to support their growth and development. According to Hattie (2009 as cited in Bishop, 2003).

What seems most important is that students have a positive view of their own racial group, and that educators do not engage in the language of deficit theorizing. Accepting that students come to school with different cultural heritages and that they can be allowed and encouraged to have a positive image of their own racial or cultural heritage is an acknowledgement of the importance of culture, and can show students that they are accepted and welcomed into the learning environment (pp. 57-58).

Cultural sensitivity is of absolute importance in general and special education. However, to Kauffman (2002, 2003b), multiculturalism that places its focus on differences between people and not commonalities is creating a new racism and sexism. In fact, the main point is for a person to take pride in something that he/she had no control over, including ethnicity (Kauffman, 2002). The gender, color, or nationality of people does not determine their personality or personal skills, such as sensitivity to others, intuitiveness, or their goodness and disabilities account for differences in learning far more than the skin color or ethnicity of students (Kauffman, 2002). Students do not do well when instruction is not matched to their prior knowledge or performance level. As a result, special education must be judged by the goodness of fit between instruction and the student's needs (Kauffman, Landrum, Mock, Sayeski, & Sayeski, 2005). The premise of individualized instruction has not existed for CLD students when they have been taught by educators who lack an understanding of their cultural values. When instruction is

lacking, students suffer (Ysseldyke, et al., 2000). Conversely, Kauffman, Conroy, Gardner, and Oswald (2008) stated that *race, language, country of origin, religion, gender, or any single attribute of a person can lead to simplistic answers that do not provide clear information on the educational needs of individuals in the designed category* (p. 244). This statement tends to ignore the reality that nearly 40% of African American and Latino children in the United States live in poverty. This creates a disproportionate risk of being identified with a disability; there is a strong link between poverty and disability (Fujiura & Yamaki, 2000). Manning and Gaudelli (2006) questioned the continued belief in the myth that public education is the greater equalizer when so many children live in poverty. Attempts to equalize education for children raised in poverty and *social disadvantage* (p. 141) to level of more financial and social status advantaged students may be doomed for failure, as the home environment has a big part in the academic achievement of students (Kauffman, 2002). Although poverty tends to increase the likelihood of African American students to be identified as having a learning disability (Salend, Garrick Duhaney, & Montgomery, 2002), it has not been the sole factor for the disproportionate placement of students in special education. Another reality is that African American students who attend school in the wealthiest districts have been identified and placed in special education for serious emotional behavior disorders at a higher rate than African American students attending school in the poorest districts (Oswald et al., 1999). African American students identified as having an emotional behavior disorder have also been more likely to be placed in a more restrictive placement (de Valenzuela, Copeland, Oi, & Park, 2006; Ferri & Connor, 2005; Harry, Hart, Klingner, & Cramer, 2009; Oswald, et al., 1999; Patton, 1998). The disproportionate identification of African American males as having a disability and then restrictive placement in special education have created a new form of segregation; it is a myth that school segregation no longer exists (Manning & Gaudelli, 2006). Sadly, Kauffman (2004) noted that African American children are actually underidentifed and underserviced for emotional and behavioral disorders. This logic is far-fetched.

The President's Commission on Excellence in Special Education (PCESE) found that CLD students were more likely to be identified as having an emotional or behavioral disorder due to the cultural environment of their home (Kauffman, 2004). Although children from CLD backgrounds may behave, talk, or look differently than their peers, teachers and service providers must avoid erroneous assumptions about them (Obiakor, 2014; Ysseldyke, et al., 2000). These professionals may lack the appropriate behavior management skills and make unneeded referrals when students have culturally based behaviors that are misinterpreted as an emotional or behavioral disorder. Logically, a student's lack of academic success or displays of behaviors that can be construed as violent or menacing puts a child at risk for poor social outcomes (Kauffman, 2004). Furthermore, Kauffman alleged that receiving special education services should not be seen as a disadvantage, or an intended means of denying CLD students opportunities. He believed there is speculation on whether educators are actually biased against CLD students or not. The reality is African Americans are overrepresented in the categories of emotional or behavior disorders and intellectual disabilities, but not learning disabilities; this percentage of over-representation varies from state to state. Latinos are overrepresented in some, but not all, states. The southern states have some of the highest rates of over-representation which leads to speculation about the continuation of racial segregation (Ferri & Conner, 2005). While the percentage of diagnosis for intellectual disabilities has decreased, the percentage of African American students identified is twice as high (Harry & Klingner, 2006). Although there are discrepancy criteria for determining a learning disability, the cultural bias contained in IQ tests, and the exclusion of *environmental disadvantages* all contribute to this disproportionality (see Harry & Klingner, 2006).

A Look at the Future
Kauffman has written extensively on many issues in the field of special education. While he acknowledged disproportionality as a serious issue in special education (Kauffman, 2004, 2010), he noted that African American students are actually underrepresented in the category of emotional and behavioral disorders. He criticized Patton (1998) as having postmodernist views and for backing away from the truth. Kauffman (2002) concluded that *in education, it's time to do what we can – make instruction as effective as possible for all children* (p. 284). Unfortunately, this has not been the case for many CLD students as they have been misidentified, misclassified, and placed into special education programs (Obiakor, 2001, 2014; Ysseldyke et al., 2000). Test bias, educator bias, failure to respond to diversity, and lack of understanding of students' cultural values have all contributed to less-than-effective instruction and the disproportionate representation of CLD students in special education. Although Kauffman believed the use of cultural sensitivity to improve special education is a fantasy, his belief is indeed more myth than reality.

The goal of educators, whether they are teaching in general or special education settings, must be to make all students successful to their fullest potential. The level of academic success for students with disabilities varies from school district to school district; the most successful students attend schools with high academic standards for al their students (West & Schaefer Whitby, 2008); and these high standards must be set for all students, including those from CLD backgrounds (Garcia & Ortiz, 2006; Obiakor, 2001, 2007a, 2007b). The reality is that the United States' public school system has been a success for middle and upper class children and a failure for African American, Latino, poor, urban, and rural students (Manning & Gaudelli, 2006). The issue of over-representation of CLD students in special education has been a bone of contention since the 1960s (Metzger, et al., 2010). Harry and Klingner (2006) found that racial separation can be a result of the disproportionate placement of CLD students in special education. As the United States' diverse population continues to expand, it is critical that all stakeholders seek social justice for all students in our schools.

The focus of multicultural education must be, according to Kauffman (2002), on our human commonalities in order to create equality in schools. The critical questions are, How does this bode for a child who comes from a cultural community that emphasizes the needs and wants of the family or community before the needs and wants of an individual? How does this bode the needs of a child with a disability whose culture dictates how that disability is perceived, especially if the beliefs are different from mainstream beliefs? Special education services must reflect the values of the user (Harry, 2002). Teachers and service providers must understand cultural values, traditions, communication styles, learning styles, and relationship patterns of different ethnic groups. Clearly, few teachers are appropriately prepared to teach CLD students (Gay, 2002). To avoid the continuation of myths about CLD students, pre-training programs for teacher preparation must produce well-trained educators who understand the interaction between cultural diversity, learning, and behavior (Obiakor & Utley, 1997). Good teaching is needed for special education (Kauffman, 2002). *Scholars and educators must continue to search for better schooling strategies an of teacher effectiveness techniques* (Obiakor, 1999, p. 47). Indeed, the future of special education will rely on high-quality educators and service providers who have the ability to correctly identify, assess, categorize, and place students according to their actual needs.

Consider Harry and Klingner's (2007) futuristic question: *Can we help students without undermining their self-confidence and stigmatizing them with a label?* (p. 16). Given all the negative consequences of labels, it is time to provide students with needed services without the stigma of labeling them. They are often labeled based upon the score received on standardized tests (Gates, 2010; Obiakor, 2001, 2014). Students with disabilities are not expected to participate in district and state tests; and alternative assessments are currently given to only about 1-2% of students. The balance of students identified with a disability is expected to participate in the same test with their non-disabled peers even though those tests were designed for non-disabled students (Thurlow & Johnson, 2000). Developing alternative methods of demonstrating what students with disabilities know without the stressor of the current test system should be explored, as accountability is being equated with test performance. According to Kauffman (2002), *One of the biggest favors we can do for each other, I think, is to point out statements that don't add up, no matter who makes them* (p. xiv).

Conclusion
After examining Kauffman's views on several current issues in special education, including the labeling of students, the use of standardized tests determining eligibility, and multicultural education, it became clear that his statements lack realities; they do not add up with the ultimate goal of improving special education services for all students. We agree with Kauffman (2002) that special education must be improved; not discontinued. Although he believes strongly in scientifically based practices, he stated that *we need and can have both science and values* (Kauffman, 2003b, p. 325). In fact, we agree with him again. Values can be defined as something of great worth. Every child is someone to value; and teaching requires integrity and the use of one's heart.

Finally, our true mission as educators is to provide every child the opportunity to reach his/her maximum potential, what ever that might be. We must provide those opportunities in a compassionate and caring manner, using the best methodology available. Overall, we agree with Kauffman on several points. For example, we agree that special education is an important facet of education that should be preserved. However, we disagree on the need for labeling students and the value placed in standardized testing. In addition, we disagree on how we value multiculturalism and cultural sensitivity in the identification, assessment, labeling, and placement of students, especially those students from CLD backgrounds.

Clearly, we do not believe CLD students should be indiscriminatively placed in special education programs. Kauffman's fantasies are very far from actual realities. Hopefully, in the near future, we will realize the detrimental effects of his fantasies on special education and work to improve special education in a manner that is just and equitable for all students.

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