Qualitative Inquiry
2024, Vol. 30(1) 48–58

DOI: 10.1177/10778004231165461
journals.sagepub.com/home/qix
SAGE

Beyond Good Intentions in Special Education Policy: Engaging With Critical Disability Intersectional Research

Adai A. Tefera[1] and **Gustavo E. Fischman**[2]

Abstract

This article describes *critical disability intersectional qualitative approaches* aimed to not just analyze but also contribute and transform special education policy research. We specifically examine the shortfalls of education policies that construct race and disability as essentially separate and distinct characteristics, failing to consider students' intersectional identities. By utilizing findings from a case study of a suburban school district that struggled with multiple forms of racial disparities in special education, we demonstrate how a critical disability intersectional qualitative approach can generate new understandings of policy processes by shedding important light on the dual nature of disability.

Keywords

intersectionality, special education policy, qualitative research, least restrictive environment, free appropriate public education

On September 24, 2018, Rachel Aviv, a reporter from *The New Yorker*, published "Georgia's Separate and Unequal Special Education System: A Statewide Network of Schools for Disabled Students has Trapped Black Children in Neglect and Isolation (Aviv, 2018)." Documenting the story of Seth Murrell, a young Black boy, and his family, the article revealed the family's battle to ensure Seth's legal rights to a free appropriate public education (FAPE), given his disability label. After struggling in the traditional public school setting,

> Latoya [Seth's mother] was told that Seth would be sent to a school twenty minutes away, in the Georgia Network for Educational and Therapeutic Support, a constellation of schools known as GNETS, attended by four thousand students with emotional and behavioral disabilities. . . . [Latoya's sister], a public-school teacher [in Georgia] . . ., said, "I was just trying to figure it out in my head—we already have special-ed classes in the schools, so why is there this second system?" (Para 3)

This "second system," known as Georgia Network for Educational and Therapeutic Support (GNETS), was also racially segregated. The rate of Black boys in GNETS, boys predominately labeled with emotional and behavioral disabilities, was double that of Black boys in typical public schools in the state. The racially segregated nature of the system was not new, however. The first GNETS school emerged during the Jim Crow era—a school for Black students focused on teaching the "practical necessities of life." After an investigation of GNETS, the U.S. Department of Justice (2015) determined the school system was "unnecessarily segregating students with disabilities from their peers [and] . . . providing opportunities to its students that are *unequal* [emphasis added] to those provided to students throughout the state" (p. 1) who were not in the program.

Whereas Seth's experience forced into the segregated GNETS system may seem unique, it is not. In the United States, students of Color with disabilities, particularly Black and Indigenous students, are excluded from general education settings (Lee, 2017), receive fewer essential instructional supports, and are disproportionately segregated compared with White students with disabilities (National Council on Disability, 2018). Black students are also disproportionately punished with out-of-school suspensions (U.S. Government Accountability Office, 2018), while they are underrepresented in gifted programs (Ford et al., 2021; Vega & Moore, 2018). Furthermore, racially and economically dominant families often have access to high-quality special education services. At the same time, students of Color are overrepresented in less demanding programs and receive fewer essential services compared with their White

---

[1] The University of Arizona, Tucson, USA
[2] Arizona State University, Tempe, USA

Corresponding Author:
Adai A. Tefera, Department of Disability and Psychoeducational Studies, The University of Arizona, 1430 E. Second Street, Tucson, AZ 85721, USA.
Email: adaitefera@arizona.edu

peers with the *same* disability, and thus often struggle when it comes to educational outcomes (Donovan & Cross, 2002; Harry & Klingner, 2022; Ong-Dean, 2009).

Notably, these inequities persist decades after the advocacy of families and caregivers of children with disabilities. During the 1960s and 1970s, families used arguments embedded within *Brown v. Board of Education of Topeka* (1954) to ensure increased rights and end the segregation of students with disabilities (Ong-Dean, 2006). It was the activism of families that contributed to the passage of the Individuals with Disabilities Education Act (IDEA, 2004, originally the Education for All Handicapped Children Act, 1975) and the protection and enhancement of the rights of students with disabilities, including the right to FAPE and education in the least restrictive environment (LRE).

However, persistent racial disparities in special education make evident the intractable relationship between White supremacy, race, racism, and disability in the United States (Gillborn, 2015; Reynolds, 2022). The intersection of disability with race has a paradoxical dual nature of protection and marginalization. As Artiles et al. (2016) point out, disability

> veers people into life trajectories fraught with adversities and discrimination, while it is also an object of protection that recruits state's and communities' resources to compensate for the impact of impairments and to develop individual's potential for meaningful participation in society. (p. 778)

This dual nature relates to how disability operates as a form of opportunity and oppression. Gillborn (2016), for example, argues that disability is a form of White property—"that is, *dis/ability* operates as a category that is regulated and controlled in ways that support White racial privilege" (p. 115). Erevelles (2016) concurs, arguing that a

> recognition of whiteness as "the attribute of free human beings with the unquestioned" right to exclude non-whites has become the cornerstone on which most educational policies rest and has continued to reproduce the "separate and unequal" doctrine that the *Brown* decision sought to overturn. (Erevelles, 2016, p. 121)

In this sense, despite the passage of *Brown* and IDEA declaring racial segregation unconstitutional and the right of students with disabilities to receive FAPE and access to LRE, education policies and practices continue to contribute to racially separate and unequal schools (Erevelles, 2016).

Since Lloyd Dunn's seminal work on racial disproportionality, in 1968, disparities in special education have been widely researched. The majority of research focused on disproportionality, however, primarily utilizes large data sets and engages in statistical analyses (Cruz & Rodl, 2018; Waitoller et al., 2010), including debated studies that interrogate whether disproportionality exists at all (e.g., Morgan et al., 2015), which have sparked tense debates in the United States (Collins et al., 2016; Skiba et al., 2016). Far less scholarship explores disproportionality related to placement (e.g., students placed in inclusive vs. segregated settings; see Skiba et al., 2006; Skrtic et al., 2021) using qualitative, socially situated perspectives that center the experiences of students of Color with disabilities and their families (Gillborn, 2015; Tefera et al., 2023). Acknowledging the role of educational policies' framing of the dual nature of disability and the need to focus on how core principles within IDEA (e.g., FAPE and LRE) shape the lives of students of Color with disabilities and their families, this article argues for engaging with *critical disability intersectional qualitative approaches* to study multiple forms of racial disparities in special education.

We do this by recognizing the lineage of women of Color who birthed the notion of intersectionality, contributing to its foundational developments, and discussing the relationship between disability intersections in education policy and significant methodological developments. We then utilize qualitative data from a study in a suburban school district grappling with racial disparities, as a case in point to explore intersectionality and the dual nature of disability. By doing this, we illuminate how the power and privilege of dominant White and wealthy families leveraged crucial elements embedded within IDEA (i.e., FAPE and LRE) to benefit their children and marginalize students of Color with disabilities.

Acknowledging Intellectual Debts

Rooted in a long history of Black, Indigenous, and Chicana feminism, as well as queer and postcolonial theory, intersectionality is a critical concept that scholars across research disciplines have adopted. Intersectionality was birthed by women of Color who were public intellectuals, artists, and activists; women who struggled, demonstrated, and endured pains fighting for just policies and practices that acknowledge the multidimensionality of race/ethnicity, gender, disability, sexuality, and language as interlocking identity categories conditioning all experiences. Braided into the historical tapestry of women of Color, intellectuals, artists, and activists pushed for intersectional understandings, refusing to be invisible in society. To this point, Chicana writer and activist Gloria Anzaldúa (1987) affirmed as follows:

> I will no longer be made to feel ashamed of existing. I will have my voice. Indian, Spanish, white. I will have my serpent's tongue—my woman's voice, my sexual voice, my poet's voice. I will overcome the tradition of silence. (p. 59)

Drawing from this deep history of activism, Critical Race scholar and Black feminist, Kimberlé Crenshaw (1991, 2013), coined the concept of intersectionality to examine the dynamic and complex ways women of Color, particularly Black women, experienced discrimination in the law. Crenshaw used the term "intersectionality" as a metaphor to demonstrate the invisibility of Black women in United States antidiscrimination laws. Continuing the tradition of Anzaldúa, Crenshaw, and many activists and scholars, we aim to contribute to identifying the gaps and silences of single-category analyses, particularly in education policy, highlighting the mutually constitutive relationship between identity categories in their scholarship across academic disciplines (Gillborn, 2015; Tefera et al., 2018).[1]

Critical Perspectives Centering Disability Intersections in Education Policy

Critical disability studies scholars offer relevant paths for understanding disability intersections. Erevelles and Minear (2010), for example, utilized theoretical and empirical arguments from Critical Race Theory and Disability Studies to account for the ways disabled people of Color are often "caught at the violent interstices of people with multiple differences" (p. 97). They questioned, "What if some differences coalesce to create a more abject form of oppression (e.g., being poor, Black, and disabled)?" (p. 99). Erevelles and Minear's work contributed to the emergence of a coalition between Critical Race Theory and Disability Studies to disrupt the limitations of single-axis categories and build on the interconnectedness and commitment to justice across disciplines (Harris & Leonardo, 2018).

Drawing on this foundational work, Annamma et al. (2012) conceptualized Disability Critical Race Theory, or DisCrit, to examine the mutual nature of racism and ableism in schools and society, and demonstrate how mutually constituting oppressions are enacted in the day-to-day lives of students of Color with disabilities. Artiles (2013) similarly outlined the significance of intersectionality, particularly in keeping race and disability in conversation with one another, given the ways racialized students and students with disabilities have complex histories connected to deep and troubling deficits that are often used to justify inequities. In their research focused on family advocacy, Harry and Ocasio-Stoutenburg (2020) draw from intersectionality and DisCrit to argue that "parents' advocacy involves attending not only to the complexities of their identities but also to the exclusions and oppressions associated with those identities" (p. 8). Notably, while Harry and Ocasio-Stoutenburg recognize the value of intersectional approaches, they note that, in special education, "[i]t is apparent that, while minority groups have increased their economic and social capital, the residue of historical racism continues to provide the main lens through which school personnel view families of color" (p. 111).

Despite these calls to engage in intersectional analysis, narrow education policies and laws continue to position students with disabilities as one-dimensional, focusing predominately on individual disability categories (e.g., intellectual disabilities, autism, emotional and behavioral disabilities, and learning disabilities). This reductionistic approach to identifying and centering disability in policy limits intersectional analyses of disabilities that policies should aim to address. Tefera and Artiles (2023), for example, critique the policy framing of learning disabilities that prohibits consideration of race, culture, and socioeconomic status in identification practices of learning disability labels. Although the intention behind identification practices for learning disabilities may be to promote "equality," this one-size-fits-all approach negates intersections and evades race, language, culture, and other identity categories, creating dire consequences for the learning opportunities and outcomes of students at the confluence of multiple differences.

In this way, IDEA frames and encourages using a unitary approach that ignores students' and families' multiple identities (Artiles, 2013; Liasidou, 2013; Tefera & Fischman, 2020). For example, emergent bilingual students with disabilities are not considered in IDEA indicators, including those related to disproportionality in discipline and identification (i.e., Indicators 9 and 10). Furthermore, indicators in IDEA pertaining to inclusion and education environments (i.e., Indicator 5) do not consider students' multiple identity categories. Districts, for instance, must report how many students with disabilities are in general education classrooms for 80% or more of the day, less than 40% of the day, and in separate schools. IDEA does not require, however, that these data are disaggregated by race, gender, or social class. Even when IDEA requires districts to report race and disability categories (e.g., Indicators 9 and 10), there is a narrow focus on reporting mathematical measurements, such as risk ratios, to determine disproportionality (Cavendish et al., 2015). The race-evasive roots of IDEA contribute to a limited framework that narrowly focuses on technical compliance (Kramarczuk Voulgarides et al., 2021), which overlooks students' multiple identities (Carbado, 2013). Such race-evasiveness embedded in the law ultimately shapes how and in what ways educators engage in their practices with students with disabilities and their families, often contributing to, rather than disrupting, long-standing inequities (Tefera & Fischman, 2020).

Methodological Developments Engaging in Disability Intersections

Building on the work of scholars and activists, and given how the disability intersections are under-examined in education policy research, especially in special education, we argue that an intersectional framing focused on the dual nature of disability is essential for disability justice. Therefore, a *critical disability intersectional qualitative approach* in policy requires engagement with multiple processes of marginalization, understanding about, and centering the intersections of students with disabilities (e.g., Annamma et al., 2012; Artiles, 2013; Bal & Trainor, 2016; Erevelles & Minear, 2010).

Intersectional methodologies have the potential to challenge rigid conceptualizations of credibility and validity in qualitative research (e.g., Abrams et al., 2020; Dillard & Osam, 2021) by examining how lived experiences are mediated by power and privilege across identity categories. Engaging in intersectional methodological processes reveals multiple ways of existing in the social world and facilitates engagement with "procedures that account for complexities and obscurity in our research pursuits and cultural interactions" (Esposito & Evans-Winters, 2021, p. 22). We want to stress that we understand disability, race, class, gender, and other categories of difference not as fixed and stable, but rather as dynamic and heterogeneous. Accepting this dynamic sense allows researchers within the qualitative, quantitative, or mixed methods communities to select the most relevant methodological tools to collect the data and analyze power relationships in changing contexts through their intersections (Misra et al., 2021).

Research on intersectionality in education policy exposes the need for using an array of methodological approaches, including qualitative tools, to examine how power shapes individual and group identities, opportunities, and outcomes. A review by Tefera and Sjogren (2022) focused on intersectionality and education policy, for example, revealed a reliance on document data and analysis, with fewer methods focused on eliciting new understandings about intersectional categories, using in-depth interviews or ethnographic data to understand how policies shape the lived experiences of multiply marginalized students. In-depth interviews and observations that center the intersectional lives of students with disabilities can elicit rich narratives that focus on students' lives within complicated policy contexts in ways that counter master narratives (Hernández-Saca, 2017). In the following section, we provide an overview of a study that focused on racial disparities in special education. Through this study, we demonstrate the benefits of an intersectional framing focused on the dual nature of disability to illuminate potentially new opportunities for education equity.

Racialization of Disabilities: An Overview of the Study

Data presented in this article come from a 1-year mixed-methods case study that was conducted in a large suburban school district from 2017 to 2018. Findings reported in this article focus on the qualitative components of the study. The school district initiated the study, given their struggle with the persistent challenges of grappling with ongoing disproportionality in multiple areas that included placement, identification, and discipline. The school district faced extensive legal challenges from families of children with disabilities who believed their children were being denied the fundamental rights embedded within IDEA, including FAPE and LRE. Focused primarily on families and their advocates, we interviewed parents, caregivers, advocates, and attorneys who served as intermediaries between families and district officials, including district attorneys. We also interviewed district and school leaders and teachers.

The district comprised more than 70 schools and, at the time of the study, served close to 50,000 students. Approximately, 35% of students were Black, 40% White, 10% Asian, 9% Latinx, and 5% were identified as coming from other races. Students with disabilities represented approximately 12% of the district's student population, with Black students disproportionately identified with disabilities (49%) compared with their total enrollment (35%). The remainder of students with disabilities were White (34%), Latinx (8%), Other (5%), and Asian (4%).

The project sample included individual interviews and focus groups with parents ($n = 57$), advocates ($n = 7$), attorneys ($n = 10$), school district educators ($n = 18$), state and district leaders ($n = 13$), and community leaders ($n = 8$). Interviews and focus group transcripts were analyzed by developing primary and secondary codes, using a constant-comparative method (Glaser & Strauss, 2017) to facilitate an understanding of the ways racial and contextual factors mediated families' and their children's experiences ensuring IDEA principles were met. Although we aimed to interview families and caregivers who were racially representative of the district, predominately White families agreed to participate, with fewer Black families and other families of Color. Despite this limitation in the data, however, interviews explored intersectional dynamics, with a focus on the relationship between disability, race, and income, and the way power was associated with the intersection of these categories. We focused particularly on structural intersectionality (Crenshaw, 1991) by examining the ways Black students with disabilities and their families experienced key aspects of IDEA (e.g., FAPE, LRE) to uncover the ways their experiences may be qualitatively different from White students with disabilities and their families. For example, interview questions explored the racial context of the district (e.g., *How would you describe racial diversity in the district*?), experiences regarding race and disability related to placement, identification, and discipline (e.g., *How would you describe racial disparities in special education*?), and families/caregivers' impressions of administrative burdens embedded in IDEA (e.g., *What* *type of help did you receive, if any, navigating your way in special education*?).

To establish trustworthiness (Lincoln & Guba, 1985), the research team began by familiarizing ourselves with the data. This included reading all interview data and writing memos, as well as regular debriefing sessions to reflect on literature and theoretical connections and divergences with interview data. Next, the research team developed an initial set of codes and then engaged in regular meetings to continuously refine the codes and subcodes. Once codes were agreed upon by team members, codes were defined in the codebook. If there was no agreement between researchers on the team about codes, we either refined codes and definitions until there was agreement or eliminated the codes. Once the codebook was established, each team member coded a subset of interviews. Trustworthiness also included prolonged engagement in the field, with observations of classrooms. We also engaged in member checking by presenting findings to district leaders. In the section that follows, we outline how a primarily unitary approach in IDEA embedded within FAPE and LRE policies failed to restore equity in practice and instead exacerbated social injustices for students with disabilities.

The Hazards of a Unitary Approach in Special Education Policy: Examining FAPE and LRE

Regarding racial disparities facing students with disabilities, race, *and* disability matter (along with other social categories such as social class and gender) and cannot be understood in isolation as if they are independent factors. Yet it is often the case that one identity category is emphasized over others (e.g., race *or* disability *or* social class *or* gender), evidencing the presence of a unitary approach. The limitations of using a unitary approach are present in how educators often understand two fundamental IDEA principles—Free Appropriate Public Education and Least Restrictive Environment.

Exposing the Dual Nature of FAPE

IDEA outlines that school districts receiving federal funding for special education are required to provide FAPE to all students identified with disabilities. Specifically, the mandate of FAPE requires that students in special education receive *related services* to meet their specific educational needs. Findings from our study show that FAPE and the types of associated services students received were shaped by their disability, race, and socioeconomic conditions. Although all families in our study frequently discussed the burdens of having to "fight" for the fundamental rights embedded within IDEA, White families entered the "fight" with more resources. White families used their racial, financial, cultural, and social resources in ways that allowed access to FAPE to which Black families did not have the same level of access. We found that many White families mobilized resources by hiring advocates and lawyers to litigate and ensure their voices were heard. One White mother of a son labeled with an intellectual disability discussed the imperative nature of hiring advocates as pivotal in the fight for FAPE:

> I've told parents that they'd be at a disadvantage [if they do not hire an advocate], and I've given them names. Some people have used their own [advocates]. They've all come back and said, at all different schools in the district, "I can't believe we were doing this without them [advocates]." The running joke amongst us is how we have to walk into an IEP [Individualized Education Program] meeting with our armor on.

Similarly, another White mother of three children identified with autism further described the fight. "They [the district] need to accommodate more and fight less. If their pushback is about the budget, that's not our problem. The law [IDEA] says free and appropriate education, so they've got to do it. I think they need to work with parents more." Despite the vital role families and advocates played in expanding civil rights to students with disabilities in the advent of IDEA in the 1970s, educators gained more discretion over time in deciding the educational services provided to students with disabilities (Ong-Dean, 2009). Notably, the "combination of educator discretion and parental burden makes it very difficult for parents without sufficient economic resources to challenge the discretion educators have in designing FAPE and securing a positive outcome for their child" (Marsico, 2022, p. 224).

Given educators' discretionary advantage in deciding on FAPE in IEP meetings, it is understandable that they often invoked analogies and metaphors to describe their experiences, including "armor," "fight," and the "war-like" environment they were in. This tension led many families to hire advocates. One White mother of a son with a speech and language "impairment" described when another mother encouraged her to hire an advocate to ensure FAPE and access to an appropriate classroom. The mother shared,

> I will deny this if you ever tell people that I told you this, but you need to get an advocate. [Your son] does not belong in that class . . . They are screwing you over. Get yourself an advocate and get it now. You can't go to that next IEP [Individualized Education Program] meeting without one.

While these challenges were widespread, the cost-prohibitive nature of hiring advocates and attorneys for low-income families, particularly low-income Black families in the district, were recognized and discussed. One Black advocate who represented many Black families in the district was someone who many district and school leaders and educators were impatient with, given the advocate's discussions of racism within the district. This advocate described that it was often the case that her Black clients had trouble affording her services. She explained,

> They [Black families] can't afford me because I charge $200 an hour for what I do. The thing is that that's not gonna stop us from taking a case. We wrote off over $180,000 worth of services last year. That's very important because what we're doing is we're serving underserved families who are being literally raped by the district of their rights.

The sentiment that the district prohibited fundamental rights to Black families and their children with disabilities was widely acknowledged by participants in our study. Notably, the interpretation and meaning-making about the enactment of IDEA and its explicit language about prioritizing the student disability and not considering other characteristics constrained the everyday decisions of educators who faced challenging tension. IDEA's narrow unitary approach ignoring students' and families' multiple identities framed educators' interactions with families who, in practice, often constructed their relationships with schools based on their racial *and* socioeconomic status.

Although rare in explicitly naming race, one White advocate who worked with families with developmental and intellectual disabilities explained how socioeconomic status and race ultimately shaped FAPE among students. "White families that have contacted us are mainly economically better off compared to Black families . . . who have little standing within the city. It's the same thing in the district. If you don't have standing, you don't get the respect." One Black mother of a son identified with autism who was also an educator explained that part of the challenge was the district's "perception that [Black] parents just don't care [about their children's education]." However, she noted, "that's just not the case." Given this mother's expertise as an educator, she was knowledgeable about the complicated bureaucracy of special education and aware of the challenges many families in the south side of the district—the predominately Black community—faced navigating special education. She explained that families often feel like,

> Here I am with a bunch of professionals around me, talking a whole lot of stuff that I completely don't understand. It's like foreign language to me, and so I'll take these people's word for it. Whatever they say is best.

However, we found some Black families did indeed advocate for FAPE despite not hiring an advocate. For example, one Black father of a son initially labeled with a developmental disability and then autism described having to advocate for appropriate services for his son:

> When I went up to the schools in the north side [predominately wealthy and white], they had programs in those schools for [son with autism] . . . I said I wanted the same services over in the south side [lower income predominately Black community] that they had in the north side.

Both the Black mother and Black father quoted above pointed to the racialized burdens of navigating a complex special education system. Yet IDEA's failure to address how race and social class shape access to crucial tenets within the law is often overlooked. These findings point to the dual nature of FAPE, given how disability designations operated either as a form of opportunity or exclusion based on the racial and economic positioning of families and students (Artiles et al., 2016). Although FAPE was created to expand and ensure equity and opportunity for students with disabilities, for Black families, and families from lower socioeconomic groups, FAPE did not serve as an index of opportunity but, rather, of inequality.

Exclusive Inclusions: An Examination of LRE

The notion of inclusion is often hallowed as a critical provision of FAPE in ensuring all students with disabilities are educated in their LRE. Specifically, LRE in IDEA stipulates as follows:

> To the maximum extent *appropriate* [emphasis added], children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

One of the primary challenges with LRE is the hierarchical nature that is espoused between students with disabilities who are included with their general education peers and those with more significant disabilities who are often forced into separate segregated settings. Beratan (2006) noted the challenges of this ranked approach embedded within LRE, whereby it is acceptable to segregate some students who are assumed to not fit into an "inclusive" classroom environment. Although intended to expand access and inclusion for students with disabilities, exclusive elements embedded within LRE reinforce detrimental notions about normalcy (Ferri, 2006).

Importantly, our study revealed that the unitary approach of IDEA and LRE's implicit hierarchical categorization of disabilities contributed to a lack of understanding of the intersections of institutional forms of discrimination, particularly by encouraging ableism coupled with the racialization of disabilities. IDEA stipulates that if a family can prove that a child's needs cannot be met within a public setting in the district, the district must pay for placement of the child in a private setting. However, our study revealed that students with disabilities placed in segregated public settings were disproportionately Black (75% Black compared with 25% White). One White attorney who worked for a local justice organization that offered free legal services for low-income families expressed alarm about the doubly segregated nature of the school:

> Whether those alternative [segregated] settings are actually the least restrictive environment [LRE] for the student is an issue. Sometimes if they're [students with disabilities] set to go to a public day [segregated] setting, they're going to be with only other students with disabilities. We certainly see that happening in the south side [majority Black community] quite a bit.

In this case, the advocate subtly questioned the segregated nature of the school designated for only students with disabilities and how such a setting could be aligned with LRE. In addition to examining the segregated nature of the school, the advocate discussed the school's geographical location in a community with a majority of Black residents.

Many participants discussed the racially segregated nature of the separate public school and its relationship to being geographically located in the predominately Black south side of the district. A White local leader responsible for social services in the city frankly explained, "I feel like this [segregated public setting] is the place where poor Black kids go, and they are not getting our very best services. I'm being frank with you here." Some of the hesitancy among Black families to engage with educators and leaders in special education processes may have emerged because of educators' lack of engagement with issues of race and racism. One Black advocate, who spent decades representing families in the district, recalled when a Black father raised the issue of lack of resources for his son due to race. "If my child was not a child of color, he would be getting the services he needed." The advocate explained that the IEP team "immediately threatened to end the meeting [after the father's statement], even though that was a valid parental concern that needed to be worked out." The advocate insisted, "We have to teach people how to talk about race." These examples demonstrate the consequences of structural ableism and racism, given how Black families were positioned in the district and the segregated placement of primarily Black students with the most severe disabilities in a community that struggled with significant structural inequities.

Notably, many White families openly spoke about their refusal to send their children to the segregated public school, given its reputation for poor teacher retention and a crumbling infrastructure. A White mother concerned with the segregated school reflected that "One of the things that they [the district] assured me was that they were going to change some things at the school. My kid's not there, but I saw some really horrible things there." Similar concerns from a White advocate who represented families with children with disabilities in the district for over a decade explained,

> The south side is plagued by staff that really aren't skilled . . . It takes a very dedicated person to want to go there. You don't want to go to the south side and work with all the problem kids . . . I've worked with enough of them . . . They intimidate . . . The Black kids with the culture they come from, and the street stuff they bring in. If you don't ignore it, you can't teach them. You're just scared of them. They know that.

This advocate shrouded the challenges of unprepared staff in the district's south side with a troubling racist and deficit narrative of Black students as the primary "problem." Importantly, we found that most students attending the segregated school for students with disabilities were predominately Black and mostly boys labeled with emotional and behavioral disabilities, with a small group dedicated to students with autism. As one Black advocate who worked in the city for decades revealed, "It's an old traditional mentality. Autism is a White boys' disease and EBD is a Black boys' disease." Indeed, Black students are disproportionately labeled EBD (Bal et al., 2019; Skiba et al., 2006) and emerging research demonstrates the racialized nature of autism (Kearl, 2021; Skrtic et al., 2021). One Black father shared that

> the programs that they have for kids with disabilities in the north side are better. The services that they have for special ed kids are more interacting. They're more hands-on. They teach them like they are a regular [general education] student. You can see that.

Although erasing the significance of race, the local leader responsible for social services described the challenging historical reputation of the segregated public school:

> I think the biggest issue with that program [segregated public school] is just the stigma. I think people still remember that's where the bad kids went, and there were a lot of behavioral issues there. I think they've gotten stronger. I think our community just remembers what it used to be, and so when that program is even recommended as a stop the parents who are from the area freak out because they don't want their children to go there.

While this advocate did not explicitly discuss how race was tied to the "bad" reputation of the school, it was implicit in the statement, given the racially segregated nature of the school with its majority of Black students.

Our findings identify shortcomings of the unitary approach inscribed in IDEA, given the differential access to fundamental rights embedded within the policy, including FAPE. Granted, like most policies, IDEA is less about social justice matters and more about technical issues and compliance (Kramarczuk Voulgarides et al., 2021; Ong-Dean, 2009). While IDEA outlines that parents have the right to participate in educational decisions for their children with disabilities, as we argue, intersectionality matters. Whether, how, and in what ways participation occurred was heavily determined by families' social class, race, and relationships with the school system. In this sense, only racially and economically dominant families were perceived by educators and school authorities to have the right to have rights embedded in IDEA (Artiles, 2013). Our findings also demonstrate how whiteness and wealth allowed families to navigate the complex bureaucracies of schools to negotiate with educators and leaders. The power embedded within racial and socioeconomic categories translated into social meanings with material consequences within the district for families and students.

We also found that Black students were disproportionately sent to the segregated public school, often because their families did not have the same access to resources, including advocates and attorneys, that many White families leveraged. The administrative burdens of special education (Ong-Dean, 2009) and the narrow focus on disability and lack of engagement with race and social class within LRE contributed to inequities. Indeed, White and mostly wealthy families engaged in specific strategies to ensure placements in schools with the most qualified teachers and ideal services. These strategies included hiring advocates and threatening litigation to avoid the segregated public setting. The strategies predominately White families employed were widely recognized among educators and leaders in the district and contributed to a segregated public location with the majority of Black students identified with the most significant disabilities (e.g., emotional and behavioral disabilities and autism). Indeed, these segregation practices based on disability *and* race were reminiscent of a time in U.S. history when attempts were made to "cleanse" public spaces of those who were deemed "undesirable," including people with disabilities (Schweik, 2009) and people of Color.

Researching Special Education Policy Through Critical Qualitative Inquiry: Acknowledging Intersectionalities

> The poverty of the many is as old as the hills, and from pulpit and lecture platform, we hear that it is as hard as the hills to get rid of. (Brecht, 1995, p. 89)

The reality of the increased inequality in the world seems to confirm Brecht's (1995) observation. To some, Brecht's perspective is not troublesome because if poverty (or disability, or skin color, or gender) and inequality happen "naturally," if they are processes essential to the human condition, then they must be just and fair (Chatterjee et al., 2007). Naturalizing inequality serves as a grand narrative that explains and legitimizes the gap between the wealthiest 1% (or the abled, or the smartest, or the strongest) and the rest of the world. Understanding and working as if disability (or race, or gender, or the financial ability to obtain advocates and other resources) was the essential identity of a person, naturally and biologically given, and in that sense, the most evident quality of a person reinforces the exclusionary/inclusionary dual nature of disability. In this sense, White supremacy is operating as a way of sustaining the "social, economic, and political advantages that whites hold over other Americans" (Gotanda, 1991, p. 3).

What's visible for an educator—in this case, certain forms of disabilities (or certain forms of social class, racial and gender identification) within socially constructed environments that are reinforced by legal guidelines—frames decision-making power to encourage either providing or limiting educational opportunities (Artiles, 2013). The ways IDEA highlights disabilities to the detriment of race, gender, and social class reinforces the dual nature of disability as a form of protection for White students and their families and marginalization for Black students and their families. As Delgado and Stefancic (2000) wrote,

> Because racism is an ingrained feature of our landscape, it looks ordinary and natural to persons in the culture. Formal equal opportunity—rules and laws that insist on treating [B]lacks and Whites (for example) alike—can thus remedy only the more extreme and shocking forms of injustice, the ones that do stand out. It can do little about the business-as-usual forms of racism that people of color confront every day. (p. xvi)

Our study demonstrates how IDEA contributes to a reductionist, unitary-focused approach to disability. Indeed, Seth's story and the racially segregated nature of GNETS reveals IDEA's shortcomings in failing to account for how race, disability, and social class interact to create unique inequalities, particularly when examining indicators such as LRE and FAPE. Engaging in more just policies that consider students' and families' intersections requires a move away from solutions like the IDEA mandates toward recognizing complexity in the system (e.g., intersectional considerations; Cuban, 2022). That is, "[r]eform-minded policymakers need to know that working in a complex system means adapting to changes, dealing with conflicts, and constant learning" (para 15).

As illustrated in this study, critical qualitative inquiry can be a conceptual and methodological avenue for examining those complex policy systems. Intersectionality is one such complexity demonstrated here as it is researched through critical perspectives such as DisCrit and a continued understanding of power as dynamic. As with other critical perspectives, the work is therefore continually grounded in concerns for equity and justice. The grounding becomes the foundation for in-depth qualitative methods such as the examination of context and the construction of field methods and analysis practices designed for the recognition of multiplicity, justice, and critical forms of trustworthiness.

We believe that intersectionalities (or other complex policy conditions) should not be treated as just a difficult conceptual or methodological choice but also as an asset, a required lens not just for educational researchers but also equally relevant for families, teachers, policy makers, and activists. As David Gillborn (2015) expresses, "an *intersectional* understanding of the social can be a distinct advantage when trying to understand how particular inequities are re/made in places like schools" (p. 283).[2]

We have argued that, without a critical intersectional qualitative approach, long-standing educational inequalities, including access to FAPE and the placement experiences of students of Color with disabilities, would be unlikely to be addressed. Engaging in *critical disability intersectional qualitative approaches* to interrogate policies and practices will generate more adequate questions and understandings of existing assets, challenges, and possibilities for acknowledging and distinguishing intentionality from enactment in addressing educational injustices. Furthermore, as a final point, we would suggest that all, or most, policy systems are affected by multiple forms of intersectionality. While this critical qualitative study focused on intersectionality as specific to critical disability studies, perhaps we who are concerned with the construction and implementation of public policy should begin to include intersectionality(ies) as a necessary component for all critical qualitative research studies.

Acknowledgment

The authors are thankful to Melanie Bertrand for her thoughtful feedback on this manuscript.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

ORCID iDs

Adai A. Tefera https://orcid.org/0000-0001-8887-3137
Gustavo E. Fischman https://orcid.org/0000-0003-3853-9856

Notes

1. It is important to also note our positionality. The first author identifies as a Black, nondisabled, cisgender woman who is also the daughter of Ethiopian immigrants. She has worked with racially and linguistically diverse learners with disabilities in schools and after-school programs. Her sister's experiences attending special education classrooms and her family's struggles with special education shapes her research interest and focus on intersectionality in special education policy. The second author is a White-Latino, male, heterosexual, born in Argentina, immigrant to the United States, and a first-generation university graduate. He is committed to collaborating with others in the multiple intersectional struggles for just and fair societies by accompanying and assisting educators, minoritized communities, families, and youth to accomplish the needed reparations and justice on their own terms.
2. It is important to recognize that, while still not broadly adopted, there is growing recognition of the importance of intersectional critical work in special education. Although not primarily focused on Individuals with Disabilities Education Act (IDEA) and policy, Harry and Ocasio-Stoutenburg's (2020) study provides an important example of engagement with critical intersectional qualitative approaches in demonstrating how parents' intersecting racial and socioeconomic status shape family experiences in special education. Notably, despite its intersectional and Disability Critical Race Theory (DisCrit) framework, their research made "evident that race was still perceived as the master status, alongside the other dimensions of parents' identities" (p. 112), particularly for Black mothers who were advocating for their children with disabilities.

References

Abrams, J. A., Tabaac, A., Jung, S., & Else-Quest, N. M. (2020). Considerations for employing intersectionality in qualitative health research. *Social Science & Medicine*, *258*, 113138. https://doi.org/10.1016/j.socscimed.2020.113138

Annamma, S. A., Connor, D., & Ferri, B. (2012). Dis/ability critical race studies (DisCrit): Theorizing at the intersections of race and dis/ability. *Race Ethnicity and Education*, *16*(1), 1–31. https://doi.org/10.1080/13613324.2012.730511

Anzaldúa, G. (1987). *Borderlands/La frontera: The new mestiza*. Aunt Lute Books.

Artiles, A. J. (2013). Untangling the racialization of disabilities: An intersectionality critique across disability models. *Du Bois Review*, *10*(2), 329–347. https://doi.org/10.1017/S1742058X13000271

Artiles, A. J., Dorn, S., & Bal, A. (2016). Objects of protection, enduring nodes of difference: Disability intersections with "other" differences, 1916-2016. *Review of Research in Education*, *40*(1), 777–820. https://doi.org/10.3102/0091732X16680606

Aviv, R. (2018, September 24). Georgia's separate and unequal special-education system: A statewide network of schools for disabled students has trapped black children in neglect and isolation. *The New Yorker*. https://www.newyorker.com/magazine/2018/10/01/georgias-separate-and-unequal-special-education-system

Bal, A., Bubon-Betters, J., & Fish, R. E. (2019). A multilevel analysis of statewide disproportionality in exclusionary discipline and the identification of emotional disturbance. *Education and Urban Society*, *51*(2), 247–268. https://doi.org/10.1177/0013124517716260

Bal, A., & Trainor, A. A. (2016). Culturally responsive experimental intervention studies: The development of a rubric for paradigm expansion. *Review of Educational Research*, *86*(2), 319–359. https://doi.org/10.3102/00346543155850

Beratan, G. D. (2006). Institutionalizing inequity: Ableism, racism and IDEA 2004. *Disability Studies Quarterly*, *26*(2).

Brecht, B. (1995). Life of Galileo. In J. Willett & R. Manheim (Eds.), *Bertolt Brecht collected plays: Five* (pp. 1–105). Methuen Drama.

Brown v. Board of Education of Topeka, 347 U.S. 483. (1954).

Carbado, D. W. (2013). Colorblind intersectionality. *Signs: Journal of Women in Culture and Society*, *38*(4), 811–845. https://doi.org/10.1086/669666

Cavendish, W., Artiles, A. J., & Harry, B. (2015). Tracking inequality 60 years after Brown: Does policy legitimize the racialization of disability? *Multiple Voices for Ethnically Diverse Exceptional Learners*, *14*(2), 30–40.

Chatterjee, A., Sinha, S., & Chakrabarti, B. K. (2007). Economic inequality: Is it natural? *Current Science*, *92*, 1383–1389. http://www.jstor.org/stable/24097766

Collins, K. M., Connor, D., Ferri, B., Gallagher, D., & Samson, J. (2016). Dangerous assumptions and unspoken limitations: A disability studies in education response to Morgan, Farkas, Hillemeier, Mattison, Maczuga, Li, and Cook (2015). *Multiple Voices*, *16*(1), 4–16.

Crenshaw, K. (1991). Mapping the margins: Identity politics, intersectionality, and violence against women. *Stanford Law Review*, *43*(6), 1241–1299.

Crenshaw, K. (2013). Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory, and antiracist politics [1989]. In L. Nicholson (Ed.), *Feminist legal theory* (pp. 23–51). Routledge.

Cruz, R. A., & Rodl, J. E. (2018). An integrative synthesis of literature on disproportionality in special education. *The Journal of Special Education*, *52*(1), 50–63. https://doi.org/10.1177/00224669187587

Cuban, L. (2022, August 11). *The difference between "complicated" and "complex" matters*. https://larrycuban.wordpress.com/2022/08/11/the-difference-between-complicated-and-complex-matters-2/

Delgado, R., & Stefancic, J. (Eds.). (2000). *Critical race theory: The cutting edge*. Temple University Press.

Dillard, N., & Osam, K. (2021). Deconstructing the meaning of engagement: An intersectional qualitative study. *Human Resource Development International*, *24*(5), 511–532. https://doi.org/10.1080/13678868.2021.1959777

Donovan, S. M., & Cross, C. T. (2002). *Minority students in special and gifted education*. The National Academies Press.

Erevelles, N. (2016). The right to exclude: Locating Section 504 in the disproportionality debate. In J. Allan & A. Artiles (Eds.), *World yearbook of education 2017: Assessment inequalities* (pp. 120–136). Routledge.

Erevelles, N., & Minear, A. (2010). Unspeakable offenses: Untangling race and disability in discourses of intersectionality. *Journal of Literary & Cultural Disability Studies*, *4*(2), 127–146. https://doi.org/10.3828/jlcds.2010.11

Esposito, J., & Evans-Winters, V. (2021). *Introduction to intersectional qualitative research*. SAGE.

Ferri, B. A. (2006). Voices in the struggle: In response to "'reining in' special education." *Disability Studies Quarterly*, *26*(2). https://doi.org/10.18061/dsq.v26i2.681

Ford, D. Y., Collins, K. H., Grantham, T. C., & Moore, J. L. (2021). Equity-based gifted and talented education to increase the recruitment and retention of Black and other underrepresented students. In R. Sternberg & D. Ambrose (Eds.), *Conceptions of giftedness and talent* (pp. 141–161). Palgrave Macmillan. https://doi.org/10.1007/978-3-030-56869-6_9

Gillborn, D. (2015). Intersectionality, critical race theory, and the primacy of racism: Race, class, gender, and disability in education. *Qualitative Inquiry*, *21*(3), 277–287. https://doi.org/10.1177/1077800414557827

Gillborn, D. (2016). Dis/ability as White property: Race, class and "special education" as a racist technology. In J. Allan & A. Artiles (Eds.), *World yearbook of education 2017: Assessment inequalities* (pp. 104–119). Routledge.

Glaser, B. G., & Strauss, A. L. (2017). *The discovery of grounded theory: Strategies for qualitative research*. Routledge.

Gotanda, N. (1991). A critique of "our constitution is color-blind." *Stanford Law Review*, *44*(1), 1–68.

Harris, A., & Leonardo, Z. (2018). Intersectionality, race-gender subordination, and education. *Review of Research in Education*, *42*(1), 1–27. https://doi.org/10.3102/0091732X18759071

Harry, B., & Klingner, J. (2022). *Why are so many minority students in special education?* (3rd ed.). Teachers College Press.

Harry, B., & Ocasio-Stoutenburg, L. (2020). *Meeting families where they are: Building equity through advocacy with diverse schools and communities*. Teachers College Press.

Hernández-Saca, D. I. (2017). Reframing the master narratives of dis/ability at my intersections: An outline of an educational equity research agenda. *Critical Disability Discourses*, *8*. https://cdd.journals.yorku.ca/index.php/cdd/article/view/39723

Individuals with Disabilities Education Act, 20 U.S.C. § 1400. (2004).

Kearl, B. (2021). Questioning autism's racializing assemblages. *Philosophical Inquiry in Education*, *28*(2), 150–162. https://doi.org/10.7202/1082922ar

Kramarczuk Voulgarides, C., Aylward, A., Tefera, A., Artiles, A. J., Alvarado, S. L., & Noguera, P. (2021). Unpacking the logic of compliance in special education: Contextual influences on discipline racial disparities in suburban schools. *Sociology of Education*, *94*(3), 208–226. https://doi.org/10.1177/00380407211013

Lee, K. (2017). Making the body ready for school: ADHD and early schooling in the era of accountability. *Teachers College Record*, *119*(9), 1–38. https://doi.org/10.1177/0161468117119009

Liasidou, A. (2013). Intersectional understandings of disability and implications for a social justice reform agenda in education policy and practice. *Disability & Society*, *28*(3), 299–312. https://doi.org/10.1080/09687599.2012.710012

Lincoln, Y., & Guba, E. G. (1985). *Naturalistic inquiry*. SAGE.

Marsico, R. D. (2022). The intersection of race, wealth, and special education: The role of structural inequities in the IDEA. *NYLS Law Review*, *66*(2), 207–244.

Misra, J., Curington, C. V., & Green, V. M. (2021). Methods of intersectional research. *Sociological Spectrum*, *41*(1), 9–28. https://doi.org/10.1080/02732173.2020.1791772

Morgan, P. L., Farkas, G., Hillemeier, M. M., Mattison, R., Maczuga, S., Li, H., & Cook, M. (2015). Minorities are disproportionately underrepresented in special education: Longitudinal evidence across five disability conditions. *Educational Researcher*, *44*(5), 278–292. https://doi.org/10.3102/0013189X15591157

National Council on Disability. (2018, February 7). *IDEA series: The segregation of students with disabilities*. https://ncd.gov/sites/default/files/NCD_Segregation-SWD_508.pdf

Ong-Dean, C. (2006). High roads and low roads: Learning disabilities in California, 1976–1998. *Sociological Perspectives*, *49*(1), 91–113. https://doi.org/10.1525/sop.2006.49.1.91

Ong-Dean, C. (2009). *Distinguishing disability: Parents, privilege, and special education*. The University of Chicago Press.

Reynolds, J. M. (2022). Disability and White supremacy. *Critical Philosophy of Race*, *10*(1), 48–70. https://doi.org/10.5325/critphilrace.10.1.0048

Schweik, S. M. (2009). *The ugly laws: Disability in public*. New York University Press. https://doi.org/10.18574/nyu/9780814708873.001.0001

Skiba, R. J., Artiles, A. J., Kozleski, E. B., Losen, D. J., & Harry, E. G. (2016). Risks and consequences of oversimplifying educational inequities: A response to Morgan et al. (2015). *Educational Researcher*, *45*(3), 221–225. https://doi.org/10.3102/0013189X16644606

Skiba, R. J., Poloni-Staudinger, L., Gallini, S., Simmons, A. B., & Feggins-Azziz, R. (2006). Disparate access: The disproportionality of African American students with disabilities across educational environments. *Exceptional Children*, *72*(4), 411–424. https://doi.org/10.1177/001440290607200402

Skrtic, T. M., Saatcioglu, A., & Nichols, A. (2021). Disability as status competition: The role of race in classifying children. *Socius*, *7*, 1–20. https://doi.org/10.1177/23780231211024398

Tefera, A. A., & Artiles, A. J. (2023). Learning disabilities' unsettling intersections: Disrupting learning, cultural, socioeconomic, and environmental deficits. In R. J. Tierney, F. Rizvi, & K. Erikican (Eds.), *International encyclopedia of education* (4th ed., pp. 279–287). Elsevier. https://doi.org/10.1016/b978-0-12-818630-5.07092-5

Tefera, A. A., Artiles, A. J., Voulgarides, C. K., Aylward, A., & Alvarado, S. (2023). The aftermath of disproportionality citations: Situating disability-race intersections in historical, spatial, and sociocultural contexts. *American Educational Research Journal*, *60*, 367–404.

Tefera, A. A., & Fischman, G. E. (2020). How and why context matters in the study of racial disproportionality in special education: Toward a critical disability education policy approach. *Equity & Excellence in Education*, *53*(4), 433–448. https://doi.org/10.1080/10665684.2020.1791284

Tefera, A. A., Powers, J. M., & Fischman, G. E. (2018). Intersectionality in education: A conceptual aspiration and research imperative. *Review of Research in Education*, *42*(1), vii–xvii. https://doi.org/10.3102/0091732X18768504

Tefera, A. A., & Sjogren, A. (2022). *A conceptual review of intersectionality in education policy research* [Manuscript in preparation]. Disability & Psychoeducational Studies, The University of Arizona.

U.S. Department of Justice. (2015). *United States' investigation of the Georgia network for educational and therapeutic support, D.J. No. 169-19-71*. https://www.justice.gov/sites/default/files/crt/legacy/2015/07/15/gnetslof.pdf

U.S. Government Accountability Office. (2018, March). *K-12 education: Discipline disparities for Black students, boys, and students with disabilities*. https://www.gao.gov/assets/gao-18-258.pdf

Vega, D., & Moore, J. L., III. (2018). Access to gifted education among African-American and Latino males. *Journal for Multicultural Education*, *12*(3), 237–248. https://doi.org/10.1108/JME-01-2017-0006

Waitoller, F. R., Artiles, A. J., & Cheney, D. A. (2010). The miner's canary: A review of overrepresentation research and explanations. *The Journal of Special Education*, *44*(1), 29–49. https://doi.org/10.1177/0022466908329226

Author Biographies

Adai A. Tefera is an Assistant Professor of Special Education. Her interdisciplinary scholarship examines how educational policies aimed at improving equity among students at the intersections of race, disability, language, and other social categories are enacted, interrupted, and resisted by students, families, educators, and leaders.

Gustavo E. Fischman is a Professor of Educational Policy and Comparative Education at the Mary Lou Fulton Teachers College, Arizona State University. Dr. Fischman studies how research is conceptualized, produced, used, accessed, and mobilized to address social, educational, and sustainability issues.