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# Back to the Future: A Critique of Response to Intervention's Social Justice Views

*The emergence of Response to Intervention (RTI) anticipates a different future for all students, particularly learners from racial minority backgrounds and students with disabilities. RTI is being widely adopted in school districts as a viable alternative to enhance learning opportunities; hence, some education scholars argue it promises a much-needed response to longstanding injustices for underserved students.*

*RTI aims to address injustices in the distribution of educational opportunities and recognition of underserved groups of students. The authors identify the underlying views of social justice that permeate RTI and conclude with a closer look at RTI's justice claims embedded in some implementation procedures. They propose it is important to revisit the anticipated future promised by RTI through the refinement of the social justice perspectives used in this literature.*

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IN 1978, EDWIN MARTIN, then Deputy Commissioner in the Bureau of Education for the Handicapped, reminisced about the struggles over creating and passing P.L. 94-142. He explained how individuals and organizations such as the Council for Exceptional Children ap-

proached Presidential Task Forces and committees in Congress "looking for a 'commitment' to children" (p. iii); he recounted how their efforts were leveraged by civil rights lawyers that had been involved in equity struggles for African Americans. As implementation of P.L. 94-142 moved forward, many challenges emerged; excitement and concerns pervaded when Martin reflected on the futures of exceptional children. He advised to follow the same strategy that led to the passage of P.L. 94-142, namely to identify the most critical policy issues that affect these children, build coalitions with families and interdisciplinary professional teams to build a knowledge base, implement policy, and examine assumptions underlying the identified policy issues. Moreover, Martin was critical of the parallel systems created to educate students with and without disabilities that spawned disparate research cultures, professional communities, and personnel preparation systems.

Fast forward 31 years. The demographics of the nation have changed dramatically, particularly in schools. The largest urban school districts serve predominantly students of color, many of whom live in poverty and lag behind in traditional educational outcome indicators. Progress has been made in advancing equity agendas of access, participation, and outcomes for people with disabilities and other minority groups. Although communities of color continue to confront formidable barriers and structural disadvantages, the education of diverse students has shifted its focus to pursue an outcomes based agenda. Likewise, the educational system is being held accountable to students with disabilities.

We are also witnessing the emergence of an educational model that promises to fulfill many of Martin's reflections. It is called Response to Intervention (RTI). RTI provides evidence-based instruction for all children by interfacing general and special education. Instruction is used for early identification and interventions with students struggling academically through the use of ongoing progress monitoring (Vaughn & Fuchs, 2003). RTI embodies promising features that tackle pressing and longstanding equity issues in education, such as the representation of diverse learners in learning disabilities (LD) and behavioral disorders (BD) programs.

Although RTI is conceptualized as an educational approach that serves all learners, it is increasingly associated in practice with a new identification system for students with LD and BD. The growing dissatisfaction with the definition and traditional measurement of LD contributed to the emergence of RTI (Fletcher & Vaughn, 2009). The 2004 reauthorization of the Individuals with Disabilities Education Act (IDEA) recommended RTI as an identification means in addition to (or in lieu of) the aptitude–achievement discrepancy formula. Thus, multiple discourses on RTI are emerging in descriptions and implementation efforts that range from the total reconfiguration of educational systems that blur the boundaries of special and general education to the latest brand of services for students with disabilities (Fuchs, Fuchs, & Stecker, 2010).

Moreover, despite the welcome attention to social justice for underserved students, questions have been raised about RTI's engagement with cultural and linguistic diversity (Klingner & Edwards, 2006). Concerns have been expressed related to understanding and addressing strengths and needs of students and families from nondominant communities (e.g., lack of attention to differences in research sampling practices, unavailability of culturally responsive interventions, undertheorizing of the role of cultural–historical contexts in student learning, and lack of tools sensitive to ELLs' responsiveness) (Artiles, 2005; Klingner & Solano-Flores, 2007).

And thus, we are at a comparable crossroads that Martin found himself in 1978—i.e., significant advances have been made in addressing the needs of learners with disabilities, and the policy climate is ripe for making the educational system accountable for this population. However, considerable challenges remain, such as minority student disproportionality, achievement and opportunity gaps across subgroups of underserved students, and the challenges of implementing accountability requirements alongside RTI models in increasingly diverse schools. What is the future envisioned in RTI for today's students with complex needs and lives? What visions of social

justice underlie RTI and what are their limits and potential unintended consequences? We grapple with the general theme of these questions as it pertains to social justice in education.

### Social Justice in RTI: Addressing Distribution and Recognition Issues

The dominant view of social justice in education and other arenas has been based on a distributive paradigm in which the decontextualized individual (instead of social groups situated in concrete socio-historical conditions that are constantly reproduced) is the focus of analysis (Young, 1990). Access and distribution of resources are central in this model. Rawls' classic articulation of this model purported that societies ought to tolerate unequal distributions of resources "only to the extent that the weakest member of society benefits by that inequality" (as cited in Christensen and Dorn, 1997, p. 183). Recognition has also become a central idea in theorizing social justice as group and individual status hierarchies gained prominence; thus attention to recognition broadened the discussions about social justice to a cultural dimension (Fraser, 2007). Fraser defined social justice as *parity of participation*. People can suffer injustices because they could not participate as equals, due to unequal access to economic and other kinds of resources (i.e., maldistribution). Similarly, people can suffer status injustices (i.e., misrecognition) that result from "institutionalized hierarchies of cultural value that deny them the requisite standing [for full participation]" (Fraser, 2007, p. 20).

Similar to other special education policies, RTI is premised on a distributive view of justice since it aims to provide high-quality instruction for all students within general education classrooms (Artiles, 2005, 2008b; Waitoller, 2009). RTI may address, therefore, historical concerns about diverse students' lack of access to learning opportunities—i.e., it tackles injustices of maldistribution. RTI also calls for universal screening procedures for identifying students who are likely candidates for more intensive forms of instructional support. This way, supporters of RTI contend that the identification of students with disabilities will be more precise, thus reducing the disproportionate representation of diverse learners in special education programs due to low instructional quality or inappropriate procedures (Vaughn & Fuchs, 2003). In short, an important RTI social justice promise is addressing misrecognition.

It is ironic that critics of the disproportionate representation of diverse learners in special education rely on the same distributive and recognition social justice narratives (Artiles, 2008a). More specifically, it is argued that diverse learners' inappropriate placement in special education prevents these students from access to high-status resources such as programs and curricula in general education[1] and narrows their chances for future learning opportunities because disability identification is associated with higher school dropout rates and reduced access to higher education programs. Critics add that special education does not fulfill its promises for many of these students because low academic achievement and low graduation rates persist after placement in these programs (Donovan & Cross, 2002). Aside from this distributive justice critique, concerns about recognition justice have been raised. The main argument is that disability labels compound the multiple marginalities that diverse learners already confront in their lives due to the devalued status of people of color in a racially stratified society, and their disproportionate representation in low-income groups (Artiles, 2003).

In summary, RTI promises to improve the distribution of valued resources (evidence-based instruction) and address misrecognition injustices through more precise identification procedures. Consistent with traditional approaches to social justice in special education, RTI is caught in the equity–difference dilemma as it aims to give the same treatment (i.e., rigorous instruction) to all groups as a way to deliver justice, while it strives to recognize differences so that students with different ability levels receive tailored learning supports (Artiles, 2005). This approach is ultimately consistent with the justice discourse advanced in the disability social movement. To wit:

"The social movement of disabled people is about the politics of recognition, as well as the politics of redistribution. Disabled people suffer socio-economic injustices, such as marginalization and deprivation, as well as cultural injustices, such as non-recognition and disrespect" (Shakespeare, 2005, p. 164). In turn, critics of racial inequities in special education also seem to be stuck in the equity–difference predicament—i.e., diverse learners ought to be treated equally and have access to the same learning opportunities while their distinctive cultural status and resources should be acknowledged to the point that affords them full participation in the educational system and beyond. Some of the arguments raised by these critics are seemingly answered in the RTI discourse because all learners would purportedly have opportunities to learn in general education. On the other hand, a number of puzzling questions remain unanswered. These include: What forms of difference does RTI recognize? What kinds of opportunities does RTI afford to various forms of difference? How are views of social justice used in the implementation of RTI procedures and rules? We begin to grapple with some of these questions in the next section by taking a closer look at RTI procedures.

## A Closer Look at Social Justice in RTI

One way to advance our analysis is to make visible and reflect on the justice premises of RTI, related to some of its implementation procedures; premises that rest on the successful coordination and implementation of many practices that include "(a) implementing a generally effective treatment, (b) measuring students' response to that treatment, and (c) applying a responsiveness criterion below which students are identified as learning disabled" (Fuchs, 2002, p. 521). Each of these components requires considerable specification at the school level to fulfill RTI's justice promises. Because RTI is trying to attain distributive and recognition justice, the orchestration of technical procedures that satisfy both agendas can cause the scales of justice to tip (often unintentionally) in one direction or the other.

For instance, let us examine the decision making model that identifies who is in need of more intense and individualized learning supports, and eventually who is identified with a "true" disability.

All students are regularly assessed in RTI's first tier (general education classrooms) through universal progress monitoring procedures. They are set up to verify the extent to which students have access to high quality instruction by looking at each student's response to high quality opportunities to learn. Curriculum-based measurements (CBMs) are emphasized to assess students within universal screening efforts (Fuchs & Fuchs, 2006), and the analysis of assessment patterns within classrooms, schools, and sometimes, districtwide or nationally, are then used to guide decisions about individual students who fall outside expected patterns of assessment outcomes. The focus on assessing patterns of resource distribution is, indeed, a hallmark of traditional justice approaches to achieve and maintain equity (Young, 1990). This emphasis, nevertheless, brackets out a process orientation that would offer insights into the role of everyday practices, social structures, and institutional contexts. For instance, RTI addresses the role of contextual factors because its "focus on environment is to *eliminate* contextual variables as a viable explanation for academic failure" (Vaughn & Fuchs, 2003, p. 142). In RTI, "contextual variables" refers to "manipulating instruction, via adaptations to general education" (p. 142). In this view, learning seems to be shaped by two types of factors, within-child and contextual (i.e., instructional) variables; the latter is often operationalized as teacher use of teaching strategies. This categorical lens to conceptualize learning leaves out the semiotic, socio-emotional, and cultural processes that also constitute RTI instruction. Other structural factors and processes not accounted for in this view include institutional capacity to prepare personnel on progress monitoring; school climate about struggling learners, many of whom attend high-poverty schools; availability of funding to purchase intervention materials; and appropriate use of RTI technologies (Klingner & Solano-Flores, 2007). Yet, student performance in CBM

measures could well be mediated by all of these social structures and institutional factors.

Moreover, the distributive and recognition forms of justice underlying RTI do not acknowledge or address the deep structural inequities found across school districts and schools that likely interfere with the implementation of RTI remedies. Although the need to use schoolwide approaches to implement RTI is recognized (Vellutino, 2002), the inequity faults observed in school districts that serve minority students are not taken up in this literature (e.g., teacher quality, funding inequities, poor professional development resources).

Let us return to RTI's progress monitoring procedures. CBM is based on broad outcomes such as performing mathematics at the fifth-grade level by the end of the fifth-grade school year, and rely on a pool of equivalent assessments, called probes. These probes each sample every skill taught across the curriculum, and students complete them on an ongoing basis as curricular skills are taught. Over time, students' scores can be analyzed and scaled up into universal screening tools (Hosp, Hosp, & Howell, 2007).

There are several steps to conducting universal screenings using CBMs. These steps involve the planning and scheduling of CBM administration, organizing resources to administer CBMs with students, administration, entering the results, determining norms, and using the data for educational decision making (Fuchs & Fuchs, 2006). There are two approaches to administering the CBMs: the classroom approach and the schoolwide approach. Once CBMs are administered to all students in a given group (e.g., grade level), students are ranked by scores, and then students who scored below benchmarks are identified, and often on this basis, considered at-risk for academic failure. Other educational decisions may be made, such as classroom adjustments for at-risk learners, and for the nonresponders who require more intense instructional support, the CBM scores, additional teacher judgment, and other assessment data may be used to decide placement in RTI's secondary intervention tier. How educational decisions about progress monitoring (e.g., benchmarks in norm or criterion

references) and classroom adaptations are made vary across educational contexts (Fuchs & Fuchs, 2006).

Several issues can be identified about monitoring procedures. First, the emphases on individual performance and pattern monitoring are aligned with a distributive justice approach. The move from individual indicators to group identity (e.g., low achievers, at risk learner) allows RTI to keep up with a recognition discourse of justice since CBM data patterns allow practitioners to distribute intervention opportunities to various groups. Nevertheless, as Young (1990) reminded, opportunity is not a possession but a

> concept of enablement.... A person has opportunities if he or she is not constrained from doing things, and lives under the enabling conditions for doing them.... Evaluating social justice according to whether persons have opportunities, therefore, must involve evaluating ... the social structures that enable or constrain the individuals in relevant situations. (p. 26)

RTI's progress monitoring system falls short of such a view of opportunity. Intervention fidelity measures do not necessarily document whether classroom learning environments are enabling beyond the parameters of standard intervention protocols in ways that may indeed mediate student performance with probes.

Second, this view of opportunity is particularly important when considering diverse learners whose cultural repertoires may position them at odds with the assumptions of the relational codes that regulate classrooms' social life or the ways of knowing encoded in the curriculum. These cultural aspects should not be underestimated since it is in interpersonal relations that symbolic meanings are ascribed to the words, gestures, and actions of others; the interpretive work done in classrooms and schools every day can have consequential effects for diverse students, such as a wrong answer mark on a test, a missed opportunity to contribute to classroom discussions, or a discipline or special education referral. Therefore, a distributive justice's emphasis on individualism and the identification of patterns must be unpacked since it can obscure processes

of inequities or even oppression (Young, 1990). RTI's justice approach should not be an exception.

Third, RTI's monitoring system focuses exclusively on student ability issues. When students respond poorly to *effectively implemented* interventions, practitioners and researchers infer that such learners have "some critical constellation of deficits that require specialized intervention. . . . A central assumption is that responsiveness to treatment can differentiate between two explanations for low achievement: poor instruction versus disability" (Fuchs, 2002, p. 521). This analytic focus, and its related reliance on "homogenous" groups to remediate students' poor academic and behavioral skills, essentializes students' complex experiences and identities, and thus, it may miss alternative ways to engage with the curriculum that are not captured by the CBM probes. Emerging research on the cultural nature of learning (Nasir, Rosebery, Warren, & Lee, 2006), and the increasing attention to learning in informal environments (Bell, Lewenstein, Shouse, & Feder, 2009), remind us of the urgency to account for the intersectionality of students' identities and experiences that are always situated in culturally and historically constituted contexts. Attention to intersectionality is critical, particularly for people with disabilities and other minority groups (Lister, 2007) and should be added to the difference considerations based on ability that prevail in RTI.

This is a compelling point with potentially powerful implications (Crenshaw, 1995). For instance, scholars have shown how remedies framed from an identity politics perspective can produce only partial benefits for the target groups because the identity intersections lived by some individuals and subgroups within those communities are not acknowledged. An example is the impact of inclusive education in the United States that was based on a monolithic view of students with disabilities (i.e., White middle-class groups) in which race, language, gender, and class were underspecified (Artiles, 2003); hence inclusive programs articulated under this view would not be relevant for an African American boy living in poverty, using multiple linguistic codes, and

growing up in a community fraught with enduring inequalities. In other words, attention to intersectionality would allow us to "call attention to how the identity of 'the group' [e.g., students with disabilities] has been centered on the intersectional identities of a few [White middle-class students]" (Crenshaw, 1995, p. 377). Second, and related to the first implication, intersectionality will enable RTI to account for intragroup diversity. Third, intersectionality will enable RTI to address intragroup marginalities (e.g., inequities within the population with disabilities), so that, for instance, the racialization of certain tiers of RTI could be critiqued and revised.

## Conclusion

The commitment of RTI to opportunity (and, by implication, to justice) for underserved students is laudable and many of its promises would bring about much-needed educational changes. Our analysis of its social justice views, nevertheless, forecast a future for these learners that does not take into account the institutional and social structures that permeate everyday experiences of these students. Moreover, the anticipated future of RTI is based on a field of analysis narrowed to considerations of ability, stripped of cultural and linguistic resources and mediating forces. Consistent with the spirit of the historic changes that transformed education two generations ago, we applaud RTI's commitment to children, but suggest we revisit the vision of a future that guides this work. We propose theoretical and methodological shifts based on a revised definition of social justice so that, in addition to distribution and representation considerations, the "elimination of institutionalized domination and oppression" (Young, 1990, p. 15) is included. Addressing explicitly the role of culture in both learning processes and the construction of school success and failure will constitute a first step in this direction. Although we have sketched a rationale for next steps, we advance another facet of this analysis elsewhere, namely the theoretical premises and consequences of what counts as *response* and *intervention* in RTI (Artiles & Koz-

leski, under review). For now, we close with the argument that framing RTI as a solely technical endeavor in which oppression does not exist will ultimately exacerbate the possibilities of reproducing past inequities for the next generation.

**Note**

1. Researchers have reported that racial minority students placed in special education are placed in more segregated settings than their white counterparts with the same disability diagnosis.

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