# The Special EDge

## Why It Matters
# What Is Disproportionate Representation?

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The disproportionate representation of children of color in special education is a long-standing problem that continues to concern educators. The newly reauthorized Individuals with Disabilities Education Act, IDEA (P.L.108-446), once again addresses the concern and requires states to take more aggressive steps to monitor and respond. Nevertheless, despite national attention and controversy, there remains little consensus about how best to define and respond to patterns of over- and under-identification by ethnicity and gender across disability categories.

The extent of disproportionality, or disproportionate representation, across states and school districts varies considerably, and for many years, the U.S. Department of Education's Office for Civil Rights has monitored efforts to reduce disproportionality. While such monitoring has focused on unusually high rates of identification of minority children in some disability categories, most educators agree that changing practices in order to reduce those numbers will not necessarily improve educational services and outcomes.

Appropriate responses depend on a comprehensive understanding of disproportionality, including a consideration of the factors that underlie the disparities in identification or placement rates. A starting point for a better understanding of disproportionate representation and its significance is to accurately define and report rates of representation. This would provide both a foundation for investigating why disproportionality occurs and the objective, reliable data necessary to chart trends over time— data that can, on examination, point to appropriate responses.

### Defining Disproportionality
Disproportionality means that there are more (or fewer) children from a particular group who are experiencing a given situation than we would expect, based on the group's representation in the general population. The prototype cases for disproportionality challenged the fact that there were too many African American students in special education classes for students with mental retardation, compared to the number of African-American students in the general school population.

Most of the attention to disproportionality still focuses on the over-representation of children of color in some special education disability categories, specifically students with mental retardation and students with emotional and behavioral disorders. However, in recent years, researchers and policymakers have also shown an interest in other forms of disproportionality (e.g., based on gender or socioeconomic class), and in disproportionality with regard to other issues (e.g., placement in gifted and talented programs, placement in particular special education settings, and the occurrence of disciplinary actions; Skiba, et al., 2006).

### Why Disproportionality Happens
The fact that disproportionality is widely viewed as a problem reflects a general belief that the proportion of children who have a disability should be about the same across all race/ethnicity groups. This belief leads to the conclusion that if the proportion for one race/ethnicity group is substantially different from the proportion for another group, then the system for identifying children with disabilities

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## Letter from the State Director

As I approach the first-year anniversary of my tenure as state director of special education, I am reminded of the many expectations the Individuals with Disabilities Education Act (IDEA, as amended in 2004) places on the state, county offices of education, special education local plan areas, and school districts. I am amazed at how California has risen to the challenges framed in this legislation. Yet, there are some challenges that remain and that are difficult to discuss. One of these is disproportionality.

In the broadest sense, disproportionality is the inappropriate over-identification of students of race or ethnicity as students with disabilities. During the reauthorization of the IDEA, Congress recognized that inappropriate labeling and placement of students in special education programs has deleterious effects. This is especially true when it results in removing students from the general education environment or curriculum. These students typically experience a more limited education and lowered teacher expectations; and this, in turn translates into more negative post-school outcomes—including poor participation in post-secondary education and employment opportunities. To ameliorate inequities, Congress amended IDEA in 2004 to require each state to collect and examine data with regard to racial and ethnic disproportionate representation in four areas:

1. Identification of students in specific disabilities categories
2. Placement of students in particular special education settings
3. Incidence, duration, and type of disciplinary action, including suspension and expulsion
4. Overrepresentation of students in special education

The assumption is that representation of ethnic and racial groups in special education should be reflective of their appearance in the total student population.

### What does that mean for California?

In California, some ethnically and racially diverse students are disproportionately placed in special education and served in specific special education settings. For instance, in the 2004–2005 school year, African American students constituted over fifteen percent of California students in special education (source: *www. cde.ca.gov/sp/se/ds/documents/pcktbk0405.pdf*) while they constituted only eight percent of the students enrolled in California schools (source: *http://dq.cde. ca.gov/dataquest/*). Faced with challenging statistics such as these, the California Department of Education is currently reconsidering its policies and procedures with regard to disproportionality to ensure the appropriate identification, placement, and treatment of students with disabilities. Once these are in place, state and federal law will require school districts that are found to be ethnically and racially disproportionate to reevaluate their policies, practices, and procedures.

For those schools where ethnic and racial disproportionality continue, school districts will be required to utilize a portion of their allocated IDEA funds to implement coordinated early intervening services. In this way, students will then receive quality instruction prior to referral for special education. This approach will go far toward ensuring that students are not identified because they lacked appropriate instruction in reading or mathematics, for example, or because of their heritage. Further, it will ensure that only those students who are in need of special education are identified.

When Part of the Problem Becomes Part of the Solution

# Moving from Evaluation to Assessment

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From this country's first defining piece of special education legislation—P.L. 94-142, 1975—to the regulations of the current IDEA 2004, Congress and the U.S. Department of Education have mandated "protection in evaluation procedures" to avoid cultural and linguistic bias in the identification of students for special education. Both national commissions on the disproportionate representation of minority students in special education (Heller, Holtzman & Messick, 1982; National Research Council [NRC], 2002) have linked disproportionality to the evaluation procedures that are used to identify high incidence disabilities (e.g., SLD: specific learning disability; EMR: educable mentally retarded; EBD: emotional and behavior disorders).

Throughout the years, parents and the courts have been adamant about the role that evaluation plays in misidentifying culturally and linguistically diverse (CLD) students as disabled. In California, court actions mandate evaluation in the native language (Diana, 1970) and prohibit the use of IQ tests with African American students for specific special education purposes (Larry P., 1972, 1974, 1979, & 1984; Crawford, 1994). Still, ethnic disproportionality persists and traditional psychoeducational evaluation practices clearly contribute to the problem (Artiles & Ortiz, 2002: Harry, 2005; Losen & Orfield, 2002; NRC, 2002; Valencia & Suzuki, 2002).

## Assessment: Not Evaluation

Psychoeducational evaluations do a number of things. They (a) focus on the individual student, (b) compare the student's characteristics (e.g., IQ) with others (typically the predominantly white normative group of standardized tests), (c) use parents and teachers as background informants, and (d) result

in determination of disability, eligibility, and subsequent placement in special education (or not). It is time to change: to move to assessment rather than evaluation. With assessment, (a) the focus is on the student's situation, (b) the process is one of problem solving, (c) the parents and teachers are collaborators, and (d) the outcomes lead to resolutions of the problems and targeted interventions.

In addition, assessment-and-intervention are one "whole" concept: assessment is used to inform interventions, monitor progress, and delineate outcomes; and interventions with measured outcomes are used to assess the student's situation and needs. This concept is fundamental to IDEA's (2004) mandate for the use of evidence-based interventions before considering a student for special education—also known as interventions-based assessment or Response to Intervention (RtI). Prevention and early intervention services, presented as a regular practice of assessment in a general-special education continuum, must replace the current model of "waiting to fail" in general education, which then results in a referral for special education.

Reading difficulties and/or perceived behavior problems are the sources of most special education referrals (NRC, 2002). However, when RtI models are in place, they have been shown not just to improve instruction and interventions in general education, but to reduce special education referrals by 50 percent or more (NRC, 2002). These models often use curriculum-based assessment (CBA) and functional behavior assessment (FBA) models that yield data that are directly relevant to effective classroom instruction and management. Both models, however, typically fail to recognize the culturally embedded characteristics of curriculum,

instruction, and perceptions of learning and behavior. In other words, while CBA and FBA hold promise, they also hold the potential to maintain disproportionate representation of CLD students identified with disabilities unless culture and language are brought to the forefront of assessment-intervention.

## Assessment Focus: Classroom Situation (RtI Tier 1)

Two elements are needed in general education to prevent the school failure of CLD students: environments conducive to academic success and the use of instructional strategies known to be effective for CLD students (Ortiz, 2002). The NRC (2002) calls not only for systematic academic progress monitoring—assessment of all students along with focused, small group, supplemental academic skills instruction—but also for universal screening of social-behavioral development and effective classroom management, with focused, class-wide or small-group instruction for social skills development. Thus we must assess a number of classroom factors:

- The cultural relevance of the curriculum
- The teachers' use of instructional strategies that are culturally responsive for all CLD students and that are effective for English-learners (e.g., SDAIE: Specially Designed Academic Instruction in English)
- The nature and quality of the teachers' interactions with their CLD students
- The ways and degrees to which teachers involve the students' parents

In addition, school psychologists and special educators need to collaborate with general education teachers, not just to identify individual students who are most in need of specific interventions, but to discern patterns that would inform those interventions.

Consider English-language learners who struggle with reading comprehension: some may need English vocabulary development, while others need comprehension strategies. Authentic assessment (including CBA) and classroom observation are proven strategies for informing classroom-based interventions. Ideally, the assessment team will support teachers' classroom interventions using instructional and behavioral consultation and use the patterns of needs they identify as existing across classrooms to inform the development of schoolwide intervention programs (e.g., Title 1, after-school tutoring).

The goal of Tier I assessment-intervention in most RtI models is to differentiate between what Ortiz (2002) calls Type I and Type II learners. Type I learners struggle because of deficiencies in the teaching-learning environment. A well designed Tier 1 approach remedies these deficiencies. In contrast, Type II learners struggle despite appropriate teaching-learning environments; they require greater specificity and intensity in their assessment-intervention.

### Assessment Focus: Beyond the Classroom (RtI Tier 2)

The purpose of Tier 2 assessment-intervention in an RtI model is to meet the needs of Ortiz's Type II learners—students who have failed to learn because of factors that extend beyond the classroom; for example, inconsistent instruction across multiple schools, major family crises, excessive absence, or lack of engagement. In addition, these are students who, if their problems are not addressed, are at risk of being misidentified as having a disability.

Tier 2 "ecosystemic assessment" systematically explores the student's ecosystem (i.e., beyond school to include home and community) in order to identify those factors that affect the situation—both those that contribute to the problem and those that provide potential resources for intervention. The involvement of parents and/or others who know the student's culture

is crucial. Gay (1993) recommends including a cultural broker who understands cultural systems and interprets cultural symbols across frames of reference to facilitate the instructional process. Beyond cultural interpretation, cultural brokers can provide cultural advocacy to ensure that culture-based explanations and culturally responsive interventions are implemented prior to exploring individual variables that may be affecting a student's school performance. In this process, we develop a better understanding of families from diverse backgrounds and come to understand that our own deepest beliefs are only cultural variations (Harry, 2002). Finally, this kind of Tier 2 assessment-intervention promotes family involvement and community partnerships—two essential elements to effectively educating CLD students.

"Tier 2 interventions go far beyond typical SST [Student Study Team] intervention checklists and demand functional assessment of academic and behavioral skills to inform individualized, focused, intensive, systematic, and sustained interventions informed by assessment and evaluated for effectiveness" (Green, et al., 2005). Typical Tier 2 interventions include individual behavior support plans and/or individual or very small group academic instruction by a specialist or special educator. The most powerful interventions are focused, intense, systematic, and sustained. Assessment is ongoing and focused on intervention integrity and outcomes. Should an intervention fail to work, a different approach must be implemented; it is never assumed that more and better of the same necessarily creates change.

One promising alternative approach is dynamic assessment with mediated learning interventions. This model leaves behind the old assumption that a student's abilities are static (or non-changing). It targets specific, inefficient cognitive functions and works directly to develop and support the student's constructive thinking and problem-

solving skills (such as the ability to make mental comparisons and to organize information), skills that directly support the student's learning and performance. In addition, it is used to design home- and school-based interventions (i.e., mediated learning interventions) that result in both cognitive change and academic growth. Dynamic assessment and mediated learning are based in a culturally affirming model of learning and cognition and help the interventionist construct a bridge from the student's learning-in-culture to learning-at-school (Reschly & Robinson-Zañartu, 2000). The effectiveness of this model, including transfer of cognitive skills to academic tasks, has been documented for Native American, Latino, and African American students (Robinson-Zañartu & Aganza, 2002).

### Assessment Focus: Individual Differences and Disabilities (RtI Tier 3)

By this point, with these two tiers in place, most Type I and Type II learners will have experienced success. Thus, our focus turns to considering individual differences that are interfering with the student's school success, that is, to identifying Type III learners who "truly have disabilities" (Ortiz, 2002) and who need specialized instruction and services via special education. Tiers 1 and 2 yield a vast array of assessment data: authentic, ecological, and dynamic. The need for, and selection of, additional assessment procedures or psychoeducational evaluation at Tier 3 must be determined individually, influenced by state and federal law, driven by hypotheses, and designed to inform additional interventions (including special education).

Certainly, the assessment team must be able to address the legal criteria for the suspected disability. If the student is experiencing difficulties in all academic areas and has made substantially less progress than other students involved in Tier 1 and 2 interventions, the team may suspect mild mental retardation and need a solid developmental history for the child and

Reducing Adolescent Racial Disproportionality in School Discipline

# How Positive Behavior Supports Can Help

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nadequate behavior support practices in secondary schools can make the further development of aggressive behavior, peer harassment, and social rejection (by peers and teachers) more likely. Students with diverse behavioral styles are often harassed and rejected by peers, increasing the chances that he or she will become a member of a peer group that shows the same behavioral patterns. Adolescents who are being harassed, and in that sense rejected by their peers and teachers, are motivated to associate with similarly rejected youths, thus forming deviant peer groups. Deviant peer groups make further development of diverse problems more likely, including antisocial behavior, substance use, high-risk sexual behavior, and depression.

This process may be especially powerful for students with diverse racial and ethnic backgrounds, who may risk increased social rejection because of a teacher's poor understanding of behavioral styles that may in fact be an expression of cultural practices. School personnel may unintentionally use exclusionary discipline practices (office referrals, suspensions, and expulsions) to respond to these behavior patterns, resulting in disproportionate representation of minority youth. Figure 1 illustrates how this may unfold.

Office referrals, suspension, and expulsion from school are intended to punish students, alert parents, and protect other students and school staff, but there are unintended negative consequences. These include academic deterioration, and when students are provided with no immediate educational alternative, student alienation, delinquency, crime, and substance abuse may ensue. Racial and ethnic minority students are often overrepresented in groups that receive these consequences.

Children and youth who are referred out of class or suspended from school are often from a population that is the least likely to have supervision at home. According to the 2000 U.S. census, children growing up in homes near or below the poverty level are more likely to be expelled. Children with single parents are between two and four times as likely to be suspended or expelled from school as are children with both parents at home, even when controlling for other social and demographic factors. There may also be racial bias
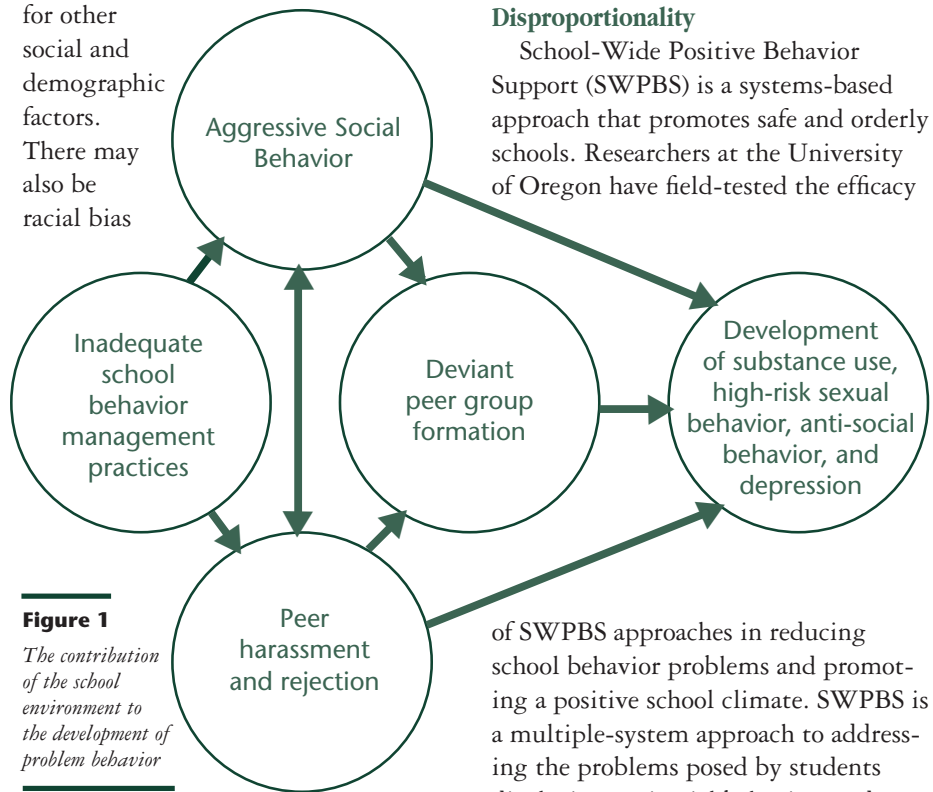


**Figure 1**

*The contribution of the school environment to the development of problem behavior*

Aggressive Social Behavior

Inadequate school behavior management practices

Deviant peer group formation

Development of substance use, high-risk sexual behavior, anti-social behavior, and depression

Peer harassment and rejection

for application of school disciplinary actions, with African American youth suspended at nearly two times the rate of white students in some regions. Finally, children and youth who use illicit substances, commit crimes, disobey rules, and threaten violence often are victims of abuse, are depressed, or are mentally ill.

We need to ask how we can prevent this unfortunate outcome. Positive Behavior Support practices begin by asking how we can make our behavior support attend to the following:

• Help students accept responsibility
• Place high value on maintaining academic engagement and achievement
• Teach alternative ways to behave
• Focus on restoring the environment and social relationships in the school
• Ensure that all students are provided fair behavioral supports

## Implementing School-Wide, Positive Behavior Supports to Prevent Disproportionality

School-Wide Positive Behavior Support (SWPBS) is a systems-based approach that promotes safe and orderly schools. Researchers at the University of Oregon have field-tested the efficacy of SWPBS approaches in reducing school behavior problems and promoting a positive school climate. SWPBS is a multiple-system approach to addressing the problems posed by students displaying antisocial behaviors and students coping with the challenging behavior of other students.

## The are seven key practices of SWPBS:

• Clear definitions of expected appropriate positive behaviors are provided for students and staff members.
• Clear definitions of problem behaviors and their consequences are defined for students and staff members.
• Regularly scheduled instruction and assistance in desired positive social

is not working the same way across groups. Further, if identification confers some benefit, or imposes some stigma, then the system is not only working differently, but it is discriminatory.

However, an alternative to this general belief has been proposed: namely, that the proportion of children who are identified as students with disabilities may be higher for a given race/ethnicity group because factors that cause disability are more common in that group. An often-cited example suggests that African Americans are overrepresented among students with mental retardation because mental retardation is associated with poverty, and a greater proportion of African American students live in poverty, compared to other race/ethnicity groups (Skiba, et al., 2005).

Most statements about the causes of disproportionality fall under one of these two positions: (a) disproportionality is the result of a system that works in a biased, discriminatory fashion, or (b) disproportionality is the result of social factors that lead to higher rates of disability in some groups. It is common for scholars to maintain that the disproportionality that exists in the U.S. special education system is the result of some combination of these two factors.

### Tracking Disproportionality

Since 1998, the Annual Reports to Congress on the Implementation of IDEA have included tables summarizing the race/ethnicity data for students with disabilities, along with a considerable quantity of other data and information about IDEA. With the 26th Annual Report in hand and a little effort, one can calculate that, for the 2002–2003 school year, the number of white students, ages 6–21, who were identified with some form of disability under IDEA represented 8.7 percent of the estimated resident population of white children. For black students, the comparable number is 12.2 percent.

One of the common ways of describing disproportionality is to divide the black percent figure by the white percent figure, yielding what is called a relative risk ratio. The relative risk ratio for the above example is 1.4, meaning that black students are 1.4 times as likely as white students to be identified with some form of disability. For California, the comparable relative risk ratio is 1.67, indicating slightly higher black disproportionality than for the country as a whole.

While there is no universal agreement about how large the relative risk ratio needs to be in order to constitute disproportionality, a national workgroup on the subject has proposed a threshold of 1.2; thus, any relative risk ratio larger than 1.2 would be judged to be evidence of disproportionality.

Disproportionality is not equally present for all disability conditions. Data from the 26th Annual Report indicate that a black student in the U.S. is twice as likely as a white student to be identified as a child with an emotional or behavioral disorder (EBD) and nearly three times as likely to be identified as a child with mental retardation. Black disproportionality in California is slightly higher than for the U.S. for EBD (relative risk = 2.3) but substantially lower for mental retardation (relative risk = 2.0).

### The Importance of Understanding and Responding Appropriately

Disproportionality is important because, in some cases, it may signal the presence of bias in the identification of children with disabilities; and inappropriately identifying children as disabled is harmful. For example, there is some evidence that, all other things being equal, African American boys who go to school in predominantly white school districts are much more likely to be identified as students with EBD than are their white peers (Coutinho, et al., 2002). Some researchers have suggested that educators have a tendency to label children who "stand out" from the general population; in this case, children who "stand out" because of their race/ethnicity may be identified as EBD even though their behavior is not significantly different from their white peers (Oswald, Coutinho, & Best, 2002). To the extent that such inappropriate identification occurs, educators are compelled on ethical, moral, and now regulatory grounds to actively work to overcome it.

There are also some situations that suggest that disproportionality in fact reflects differential susceptibility across race/ethnicity subgroups. Some research suggests that minority children in largely white communities may have increased rates of disability, not because they "stand out" but because of the inherent stress of living as a member of a minority group. There are clear indications, for example, that the risk for schizophrenia is markedly increased for individuals living as minorities (Boydell, et al., 2001). This finding is important because it may suggest ways that the environment could be altered to reduce the vulnerability. If we could understand what it is that is so stressful or toxic about living as a substantial minority in a largely homogenous community, it may be possible to design supports or teach coping strategies that would reduce the risk of disability.

Previous work suggests that disproportionality is exacerbated when considering gender. There is considerable evidence that females are less likely than males to be identified as disabled, regardless of ethnic group (Oswald, Best & Coutinho, 2006). In general, the unequal rates of identification by gender in special education have generated very little controversy. However, a recent study about outcomes described many differential gender effects that favor males who received special education services, including a greater likelihood of high school completion, higher earnings, job benefits, and satisfaction with their jobs (Coutinho, Oswald & Best, 2006). Under-identification may signal that some females who need services are denied specially designed instruction, and those who are identified may not receive appropriately differentiated and improved services for a successful transition to adult life.

Educators' experiences over the past decades have demonstrated that disproportionality is not a problem that is easily solved, nor can it be successfully ignored. The issue is politically charged and discussion can quickly become heated and divisive. Nonetheless, experience also suggests that a thoughtful analysis of empirical data, in the context of an explicit conceptual framework, can move the field forward and can help to maintain focus on a universally shared goal: the improvement of educational experiences and outcomes for all children with disabilities. ◆

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### Behavior

behaviors are provided; this instruction and assistance then enable students to acquire the necessary skills for the desired behavior change.

- Effective incentives and motivational systems are provided to encourage students to behave differently.
- School staff commits to staying with the intervention over the long term and to monitor, support, coach, debrief, and provide booster lessons for students, as necessary, to maintain the achieved gains.
- Staff receives training, feedback, and coaching about effective implementation of the systems.
- Systems for measuring and monitoring the intervention's effectiveness are established and carried out.

### Recommendations to Consider

Schools that have successfully implemented SWPBS focus on a number of strategies and processes to best to support this effort:

- Data on referral, suspension, and expulsion practices must be regularly reviewed and reported to school personnel to avoid unintended over-representation of minority youth. Referral and suspension data tracking systems, such as the School Wide Information System (*www.swis.org*), include information and reports that help school personnel detect and analyze any disproportionate representation by a particular ethnic group, or group of special education students.
- If a student is chronically referred, a functional behavioral assessment should be conducted to detect features of the environment that may be causing the behavior of concern. This is true as well for students who
are not in special education.
- Out-of-school placement for suspension or expulsion are limited to the most egregious circumstances.
- For in-home suspension or expulsion, the school must be able to demonstrate how attendance at a school site, even in an alternative setting with a low ratio of highly trained staff to students, would be inadequate to prevent a student from causing harm to himself or herself or to others; keeping the student in school is the first priority and effort.
- Matters related to safety and supervision should be explored with parents whenever their child is barred from attending school. This includes, but is not limited to, screening the parents by history for presence of household guns.
- A full assessment for social, medical, and mental health problems should be conducted for any expelled or suspended youth.

Problem behavior in schools present a significant social challenge and a barrier to effective learning. Traditional "get tough" strategies have not proven effective, and they do nothing to decrease the occurrences of disproportionate representation. Research shows that the foundation for all behavior support in schools begins with establishing a positive social culture that defines, teaches, and rewards appropriate behaviors. SWPBS is one proven, effective way toward not just ensuring that students are saved from being inappropriately labeled with an emotional or behavioral disability, but toward serving all students well. ◆

### Resources for Behavior

**National Center on Positive Behavior Interventions and Supports**: *www.pbis.org*

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# Two Views Develop Effective Supports

**B**ack in 1991, principal Elizabeth Williams knew she had a problem when her Marine View Middle School received a new group of students as part of a district reconfiguration. Looking at the numbers, she recalls thinking, "Wait a minute . . . why do we have so many EL (English learner) students in special ed?" Williams had suddenly come face to face with the issue of disproportionate representation of culturally and linguistically diverse students in special education.

Instead of deciding that this was a special education problem to be addressed only by special education staff, Williams remembers, she and her colleagues at Marine View decided to look at the changes they could make schoolwide. "We started looking at literacy issues as a whole," Williams continues. She and her staff asked themselves, "What do we need to address the general population of kids?"

Schools like Marine View in Huntington Beach, California, are employing real solutions to the challenge of disproportionate representation. Not far from there, in Fountain Valley, Vista View Middle School is doing much the same thing: finding solutions that are based on solid, individualized assessments and creating a holistic, flexible approach to educating students with specific language needs. "It's the fluidity of the interventions that makes it successful for kids," Williams explains.

Most students who receive special education services are already identified with that label by the time they get to middle school. But regardless of label, all students at both Vista View and Marine View start the year with a new battery of rigorous assessments; students are then also assessed at regular intervals throughout the year. The data from these assessments allow staff to examine perceptions or issues that may be misdirecting a child's educational placement; the data then helps staff determine how to give each child what he or she needs academically, when he or she needs it.

Vista View Principal Anne Silavs says in many cases they use interventions to "close the gap," without needing to identify a student as a special education student. "In a more traditional model, if we had a student who was struggling, we'd have to follow the old 'wait to fail' model." But she says, "When we notice [problems] early, we can zero in

and may never have to go through the special ed pathway," leaving the special education resources for the students who really need them.

The attention paid to struggling students at these schools is rigorous. At Marine View, every student who scores less than 300 on the California Standards Test (CST) is screened for additional services. And at both schools, teachers who administer the assessments and the interventions are carefully trained.

Again, early intervention is key, according to Williams. "I wish I'd known this earlier: screen every kid and don't make assumptions based on socioeconomic status, label, or language. Then you take those results and look

at your programming." The goal is to provide intensive programming where it is needed to get students back into the general education population. Williams repeats something she learned from Bill Tollestrup of Elk Grove Unified School District: "You need to know every child by name and need—then the rest will happen."

To gain this knowledge, children at Marine View are assessed each trimester to determine their progress in reading, writing, and math. "The diagnostics and screening keep us focused," explains Williams. "We're not just waiting for the STAR testing."

At Vista View, a Monitor and Assessment Plan, or MAP, is formulated for each student, outlining the support needed and progress made. The assessments are reviewed, along with the student's cumulative record folder, to ensure that each student is receiving the interventions that match his or her need. The staff meets monthly to share information and make necessary changes.

The special education and general education staff work together beyond these regular meetings. Special education staff teach intervention literacy and mathematics classes that are blended—made up of both general and special education students. General education teachers may also teach literacy interventions to blended classes. The positive social benefit to this approach is that all students have become less aware of special education labels.

Silavs believes these blended services are crucial for many reasons, but most particularly because they conserve the school's resources. "I've worked at districts [that] didn't use blended services," she says. But "why run a parallel program?" At Vista View, students receive literacy interventions by ability grouping, regardless of special education designation. "We're trying

to be sensitive that we're meeting the students' needs and not necessarily their labels," Silavs explains.

For Williams and her staff, planning begins in August before school starts. CST scores are reviewed in the aggregate and for individual children. They further assess any students who appear to need support and review their cumulative files. The school consults with the parents to round out the picture, and students are invited into the discussion.

Once the children who need intervention are identified and an intervention type is matched to the child, those instructional blocks are scheduled and the rest of the school schedule is built around them. The priority speaks loudly: everything revolves around the interventions—and they are the best available: the school uses only research-based interventions for the particular element of literacy that any student or group needs to strengthen.

If something as major as the school's schedule defers to the students' needs, it's not surprising that the school's actual programs are also designed around those same needs. In many schools, if a student is having trouble in a certain subject area, the child is kept in the regular class and then offered a remedial session during an elective period. Vista View offers something very different for students who need help: an intensive, accelerated class in that subject during the same period. The goal is for the student to catch up in order to join the regular class. Silavs explains, "We don't send you back to flounder and then spend another period trying to make up for it."

Both principals stress that they welcome parent's to participate in their child's school experience. "The more involved the parents are in school, the more supported a student feels," Silavs points out. "I urge parents to make contact with the school at every opportunity." But both principals also know that school can be a daunting place for parents, especially those who come from different cultures or who speak different languages; and these cultural and linguistic barriers might make the very idea of establishing a relationship with their child's teacher something impossible to entertain. "We love parents," says Williams, "but in their absence we can't stop." So, even if a parent is unable to play a part, the student's educational program still moves forward.

One of the unique programs at Vista View that serves to provide a sense of family at school is a special homework club for EL students. Any student has the option of attending a homework club after school, but this alternative club is offered with English Language Development (ELD) staff support. It's a safe place where English learners can go to feel comfortable asking questions that may be more language-based.

As students move through their schools, Williams and Silavs are seeing success. Last year 40 percent of Marine View's special education eighth-grade class was assessed at the "proficient" or "advanced" level. When those same students were in sixth grade, only 9 percent of them scored that high. At Vista View, Silavs says, "We've found that in the last couple years we've dismissed a lot of students from special ed. If your program is effective, this should happen."

Like Williams, Silavs stresses the need for flexibility in the system. "We're very fluid and flexible and move students in and out as needed. As soon as they need something new, they get it," she says. Silavs observes that maintaining good practices requires constant vigilance. "If you're at a school with a lower API (Academic Performance Indicator) level, obviously you're in tune with the students who are not making it. But for some schools at the higher end, maybe there's not the same pressure or level of concern that there should be. I think we have to constantly be looking at the students who are not making it."

Williams sees a challenge brought by the structure of special education funding in California; and because of it, school districts are often unwilling to let special education teachers teach anything else. But since the best place for the child might be somewhere that isn't strictly special ed or just general ed, but rather in a somewhat blurred place in between, she thinks this is an issue the state will have to address.

Silavs encourages schools not to be afraid of the political implications of disproportionate representation. "You need to make a decision: Do we do what's best for the students, or worry about political considerations? Sometimes it's daunting to see the sheer numbers, but you need to take that brave step of acknowledging the problem and doing something about it on a scale that works."

How do you change a statistic? Child by child. "It's really easy to say, 'It's a language issue . . . it's a special ed issue.' But it's a kid issue," says Williams. "This child, with this name—what is his need?" These two schools are asking that question every day. And answering it. ◆

It is important to remember that each school district is unique and each should focus efforts on ameliorating disproportionality based on that uniqueness. Some school districts may be over-identifying students with disabilities because of language differences, while others may be inappropriately placing African American male students in more restrictive settings because of behavioral issues. According to research, "reducing disproportionality requires a comprehensive approach that encompasses teacher training, culturally appropriate assessment and instruction, cultural sensitivity, home and school collaboration, and an effective pre-referral process." Each school district must begin conversations to identify and resolve its own particular iteration of disproportionality, if it exists. As these discussions begin, the California Department of Education will be identifying ways that supports school districts and schools in acknowledging, discussing, and ending disproportionate representation in special education. ◆

Some have suggested that African American disproportionality in educational placement is due to over-representation in disability categories that are often served in more restrictive settings (e.g., mental retardation and emotional disabilities). However, recent research has shown that African American students are less often served in the mainstream, regardless of the severity of the disability.[5]

### Why Else Might It Be Occurring?

Our experiences have taught us that virtually all of the educators we have interacted with genuinely have a passion to see their students succeed. Yet persistent racial inequities remain. Why might this be?

One possibility is through what researchers call culturally reproductive systems and actions. Often without conscious awareness, our behaviors are shaped by policies, cultural norms, and institutional expectations that serve to support and maintain the racial status quo. Examples of these kinds of reproductive processes that lead to disproportionality in special education have been recently illustrated by Beth Harry and Janette Klingner in the book *Why Are So Many Minority Students in Special Education?* They illustrate how placement in special education for minority students is shaped by a number of school-based risk factors, such as poor teaching quality, arbitrary application of eligibility decision-making criteria, and special education programs that are themselves ineffective or overly restrictive.

There are additional factors that may contribute to the problem: the less-than-perfect processes in special education, particularly around eligibility and decision making, and the unequal opportunities for students of color in general education.[6] Research suggests that both general and the special education possess shortcomings that get in the way of ensuring that the "right students" are being identified. And it is reasonable to think that,

whenever general education limits the educational opportunities of a group of students, that group's risk for special education increases. Unfortunately, the influence of factors such as the quality of a school's curriculum, instruction, resources, or teacher training on disproportionality in special education referral and eligibility have yet to be



directly studied. Clearly, we need to know more about the specific factors in both general and special education; but what *is* apparent is that disproportionality in special education is a complex problem, caused and maintained by interactions among a number of factors.

It is also important to recognize that the explanations for why racial disparities occur often tend to come primarily from the perspective of the dominant culture. Recently, scholars in the American Educational Research Association have argued that, indeed, African American interpretations of inequity have been largely ignored and marginalized in the research on racial and ethnic disparities. If we expect to have any success in addressing these difficult and long-standing issues, we

must make sure that all explanations for inequity are brought to the table and examined.

Our culture has deeply embedded beliefs about race and ability that may not have been fully brought into the open and examined. Until relatively recently, it was the "common sense" understanding that those of African ancestry were simply not as intelligent as people from European backgrounds. White society also "knew" that uncivilized blacks were a danger to society. It made logical sense then, that black people should be separate from whites in all areas of public life, including public education. It is striking then that, although we view our modern society as having left the explicit racism of our past behind, African American overrepresentation is the most marked in categories that provide a judgment of a student's intellectual capacity (mental retardation) and ability to effectively behave in "appropriate" ways (emotional disturbance, suspension/expulsion). Tempting as it may be to view such patterns as "coincidental," we ignore these patterns at the peril of failing to fully understand how we may still be reproducing historical patterns of inequity.

### Processes for Addressing Inequity

Our best knowledge suggests that disproportionality is a highly complex phenomenon, a product of a number of social forces interacting in the lives of our children. The multiply determined nature of disproportionality means that, in order to effectively address this issue, we must intervene comprehensively and base our response on local needs. At Indiana University's Center for Evaluation & Education Policy, we have begun to work with districts interested in addressing disproportionality through a process known as Local Equity Action Development (LEAD). Some specific elements of that process include:

**Examine local data.** Racial disparities are so widespread in America as to constitute the norm. It is thus important for local practitioners to examine their own data critically, with an eye towards identifying specific areas of

disproportionality that need attention. It is not necessary, and probably not helpful, to assign blame for disproportionality. Rather, the necessary—and productive— first step is to accept the data as an indicator of a problem that needs to be addressed.

**Consider all hypotheses and develop interventions.** It is an uncomfortable but important truth that our reaction to issues of equity often differs depending on our ethnic background. As we begin to discuss why disproportionality may be occurring in a school or district, we must include and value in that discussion a diversity of voices. If our solutions are to be comprehensive and effective, we must tap into the knowledge, perspectives, wisdom, and expertise of communities that have been most effected by inequity. Addressing inequity also requires direct and open conversations about race and racial disparities, no matter how uncomfortable they may be. We have been struck in our work by the difficulty many educators have in openly discussing race. Unless we break the taboo on talking about race and acknowledge both the problem and our differing perspectives on that problem, it seems very unlikely that we will be able to progress toward a resolution.

**Monitor progress toward the target of equity.** One cannot assume that efforts to improve a system in general will change racial and ethnic disparities in particular. A district might develop a sophisticated Response-to-Intervention (RtI) procedure to reduce special education referrals. But if it did so only by reducing the referrals for the majority of students (e.g., white students), such a project could increase disproportionality, even while reducing overall referrals. It is therefore important to ensure that we implement not only RtI or positive behavioral supports (PBS), but ensure that we develop culturally competent RtI or PBS programs, and continue to monitor the impact of those programs on minority disproportionality.

## Conclusion

It is extremely important to understand that the current inequities in our system of education, including minority disproportionality in special education, are not by any means new, but are the product of hundreds of years of oppression, discrimination, and segregation. It is uncomfortable and awkward to confront these disparities. It is even more uncomfortable to acknowledge that our interpretation of the facts varies, depending on our racial or ethnic heritage. But unless we are willing to live with and work through such discomfort, it is almost certain that our efforts will never touch the inequities still embedded in our institutions. Racial inequity has deep roots in the American psyche and in our nation's institutions; the process of undoing and redoing will also take a long time, and require a conscious and sincere effort. ◆

### Notes

1. For example, see the Equity Project website at *http://ceep.indiana.edu/equity*.
2. National Research Council (NRC).

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6. Skiba, R.J.; M. K. Rausch; A. B. Simmons; S. Ritter; J. Cuadrado; & A. Gibb. "Understanding Inequity in Special Education," *Exceptional Children*, in press.

## WorkAbility I Transition Alliance

Burnout in the helping professions is not a new concern. But effective support for those professionals who spend their lives helping others is always news worth sharing. For those dedicated educators who help students as they transition from school to adult life, this support takes the form of the new WorkAbility Transition Alliance. The mission of the WorkAbility Transition Alliance (a nonprofit 501(c)(3) group) is to support WorkAbility efforts as they provide exemplary workforce preparation services, services that contribute to the successful transition of youth with disabilities to postsecondary education, training, employment, and quality adult lives. Specifically, the alliance works to secure the following:

- Strengthened alliances with programs that support youth in their preparation and transition to adult life
- Opportunities for personal and professional growth
- Technical assistance and training for local WorkAbility sites
- Electronic newsletters
- Legislative advocacy and support of WorkAbility to assist your local program.

These services ensure that educators do not have to reinvent the "WorkAbility wheel" as they labor to establish and maintain successful workforce preparation programs for students with disabilities.

A WorkAbility Transition Alliance newsletter is in the making; and its website will be launched soon. The new Web address—along with information about the alliance's upcoming conference—will appear in the next edition of *The Special EDge*.

### Who should join?

Anyone who is involved in supporting youth with disabilities in their transition to adult life either directly or through adjunct support roles is eligible to join this alliance. To learn more, contact either Vicki Shadd (at 530-934-6575, ext. 3203; or email her at *vshadd@glenncoe.org*) or Sherry Snyder (at 619-401-4344; or email her at *ssnyder@guhsd.net*).

# Disproportionality at the Preschool Level

By Rebeca Valdivia, Project Director with WestEd's Center for Child and Family Studies

**C**hildren who can be educated without special education services should be. Special education placement is very valuable to some students, but students who are inappropriately placed often suffer more than {they} benefit. — Conahan, et al., 2003

The topic of disproportionate representation at the preschool level poses several questions—and some promising practices for educators in general. As noted in other articles in this issue, while disproportionate representation has been recognized and examined for several decades, to this day it continues in special education classes across the nation, including California—in the form of the over-representation of students of color and of students who speak a language other than English (Artiles, et al., 2005). There is both an overlap and some differences in the factors that may result in disproportionate representation when we examine them for children three to five years of age receiving special education services, as compared to those for children within the K–12 system of education. I state this tentatively, as research on disproportionate representation at the preschool level in California is very scant.

### Preschool Settings
There are some clear reasons for its occurrence in preschool settings. The recent push for universal preschool has resulted in an increase in the number of children at this level who receive some form of educational service; since, once a child is in a preschool setting, there is a greater chance that teachers may raise concerns about the child's development. This becomes one of the factors that can potentially result in over-representation of children who are English learners being referred to special education. Another contributing factor has to do with teacher preparation: preschool teachers as a group have minimal, if any,

preparation in second language acquisition, especially as it applies to young children (Chang, 2004). Many of the outward behaviors of children learning a second language—such as prolonged periods of silence, increased frustration, mispronounced words, and frequent use of incorrect grammar—may be the result of a child's finding himself in a place where no adults speak his home language, and from the child's struggles and efforts to learn a second language. Those of us who have traveled in a country where we do not know the language are familiar with the anxieties and misunderstandings that can happen. Young children have fewer language skills and cognitive tools at their disposal to communicate in such a situation; thus we often see either increased silence or expressions of frustration. If a teacher cannot distinguish between normal, language acquisition-related struggles and actual disability, over-identification can occur.

### Diverse and Non-Diverse Teachers
Another contributing factor is the diversity of the teacher pool itself. While preschool educators tend to be generally more racially and linguistically diverse than their K–12 counterparts (Center for the Study of Child Care Employment, 2006), this diversity is not reflected in the special educators and specialists who work with preschool children. The disconnect between the demographics of those who serve young children with disabilities and other special needs and the children themselves can lead to disproportionate representation of students of color and students who speak a language other than English. It has been well documented that teachers who do not come from similar linguistic and cultural groups as the children they are serving often misinterpret differences in behaviors. It is not uncommon for differences in uses of language, classroom participation,

and interactions with peers to be seen as problematic, rather than as legitimate cultural patterns and part of serving diverse groups. In such situations, there is a greater chance of seeing children as eligible to receive special education services because their behavior is seen as less academic, less desirable, less developmentally appropriate.

### Assessments
The latest reauthorization of the Individuals with Disabilities Education Act, IDEA 2004, reaffirmed once again that a student should not be found eligible for special education services solely because she is "limited English proficient" (to use the language in the statute). IDEA 2004 also reminds practitioners and families that non-discriminatory assessments and evaluation procedures should be used to determine eligibility. Yet there is no single standardized evaluation tool or document that can be consider free of bias for all groups of students. The majority of the standardized tests available for this age group have not been normed on the diverse group of students represented in California schools. So, for instance, even if a test is available in Spanish, there is no guarantee that the test was normed on children found in California schools whose home language is Spanish. The test may actually be normed for children from another state or country whose life experiences and processes of first and second language acquisition would differ greatly from those of the majority of children in California.

Those of us who have administered tests and assessment protocols to young children are well aware of the challenges of obtaining an accurate "reading" of a child's performance, since young children in particular have a difficult time demonstrating their true level of performance to a "stranger." Similarly, young children often demonstrate a wider array of skills in their home or in an equally

familiar environment, yet many children are still primarily assessed in a clinical setting or in school—often even before they are familiar in or comfortable with this setting. These issues belong to the ever-lengthening list of factors that can contribute to over-identification and disproportionate representation. Knowing about them can help guide educators toward ways to reconsider assessments so that they are accurate.

### Under-Identification

The discussion up to now has identified factors that may lead to the over-identification of children from culturally and linguistically diverse backgrounds. However, there is also a risk of under-identification and under-servicing children from culturally and linguistically diverse backgrounds. Young children of Latino heritage make up almost two-thirds of those entering kindergarten, yet they also comprise the group that is least represented in preschool programs across the state. Here again there are several factors that contribute to this disparity. One factor is that many programs that are designed to serve these children are full to capacity, so families are left with very limited options as to where to enroll their child. Bridges, et al. (2004), found the following:

- Latino children are much less likely than white children to attend center-based programs the year prior to kindergarten (38 percent versus 58 percent respectively); and Latino children who do attend center-based programs tend to enter one year later than whites, on average.

- Among children who do attend center-based programs, African American children participate for 20 hours per week on average, compared to 7 hours for Latino, 12 hours for Asian American, and 14 hours for white children.

Because families prefer to leave their children in the care of people who speak their language and, if possible, come from the same country of origin, many children who could be enrolled in public preschool programs are cared for instead by members of the extended family network (Lopez & de Cos, 2004).

There are efforts already in place or being developed to address all of these concerns. As Losen and Orfield (2002) state, "Special education inequities are often tied to general education issues; remedies should address shortcomings in both special and regular education program and service options" for preschoolers with disabilities. Therefore, in order to avoid or reduce where necessary the disproportionate representation of preschool children in special education, the solution will need to come as a result of examining possible contributing factors in both systems of education (Bailey, 2002). Below are some promising efforts:

- The National Center for Culturally Responsive Educational Systems (NCCRESt) in Denver, Colorado has developed a user-friendly pamphlet for parents: *Addressing Cultural and Linguistically Diverse Student Over-representation in Special Education: Guidelines for Parents.* This pamphlet is available in both English and Spanish at *www.nccrest.org.*

- Staff at the Charles County Public Schools Department of Education have been able to reduce the overrepresentation of African American students by 68 percent through a revised pre-referral intervention process. Go to *www.inmotionmagazine.com/er/charles.html* for their full report: "Addressing Disproportionate Representation of Minority Students in Special Education Placement by Refining the Referral Process."

- There are a growing number of teacher education programs that offer dual certification in early childhood special education and general education: the Bank Street College Graduate School of Education in New York is one program that recognizes the need to prepare teachers to serve a broad base of children. Go to *www.bnkst.edu/* to learn more about their approach.

Early childhood special education has been at the forefront of offering services that are family-centered and inclusive. By examining and addressing potential contributors to disproportionate representation, we can also lead the way in offering services to children who truly need them and in designing supports and strategies to all teachers in their efforts to appropriately and equitably serve all students. ◆

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### New Resource for Early Childhood

*Desired Results access: Assessing Children with Disabilities Who Are English Learners.*
Call 707-284-9576; available online at *www.draccess.org* after January 2007

adaptive behavior data (keeping in mind that IQ tests cannot be used for African American students). If the team suspects EBD, Tier 1 and 2 data may need to be augmented by a thorough developmental-social history, behavior rating scales, and/or a more refined functional behavioral assessment. Most frequently, the team will suspect a learning disability. IDEA 2004 abandons the IQ-achievement discrepancy model long used for identification of learning disability and shifts the attention of assessment to the discrepancy between the student's response to interventions, compared to the responses of other students. To break the cycle of disproportionate representation in special education, we must compare the responses of the student to others from similar cultural and linguistic backgrounds. Only when there are data to suggest that the individual student's performance varies from the cultural-linguistic group would we move forward with consideration of individual characteristics associated with LD.

Regardless of the suspected disability, there are general guidelines to be followed for psychoeducational evaluation of CLD students. When evaluating dual language learners, the team should use acculturation and language development-proficiency profiles to determine the language(s) for testing, if needed (Rhodes, Ochoa, & Ortiz, 2005). Prior to identifying an African American student with any disability, the ruling that came out of the Larry P. case requires the evaluation of five areas: (a) academic achievement, (b) developmental-social history, (c) adaptive behavior, (d) classroom performance, and (e) specific abilities and inabilities.

While Tier 3 psychoeducational evaluation informs eligibility for special education, the team must use assessment to discern the nature and extent of services the student needs in order to participate and be successful in general education. However, the evidence shows that CLD students with disabilities

are more likely than their white peers to be placed in restrictive educational settings (Fierros & Conroy, 2002): among CLD students with disabilities, only 37 percent of African Americans and 43 percent of Latinos, compared to 55 percent of whites, are included in general education. Because of this, it is critical to keep in mind that special education is instruction and/or services, not a "place," and no special education label should be equated with a specific program. Finally, once those services are provided, continuous assessment of outcomes and needs must be used to refine, revise, and/or discontinue special education interventions.

## Conclusion

"System policies may change, but changing the beliefs of the individuals who combine to form the system is much more difficult . . . The way we think, feel, and believe has a considerable impact on our implementation of culturally responsive practices" (Green et al., 2005). Assessment will only become part of the solution when we leave behind the deficit-oriented perspectives embedded in evaluation. Evaluation may tell us how a student compares to others, but assessment tells us how well we have done, how the student learns, and what is needed to ensure the student's future success. ◆

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# Addressing Disproportionate Representation
# Innovative Program in Educational Leadership

While "innovative" and "integrative" are not words that have long been used to describe training programs for school principals and superintendents, universities across California have been working hard to change that. CANDEL represents one of the newer breeds of these truly innovative schools. CANDEL—Capital Area North Doctorate in Educational Leadership—is a carefully crafted joint doctoral program involving three northern California universities: UC Davis, Sacramento State, and Sonoma State (SSU).

Traditionally, there was something of a "structural disconnect" in the overall system, according to Dr. Paul Porter, one of CANDEL's original architects. "Our teachers, school counselors, and principals have been able to take advantage of our state universities (the CSU system), since part of their primary mission is to educate practitioners in these areas. However, the top levels of school leadership often require a doctorate; and for this, superintendents and community college executives have had to seek their degrees through private or out-of-state institutions, since none of our state colleges have ever been authorized to offer the doctoral degree in educational leadership, and most schools in the University of California system have had no program in that area. When our teachers and educational leaders are trained in different systems, it's not surprising that an 'us and them' mentality is the result. When we send them to completely different institutions for their degrees, we are missing a wonderful opportunity for teachers and administrators to learn together, innovate together, view the problems and opportunities for California students together, and seek to collaborate more," says Dr. Porter, now the director of the program at SSU.

CANDEL has brought practical application to a doctoral program and scholarly practice to the public school setting. "CANDEL is not just a perfect marriage," says Porter. "To shift metaphors, it's a dynamic two-way street where research informs practice, and, at the same time, practice doubles back to inform research."

Part of the impetus that created CANDEL was an awareness of inequity—the fact that individuals from minority groups and women are disproportionately underrepresented in leadership positions in schools (e.g., university presidents, chancellors, superintendents). In fact, one of CANDEL's four foundational objectives is, not surprisingly, based on equity and social justice: "Building Community in a Diverse Society."

"People often come to a doctoral program in education to learn how to merely 'do school better,'" notes Porter, referring to tendencies to repeat educational methods that have been only marginally successful in the past. "At CANDEL, we want something other than 'more of the same.' We want our candidates to be agents of change, to be aware of inequities; to question the underlying assumptions and practices of our schools and to look honestly—and with a researcher's curiosity—at the problems and opportunities that exist in schools. In many ways, the RtI (response to intervention) model was founded through practice informing our research. We had for so many years thought that if we just found the right test or assessment it would lead to perfect data and then improvement for a given student. At some point someone had the wisdom to say that perhaps the best test of what will help students can be found in students' actual responses to the interventions we try. That, more than any single test, this could unlock the valuable information to help us assist each student. In other words, if something isn't working, don't just keep using it with minor refinements. We must get smarter by being practical researchers." This is what the CANDEL program is attempting to accomplish.

"In developing CANDEL, we saw that people in positions of leadership in education often did not understand issues of social justice in schools. We also saw—and still see—a hesitancy on the part of schools to look at data and to disaggregate it further. This is where the difficult beast of social inequity really rears its head—overall school scores might look great; but when broken down, the painful stories—one of them being disproportionate representation—become evident."

Some researchers insists that schools are even more segregated today than they were in the fifties. "White flight" into the suburbs and select neighborhoods certainly contributes to the problem. But Porter insists that, while "school leaders can't single-handedly make neighborhoods thriving centers of economic equity and cultural diversity, there is much that even a single principal can do in the way he or she works to restructure the school and create a healthy climate: one where all teachers and administrators are responsible for educating all students; where special education and general education teachers collaborate; where research-proven assessments takes place regularly—and inform teaching; and so forth. But the school leaders need to have a commitment to these practices. And commitment comes out of a conviction of their efficacy. This happens best when the theoretical meets the practical. I've seen it happen. It's then that kids succeed and lives change for the better."

Carlos Nevarez, CANDEL professor from Sacramento State takes overrepresentation of certain ethnic minorities seriously. "Over-

# IDEA and Disproportionate Representation

## What the Law Says . . .

### . . . about Data Collection and Disproportionality

Each state that receives assistance under this part [Part B of IDEA], and the Secretary of the Interior, shall provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and local educational agencies (LEAs) of the State with respect to—

(A) The identification of children as children with disabilities, including the identification of children with a particular impairment described in section 602(3);

(B) The placement in particular educational settings of such children; and

(C) The incidence, duration, and type of disciplinary actions, including suspensions and expulsions. [618(d)(1)]

### . . . about Requirements when Disproportionality Exists

In the case of determination of significant disproportionality with respect to the identification of children as children with disabilities or the placement in particular education settings of such children in accordance with

paragraph (1) . . . as the case may be shall:

(A) Provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this title;

(B) Require any LEA identified under paragraph (1) to reserve the maximum amount of funds under section 613(f) to provide comprehensive, coordinated early intervening services to serve children in the LEA, particularly children in those groups that were significantly overidentified under paragraph (1); and

(C) Require the LEA to publicly report on the revision of policies, practices, and procedures described under subparagraph (A) [618(d)(2)].

### . . . about Policies and Procedures

That State has in effect, consistent with the purposes of this title and with section 618(d), policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including those with a particular impairment

described in section 602 (612)(a)(24).

### . . . about Technical Assistance and Demonstration Projects

(a) The Secretary shall make competitive grants to, or enter into contracts or cooperative agreements with, eligible entities to provide technical assistance, support model demonstration projects, disseminate useful information, and implement activities that are supported by scientifically based research. [663(a)]

(b) Activities that may be carried out under this section include activities to improve services provided under this title, including the practices of professionals and others involved in providing such services that promote academic achievement and improve results for children with disabilities through demonstrating models of personnel preparation to ensure appropriate placements and services for all students and to reduce disproportionality in eligibility, placement, and disciplinary actions for minority and English proficient children. [663(c)(9)]

For more information, go to *www.dssc.org/frc/NCCRESt%20draft%20rubric-101205-.pdf*

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## CANDEL

representation is a fact," he posits. "What informed our mission and vision at CANDEL was the data. Too many students are not meeting expectations. Thousands of students drop out every year—the numbers are all there to show this. We have to do something different. We at CANDEL are trying to create a 'not business as usual' kind of leader; we are trying to create school leaders who think in new ways and employ new strategies so that we can do justice to students who are mis-evaluated, misjudged, and inappropriately placed in special education.

"We are training doctoral-level professionals to be bold. In their coursework and in their dissertations we are challenging them to select topics, like disproportionate representation, and do some real field work: talk with the people who are directly affected by being mislabeled, and come up with concerns and recommendations to inform policy and practice.

"Essentially, we are training educational CEOs, transformational leaders

who can be strategic agents of change; who are not afraid to directly address difficult issues of equity and social justice. Our goal at CANDEL is to prepare practitioners who are researchers, able to apply the practical dimensions of their research into the classroom, and then have that practical reality inform research. Most EdD programs like ours are a blend of the theoretical with the practical. We like to think we're doing a particularly good job of it.

"Interestingly enough," notes Nevarez, "some of the best leadership models have come out of the for-profit sector, where money has driven the need to carefully examine—and determine—what constitutes effective leadership. But we believe that the value that educators pursue is something more precious: the quality of the future of thousands and thousands of young people. We need to function with as much urgency as a Fortune 500 company. Each year that we don't lead well, thousands of futures are compromised.

"I believe that leadership in special education is a particularly neglected

area. To address that, we are striving to produce leaders who act on the importance of research-based practices, we insist on (and require them to also employ) data-based decision making at all levels; to demand culturally neutral testing; to promote the use of evaluation methods that assure that equitable, fair practices are being used to track—and to exit—students in special education programs.

"Too often, once a student is placed in special education, regardless of race or culture, they become 'the other.' Too typically, special education is not seen as part of a school's core function. We need to make sure that everyone at a school is receiving the best resources and assessments, and the richest curriculum possible. We at CANDEL are working to develop leaders who embrace this not as just a value or a high priority, but as an imperative."

The results can only promise improved services and more equitable educational opportunities for all of California's students, but particularly for students with disabilities. ◆

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# 2006–7 Calendar

**November 14**

**IDEA 2004 Regulations Meetings**

These community-based meetings will provide an overview of the new IDEA regulations. Each participant will receive numerous resources. No advanced registration. Sacramento, CA. For more information, go to *www.ed.gov/policy/speced/guid/idea/cbpm/index.html*, or contact Tanya Kosinski at *tanya.kosinski@ed.gov* or 202-245-7404.

**November 27–29 (Fresno)**
**December 4–6 (Sacramento)**

**NCLB Title III Institute Part I: Ensuring Academic Success for English Learners**

This first part of this training is free and will address accountability requirements and the English Learner Subgroup Self Assessment tool to review data; the second part costs $175 and elaborates on the first part's content and its application to real-life situations. For more information, contact Marcela Rodriguez at *mrodriguez@cde.ca.gov* or 916-322-9385.

**December 4–8**

**The 6th Annual National Inclusive Schools Week**

This annual event focuses on inclusive practices to ensure quality education for a diverse student population. This year's theme is "Charting an Inclusive Journey through School, Work, and Life: Successful Transition Planning for All Students." For more information and numerous resources, materials, and products, go to *www.inclusiveschools.org*.

**January 11–13**

**Building Partnerships in a Changing Climate**

The 18th Annual Region 1 and 4 Winter Institute is designed for teachers, administrators, parents, and other professionals who envision building collaborative partnerships between general and special educators to better serve and support all students. Topics addressed will include behavior, literacy, instructional strategies, and family involvement. For more information, visit *www.mcoe.us*; call 707-964-9000; or fax 707-964-6219.

**January 18**

**Asperger's Syndrome and High Functioning Autism: Strategies to Enhance Student and Teacher Success**

This training will offer a framework for understanding Asperger's Syndrome and High Functioning Autism (AS/HFA), including diagnostic issues, educational implications, and programming recommendations. Apple Valley, CA. For more information, contact Daria Raines at *daria_raines@sbcss.k12.ca.us* or 760-242-6333.

**January 22–23**

**CRESST's 2007 Conference**

The National Center for Research on Evaluation Standards and Student Testing (CRESST) addresses the future of test-based educational accountability. Geared towards researchers, educational administrators, and teachers, this training will tackle issues of accountability, reliability, fairness, and validity. Los Angeles, CA. For more information, go to *www.cresst.org*, or contact Dana Schacter at *dschater@cse.ucla.edu* or 310-794-9174.

**January 24**

**Take Charge of Transition 2007: Imagine the Possibilities**

This conference, presented by Project TEAMS and sponsored by the California State Council on Developmental Disabilities and PRIDE Industries, will provide an opportunity for youth with developmental disabilities, their families, educators, and other supporters to access resources for successful transition from school to adult life. Sacramento,CA. For more information, go to *www.projectTEAMS.org/events.php*, email *TEAMS@prideindustries.org*, or call 916-788-2227.

**February 2**

**RCAT-Plus Regional Institute**

Sponsored by the Riverside County Office of Education, this one-day presentation features an evidence-based model for improving the achievement of all students. The event is designed for those interested in replicating an existing model for systems change using RtI formats. Superintendents and assistant superintendents of county offices of education and large school districts are encouraged to attend. Riverside, CA. For more information, go to *http://rcat.rcoe.k12.ca.us*; or contact Mike Jones at *MJones@rcoe.k12.ca.us* or 915-826-6648.

**February 7–9**

**Leadership for Equity and Excellence: Transforming Education**

Designed for educators, policy makers, advocacy groups, and parents, this conference will explore how educational systems can assure equity in outcomes for all students. Washington, DC. For more information, go to *www.nccrest.org/events/events/national_forum_2.html,* or contact Diane Thornton at *Diane.Thornton@cudenver.edu* or 303-352-3939.

**February 8–10**

**Forum on High School Reform: Smaller Learning Communities**

Best practices and different models of smaller learning communities in middle and high schools will be presented, including using the professional learning communities, career academy model, and more. Garden Grove, CA. For more information, go to *www.edualliance.org*, or contact Janet McShane at *admin@edualliance.org* or 831-425-0299.

**February 21**

**California Alternative Performance Assessment (CAPA)**

This training will help participants become familiar with test levels, prompts, wait times, and modifications and accommodations. Apple Valley, CA. For more information, contact Rose Terracciano at *rose_terracciano@sbcss.k12.ca.us* or 760-242-6333.

**February 23**

**Bridging Together: A New Frontier**

This 26th Annual CARS+ Convention will address the disparity in educational performance among of students from racially, culturally, and linguistically diverse backgrounds. Burlingame, CA. For more information, go to *www.carsplus.org/conventions.php,* or contact Cassandra Campanelli at *cassandra@rdlent.com* or 916-443-0218.

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## New IDEA Regulations Free Webcast Training

The California Department of Education (CDE) will offer a free, one-day training via Webcast for special education and general education personnel. The training provides information on the final federal regulations implementing the Individuals with Disabilities Education Act (IDEA), as amended in 2004. Art Cernosia, Esq., a noted expert in federal special education law and regulations, will provide the training. This Webcast is scheduled for Tuesday, January 30, 2007, and will be archived in its entirety for later access and training. If you have questions, contact Janet Canning, Consultant, at *jcanning@cde.ca.gov* or 916-327-4217.

# Web Resources

## Addressing Disproportionality

*http://epaa.asu.edu/epaa/v13n38/*
The Education Policy Analysis Archives offers the article "**Addressing the Disproportionate Representation of Culturally and Linguistically Diverse Students in Special Education through Culturally Responsive Educational Systems.**"

*www.renniecenter.org/research_docs/0609_GenderBrief.html*
**Are Boys Making the Grade? Gender Gaps in Achievement and Attainment** is a Rennie Center Policy Brief that offers information on the growing body of evidence suggesting that boys are lagging behind girls in educational achievement and attainment.

*www.inmotionmagazine.com/er/charles2.html*
Complete and available online, the article "**Bucking the Trend,**" discusses ways to create supports to help African American special education students stay in high school.

*http://disabilitystudies.syr.edu/resources/education.aspx*
The **Center on Human Policy, Law, and Disabilities Study** at Syracuse University offers information on the education of women and girls with disabilities.

*http://education.indiana.edu/~safeschl/cod.pdf*
**The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment** is a publication available on the website of Indiana University's Safe and Responsive Schools project.

*http://ericec.org/digests/e596.html*
"**Five Strategies to Reduce Overrepresentation of Culturally and Linguistically Diverse Students in Special Education,**" an extremely practical article, is available through the Council for Exceptional Children's Information Center on Disabilities and Gifted Education.

*www.nccrest.org/publications/briefs.html*
The **National Center for Culturally Responsive Educational Systems** (NC-CRESt), provides technical assistance and professional development to close the achievement gap between students from culturally and linguistically diverse backgrounds and their peers, and reduce inappropriate referrals to special education.

*www.osepideasthatwork.org/toolkit/index.asp*
The **Tool Kit on Teaching and Assessing Students With Disabilities** from the U.S. Department of Education addresses how to assess students, monitor their progress, and implement response to intervention strategies. The document also includes instructional practices for literacy, strategies for schoolwide behavioral interventions, effective accommodations, and more.

## Behavior

*www.naspcenter.org/factsheets/pbs_fs.html*
The **National Association of School Psychologists** offer a very comprehensive fact sheet on PBS.

*www.pbis.org/schoolwide.htm*
**National Technical Assistance Center on Positive Behavioral Interventions and Supports** (PBIS) makes available a variety of supports to schools that are working to implement some form of PBIS.

## Culturally Responsive Schools

*www.coedu.usf.edu/laser/RTP/RTP_Culturally_Responsive.pdf*
**Creating Culturally Responsive Classroom Environments**, a publication from the University of South Florida's LASER program (Linking Academic Scholars to Educational Resources), discusses why African American and Hispanic males are overrepresented in programs for students with emotional or behavioral disorders and offers strategies for addressing the problem.

*http://ericec.org/digests/e584.html*
"**Critical Behaviors and Strategies for Teaching**" describes behaviors and instructional strategies that help teachers to build a stronger teaching/learning relationship with their culturally diverse students.

*www.rrfcnetwork.org/content/view/306/54/*
This resource-rich Web page, **Culturally Responsive Personnel Preparation and Professional Development,** offers numerous free documents designed to assist educators in their efforts to improve the programs, practices, and policies that affect children and youth with disabilities. Among the available titles are *Preparing and Supporting Diverse, Culturally Competent Leaders: Practice and Policy Considerations* and *Walking the Road: Race, Diversity, and Social Justice in Teacher Education.*

*www.nccrest.org/Briefs/Pre-referral_Brief.pdf*
**Preventing Disproportionate Representation: Culturally and Linguistically Responsive Prereferral Interventions** is a free publication from the National Center for Culturally Responsive Educational Systems designed to help eliminate school failure among culturally and linguistically diverse learners.

*www.alliance.brown.edu/tdl/*
This **Teaching Diverse Learners** website helps teachers work effectively and equitably with English language learners by providing access to information that promotes high achievement.

## English Language Learners

*www.cal.org/crede/pubs#practitionerbriefs*
**The Center for Applied Linguistics** offers research briefs, education practice reports, and more that focus on creating successful programs for English language learners.

*www.centeroninstruction.org/index.cfm*
The **Center on Instruction** is a partnership of five organizations that provide resources and expertise in reading, mathematics, science, special education, and English language learners. (Click on both Reading and on English Language Learners.)

*www.fcrr.org/*
The **Florida Center for Reading Research** offers a site packed with practical, research-based strategies and information on the science of reading, curriculum and instruction, assessment programs, and interventions for struggling readers.

*www.ed.gov/programs/readingfirst/index.html*
Through **Reading First**, states and districts receive support to apply scientifically based reading research and instructional and assessment tools to ensure that all children learn to read well by the end of third grade. Also visit *www.readingfirstsupport.us*, a site for teachers, principals, parents, and anyone with an interest in improving reading instruction and in increasing overall student achievement.

*www.successforall.com/*
The **Success for All** curriculum is a proven, systematic approach to teaching reading in the early grades; it helps English language learners quickly acquire the basic reading skills they need to succeed in school.

The RiSE (Resources in Special Education) Library lends materials to California's residents free of charge. The items listed on this page are just a sampling of what is available. Go to *www.php.com* to view the library's complete holdings and to request materials by email. To order by phone, call Judy Bower at 408-727-5775.

## Behavior

### Best Behavior: Building Positive Behavior Support in Schools

By Jeff Sprague & Annemike Golly. Longmont, CO: Sopris West; 2005. 241 pages. This evidence-based discipline program integrates family collaboration with proven, easy-to-implement interventions that can be used with the entire school, an individual classroom, or just one student. Call #23704 & 23705.

### Safe and Healthy Schools: Practical Prevention Strategies

By Jeff Sprague & Hill Walker. New York: Guilford Press; 2005. 200 pages. This book provides step-by-step guidance for developing a comprehensive school safety plan. Call #23698 & 23699.

## Reducing Disproportionality

### Reducing Disproportionate Representation of Culturally Diverse Students in Special and Gifted Education

By Alfredo Artiles & Duran Grace. Reston, VA: The Council for Exceptional Children; 1997. 98 pages. Using an applied perspective, this book addresses the issue of disproportional representation by examining the causes of inappropriate placement. Call #22358.

## School Leadership

### Good to Great: Why Some Companies Make the Leap . . . and Others Don't

By Jim Collins. New York: HarperCollins; 2001. 300 pages. This now-classic describes how making the transition from good to great requires a culture that finds and promotes disciplined people to think and act in a disciplined manner. Call #23806.

### Successful School Change: Creating Settings to Improve Teaching and Learning

By Claude Goldenberg. New York: Teachers College Press. 2004. 224 pages. Drawing on 15 years of research and teaching in low-income schools, Goldenberg provides a powerful method of school change for those seeking to make reform happen in their school or classroom. Call #23906.

## Culturally Responsive Schools

### Portraits of the Children: Culturally Competent Assessment

(Training Package: Video, CD-ROM, User's Guide, Handouts, and Reference Lists). Produced in conjunction with IDEAs that Work, CEC, and IDEA. Bethesda, MD: National Association of School Psychologists; 2003. This multimedia professional development resource package is specifically designed to give viewers the background information and effective practice techniques needed to provide culturally competent assessment for special education eligibility. Call #23913 & 23914.

## English Language Learners

### Teaching English Language Learners to Read

Reading Rockets. Washington, DC: WETA; 2004. Length: 90 min. This video presentation of best research-based practices for teaching English language learners to read was compiled by a panel of scholars gathered by the U.S. Department of Education. Call #23469.

### Determining Appropriate Referrals of English Language Learners to Special Education: A Self-Assessment Guide for Principals

The ILIAD Project. Arlington, VA: Council for Exceptional Children; 2002. 72 pages. While disproportionality in special education affects other student groups, the focus of this guide is on those who are learning English as a second language. Call #23910 & 23911.

### Dual Language Development and Disorders: A Handbook on Bilingualism and Second Language Learning

By Fred Genesee, Johanne Paradis, & Martha B. Crago. Baltimore: Paul H. Brookes Publishing Co.; 2004. 233 pages. This book focuses on the typical language development of dual language children and the identification of children with impaired patterns of development that warrant clinical attention. Call #23908.

### English Language Learners with Special Education Needs: Identification, Assessment, and Instruction

Alfredo J. Artiles & Alba A. Ortiz, Eds. McHenry, IL: Delta Systems Company; 2002. 250 pages. This book describes model ELL programs and approaches, including early intervention, assessment, parent/school collaboration, and native and dual language instruction. Call #23907.

### Multicultural Students with Special Language Needs: Practical Strategies for Assessment and Intervention

By Celeste Roseberry-McKibbin. Oceanside, CA: Academic Communication Associates; 2002. 364 pages. This book offers a wealth of information about cultural groups and the variables to consider in assessment and program planning for multicultural students with language disorders and other special learning needs. Call #23909.

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**In Search of Meaning Beneath the Surface**

# The Heart of Racial Disproportionality

*By Marcus Karega Rausch, PhD; and Russell J. Skiba, PhD; School of Education, School Psychology Programs, Indiana University*

**M**inority disproportionality in special education has been identified as an issue almost since our field began—and it remains so today. Why are racial disparities in special education so difficult to change? What is it about this issue in particular that makes it so hard to create improvement?

This seeming intractability suggests that, in order to address disproportionality—or for that matter, any of the numerous inequities in our educational system—we need to look beyond the surface to understand the ways our educational systems may be perpetuating inequity. Along with the need to explore deeply, there is the incumbent need to look broadly, since there are many possible reasons why disproportionality may exist. Unless we are able to consider all of them, including inaccurate and harmful attitudes and actions that may yet exist in our systems, it will probably remain impossible to address all of the root causes of inequity in our schools.

In this essay, we offer reflections on why disproportionality in special education continues to occur. These reflections are based on our personal experiences, understanding of the literature, and experiences of working with school district teams to address special education disproportionality over the last five years.[1] We also offer some suggestions on how we might begin the difficult, yet necessary, process of improvement.

### What We Know about Racial and Ethnic Disproportionality

The best information[2] we have about disproportionality suggests that it is:

- **Consistently documented.** Since first identified in the scholarly literature by Lloyd Dunn, disproportionality has occurred at fairly stable levels since 1968. Given the attention disproportionality has received from the federal government and research communities, such stability is noteworthy.

- **Most consistent for African American students.** Findings of overrepresentation for Latino students have been inconsistent to date. African American students, however, have been consistently found to be 2–3 times more likely than other students to be identified as eligible for special education service.

- **Found in more "subjective" disability categories.** African Americans tend to be overrepresented in more "subjective" disability categories, like mental retardation and emotional disturbance, and not disproportionately identified in more "objective" categories, like hearing and vision impairment.

- **Found in educational placements.** In addition to being identified as having a disability at higher rates than we would expect, African American students with a disability are more likely to be placed in more restrictive settings. Investigations that examine the most common placements for students with disabilities show African American students as more likely to have a separate class placement than other students with a disability, and less likely to have a general education placement.

### What Doesn't Explain Disproportionality Fully

Research does not, in fact, support some of the more typical explanations for disproportionality, such as poverty or dysfunctional family lives. While the challenges of poverty tend to increase the risk for academic failure, recent research has found that poverty tends to make only a weak contribution to actual minority disproportionality and by no means explains racial differences in special education services.[3] There is also no evidence to support the claim that African American families are in general more dysfunctional than other families; taking this perspective often leads to ignoring the positive support systems in African American and Latino families and communities that act as a protective factor against negative social conditions.[4]