ABSTRACT

Title of Dissertation: AN INVESTIGATION OF THE IMPACTS OF STATE-MANDATED BENCHMARKS ON SPECIAL EDUCATION ELIGIBILITY IDENTIFICATION OF AFRICAN AMERICAN STUDENTS

Marcella L. Gruver, Doctor of Education, 2022

Dissertation directed by: Dr. Margaret McLaughlin, College of Education

Education is critical to a healthy and productive society as it increases the knowledge and outcomes of each of its citizens. Nonetheless, disproportionality has historically been an issue in U.S. public education. Despite its longevity, it is a problem that must be remedied to prevent unnecessary stigmatization, segregation, and low expectations (Losen & Orfield, 2002; Losen & Welner, 2002). Educational reforms established to protect student groups may in fact yield negative outcomes. Policy addressing disproportionality of minority students in a disability category could result in reduced disproportionality in that category; however, other categories may show an increase in disproportionality (Oswald et al., 2002).

The purpose of this study was to investigate the impact on District A's special education referral and evaluation practices of the state mandated risk ratio benchmarks for identifying significant disproportionality in special education

identification. Decisions regarding referral for special education evaluation and subsequent determination of eligibility to receive services for most students happens at the school level. Therefore, a state policy that establishes a risk ratio threshold for determining if significant disproportionality among subgroups of students exists is a policy instrument that requires changes at both the district and individual school levels to achieve its goal.

This study used a mixed methods approach and used data analysis, focus groups, individual interviews, and document analysis to investigate the impact of the state mandated risk ratio benchmarks for identifying significant disproportionality on the special education referral and evaluation practices at the district and school-based level in District A. Data from this study helped to identify areas where the district should focus its efforts to solve its significant disproportionality of African American students identified as having an IDEA disability in the categories of Specific Learning Disability or Emotional Disability.

AN INVESTIGATION OF THE IMPACTS OF STATE-MANDATED BENCHMARKS ON SPECIAL EDUCATION ELIGIBILITY IDENTIFICAITON OF AFRICAN AMERICAN STUDENTS

by

Marcella Lemire Gruver

Dissertation submitted to the Faculty of the Graduate School of the
University of Maryland, College Park, in partial fulfillment
of the requirements for the degree of
Doctor of Education
2022

Advisory Committee:
Dr. Margaret McLaughlin, Chair
Dr. Douglas Anthony
Dr. Segun Eubanks
Dr. David Imig
Dr. Donna Wiseman, Dean's Representative

© Copyright by
Marcella Lemire Gruver
2022

Dedication

This dissertation is dedicated to my wonderful family. To Brian, my husband, for your encouragement and unwavering support throughout this journey. I could not have accomplished this without you. To my children, Nicholyn and Cole, who endured me having to miss soccer and baseball games while asking “Are you a doctor of learning yet?” Always remember that it is important to pursue your goals, never give up, and not be afraid of saying “yes” to support from others. I am so very proud of each of you. To my mother- and father-in-law, Linda and Larry, thank you for your continual support and for watching the kids so that I could write. Finally, to my parents, Michael and Jan, for instilling in me the value of education and determination. Your support and belief in me gave me the confidence to pursue countless dreams.

Acknowledgements

I would like to thank my advisor, Dr. McLaughlin, for her unwavering support and guidance throughout the dissertation process. Your thoughtful feedback and expertise, as well as your contextual knowledge and timely feedback through many revisions, helped to challenge and broaden my thinking. I would also like to thank my Advisory Committee, Dr. Anthony, Dr. Eubanks, Dr. Imig, and Dr. Wiseman; your insightful feedback during the defense process greatly enhanced the quality of this work.

Table of Contents

Dedication ii
Acknowledgements iii
Table of Contents iv
List of Tables ivi
List of Figures viii

Section 1: Introduction 1
A. Problem Statement 1
The Problem for District A 6
Defining Significant Disproportionality 7
History of Disproportionate Identification in Special Education 8
Challenges to Calculating Disproportionality 19
B. Current Scope of the Problem of Disproportionality 25
Disproportionality in Maryland 31
Scope of the Problem in District A 33
C. Consequences of Not Addressing the Problem 37
Impact of the Achievement Gap on Post School Outcomes 39
D. Causal System Analysis 39
High Risk Environments 41
Definition Issues and Eligibility Criteria 47
Referral and Identification Process 54
E. Drivers of Improvement 67
Supporting Family Structures and Environments 68
Reviewing System Policy and Procedures 69
Strengthening the Special Education Pre-Referral Process 71
Theory of Action Statement 73
Prior Attempts to Address the Problem 73
F. Purpose of Investigation 83

Section 2: Study Design 86
A. Purpose Statement 86
B. Research Questions 87
C. Design 87
Methods 90
Procedures for Data Collection 97
Data Analysis 103
D. Protection of Human Subjects 109
Human Subject Review and Confidentiality 109
E. Summary 110

Section 3: Results and Conclusions 112
A. Results 112
Significant Disproportionality Longitudinal Data Results 113
Focus Group and Follow Up Interview Results 124
Administrator Interview Results 146

Analytic Memos 156
Document Analysis 157
Summary of Qualitative Findings 157
B. Conclusions..... 163
Research Question #1 163
Research Question #2 163
Research Question #3 166
Relation of Findings to Theory of Action 167
C. Implications for District A 169
D. Summary..... 171

Appendices..... 175
Bibliography 217

List of Tables

Table 1: Percent of Students Identified as Retarded by City (Ayres, 1909)..... 9

Table 2: Nationwide Special Education Placements for Specific Racial/Ethnic Groups……..12

Table 3: Changes in Percentage of Children Served Under the Individuals with Disabilities Education Act (IDEA), by Race/Ethnicity and Type of Disability from 1974 to 2019 22

Table 4: Percentage of Students Ages 3-21 Served Under the Individuals with Disabilities Education Act (IDEA), by Race/Ethnicity as a Percent of Total Enrollment from 2000-2019 27

Table 5: Risk Ratio for Students Ages 6 Through 21 Served Under IDEA, Part B, within Racial/Ethnic Groups, by Disability Category: Fall 2017 30

Table 6: Number and Percent of 3- to 21-Year-Old Students Enrolled in Maryland Public Schools by Race/Ethnicity and with Disabilities in 2018..... 31

Table 7: Number of Identified Local Districts in Maryland with Significant Disproportionality in Identification of Children with Disabilities and for Identification of Children with Disabilities in Accordance with a Particular Impairment in 2020 (data reflects SY 2018-2019) 33

Table 8: Percentage of Students by Race/Ethnicity, Ages 3 - 21 as of October 1, 2018 34

Table 9: Number and Percent of 3- to 21-Year-Old Students Enrolled in District A by Race/Ethnicity and with Disabilities: School Year 2019-2020 34

Table 10: District A SWD Referral Source by Grade (K-12) as of 12/14/19..... 57

Table 11: District A African American Student Risk Ratios for Specific Learning Disability, Emotional Disability, and Intellectual Disability, 2020-2021 92

Table 12: District A Risk Ratios for Six IDEA Disability Categories from 2017-2018 to 2020-2021 School Years for White and African American Students..... 117

Table 13: Emotional Disability Risk Ratios for Identified Schools 118

Table 14: Intellectual Disability Risk Ratios for Identified Schools 119

Table 15: Specific Learning Disability Risk Ratios for Identified Schools..... 119

Table 16: Key Codes and Evidence from Focus Group Responses to Question 2 ... 129

Table 17: Key Codes and Evidence from Focus Group Responses to Question 3 ... 132

Table 18: Key Codes and Evidence from Focus Group Responses to Question 4 ... 134

Table 19: Key Codes and Evidence from Focus Group Responses to Question 5 ... 137

Table 20: Key Codes and Evidence from Focus Group Responses to Question 6 ... 140

Table 21: Key Codes and Evidence from Focus Group Responses to Question 7 ... 140

Table 22: Key Codes and Evidence from Follow Up Interview Responses..... 144

Table 23: Central Office Administrator Responses to Interview Questions..... 148

List of Figures

Figure 1: Percent of Students Ages 3-12 Served Under the Individuals with Disabilities Education Act (IDEA), by Race/Ethnicity: School Year 2017-18……...26

Figure 2: Percentage of 3- to 21-year-olds Served Under the Individuals with Disabilities Education Act (IDEA), Part B, by Type of Disability and Race/Ethnicity: School Year 2015-16 29

Figure 3: Number of Students with Disabilities Enrolled in Maryland Public Schools by Race/Ethnicity, Served Under Part B of IDEA in 2018..... 32

Figure 4: District A Risk Ratio for Identification of Having a Disability, by Race: SY 2017-2020 35

Figure 5: District A Black or African American Identification Risk Ratio by Disability Category: SY 2017-2020..... 36

Figure 6: Causal System Analysis of the Disproportionate Identification of African American Students as Having a Specific Learning Disability and Emotional Disability 40

Figure 7: Number of Students with IEPs for Specific Learning Disability by Race: SY 2020-2021 49

Figure 8: District A Students with Disabilties in General Education 80% or More of the Day: 2010-2019..... 59

Figure 9: Driver Diagram..... 67

Figure 10: Concurrent Triangulation Design..... 88

Figure 11: Theory of Action Timeline..... 89

Figure 12: Initial Steps in Data Analysis 104

Figure 13: Coding Process for Focus Groups and Interview Data 105

Figure 14: District A Risk Ratios for Special Education Identification for Six IDEA Disability Classifications 2020-2021 114

Figure 15: District A Risk Ratios for African American Student Identification for Three IDEA Disability Categories 2018-2021 114

Figure 16: District A Risk Ratio for White Student Identification for Three IDEA Disability Categories 2018-2021 116

Figure 17: School I Risk Ratios for African American Students for ED, ID, SLD 2017-2018 to 2020-2021 School Years 123

Figure 18: Focus Group Participant Characteristics 125

Section 1: Introduction

A. Problem Statement

The disproportionate identification of African American students in special education has been a concern since Dunn's (1968) article on the justification for special education, where he noted that approximately 60% to 80% of students being taught in special education classes were minority students from low socioeconomic backgrounds. Half a century later, despite Dunn's recommendations to remediate this problem; reports by the National Research Council (NRC) of studies (1982, 2002) and the U.S. Department of Education (2014, 2018); legislation to address this problem (IDEA, 2004); and legal actions including civil rights enforcement, we are still faced with disproportional representation of African American students in special education (Bollmer et al., 2007; Cramer et al., 2018; Donovan & Cross, 2002; Heller et al., 1982; Losen & Orfield, 2002; Losen & Welner, 2001; MacMillan & Reschly, 1998; Sullivan & Osher, 2019; U.S. Department of Education, 2020). The disproportionality of African American children in special education has been a pattern throughout the history of special education (MacMillan, Hendrix, & Watkins, 1988; Smith & Kozleski, 2005; Losen & Orfield, 2002) and is cause for concern.

In school year 2019-2020 District A had significantly more African American students being identified for special education in certain categories of disability than their white peers. How this was determined will be discussed later in this section. The researcher investigated the impact on District A's special education referral and evaluation practices of the state mandated risk ratio benchmarks for identifying

significant disproportionality in special education identification and analyzed any change in the prevalence of risk for African American students identified as having a specific learning disability in District A from 2017 to 2021. First, it is important to consider why disproportionality is considered a problem. Two National Research Council committees have considered the problem of disproportionate representation of minority students in special education. Heller et al. (1982) identified two issues regarding disproportionality: (1) disproportionality is a problem when children are assessed for placement in special education programs invalidly, and (2) disproportionality is a problem when children receive low-quality instruction as a result of special education placement. In the second report, Donovan and Cross (2002) explained that disproportionality can stigmatize or "otherwise identify a student as inferior," lower expectations, and lead to "poor educational outcomes such as dropping out, failure to receive a meaningful diploma, or diminished chances of moving to productive postschool endeavors" (p.20).

The literature overwhelmingly upholds disproportionality as a historical concern afflicting public education in the United States. Disproportionate representation of African American students in some disability categories has been a problem since the beginning of special education programs in public schools. At that time, African American students were far more likely to be placed into special education programs for students with educable mental retardation (Dunn, 1968; Heller et. al., 1982; MacMillan, Hendricks, & Watkins, 1988). More recently the disproportionality is evident in other high-incidence special education categories:

Specific Learning Disability, Speech or Language Impairment, Other Health Impairment (Donovan & Cross, 2002; US Department of Education, 2020).

Disproportionality of African American students in special education is problematic for numerous reasons. Shifrer (2018) explained that disproportionality is problematic because it is not clear that special education improves outcomes for students who receive services under IDEA. Further, Skiba, Simmons, Ritter, Gibb, et al. (2008) asserted disproportionality may represent inaccurate or inequitable disability classifications. Other concerns regarding the negative effects of labeling and the fact that African American students identified as needing special education are placed in more restrictive special education placements have been noted (Bollmer et al., 2007; Heller et al., 1982; Losen & Orfield, 2002; MacMillan, Hendrick, & Watkins, 1988). Once students are placed in special education classes, they typically remain in special education classes for the remainder of their school years (Klingner & Harry, 2006). Additionally, Ferri & Conner (2006) asserted that special education disability classification is entwined with race; therefore, special education has "inadvertently exacerbated the exclusion of students of color" (p.10); and results in lower graduation rates and insufficient qualifications for entry into most colleges and universities. While some argued the benefits of special education (Deno, 1970; Fuchs, Fuchs, McMaster, & Lemons, 2018; MacMillan & Reschly, 1998; Snyder et al., 2018), the literature illustrates that outcomes for students with disabilities are bleak and result in insufficient academic gains as well as an increase in dropout rates (Blackorby &Wagner, 1996; Gottlieb et al., 1994; Lemons, Vaughn, Wexler, Kearns, & Sinclair, 2018; MacMillan, Widaman, et al., 1992; Oswald et al., 2002).

All students in the United States (US), regardless of race or disability, deserve an education that will prepare them to be productive citizens with choices for their future. Legislation pertaining to education entitles individuals with disabilities to a free appropriate public education (FAPE) and mandates nondiscriminatory assessment, identification, and placement of children with disabilities (IDEA, 2004). Further, children are not to be identified as disabled because of poor achievement due to environmental, ethnic, linguistic, or racial difference (IDEA, 2004). These requirements in the IDEA are a result of decades of concern, controversy, and research regarding the overrepresentation of students of color, specifically Black/African American students. Both the Office of Special Education Programs (OSEP) and the Office of Civil Rights (OCR), both within the U.S. Department of Education, have collected and reported data, published reports, and otherwise have been moving states and LEAs to reduce disproportionality in special education.

The 1997 and 2004 IDEA reauthorizations and the final regulations under Part B of the IDEA that were passed in 2016 significantly addressed inequities of students of color regarding significant disproportionality in the identification, placement, and disciplinary removal of students with disabilities based on race or ethnicity (34 C.F.R. § 300.646(b)). Among the changes are a new way of calculating disproportionality, reporting, accountability, and consequences for local educational systems that evidence disproportionality.

The struggle of disproportionality is complex and not easily overcome. Students are referred to special education largely due to academic struggles under the assumption that special education will be a benefit to the child which he or she would

otherwise not receive (Artiles, 2013). Donovan and Cross (2002) described the conflict inherent in disproportionality of minority students in special education as a paradox; meaning that special education provided additional resources, services, and support for an identified child with a disability, without which they could not benefit from education; however, it brought stigmatization, restrictive placements, and other adverse effects to those minority students receiving special education services. Reschly (1988) argued students were better served with special education services in relation to other alternatives (e.g., without special education supports and services). Artiles explained that students found eligible under IDEA are entitled to educational equity; yet, for students in minority groups this presents a "double bind" (p. 330) of further discrimination with correlated adverse consequences (e.g., placement segregation, post school outcomes, etc.).

States and LEAs are faced with a double bind as well. Both are mandated to reduce disproportionality where it exists, while at the same time comply with all requirements of IDEA including the identification of all eligible students for special education services through appropriate child find activities and individualized decisions. Individualized Education Program (IEP) teams in local district and schools are challenged with balancing this tension within the policy. Sullivan and Osher (2019) asserted the conflicting legal requirements tangle efforts to support minority students who may have special needs because schools cannot reduce their disproportionality if it denies services to eligible students. Schools must find a balance between these competing policy mandates; and Lhamon (2016) contended they must do so in a way that prioritizes student rights to ensure that the promise of

IDEA is fulfilled without regard to race. Federal guidance and court decisions have made it clear that ultimately states and LEAs must fulfil their Child Find obligations under IDEA even if doing so results in determinations of significant disproportionality.

The Problem for District A

Both Maryland and District A have significant disproportionality in identification, placement, and/or discipline. The majority of Maryland systems and District A have been found to have significant disproportionality for African American students. In District A, the significant disproportionality was in the area of special education identification for Specific Learning Disability (SLD) and Emotional Disability (ED) as well as discipline. Given both the mandates as well as concerns raised about negative impacts of disproportionate identification, the researcher investigated the impact on District A's special education referral and evaluation practices of the state mandated risk ratio benchmarks for identifying significant disproportionality in special education identification. To date, no research has been conducted that examines whether the state determined risk ratio threshold defining significant disproportionality has affected district- and school-based identification policies, practices, or trends in identification rates among African American students. Investigating special education eligibility practices and the perceptions of key school and system staff regarding those practices will inform District A's efforts to address the significant disproportionality of African American students identified as having an IDEA disability, particularly in the categories of Specific Learning Disability or Emotional Disability.

Defining Significant Disproportionality

Before presenting data on current disproportionality in identification for special education, it is important to understand the complexities of defining and measuring disproportionality. Disproportionality can be measured using various indices, each of which indicates disproportion slightly differently (Donovan & Cross, 2002; Skiba, Simmons, Ritter, Gibb, et al., 2008). Reschly (1988) noted that it is important to carefully analyze disproportionality data to "avoid exaggeration and distortion" (p. 320). Unfortunately, effectively measuring and assessing disproportionality as well as determining what constitutes significant disproportionality is highly complex (Bollmer et al., 2007; Skiba, Simmons, Ritter, Gibb, et al., 2008). Various interpretations of policy by federal agencies and officers, states, and local educational agencies have resulted in inconsistent policy implementation and reporting (Sullivan & Osher, 2019).

According to Gravois and Rosenfield (2006), disproportionality refers to the representation of a group of students in a specific racial/ethnic group compared to that group's representation in the general school population. This is referred to as a "composition index" (Zhang et al., 2014). For example, if African American students represented 30% of all students receiving special education but only 16% of the overall enrollment, this would be seen as overrepresentation. Donovan and Cross (2002) explained that at the time of the NRC report the most common measure of assessing disproportionality in special education required examining the extent to

which a group is over- or underrepresented in a category compared to its proportion in the overall school population.

Risk Ratio. The 2002 National Research Council report (Donovan & Cross, 2002) and others (Bollmer et al., 2007; Hosp & Reschly, 2001; Reschly, 1998; Skiba, Simmons, Ritter, Gibb, et al., 2008) recommend using a risk ratio as the method for calculating disproportionality. As defined in the 2016 IDEA regulations, risk ratio is "a calculation performed by dividing the risk of a particular outcome for children in one racial or ethnic group within a Local Educational Agency (LEA) by the risk for children in all other racial and ethnic groups within the LEA" (34 C.F.R. § 300.647(a)(6)). This method analyzes the risk for students from each of the seven racial or ethnic groups and fourteen disability categories to be subjected to specific action (identification, placement, discipline) compared to all other groups. A risk ratio greater than 1.0 for a racial/ethnic group indicates greater risk and disproportionality, while a risk ratio less than 1.0 indicates under-representation. For example, a risk ratio of 2.0 for the identification of African American students with a SLD indicates that African American students are 2.0 times as likely as their non-African American peers to be identified with a SLD. Under current IDEA regulations, states are allowed to determine the risk ratio thresholds that indicate significant disproportionality among their local educational systems.

History of Disproportionate Identification in Special Education

Overrepresentation of certain groups of students, primarily African American, in U.S. public education has been known for over a century. Deschenes et al. (2001)

examined the historical structures of schools and the students who did not fit the criteria of success during historical time periods, beginning with the first half of the nineteenth century. Their research noted the creation of separate programs, schools, and classes for students based on labels such as “pupils of low IQ,” “laggards,” “mental deviates,” “inferior,” etc. (p. 532) in the early 1900s. Cohen (1970) reported on the many studies that were done early in the last century regarding immigrant children and found inconsistencies in immigrant children’s educational achievement. One of the studies that Cohen analyzed was Leonard Ayres’ 1909 investigation regarding the prevalence of retardation (defined as the slow movement of a pupil through grade levels (p.39)) in more than fifty schools set in urban America. Ayres found differences in the percent of students with grade retardation among nationalities in 1908 but did not surmise as to the reason for these data. Moreover, Ayres reported wide discrepancies of the percent of students with retardation among city school systems. For example, Medford, Massachusetts had 7.5% of its public school students identified with retardation compared to Erie, Pennsylvania which had 60.1% of its students so identified (p. 45, Table 22).

Although Ayres did not investigate the disproportionality in classification by race/ethnicity, his data included two cities that separated their data for White and “Colored” students (see Table 1 below) that show the disproportionate percent of students of color identified as retarded compared to White students in the same city.

Table 1

Percent of Students Identified as Retarded by City (Ayres, 1909)

City	Percent of students identified as retarded
Wilmington, DE (white)	37.2
Wilmington, DE (colored)	62.8
Memphis, TN (white)	51.3
Memphis, TN (colored)	75.8

These data show Wilmington, Delaware and Memphis, Tennessee had 25.6 and 24.5 percentage point differences, respectively, in their white and colored students with retardation.

Intelligence Testing. Racial disproportionality in special education can be traced throughout U.S. history. Hendrick and MacMillan (1987) analyzed the role of mental testing in Los Angeles public schools between 1900 and 1930. During the time period studied, the researchers reported that students with an IQ score below 50 were excluded from school. Concerns with the validity of the assessment were most notably with Mexican children at the time. Hendrick and MacMillan reported that in one Los Angeles development school in 1924 school enrollment was "98% foreign" (p.14). In the school's first through third grade, forty-one of the one hundred eleven children were identified as retarded. However, teachers and principals noted that for twenty-two of the identified students the identification was due to language. Hendrick and MacMillan reported one Los Angeles study by Gamble (1925), which concluded that Mexican children presented no educational discrepancies compared to children of equal capacity when controlled for language.

Hendrick and MacMillan (1987; 1989) found that intelligence testing influenced how children were identified for special classes in Los Angeles and New York City in the 1920s. During this time, the belief that retardation was due to a

disease shifted to retardation being described as slow intellectual growth. Additionally, schools began to view special classes as desirable for children identified as slow achieving and mentally retarded, and not solely as a necessary measure to benefit more capable students and regular teachers from their removal. Intelligence testing was introduced in the beginning of the twentieth century and was viewed by many as a scientific way to identify and group students (Deschenes et al., 2001; Garcia & Pearson, 1994; Hendrick & MacMillan, 1987; Hendrick & MacMillan, 1989; MacMillan et al., 1988).

Conversely, many researchers have argued that intelligence testing is flawed with bias (Figueroa, 1983; Garcia & Pearson, 1994) or that the use of intelligence testing has identified immigrant children for special classes disproportionately (Deschenes et al., 2001; Garcia & Pearson; Harry, Klingner, et al., 2002; Hendrick & MacMillan, 1987; Hendrick & MacMillan, 1989; MacMillan, Hendrick, & Watkins, 1988). The practice of placing minority students, specifically African American and Hispanic students, into special education classes based on invalid IQ testing or without parent knowledge or consent resulted in a number of lawsuits, specifically *Larry P. v. Wilson Riles* and *Diana v. California State Board of Education,* and major changes to the ways in which school systems were required to identify students as eligible for special education (Donovan & Cross, 2002; MacMillan, Hendrick, & Watkins, 1988).

Racial and Disability Segregation. Racial segregation has been entwined in the Unites States' history, including slavery and legal segregation (Smith & Kozleski, 2005). The Supreme Court's ruling in *Brown v. Board of Education* in 1954 marked

the first time racial desegregation of schools was addressed at the federal level and decreed that racial segregation was a violation of the 14th Amendment. Ferri and Connor (2005, 2006) examined the relationship between the desegregation of schools and the increase of students in special education and claimed that African American students who were integrated in public schools experienced low expectations by staff as well as school efforts to separate them from their white peers. Additionally, school districts circumvented the federal mandate by re-segregating students using special education placements, consequently, a pattern of overrepresentation of African Americans in special education programs became evident (Ferri & Connor; Fierros & Conroy, 2002). As legally separating students in schools based on race was no longer permissible, separating students based on disability increased in prevalence (Ferri & Connor, 2005; Kauffman & Hallahan, 1995).

Patterns of Disproportionality. Two studies by the National Research Council (NRC) have examined the data and possible causes of disproportionality in special education and provided reports with recommendations to address the problem (Donovan & Cross, 2002; Heller et al., 1982). Heller et al. reported nationwide special education placements for specific racial/ethnic groups in 1980 and are shown in Table 2.

Table 2

Nationwide Special Education Placements for Specific Racial/Ethnic Groups

	American Indian or Alaskan Native	Asian or Pacific Island	Hispanic	Black	White	All Students
Percentage of student population	0.79	1.42	6.75	15.72	75.32	100.00
Percentage in special education programs:						
Educable mentally retarded (EMR)	1.73	0.37	0.98	3.46	1.07	1.43
Trainable mentally retarded (TMR)	0.23	0.15	0.24	0.39	0.19	0.23
Seriously emotionally disturbed (SED)	0.33	0.10	0.29	0.50	0.29	0.32
Specific learning disabilities (SLD)	3.49	1.27	2.58	2.23	2.32	2.31
Speech-impaired (SI)	1.98	1.85	1.78	1.87	2.04	1.99

Major recommendations from the 1982 NRC report included improvements in special education referral, assessment, and placement procedures and instructional practices (1982).

While the NRC report in 1982 focused on the disproportionate representation of minority students and males in special education programs under the disability of MR, the second NRC report in 2002 broadened the scope to include all disabilities under IDEA as well as gifted and talented programs. Both reports found that although federal legislation applies to all states, there is high variability among states' implementation of IDEA. In their 2002 report, Donovan and Cross cited similar patterns regarding African American students' special education classification to those reported by Heller et al. (1982). From 1974 through 1998, African American students had consistently higher rates of identification for MR than white students (2002). Further, data from the same timeframe demonstrate African American

students had the highest risk of being identified as Emotionally Disturbed (ED) (2002).

NRC Major Recommendations. Donovan and Cross (2002) provided recommendations regarding special education referral and eligibility determination; gifted and talented education; teacher quality; biological and early childhood risk factors; data collection; and expanding the research and development base. The major recommendations included revisions to federal special education eligibility to increase the effectiveness of the integration of general and special education services and for eligibility determinations when there are large differences from typical levels of performance and with evidence of insufficient response to high-quality interventions; widespread adoption of a universal screener and multitiered intervention in general education with early identification and intervention for children at risk for reading problems; improved teacher preparation programs including coursework on culturally responsive instruction; expansion of early childhood interventions for all high-risk children to include family support, health services, high-quality care and cognitive stimulation and access to instructional federal programs; and improved data collection to monitor the number of children receiving special education services and the characteristics of those children.

Legislative history of disproportionality. The term Significant Disproportionality was included in the 1997 reauthorization of IDEA, although it was not defined in the regulations. The 1997 amendments to IDEA emphasized the prevention of minority overrepresentation in special education and included requirements for states to monitor and intervene where significant disproportionality

occurred; if a state did not comply, it risked losing eligibility to receive funds under IDEA (1997). In the 1997 reauthorization of the IDEA section 618(d) required states to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the LEAs of the State with respect to:

> (a) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment; (b) the placement in particular educational settings of such children; and (c) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

A major change in 2004 increased attention to significant disproportionality with the inclusion of several provisions in the reauthorization of IDEA. The revised regulations required that LEAs identified by their state as having significant disproportionality based on race or ethnicity to reserve 15% of IDEA Part B Section 611 and Section 619 funds to implement Coordinated Early Intervening Services (CEIS). CEIS was defined as services provided to students in grades K-12 who are not identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment. The IDEA (20 U.S.C. §1413(f)(2)) and its regulations (34 CFR §300.226(b)) identified the activities that may be included as CEIS: (1) professional development for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions; and (2) providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction. The CEIS requirements applies if significant

disproportionality is identified in any of the applicable categories of analysis. IDEA's 2004 reauthorization required that LEAs review and revise inappropriate policies, practices, and procedures that might contribute to disproportionality. These regulations still did not define significant disproportionality, nor did they define what constitutes inappropriate policies, procedures, and practices at the state level; thereby creating considerable variability among states and LEAs (Sullivan & Osher, 2019).

IDEA Part B Amendment. Part B of the IDEA was amended in 2016 "with the goal of promoting equity under IDEA" (USDE, 2016, p. 92376). Significant disproportionality remained undefined; however, the revised regulations:

> established a standard methodology states must use to determine whether significant disproportionality based on race and ethnicity is occurring in the state and its LEAs; clarified that states must address significant disproportionality in the incidence, duration, and type of disciplinary actions, including suspensions and expulsions, using the same statutory remedies required to address significant disproportionality in the identification and placement of children with disabilities; clarified requirements for the review and revision of policies, practices, and procedures when significant disproportionality is found; and required that LEAs identify and address the factors contributing to significant disproportionality as part of comprehensive coordinated early intervening services (comprehensive CEIS) and allow these services for children from age 3 through grade 12, with and without disabilities (20 U.S.C. §1418(d)).

Federal Requirements for Significant Disproportionality. As a result of being identified as having significant disproportionality, federal regulations required the Maryland State Department of Education (MSDE) to collect and report the following from each of the local school systems:

> 1) Provide for the review (and if appropriate) revision of the LEA's policies, procedures, and practices for compliance with IDEA; 2) require the LEA to reserve the maximum amount (15 percent) of its Part B funds to be used for comprehensive coordinated early intervening services (comprehensive CEIS) to serve children in the LEA, particularly, but not exclusively, children in those groups that were significantly over-identified; and 3) require the LEA to publicly report on the revision of its policies, procedures, and practices. (34 C.F.R. §300.646(c) and (d).).

The revised federal requirements became effective on July 1, 2018.[1] Each state was then required to define its process for identifying significant disproportionality. Based on the new regulations, states determine a standard methodology for determining significant disproportionality. Maryland determined a Risk Ratio Threshold of 2.0, meaning if a LEA has a risk ratio for any racial/ethnic student group higher than 2.0 for any of the disability categories, the district may be identified as having significant disproportionality.

---

[1]In 2018, under a new administration, the USDE proposed to postpone both the compliance date for states and significant disproportionality monitoring for students with disabilities ages 3-5 by two years, on the basis that the 2016 regulations may not meet the intended purpose of identifying and addressing significant disproportionality at the state level (U.S. DOE, 2018). In 2019, a federal judge vacated the decision to delay implementation of the 2016 regulations, thereby reestablishing the requirements for states to comply with the mandates (*Council of Parent Attorneys & Advocates, Inc. v. Devos*, 2019).

Minimum Cell Size. Another complication in the determination of disproportionality is the "minimum cell size". This is defined in COMAR 13A.05.02.04 and applies to all federal data reporting. The minimum cell size for Maryland is 5; in other words, if a LEA has fewer than 5 instances of the measured action, then it is excluded from analysis. Previously, Maryland's minimum cell size was 30; this was applied to reporting on state assessments and other data which was challenged by the US Department of Education at an earlier time and Maryland agreed to reduce the cell size in 2018. This increased the likelihood that LEAs would be identified as having significant disproportionality since only groups that contained 5 or fewer students would be excluded from the disproportionality calculations. In addition, if a school system had 20 or fewer students enrolled from any racial/ethnic group it is excluded from the analysis.

Maryland's Two-Step Analysis. Maryland determined a two-step analysis – 1) exceeding the risk ratio for two consecutive years and 2) demonstrating reasonable progress - would be used to identify a LEA as having significant disproportionality. Meaning a LEA would not be identified unless it exceeded the risk ratio for two consecutive years and, yet, if it had, it would not be identified if it showed reasonable progress. Maryland identified reasonable progress to be a 0.15 change for risk ratios between 2.0 – 4.0 and a 0.50 change for risk ratios above 4.0 (COMAR 13A.05.02.04). Hence, a LEA could have a risk ratio above 2.0 but not be identified as having significant disproportionality if the LEA demonstrates reasonable progress.

District A Significant Disproportionality Determination. In the 2018-2019 school year, District A was identified as having significant disproportionality for

African American students in three categories of analysis: (1) identification of a particular disability (Specific Learning Disability, SLD), (2) disciplinary removal, out-of-school suspensions and expulsions of ten days or fewer, and (3) disciplinary removals in total, including in-school and out-of-school suspensions, expulsions, removals by school personnel to an interim alternative education setting (IAES), and removals by a hearing officer. As a result of being identified as having significant disproportionality, District A had to "review and revise its policies, practices, and procedures, if appropriate, and publicly report on the results of that process" (34 C.F.R. § 300.646(c)). In addition, District A was required to utilize 15% of Part B funds ($462,319.00) "to provide comprehensive coordinated early intervening services (CCEIS) to address factors contributing to the significant disproportionality" (34 C.F.R. § 300.646(d)).

In the 2019-2020 school year, District A was again identified as having significant disproportionality in two categories of analysis: (1) identification of a particular disability (SLD), (2) disciplinary removal, in-school suspensions of ten days or fewer. Although out of school suspensions were no longer disproportionate, District A's one-year change data revealed an increase in the risk ratio for African American students identified as having a specific learning disability.

Challenges to Calculating Disproportionality

Data reliability and comparability. States are required to collect and analyze both state and district level disproportionality data; however, there are several problems that make this complex. First, IDEA does not specify how states should analyze the data to meet the requirements for reporting the data, nor is there a clear

measurable definition of significant disproportionality (Skiba, Simmons, Ritter, Gibb, et al., 2008). Another major problem is the reliance on states reports of administrative data. Data on race/ethnicity for OSEP reporting purposes moves through multiple levels as it is derived from the school to the district to the state and then to the national level (Donovan & Cross, 2002). The U.S. Department of Education, Office of Special Education Programs (OSEP), and Westat (2005) provided guidance to states to help them meet the requirements for reporting disproportionality but data systems that rely on reports from other agencies have challenges regarding reliability and variability across states and LEAs in how the agencies define the indicators and the timing of collection. There are multiple steps and opportunities for human error as well. These problems limit data comparison and interpretation (Donovan & Cross, 2002). For example, data concerning students receiving special education services is reported by OSEP and the Office for Civil Rights (OCR). OSEP collects data on the number of students in disability categories by age but does not collect data on the number of all students (with and without disabilities). Other Department of Education agencies collect data by grade level. Both the OSEP and OCR data reports have varied across time because of changing disability categories and student racial and ethnic group categories (Donovan & Cross).

Changes in variability in disability categorization. The IDEA requires that any child determined to require special education meet a two-part eligibility criteria: 1) the child must be identified as having one or more of the 14 disabilities specified within the IDEA and 2) by virtue of having that disability there is an adverse impact on their education. The definitions for most of the 14 categories are broad and

determination of a disability as well as adverse impact rests with the local district's identification process and the Individualized Education Program (IEP) team. This results in a convoluted and often variable process in schools and school systems due to many influencing factors (McLaughlin et al., 2006).

Changes in Disability Classification Systems. A factor in examining identification data over time includes major shifts in classification systems. For example, an additional disability category, Developmental Delay (for children ages three through nine), was approved for IEP Team consideration when IDEA was reauthorized in 1997 (IDEA Amendments of 1997; P.L. 105-17). This new addition may have resulted in lower identification rates of students in other categories, such as MR, which IEP teams would have previously used to describe the child's primary disability. Brock (2006) noted a continual increase of prevalence data in the Autism classification since it was included as a special education disability category in 1991. Possibly due to increased awareness, the Centers for Disease Control and Prevention (CDC) reported a 78% increase in Autism Spectrum Disorder diagnosis between 2002 and 2008 (2014; Emerson et al., 2016).

Perhaps the most significant shifts in classification systems occurred in the categories of Educable Mental Retardation (EMR) and SLD. The category of EMR had a 400% increase in the number of students identified in public schools between 1948 and 1966 (Mackie, 1969). Dramatic changes in how children would be identified as EMR for special education resulted from two landmark cases (*Diana v. State Board of Education* (1970) and *Larry P. v. Wilson Riles* (1971)) (MacMillan, Hendricks, & Watkins, 1988). In 1992 the American Association on Mental

Retardation (AAMR) provided more specific criteria in its recommended system for identifying individuals with MR (Denning et al., 2000). The AAMR definition in 1992 described MR as substantial limitations in present functioning with significantly subaverage intellectual functioning (IQ score of 70 to 75 or below), existing concurrently with related limitations in two or more of 10 adaptive skill areas (i.e. communication, self-care, social skills, etc.).

Donovan and Cross (2002) reported that the AAMR changes to defining mental retardation resulted in a 38% decrease in classification data from 1975 to 1994. The regulations defining the category of SLD in the IDEA were approved in 1977, two years after the passage of P.L/ 94-142 following great controversy and extensive public hearings (Donovan & Cross, 2002; Mercer, et al., 1996).

To illustrate the impact of the shifting diagnostic categories, during the 1996-1997 school year, 1.16% of all school age public school students were receiving special education under the category of MR. However, during that same time period the number of students identified as having a SLD increased by 207% (2002). Table 3 below displays the changes in participation rates in judgmental categories by ethnic group from 1974 to 2019. Note: in 2010, Congress passed legislation that changed the term “mental retardation” to “intellectual disabilities” in all federal laws (Rosa’s Law P.L. 111-256) which is now how the data are categorized.

Table 3

Changes in Percentage of Children Served Under the Individuals with Disabilities Education Act (IDEA), by Race/Ethnicity and Type of Disability from 1974 to 2019

	AmI/ Alaskan	A/PI[a]	Hispanic	Black	White	Total
Mental Retardation						
1974	1.94	0.45	1.50	3.72	1.19	1.58
1998	1.28	0.64	0.92	2.64	1.18	1.37
2007	1.01	0.39	0.59	1.56	0.60	0.74
2019	1.10	A 0.40 PI 0.80	0.80	1.50	0.80	0.9
	-0.84		-0.70	-2.22	-0.39	-0.68
Learning Disabilities						
1974	1.60	0.52	1.29	1.03	1.24	1.21
1998	7.45	2.23	6.44	6.49	6.02	6.02
2007	7.09	1.60	4.55	5.32	3.42	3.89
2019	7.10	A 1.40 PI 4.40	5.40	5.80	4.30	4.70
	5.50		4.11	4.77	3.06	3.49

	AmI/ Alaskan	A/PI[a]	Hispanic	Black	White	Total
Emotionally Disturbed						
1976	0.29	0.08	0.25	0.42	0.26	0.28
1998	1.03	0.26	0.55	1.45	0.91	0.93
2007	1.11	0.18	0.41	1.27	0.62	0.67
2019	1.00	A 0.10 PI 0.40	0.50	1.10	0.80	0.70
	0.71		0.25	0.68	0.54	0.42

Note. 2019 data include children with disabilities ages 3-21. Data retrieved from "Minority Students in Special and Gifted Education" by Donovan, M.S. and Cross, C.T., (2002), p.83, and the Institute of Education Statistics "The Condition of Education" https://nces.ed.gov/programs/coe/indicator_cgg.asp).

[a] The Asian/Pacific Islander category was separated into two distinct categories after the USDE published guidance in 2007 on the collection and reporting of racial/ethnic data in accordance with the 1997 revised standards from the Office of Management and Budget.

African American students had the largest decrease in participation rate for EMR from 1974 to 2019; however, they consistently had the highest participation rate of all race/ethnicity groups and had nearly double the participation rate of White students in 2019. The total participation rates for all students identified as having mental retardation leveled off between 2007 and 2019 while the participation rates for learning disabilities between 2007 and 2019 increased after a drop between 1998 and 2007.

Race/ethnicity categories. Another complicating factor is the changing race/ethnicity categories. Census designations for race/ethnicity categories have changed over time, making analysis of longitudinal data difficult to do with accuracy. As an example, in 2007 a two-part question was instated to first identify ethnicity (Hispanic or Latino or Not Hispanic or Latino) and then to identify race (USDE, 2008). The new standards included an expansion of race/ethnicity categories to 7 and included a category of Two or More Races.

Race and Ethnicity Data. Following the 1997 reauthorization of the IDEA, states were required to collect and report data on race and ethnicity, disability category, and age and gender for the purposes of monitoring and reducing disproportionality. The OCR reports race/ethnicity based on school reported data. Inconsistency among states and districts regarding who identifies the child's race/ethnicity and who completes the form complicates interpretation of the data. For example, inconsistencies in practices for determining race/ethnicity at the school level are noted as the person who identifies race/ethnicity categories for students may be school personnel or the child's parent (Donovan & Cross, 2002). In addition,

Donovan and Cross (2002) reported Phinney's (1996) assertion that even when accurately identifying a child's race or ethnicity, there is much variability within the group. Ultimately, race continues to be an important factor for student identification and placement in special education and IDEA maintains the requirement to monitor and report the number of students served under IDEA by race annually.

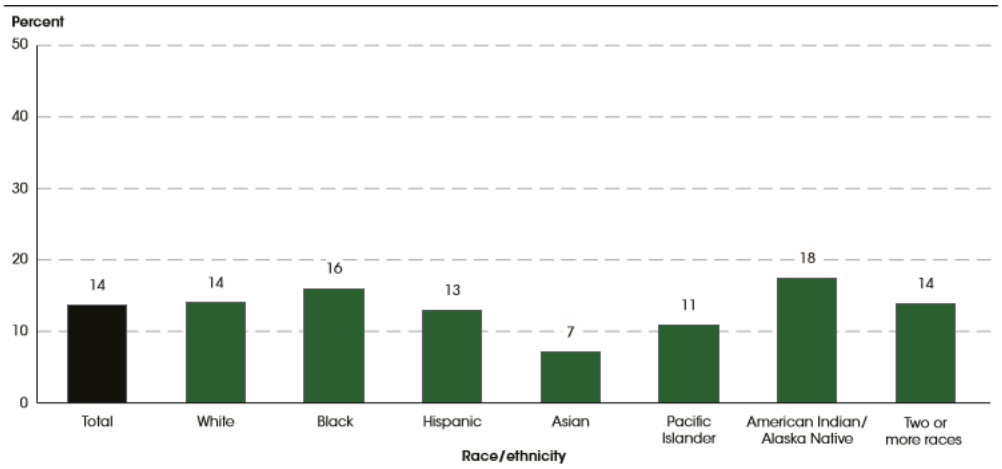
B. Current Scope of the Problem of Disproportionality

While the disproportionate representation of students of color in special education is not unique to the US (Artiles & Bal, 2008; McLaughlin et al., 2006; Strand & Lindsay, 2009), it is pervasive throughout our nation. African American students are the most overrepresented group in special education programs in nearly every state.

Since the passage of original federal special education law, the 1975 Education of All Children's Act (P.L. 94-142), there has been a steady increase in the number of students (ages 3-21) receiving special education services across the US. According to a report from the U.S. Department of Education, Office of Civil Rights (1980), 3,011,251 students between the ages of 3-12 were served under the Act in 1978. The National Center for Education Statistics (NCES) reported that 4,710,000 students ages 3-12 were eligible for special education in 1990; this increased to 6,296,000 students in 2000 and during the next 17 years remained relatively stable. Figure 1 below displays the percentage of students who were provided services under the Individuals with Disabilities Education Act (IDEA) by race/ethnicity for the 2017-2018 school year.

Figure 1

Percentage of Students Ages 3–21 Served Under the Individuals with Disabilities Education Act (IDEA), by Race/Ethnicity: School Year 2017–18.



NOTE: Based on the total public school enrollment in prekindergarten through grade 12 by race/ethnicity. Although data are for the 50 states and the District of Columbia, data limitations result in inclusion of a small (but unknown) number of students from other jurisdictions. Includes 2016–17 data for 3- to 5-year-olds in Minnesota and 6- to 21-year-olds in Maine and Vermont due to unavailability of 2017–18 data for children in those age groups served in those states. Also includes 2015–16 data for 3- to 21-year-olds in Wisconsin due to unavailability of more recent data for children served in Wisconsin. Race categories exclude persons of Hispanic ethnicity. Although rounded numbers are displayed, the figures are based on unrounded data.
SOURCE: U.S. Department of Education, Office of Special Education Programs, Individuals with Disabilities Education Act (IDEA) database, retrieved December 27, 2018, from https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/index.html#bcc; and National Center for Education Statistics, National Elementary and Secondary Enrollment Projection Model, 1972 through 2028. See *Digest of Education Statistics 2018*, table 204.50.

Reprinted from "The Condition of Education 2019," by McFarland, J., Hussar, B., Zhang, J., Wang, X., Wang, K., Hein, S., Diliberti, M., Forrest Cataldi, E., Bullock Mann, F., and Barmer, A., (2019), p. 61. Copyright [2019] by U.S. Department of Education. Washington, DC: National Center for Education Statistics. Retrieved 9/17/19 from https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2019144 .

Longitudinal data provided by NCES show consistent differences in the percentages of special education students by race/ethnicity, specifically between African American students and White students. Over the past two decades, African American students have consistently represented a higher percentage of students receiving special education as a percent of total school enrollment than White students. Table 3 below displays the percentage of white and African American

students age 3-21 receiving special education under the Individuals with Disabilities Education Act (IDEA) as a percent of total school enrollment from 2000 to 2019.

Table 4

Percentage of Students Ages 3–21 Served Under the Individuals with Disabilities Education Act (IDEA), by Race/ Ethnicity as a Percent of Total Enrollment from 2000-2019

School Year	SWD Total	White SWD	Black SWD
2000-01	13.3	13.7	15.5
2001-02	13.4	13.9	15.7
2002-03	13.5	14.0	15.8
2003-04	13.7	14.2	16.0
2004-05	13.8	14.3	16.1
2005-06	13.7	14.3	15.9
2006-07	13.6	14.2	15.9
2007-08	13.3	14.0	15.6
2008-09	13.1	13.8	15.2
2009-10	13.1	13.7	15.2
2010-11	13.0	13.6	15.4
2011-12	12.9	13.4	15.3
2012-13	12.9	13.4	15.2
2013-14	12.9	13.4	15.3
2014-15	13.0	13.4	15.4
2015-16	13.2	13.7	15.5
2016-17	13.4	13.8	15.7
2017-18	13.7	14.1	16.0
2018-19	14.1	14.4	16.3

Note. Data retrieved 9/17/19 from: National Center for Education Statistics. https://nces.ed.gov/programs/digest/d18/tables/dt18_204.40.asp?current=yes .

Reported Implementation of IDEA. As required under the IDEA, each year the Department of Education must report to Congress on how the law is being implemented. The 2020 Annual Report to Congress on the Implementation of the Individuals with Disabilities Act (2020) reported the risk ratios for race/ethnicity

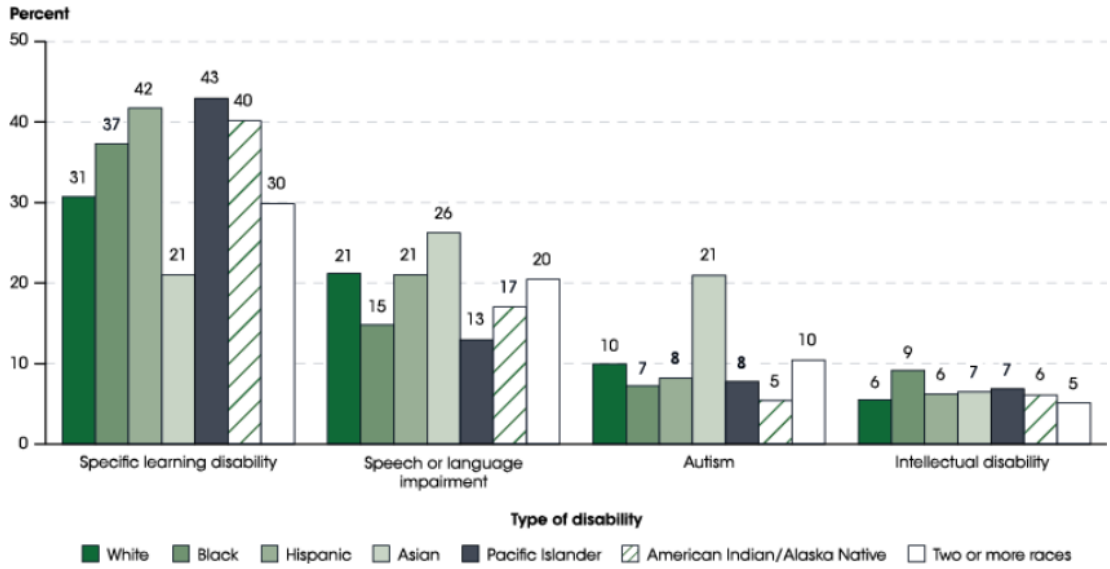
subgroups. The reported risk ratios for students ages 6-21 served under IDEA, Part B were above 1.0 for American Indian or Alaska Native, Black or African American, Hispanic/Latino, and Native Hawaiian or Other Pacific Islander students. Risk ratios were below 1.0 for Asian and White students. Students associated with two or more races had a risk ratio of 1.0 indicating students in that student group were as likely to be served under Part B as students in all other racial/ethnic groups combined. American Indian or Alaska Native, Black or African American, Hispanic/Latino, and Native Hawaiian or Other Pacific Islander students were more likely to be served under Part B than were the students in all other racial/ethnic groups combined. Conversely, Asian and White students were less likely to be served under Part B than were the students in all other racial/ethnic groups combined.

Disproportionality by disability category. While overall disproportionality of African Americans in special education exists at the national and state level, there are noted differences between identification of African American students in "judgmental" versus "non-judgmental" categories (Donovan & Cross, 2002). Donovan and Cross refer to "judgmental" categories as those that lack a medical professional diagnosis such as with many low-incidence disabilities and in which children typically do not exhibit readily observable distinguishing features. Identification rates in categories that are considered to be judgmental (for example, Learning Disabilities, Emotional Disturbance) vary across states and districts more than identification rates for students in the non-judgmental categories (for example, Orthopedic Impairment, Hearing Impairment, Visual Impairment). Disproportionality

also differs by some categories. Figure 2 indicates the percentages of seven racial/ethnic groups identified in a subset of disability categories in 2015-2016.

Figure 2

Percentage of 3- to 21-Year-Olds Served Under the Individuals with Disabilities Education Act (IDEA), Part B, by Type of Disability and Race/Ethnicity: School year 2015–16.



NOTE: Race categories exclude persons of Hispanic ethnicity. Although rounded numbers are displayed, the figures are based on unrounded data.
SOURCE: U.S. Department of Education, Office of Special Education Programs, Individuals with Disabilities Education Act (IDEA) database, retrieved July 10, 2017, from https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/index.html#bcc; and National Center for Education Statistics, Common Core of Data (CCD),"State Nonfiscal Survey of Public Elementary/Secondary Education," 2015–16. See *Digest of Education Statistics 2017*, table 204.50.

Reprinted from "The Condition of Education 2019," by McFarland, J., Hussar, B., Zhang, J., Wang, X., Wang, K., Hein, S., Diliberti, M., Forrest Cataldi, E., Bullock Mann, F., and Barmer, A., (2019), p. 63. Copyright [2019] by U.S. Department of Education. Washington, DC: National Center for Education Statistics. Retrieved 9/17/19 from https://nces.ed.gov/programs/raceindicators/indicator_rbd.asp

The 2020 Annual Report to Congress reported that Black or African American students (ages 6 – 21) were more likely to be served under IDEA in the majority of the disability categories. Differences in risk ratios disaggregated by race and disability category were reported as shown in Table 5 below.

Table 5

Risk Ratio for Students Ages 6 Through 21 Served Under IDEA, Part B, within Racial/Ethnic Groups, by Disability Category: Fall 2017

Disability	AI/ Alaska	Asian	Black or AA	Hisp/ Latino	H/PI	White	Two or More
All disabilities	1.6	0.5	1.4	1.1	1.5	0.9	1.0
Autism	1.0	1.1	1.1	0.9	1.3	1.0	1.1
Deaf-blindness [a]	2.1	0.9	0.9	1.0	1.6	1.1	0.8
Developmental delay [b]	4.1	0.5	1.6	0.7	2.1	0.9	1.4
Emotional disturbance	1.6	0.2	2.0	0.7	1.2	1.0	1.4
Hearing impairment	1.4	1.1	1.0	1.4	2.7	0.7	0.8
Intellectual disability	1.6	0.5	2.2	1.0	1.7	0.7	0.8
Multiple disabilities	1.9	0.7	1.3	0.8	2.1	1.1	0.9
Orthopedic impairment	1.0	1.0	0.9	1.2	1.6	0.9	0.8
Other health Impairment	1.3	0.3	1.4	0.7	1.2	1.2	1.1
Specific learning disability	1.9	0.3	1.4	1.4	1.8	0.7	0.9
Speech or language impairment	1.4	0.7	1.0	1.1	1.1	1.0	1.0
Traumatic brain injury	1.6	0.5	1.1	0.7	1.4	1.3	1.0
Visual impairment	1.6	0.9	1.1	0.9	1.7	1.0	0.9

Note. Data retrieved from U.S. Department of Education, ED*Facts* Data Warehouse (EDW), OMB #1875-0240; IDEA Part B Child Count and Educational Environments Collection, 2017. https://www2.ed.gov/about/inits/ed/edfacts/index.html .

[a] Interpret data with caution. There were 23 American Indian or Alaska Native students, 60 Asian students, 166 Black or African American students, 314 Hispanic/Latino students, 4 Native Hawaiian or Other Pacific Islander students, 684

White students, and 39 students associated with two or more races reported in the *deaf-blindness* category.

[b] States' use of the *developmental delay* category is optional for children and students ages 3 through 9 and is not applicable to students older than 9 years of age.

Disproportionality in Maryland

Maryland data indicate disproportionality. Differences among the percentages of students by race/ethnicity with and without disabilities, and among students by race/ethnicity receiving special education services in Maryland are shown in Table 6 and Figure 3, respectively, below.

Table 6

Number and Percent of 3- to 21-Year-Old Students Enrolled in Maryland Public Schools by Race/Ethnicity and with Disabilities in 2018

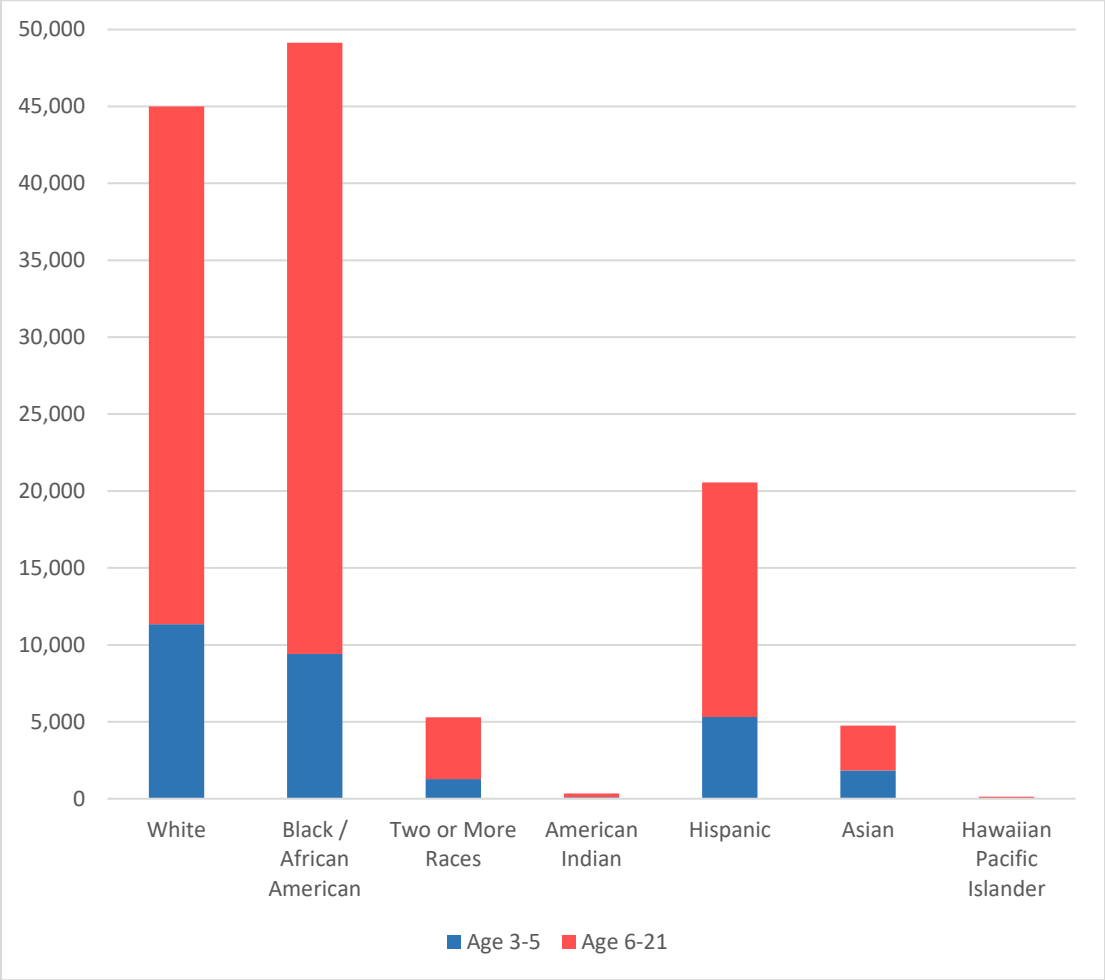
	White	Black/ AA	2 or More	AI	Hisp	Asian	H/PI	**Total**
Number of Students	333,552	301,542	40,739	2,387	155,346	58,823	1,300	**893,689**
Number of Students with Disabilities	45,009	49,131	5,287	344	20,555	4,751	131	**125,208**
Percent of Enrollment	37.32	33.74	4.56	0.27	17.44	6.59	0.15	
Percent of Students with Disabilities	35.95	39.24	4.22	0.27	16.42	3.79	0.10	

Note. Data retrieved 7/31/2020 from Maryland School Report Card and U.S. Department of Education, IDEA Section 618 Data Products, https://msp2018.msde.maryland.gov/Graphs/#/Demographics/Enrollment/3/17/6/99/

XXXX. https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/index.html#bcc.

Figure 3

Number of Students with Disabilities Enrolled in Maryland Public Schools by Race/Ethnicity, Served Under Part B of IDEA in 2018



Note. Data retrieved 7/31/2020 from U.S. Department of Education, IDEA Section 618 Data Products, https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/index.html#bcc.

Of the 25 local school systems in Maryland, 17 have been found to have significant disproportionality in at least one category of analysis in 2019 (personal communication February 14, 2019 & December 6, 2019). This number remained unchanged in 2020. The number of local districts with significant disproportionality in each category of analysis is shown in Table 7 below.

Table 7

Number of Identified Local Districts in Maryland with Significant Disproportionality in Identification of Children with Disabilities and for Identification of Children with Disabilities in Accordance with a Particular Impairment in 2020 (data reflects SY 2018-2019)

Indicator	Black or AA	Two or More Races	AI	White
	Number of Districts Identified[a]			
Special Education Identification	0	0	0	0
Autism	0	0	0	0
Emotional Disturbance	4	0	0	1
Intellectual Disability	4	0	0	0
Specific Learning Disability	3	0	0	0
Speech or Language Impairments	0	0	1	0
Other Health Impairments	3	1	0	0

Note. Data from A. Wheeler, personal communication, July 20, 2020.

[a] The SEED School is included in the number of local districts.

Scope of the problem in District A

District A's data mirror Maryland's data regarding the disproportionate percent of students by race/ethnicity receiving special education services (see Table 8).

Table 8

Percentage of Students by Race/Ethnicity, Ages 3-21, as of October 1, 2018

	Asian	Black	White	Two or More
MD SWD	3.5	40.3	35.4	4.2
MD Gen Ed	6.6	33.6	36.5	4.7
District A SWD	0.9	19.6	64.5	8.6
District A Gen Ed	1.6	12.8	70.1	8.9

Note. Data retrieved 12/1/19 from Maryland School Report Card

https://msp2018.msde.maryland.gov/

Comparable to the statewide average, District A had a higher percentage of African American students receiving special education than the percentage of African American students in the overall enrollment. Also, similar to statewide averages, the percentage of White students receiving special education services in District A was slightly lower than their overall enrollment in the system. Overall, District A's student population is majority White and less diverse than that of the state of Maryland. District A's detailed enrollment data are displayed in Table 9 below.

Table 9

Number and Percent of 3- to 21-Year-Old Students Enrolled in District A by Race/Ethnicity and with Disabilities: School Year 2019-2020.

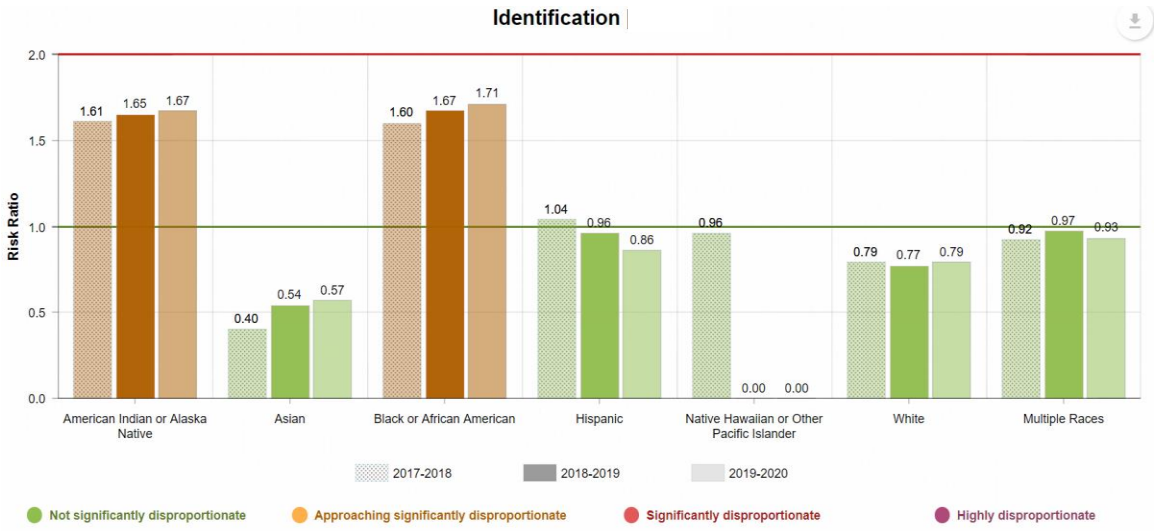
	White	Black/ AA	2 or More	Amer Indian	Hisp	Asian	H/PI	**Total**
Number of Students	11,233	2,048	1,490	30	1,037	253	11	**16,102**
Number of SWD	989	321	135	5	85	15	0	**1,550**
	White	Black/ AA	2 or More	Amer Indian	Hisp	Asian	H/PI	**Total**
Percent of Enrollment	69.76	12.72	9.25	0.18	6.44	1.57	0.07	
Percent of SWD	63.81	20.71	8.71	0.32	5.48	0.97	0.00	

Note. Data retrieved 10/9/2019 from District A eSchool database, https://eschool4. ;/eSchoolPLUS/Account/LogOn?ReturnUrl=%2feschoolplus.

In District A the risk ratio for African American students being identified as having a disability has increased from 2017-2020. Moreover, African American students in District A have the highest risk ratio of any racial/ethnic subgroup for being identified as having a disability. Figure 4 displays District A's Identification Risk Ratios by race/ethnicity for the last three school years.

Figure 4

District A Risk Ratio for Identification of Having a Disability, by Race: SY 2017-2020



Note. Retrieved July 31, 2020 from Maryland Online IEP https://iep.online-iep.com/maryland/Report/DISP_Students.aspx.

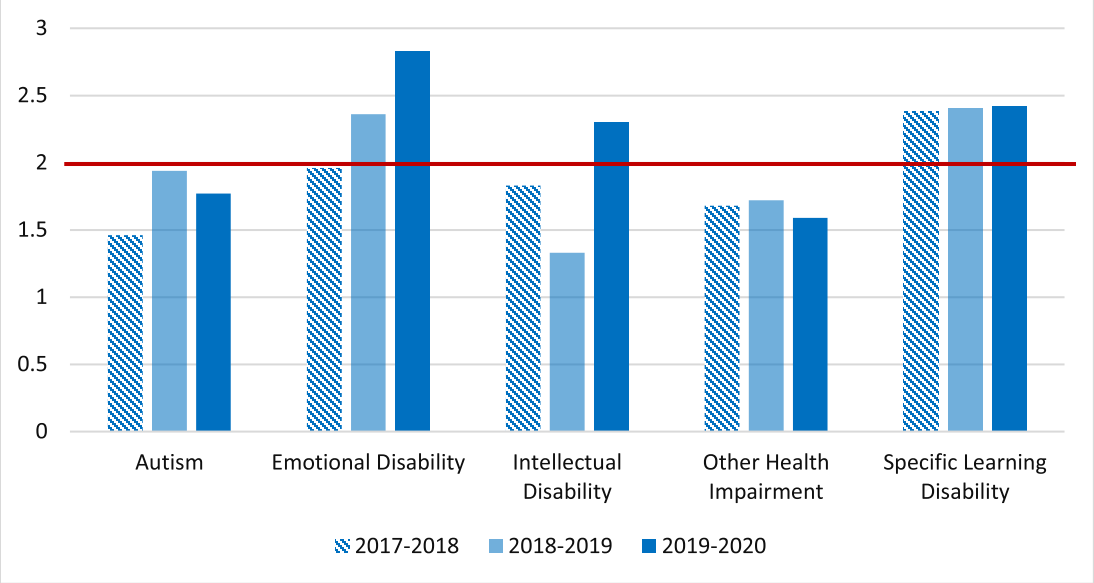
District A has exceeded the significant disproportionality Risk Ratio Threshold of 2.0 in for six consecutive years, having a Risk Ratio of 2.35 in SY 2014, 2.15 in SY 2015, 2.05 in SY 2016, 2.17 in SY 2017, 2.38 in SY 2018, and 2.41 in SY 2019. Moreover, the data indicated a continual increase in the risk ratio for African

American students identified as having a specific learning disability from 2016-2019. This implied that African American students continued to be over-identified as having Specific Learning Disabilities more than twice as often as any other race in District A and with an increasing risk of identification.

Data from school years 2017-2020 reveal African Americans in District A exceeded or was close to the Risk Ratio threshold of 2.0 in additional disability categories as shown in Figure 5.

Figure 5

District A Black or African American Identification Risk Ratio by Disability Category: SY 2017-2020



Note. The red line indicates the Maryland established Risk Ratio Threshold of 2.0. Data retrieved 7/31/2020 from Maryland Online IEP, https://iep.online-iep.com/maryland/Report/DISP_Students.aspx.

C. Consequences of Being Identified as Having Significant Disproportionality

There are consequences for LEAs found to have significant disproportionality. As noted earlier, the LEA must both review current policies and procedures and reallocate 15% of their Part B funds to provide comprehensive coordinated early intervening services to address factors contributing to significant disproportionality (34 C.F.R. §300.646(c) and (d)).

The negative consequences for minority students are at the foundation of the many regulatory requirements and financial penalties. As previously stated, a number of researchers have found that the impact of disproportionality is a problem for minority students for a number of reasons including: misclassification or inappropriate diagnoses; inadequate services; low-quality curriculum and instruction; segregated special education placements; stigma associated with labeling; lowered expectations and higher incidence for negative disciplinary actions such as suspensions and expulsions, which leads to a cycle of disengagement and dropping out, thus leading to poorer outcomes for future success (Harry & Klingner, 2007; Harry, Klingner, & Hart, 2005; Losen & Orfield, 2002; Oswald et al., 2002; Shifrer, 2018). Analysis of disaggregated data indicated consistent patterns of underachievement for students with disabilities and even more so for African American students with disabilities.

However, some researchers have argued that racial disproportionality is not a problem and that special education should be viewed as a benefit since it entitles individual students to additional supports and services to enable them to benefit from education (Deno, 1970; Fuchs, Fuchs, McMaster, & Lemons, 2018; MacMillan &

Reschly, 1998; Reschly, 1988). MacMillan, Hendricks, and Watkins (1988) stated the mandate of ethnic representation in special education being proportionate with total enrollment in the school district is a denial of individual and group needs. Reschly (1988) and MacMillan and Reschly (1998) noted that the overrepresentation of minority group children in other educational programs such as Title I and Head Start have not been challenged and have been perceived to be a benefit; therefore, special education should be considered a benefit as well. Further, Reschly surmised that attempts to limit or eliminate overrepresentation in one category leads to overrepresentation in another category. MacMillan and Reschly cautioned that attempts to limit or set quotas for the number of children identified in ethnic categories will likely deny needed services and should be considered "educational malpractice" (p.23). Deno (1970), Fuchs and Vaughn (2012), and Fuchs, Fuchs, McMaster, and Lemons (2018) argued that general education cannot meet the needs of all students with disabilities and that special education can provide more of the resources and intensive instruction to remedy the effects of a child's disability.

Regardless of the perceived benefit or non-benefit of special education, national, state, and local achievement data show discrepancies among student racial groups as well as low achievement for students with disabilities and specifically for African American students with disabilities. As McLaughlin (2010) noted, students with disabilities do not receive the same academic achievement and employment outcomes because "education benefit is relational" (p. 274).

Impact of the Achievement Gap on Post School Outcomes

Discrepancies exist among students receiving special education services who graduate with a high school diploma or who receive an alternative certificate by race/ethnicity (U.S. Department of Education, 2019). African American students served under IDEA have the lowest percentage of graduating with a regular high school diploma and the highest percentage of receiving an alternative certificate. These data indicate African American students receiving special education services do not yield beneficial outcomes.

Additionally, students who are labeled as having a disability have poorer post-secondary outcomes as based on the lower postsecondary school completion rate of students with disabilities compared to nondisabled peers. Cameto (2005) reported that African American students with disabilities are less likely than White students with disabilities to attend and complete college or to be employed. These data indicate the level of benefit afforded to students with disabilities and specifically, African American students with disabilities, is de minimis. The process of identifying children who require special education services must be accurate as to not result in harmful misidentification and inappropriate placements of African American children (Losen & Orfield, 2002).

In the following section some of the factors that have been identified as creating disproportionate representation are reviewed.

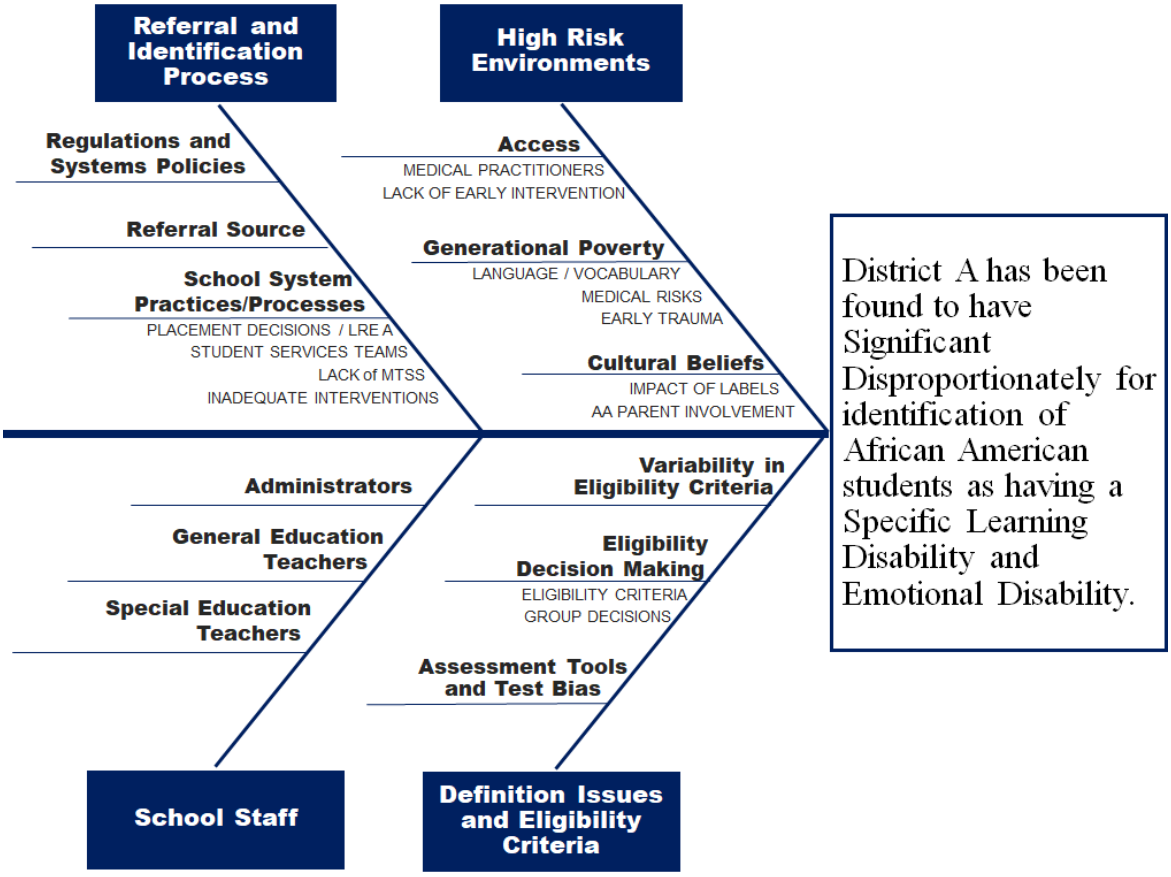
D. Causal System Analysis

A multitude of research, including two national studies (Donovan & Cross, 2002; Heller et al., 1982; Losen & Orfield, 2002; Skiba, Simmons, Ritter, Gibb, et al.,

2008), demonstrated that special education disproportionality is a result of multiple factors. The causal factors are complex, and many are interconnected. For purpose of this analysis, the researcher separated them into the following categories: High Risk Environments, Definition Issues and Eligibility Criteria, School Staff, and Referral and Identification Process. Figure 6 below presents a diagram demonstrating the key causal factors.

Figure 6

Causal System Analysis of the Disproportionate Identification of African American Students as Having a Specific Learning Disability and Emotional Disability



High Risk Environments

A child's family structure, lack of minority parent power, and home environment have been identified as contributing factors to disproportionality of special education identification (Donovan & Cross, 2002; Losen & Orfield, 2002; MacMillan & Reschly, 1998). Debate over poverty as a causal factor continues, as well as parental involvement with the education system. Other attributes associated with families and environment include the contested "Thirty Million Word Gap" (Hart & Risley, 2003, p. 8), parents' access to and knowledge of medical practitioners and early special education services, as well as parent's cultural beliefs, perceptions of special education, and the stigmatizing effects of labeling.

Access. The lack of early intervention for African American students as well as limited access to or unfamiliarity with available special education and human and community services are contributing factors to disproportionality (Blanchett et al., 2009). Donovan and Cross (2002) found that the lack of health care providers who accept Medicaid and who are knowledgeable and trained to treat children with developmental disabilities contributes to the lack of access for African American families. African American parents have reported that they are unfamiliar with where to begin to be involved in the educational process and are intimidated by the special education system (Brandon & Brown, 2009). Studies conducted by Harry, Allen, and McLaughlin (1995) found that schools' lack of communication with African American parents resulted in confusion and distress for the parents. They further noted that African American parents "were initially satisfied with their children's preschool program, but became concerned about labeling, classroom environment,

and curriculum issues by the end of the second year." (p. 373). Coupled with the lack of power minority parents have in a school system (Losen & Orfield, 2002), African American parents face obstacles in attaining information and access regarding supports and services for their children.

Generational Poverty. It has been argued that poverty is a cause of the disproportionality of African American students in special education (Donovan & Cross, 2002; MacMillan & Reschly, 1998). Sullivan and Bal (2013) found in their study that gender and free and reduced-price lunch status, and not race, had the largest risk of students being identified for special education. Other researchers such as Schibli et al. (2017) and Donovan and Cross found that a child's low socio-economic status is correlated to difficulties with self-regulation, low school readiness, grade failure, school disengagement, and school dropout. Further, Donovan and Cross cited research that environmental experiences change the physiology of the brain, resulting in disadvantage for children living in poverty. For example, an NRC report (2009) identified premature birth, fetal alcohol and nicotine exposure, micronutrient deficiency, and exposure to lead as having a significant impact on brain development. Additionally, studies have shown that welfare status and a primary language other than English in the home were associated with having fewer books and children had less access to materials, time and adult support (Bradley et al., 1994; U.S. Department of Education, 1998).

Language and Vocabulary. Hart and Risley (2003) reported from their study that differences were found among socioeconomic groups regarding the amount and quality of words a child heard in the home during the first three years of life, as well

as the ratio of parent affirmatives and prohibitions. They identified children living in poverty as experiencing less than one-third the amount of words heard per hour than a child in a professional family, hence "The Early Catastrophe: The Thirty Million Word Gap by Age Three" (p. 8). The data of vocabulary acquisition of children at age three was strongly associated with scores on receptive vocabulary, language, and reading comprehension standardized assessments for those children at age nine to ten. Conversely, Sperry et al., (2019a; 2019b) claimed that Hart and Risley's study was not just inaccurate, it was potentially detrimental to the very children the study was intended to help. They continued to purport "early catastrophe" study, while highly influential, lacked analysis and empirical examination and defined a child's verbal environment too narrowly for accurate evaluation. Further, they pointed out the variance in groups within socioeconomic level. For example, primary languages, dialects, and sociocultural differences are vast; however, Hart and Risley did not account for these differences when reporting data based on income strata. Although these studies address poverty as a factor to a child's academic achievement, they warrant discussion regarding potential causes of significant disproportionality of African American students in special education.

Poverty and Race. There is much research which decries that disproportionality is not caused by a student's socioeconomic status (Artiles & Bal, 2008; Gottlieb et al., 1994; McLaughlin & Owings, 1992; Skiba, Polini-Staudinger, et al., 2005; Zhang et al., 2014). Multiple studies have found that while race and poverty are correlated in the United States, poverty is not a causal factor of disproportionality; McLaughlin and Owings' 1992 study of national data showed no significant

relationship between identification for special education and poverty. Furthermore, Skiba, Simmons, Ritter, Kohler, et al. (2006) cited that "poverty makes a weak and inconsistent contribution to the prediction of disproportionality…" (p. 130). They contended that wealthier districts have higher rates of ethnic disproportionality in learning disabilities and that a teacher's knowledge of a child's race was a greater predictor of his or her special education identification than the teacher's knowledge of a child's poverty status (Skiba, Simmons, Ritter, Kohler, et al.). While the findings were limited to a single midwestern state, other research contends similar claims. Oswald et al. (2002) asserted that African American students who attend school in high income neighborhoods are more likely to be identified as MR than those attending low-income, predominantly African American, schools. Blanchett, Klingner, and Harry (2009) opined that poverty does not result in limited learning and disability status. The researchers cited O'Connor's (2002) argument that the structures of opportunity are limited, thus increasing the risk for special education placement. Craft and Howley (2018) supported the demonstration of the complexity of poverty's influence as it is not separate from other impacting factors in the United States such as quality education.

Cultural Beliefs and the Impact of Labels. Cultural beliefs have been found to influence families' perceptions of disability, as well as a parent's experience in navigating the road to obtain services for their child with a disability. Blanchett et al. (2009) found that parents' cultural perspectives of disability status affects the extent to which they seek out relevant services. They cited earlier studies (Blanchett, Mumford, & Beachum, 2005; Fierros & Conroy, 2002) which found that African

American students who are identified and labeled as having disabilities often experience “double jeopardy” (p. 391). The term references the educational inequities associated with living in poverty and that African American students experience in the special education, including separate classrooms, lack of access to the general education curriculum, and poor post-school outcomes (Blanchett et al., 2005).

Impact of Labels. Once labeled as disabled, African American students experience stigmatization and stagnation in their educational programs (Craft & Howley, 2018). Students in Craft and Howley’s study reported feeling trapped in special education with limited access to non-disabled peers and an appropriate education. Stigmatizing effects of labels impacts certain groups, namely African Americans living in poverty, more than others (Harry, Klingner, & Hart, 2005). Harry, Allen, & McLaughlin (1995) found in their three-year study that parents who were happy with their child’s educational program in the beginning became concerned about labeling, the classroom environment, and the curriculum by the end of the second year. The researchers further noted the resistance of parents regarding labeling their children as disabled “could be interpreted as reflecting typical parental reluctance to allow a stigmatizing label to be applied to a child” (p. 373). When poverty status is considered, research suggests that parents of children living in poverty may not accept the idea of a disability (Harry, Allen, & McLaughlin; Harry, 1992). In an attempt to avoid the stigmatizing effect of labels, African American parents may not seek early intervention for their child; however, once their child attends school his or her teacher may identify academic and/or behavioral deficits and may refer the child to special education.

African American Parent Involvement. A parent's culture may impact how he or she views their school participation regarding their child as well as the special education referral process (Brandon & Brown, 2009; Rogers, 2003). While the NRC 2002 report found that race/ethnicity and poverty status are closely tied, and that "poverty is highly correlated with single-parent status, decreasing the parental attention available to the child," other researchers such as Harry, Klingner, and Hart (2005) and Brandon and Brown asserted it is a false and dangerous assumption to associate poverty with poor parenting. There are numerous reasons for the noninvolvement – or alleged noninvolvement - of African American parents, including real or perceived discrimination and feeling out of place; this results in a recursive cycle of parents not feeling welcome and educators perception of the parents' lack of caring (Brandon & Brown). Findings from a study by Harry, Allen, and McLaughlin (1995) found that African American parents classified as being at the low to middle socioeconomic level provided effective environments to support their children's participation in their school programs. The researchers reported the following:

> all parents were participatory in terms of homework and behavioral issues identified by teachers; in every home, special arrangements had been made to maintain children's enrollment in preschool or kindergarten programs; and all parents expressed faith in the value of education as a way for children to surpass the achievements of the previous generation (p. 373).

When African American parents are perceived by educators as being uninvolved or not caring, coupled with African American parents not feeling welcome in the school,

parental involvement is negatively impacted. Without parental involvement, decisions regarding eligibility may be made without parental input.

Definition Issues and Eligibility Criteria

As Ferri and Connor (2005) boldly asserted, educators found ways to get around court-mandated desegregation based on race or ethnicity through segregation of disabled children. This is evident in the changes in participation rates of judgmental categories over time, which suggest social construct pressure and the fact that the disability categories are interpretive (Harry & Klingner, 2014; Sadeh & Sullivan, 2017). Eligibility determinations are made by a team of educators and parents who are caught between vague legal doctrines and educational practice (Sadeh & Sullivan; Speece, 2008). This results in interpretation of eligibility criteria, human error, and social pressures.

Variability in Eligibility Criteria. IDEA contains vague and undefined terms which IEP teams must interpret to make decisions. As a result, disagreements regarding criteria and students' eligibility for special education services are common (Sadeh & Sullivan, 2017). The interpretive nature of special education law, as well as changes to disability definitions and criteria, has resulted in broad data shifts in disability categories over time (Donovan & Cross, 2002; Harry, Klingner, Sturges, & Moore, 2002). The category of learning disability illustrates the problem of reliable identification.

Samuel Kirk, a psychologist, first used the term learning disabilities in 1963 to describe children who were capable but experiencing academic difficulties (Donovan & Cross, 2002). This concept grew with parents and educators as it provided a reason

for a child's underachievement other than MR, ED, and visual or hearing impairments (Donovan & Cross; Lyon et al., 2001). Harry, Klingner, Sturges, and Moore (2002) explained that the "history of overrepresentation in the mental retardation category and the greater stigma associated with that category have led to a preference for the learning disability label" (p. 82). Furthermore, evidence of an increase in students labeled as LD corresponded to a decrease in students labeled as MR following two major court decisions (*Diana v. State Board of Education (1970) and Larry P. v. Riles* (1971)) which ultimately resulted in provisions in the law ensuring due process, parental involvement, non-biases assessment and placement in the least restrictive environment. Some have argued that students who were previously eligible under MR but were no longer eligible remained in general education without receiving services (Forness, 1985). However, Gottlieb et al. (1994) reported findings that students with what was considered borderline mental retardation were found to be eligible as learning disabled. Cummins (1986) stated the vast scope of disabilities and disorders under the umbrella of learning disabilities makes it unsurprising that the LD category had become a "dumping ground for minority students who are failing academically" (p. 14). The label of learning disability is considered to be less stigmatizing than a label of intellectual disability due to the belief that a child with LD is capable but is underachieving, compared to an intellectual disability which requires evidence of a significant delay or impairment in overall development and functioning (Donovan & Cross; Harry & Klingner, 2014).

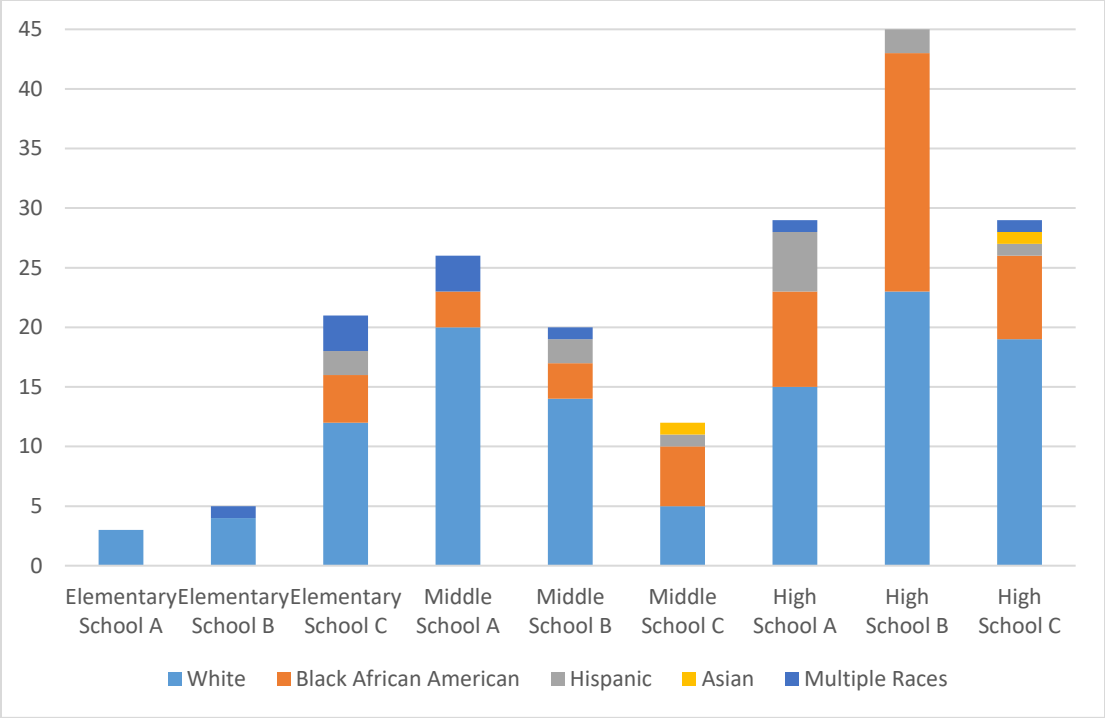
Contributing to the variability in identification are the vague eligibility criteria, failure to define terms in federal regulations, and eligibility determinations

being made when students do not meet the criteria is noted in the literature (Gottlieb et al., 1994; Klingner & Harry, 2006; MacMillan & Reschly, 1998; Sadeh & Sullivan, 2017; Skiba, Simmons, Ritter, Gibb, et al., 2008; Speece, 2008). In an effort to provide more structure to the criteria, the 2004 IDEA prohibits the classification of a child having a disability whose learning difficulties are due to cultural factors or economic disadvantage, but it remains unclear whether teams are able to determine these distinctions or if there are valid distinctions (Bradley et al., 2007). Klingner and Harry's study (2006) examined the influence of the referring teacher's opinion in eligibility determinations and found that over half of the students identified as having learning disabilities do not meet the criteria, specifically the exclusionary criteria. Skiba, Simmons, Ritter, Gibb, et al. (2008) found that students from economically disadvantaged backgrounds will exhibit academic or behavioral problems at a higher rate that make them more likely to be considered by teachers as appropriate candidates for special education; however, students were inappropriately identified as disabled if they failed to receive quality instruction or classroom management.

District A's data show variation among the number of students with Specific Learning Disabilities when disaggregated by race, as shown in Figure 7 below. Data were taken from a sample of District A schools at the elementary, middle school, and high school level, one year after CCEIS had been in effect.

Figure 7

Number of Students with IEPs for Specific Learning Disability by Race: SY 2020-2021



Note. Data retrieved July 31, 2020 from Maryland Online IEP https://iep.online-iep.com/maryland/Login.aspx

Eligibility Decision Making. Variability among states and even within individual states in the methods used to identify SLD have been noted (Harry, Klingner, Sturges, et al., 2002; Watson et al., 2016). Further, the researchers noted the many external pressures, including from teachers and administrators, for special education identification and placement. For example, one psychologist explained in Harry, Klingner, Sturges, et al.'s 2002 study that in her experience there was pressure in the school to place failing children in special education to provide needed services as well as to protect the school's nationwide testing scores. In one case a student was referred to the IEP team for a suspected Emotional Disability. The psychologist originally did not find the child eligible but concluded that while child did not have a Learning Disability, he could qualify for the program as it would be good for him to

have a nurturing teacher and individualized attention. Evidence of pressure from administrators and teachers was provided by another psychologist who indicated she selects assessment tools that will likely identify the disability suspected by the school, then when the student is identified it is considered a valid referral (Harry, Klingner, Sturges, et al.). Cummins (1986) surmised that psychologists were cautious with admitting a lack of any diagnostic conclusions from their evaluations as it would impact their professional credibility with teachers and parents.

Eligibility Criteria. Donovan and Cross (2002) remarked that without specific criteria applied consistently when screening children schools do not have the ability to identify "true" disability cases (p. 38). The categories that have the greatest amount of variability are those that do not have measurable medically related criteria. For example, MacMillan and Reschly (1998) and Donovan and Cross noted the variation in identification rates with certain categories, such as specific learning disability, because the definitional criteria are more judgmental than deafness or visual impairment that have medically-defined and measurable criteria.

Group Decisions. Limitations in special education eligibility decision making include the reliance on clinical judgment and errors due to group decisions (Sadeh & Sullivan, 2017; Shifrer, 2018). Harry, Klingner, Sturges, and Moore (2002) asserted that while differences in performance and ability exists among students, the determination of one student being labeled as disabled and another as not disabled is an issue of social decision making. Decisions regarding special education eligibility have been found to be largely unbacked by data. Ysseldyke, Algozzine, et al. reviewed twenty randomly selected team meeting videos out of 38 to analyze for

statements related to the student or eligibility for special education (1982). Although the method of determining eligibility for SLD in that study is now considered outdated due to revised federal criteria for identification of specific learning disabilities (IDEA, 2004), results showed 70% of IEP teams determined a student was eligible for special education while 83% of the statements made at the meetings were irrelevant to the decision. The authors surmised the data did not support the belief that teams use specific eligibility criteria, that assessment data are used to support or refute decisions, and that assessment data is used to validate team decisions that are made independent of data (Ysseldyke, Algozzine, et al.).

Assessment Tools and Test Bias. Assessments are an essential piece in the diagnostic evaluation and determination of a child's eligibility for special education. The origins of intelligence testing development establish the argument for test bias. The norming process of standardized tests favor the mainstream culture (Garcia & Pearson, 1994). The Stanford-Binet Intelligence Test, for instance, was normed with middle-class White children and was standardized based on age (Mercer, 1989). Questions were included on the test that favored children of professional fathers over children of day laborers and, conversely, questions on which girls outscored boys were removed as those questions were perceived to be flawed (Mercer). This practice reveals evidence of content bias, when test content and procedures reflect the mainstream culture's standards, and impacted minority children's ability to perform well (Garcia & Pearson). Cummins (1986) supported this finding and observed that psychological assessments omit the culturally specific skills and knowledge of minority children but also "penalize children for demonstrating this knowledge" (p.

11). An example of bias in questions can be found in an item on the Stanford-Binet test used in the 1960s that asks students which of the two drawings of a female was "prettier," with one drawing depicting a female with fair skin and blonde hair and the other drawing depicting a female with features similar to Mexican-American/southern European (Karier, 1973). Dunn (1968) identified a connection between intelligence testing and placement of minority students in special education classrooms. Further, he contended that the use of IQ scores justified labeling "racially and/or economically disadvantaged children" (p. 9).

Conversely, Hendrick and MacMillan (1987) found in their study that teacher referral was the greatest factor for students receiving special education services, with intelligence testing verifying students' eligibility. The authors asserted that special classes were established prior to the use of intelligence testing and teacher recommendation and input had a larger impact than test scores. An argument was made by Harry, Klinger, Sturges, and Moore (2002) that evaluative testing is not the determining factor for a child's eligibility as he or she is assessed after a history of failure in general education. Further, they contended that while IQ tests were normed to children of educated, middle-class families, and poor and/or minority children were likely to score lower due to not being part of the mainstream culture, the assignment of the LD category for minority students had increased. Test instruments may be selected to yield higher scores for minority students to show a discrepancy between IQ and achievement, thus resulting in special education eligibility (Harry, Klinger, Sturges, & Moore).

Referral and Identification Process

The special education referral process is a critical step in determining which children are eligible for special education and related services under the IDEA. The literature shows that 60-80% of students referred are determined to be eligible for special education (Algozzine & Ysseldyke, 1983; Algozzine, Ysseldyke, & Christenson, 1983; Ysseldyke, Algozzine, & Graden, 1982; MacMillan, Gresham, Lopez, & Bocian, 1996). Questions regarding the referral process including pre-referral intervention, teacher experience and quality, access to quality and quantity of educational resources, eligibility determination and assessment bias, referral source, and family and cultural dynamics have surrounded the debate over disproportionality in special education (Donovan & Cross, 2002; Gravois & Rosenfield, 2006; Heller et al., 1982; Losen & Orfield, 2002; Shifrer, 2018; Skiba, Simmons, Ritter, Gibb, et al., 2008; Ysseldyke, Vanderwood, & Shriner, 1997).

Regulations and Systems Policies. The 1997 amendments to IDEA emphasized the requirement that students with disabilities are educated in the least restrictive educational environment to the maximum extent appropriate. Further emphasized in 2004, this attempted to address the fact that students with cognitive and emotional disabilities tended to be taught in unnecessarily restrictive, segregated classrooms where they are subjected to lower expectations and have diminished exposure to the general education curriculum that students need to be successful in school and in life (Losen & Welner, 2002). Other researchers (Skiba, Simmons, Ritter, Kohler, et al., 2006) asserted that African American students with disabilities

are more likely to be placed in more restrictive settings than other students, even when controlling for disability category.

Algozzine, Ysseldyke, and Christenson (1983) found that almost the entirety (92%) of students who are referred for special education are evaluated and a majority of those students (73%) are determined to be eligible and placed in special education; therefore, accurately identifying students who are eligible for special education is critical to ensure they are not misidentified and subject to misplacement and inappropriate instruction.

School System Practices and Policies. Multiple school-system factors pose a challenge to District A's problem of significant disproportionality. First, it is a problem when there is a discrepancy in referral source rates by a school for different student racial groups as this is the start of racial and ethnic disparities in special education identification (Skiba, Simmons, Ritter, Gibb, et al., 2008). District A has such a discrepancy in referral source rates between African American and White students. Second, general education teachers may feel challenged to meet the needs of struggling students, specifically African American students, and believe special education services will be a benefit. Third, District A has a history of not meeting the state's expectation for the percentage of students with disabilities who receive their special education and related services in the general education setting for at least eighty percent of the day. District A's history of low Least Restrictive Environment (LRE) A percentage (educating students with disabilities in the general education environment for eighty percent of the day or more) indicates that once students are identified as needing special education services, they are likely provided at least some

of those services outside of the general education classroom. Finally, District A lacks a fully established Multi-Tiered System of Supports (MTSS) with adequate interventions and progress monitoring, facilitated by a Student Services Team (SST).

Referral Source. The researcher analyzed 1,500 referral sources for White and African American students with current IEPs in District A in 2019. 1,455 records had an identifiable referral source (parent or school) and 60 records did not have a definitive referral source listed. Of those 60 records, 12 (all White students) did not list a referral source (e.g., "x" or "." placed in the referral text box of the Child Find Referral report, or a non-categorical response, e.g., "grades"); 18 records (14 White students, 4 African American students) were referred by a state agency or Foster Parent; 22 records (21 White students, 1 African American student) entered District A with an IEP from outside the state of Maryland; and 8 records (4 White students and 4 African American students) had both the school and parent listed as the referral source (e.g., "Parent and 504 Team," or "Parent and SST").

Referral sources for White and African American students with IEPs in District A during the 2018-2019 school year can be found in Table 10 below. These data report students who were referred, determined eligible, an IEP was developed, parents gave written consent for initiation of services. One limitation of this analysis is noted as the data reflect District A students with active IEPs at the time the data were reported; therefore, students who were referred, evaluated, and determined not to be eligible, as well as those students who were determined to be eligible but parent consent for initiation of services was not obtained, were not included in the analysis.

Further research should be done to analyze the referral source for students who were referred for special education but do not currently have an IEP.

Table 10

District A SWD Referral Source by Grade (K-12) as of 12/14/19

	School		Parent		No Source		DSS		Total*	
Grade	W	AA	W	AA	W	AA	W	AA	**W**	**AA**
K	105	30	95	15	3	0	0	0	**203**	**45**
1	86	33	67	10	0	0	1	0	**154**	**43**
2	82	25	85	7	1	0	2	0	**170**	**32**
3	105	32	81	15	3	2	0	0	**189**	**49**
4	67	21	61	11	2	0	1	0	**131**	**32**
5	50	22	60	10	2	1	0	0	**112**	**33**
6	17	6	38	5	0	1	0	0	**55**	**12**
7	11	3	36	4	1	0	0	0	**48**	**7**
8	16	3	31	1	1	0	0	0	**48**	**4**
9	18	13	40	6	0	0	0	0	**58**	**19**
10	6	0	28	7	1	0	0	0	**35**	**7**
11	4	1	12	4	1	0	0	0	**17**	**5**
12	2	0	3	2	0	0	0	0	**5**	**2**
Totals	569	189	637	97	15	4	4	0	**1225**	**290**

*Note. Totals only reflect the number of students whom parental consent for initiation of services was obtained. Data from K. Muffley (from the Center for Technology in Education in partnership with Maryland State Department of Education and Johns Hopkins University through the Maryland Online IEP database), personal communication, December 14, 2019.

The grades with the largest number of student referrals to special education were Kindergarten, third, and second, respectively. Some commonalities and differences in referral grades are noted between White and African American students.

Kindergarten was the highest number of referrals for White students and the second highest number of referrals for African American students. Third grade was the highest number of referrals for African American students and the second highest number for White students. Second grade was the third highest number of referrals for White students and First grade was the third highest number of referrals for African American students. Discrepancies emerged in the data between White and African American referral source as the greatest number of parent referrals for White students is in the primary grades (K, 1, 2) and the greatest number of parent referrals for African American students is in grades K, 3, and 4, respectively.

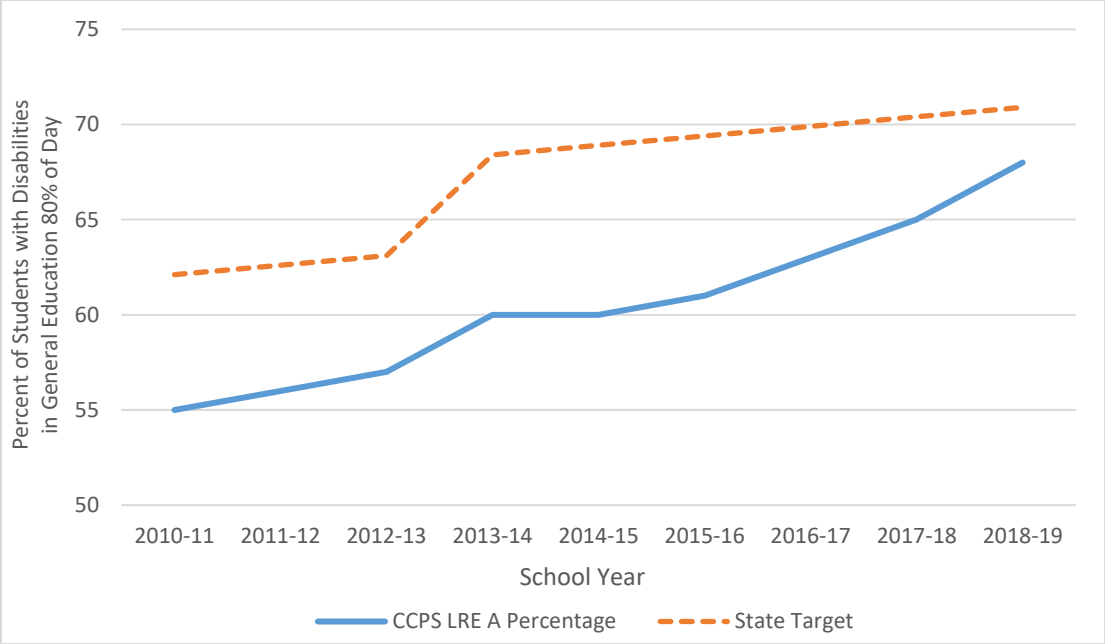
Of particular concern for District A is that school as a referral source was greater than parent referral for African American students in all grades except seventh and eleventh grades. School as a referral source for White students was greater than parent as a referral source only in grades K, 1, 3, and 4. Schools referrals were more than twice parent referrals for African American students in grades K, 1, 2, 3, 4, 5, 8, and 9. Of all White students referred in K-12, schools were the referral source 46.45% of the time and parents were the referral source 52.0% of the time. Of all African American students referred in K-12, schools were the referral source 65.17% of the time and parents were the referral source 33.45% of the time. As noted earlier, the reasons why parents of African American children may not refer their children are numerous, some of which may be due to exclusionary attitudes toward parents (especially minority parents) including a lack of power minority parents have in a school system, the lack of access to medical professionals during a child's early childhood development, or concerns with the deleterious and stigmatizing effects of

labels (Blanchett, Klingner, & Harry, 2009; Brandon & Brown, 2009; Craft & Howley, 2018; Donovan & Cross, 2002; Fierros & Conroy, 2002; Harry, Allen, et al., 1995; Losen & Orfield, 2002). Once a child is in school, teacher referrals of African American students outnumber parental referrals and were greatest for African American children in Kindergarten through third grade. After their child experiences failure in school, African American parents may be more willing to have their child access special education services in order to garner support for them in classes.

Placement Decisions and LRE A. An additional contributing factor to significant disproportionality is District A's long-standing history of failing to meet the state's expectation for the percentage of students with disabilities receiving services in the general education environment for eighty percent of the day or more (LRE A). Recently District A had increased its LRE A percentage as noted in Figure 8.

Figure 8

District A Students with Disabilities in General Education 80% or More of the Day: 2010-2019



Note. Data retrieved 8/2/2020 from http://mdideareport.org/SppResults.aspx?IndicatorID=19 and District A's Annual Report Card on State Performance Plan (SPP)/Annual Performance Reports (APR) Part B Indicators for FFY 2010, FFY 2011, FFY2012, FFY 2013, FFY2014, FFY2015, FFY2016, FFY2017, FFY2018.

Although the LRE A percentage was increasing and District A was working to establish more inclusive education opportunities for students with disabilities, there was still a likelihood that a child who qualifies for special education services would receive at least some of those services outside of the general education classroom.

Student Services Teams. Each school in District A has an established Student Services Team (SST) which consists of instructional staff, parents, school administrator, and other members including outside agencies, as appropriate. The SST accepts student referrals and suggestions from administrators, teachers, and parents and has a critical role in the special education referral process as this team

determines if a child is reasonably suspected of having a disability and may need special education and/or related services.

During the 2018-2019 school year, the Department of Student Services provided guidelines for the SST process which include expectations before, during, and after the SST meeting. For example, prior to a student being referred to SST, the teacher shall try several strategies in the classroom and consult with the student, parent and subsequently with colleagues if the student is still unsuccessful. When all strategies have been exhausted, the teacher will complete a referral to the SST. During the meeting, the team discusses each case presented by the case manager and brainstorms appropriate interventions. The team establishes a goal for what the team wants the student to be able to do and determines what data will be collected by who and in what time frame. The team determines an appropriate intervention to address the problem and will set a date for the next meeting to review the student's progress. If the SST suspects the student to have a disability that requires special education, the team then refers the student to the IEP team.

Lack of a MTSS and Inadequate Interventions. As research demonstrated the positive impact on student progress when a systemic structure was utilized to ensure students had core instruction plus appropriate supports which are varying in intensity and matched to their needs, Multi-Tiered Systems of Supports (MTSS) began to take hold in public schools (American Institutes for Research, 2015). MTSS is a delivery model for academic and behavioral instruction where high-quality curricula are delivered to all students, and regular assessment ensures that those students who are not making adequate progress receive interventions in a targeted

manner. Data-based decisions about the level of student support are based on a student's response to a research- or evidence-based intervention implemented as planned (National Center on Response to Intervention, 2010).

Because District A lacks an established MTSS, struggling students are typically identified for intervention through a referral process to SST. This impedes the system's ability to execute early identification of risk and quickly implement appropriate interventions. In addition, District A offers a wide variety of reading interventions from which schools may choose to implement; however, individual schools purchase intervention materials and identify staff to be trained in those interventions. Specific student needs may be misaligned to existing interventions in a particular school, or students may require a different entry point in the intervention than that of an established group of students receiving the intervention.

School Staff

School staff play a critical role in District A's significant disproportionality of African American students identified as having a specific learning disability. As previously discussed, the referral source for African American students for special education is most often the school (general education teacher). School-based administrators have been found to be a contributing factor to referral rates in the literature as they hold influence over school-based decisions including hiring and assignment of teachers, student retention, class size, resource allocation and instructional decisions (Harry & Klinger, 2014).

Administrators. The impact of school leadership cannot be underestimated. Harry et al. (2014) note the decades of research which demonstrates the correlation

between strong leadership and effective schools (Edmonds & Frederickson, 1978; Jackson, Logsdon, & Taylor, 1983; Praisner, 2003; Scheurich, 1998; Weber, 1971, as cited in Harry et al., 2014, p. 46). Hipp and Huffman's 2000 study found that the leadership of the principal was the determining factor in the effectiveness of whole-school reform. Bridgeland and Duane (1987) note the principal operates within the larger culture of the school district, which aligns to expectations of the state and federal levels. In spite of district, state, and federal mandates, it is the principal's beliefs, values, educational philosophies, and management skills which influence the climate and culture of a school (Harry et al., 2014).

As noted above, the principal's beliefs about children and special education set the expectations and culture for school referral to special education. Harry et al. (2014) identified these beliefs as whether low performance or behavioral challenges were indicators of "something else" at work, whether or not children with academic or behavioral challenges belong in general education, whether special education was a solution to the child's difficulties or the classroom teacher's frustrations, and whether special education was appropriate for students based on high stakes testing results (p. 103). The researchers found in their three-year study that full compliance with federal and state mandates did not equate to appropriate decision making or fidelity with the pre-referral process and they further note the factors of the classroom from which students were referred was often neither considered nor addressed (2014).

General Education Teachers. Classroom teachers are typically the initiator of the referral process for special education. Identifying the antecedents to a teacher's referral of an African American student for special education can be difficult to

collect with certainty due to the variance of student, teacher, and classroom attributes (Donovan & Cross, 2002). Nevertheless, many reasons for teacher referral of students to special education are noted in the literature. Teachers may feel challenged to meet the needs of struggling students, believe the academic achievement or behavior of the student is unacceptable, or believe that special education services are a viable option for low achieving students (Gottlieb et al., 1994; Reschly, 1988; Shinn et al., 1987; Skiba, Simmons, Ritter, Kohler, et al., 2006, Skiba, Simmons, Ritter, Gibb, et al., 2008; Zigmond, 1993). Years of teaching experience, teacher attitudes toward inclusion, teacher gender, teacher race, cultural mismatch and a student's season of birth have been alleged to be statistically significant factors for referrals to special education (Artiles et al., 1994; Donovan & Cross; Guarino et al., 2010; Peters et al., 2014; Shinn et al., 1987; Skiba, Simmons, Ritter, Gibb, et al., 2008; Wallingford & Prout, 2000; Woodson & Harris, 2018).

Zigmond (1993) identified the special education referral as "a signal that the teacher has reached the limits of his or her tolerance of individual differences, is no longer optimistic about his or her capacity to deal effectively with a particular student in the context of the larger group, and no longer perceives that the student is teachable by him or herself" (p. 262-263). Teachers may refer students for special education with their belief in the "overt purpose of special education" (that it will help a struggling student) or because of the "covert purpose of special education" (to provide relief to the teacher by having the student removed from the classroom) (Gottlieb et al., 1994, p. 464). Studies have shown that a small percentage of teachers

comprise most of the referrals for special education, indicating variation in teachers' tolerance levels for low achievement and misbehavior (Gottlieb & Weinberg, 1999).

Teacher and student characteristics in connection to referrals to special education have been studied for decades (see, e.g., Artiles et al., 1994; Gay, 2002; Oswald et al., 2002; Shinn et al., 1987; Snyder et al., 2018). The literature demonstrates female teachers were more likely than male teachers to refer students to special education and teachers with more years of teaching experience were more likely to refer male students for special education (Bradshaw et al., 2010; Alter et al., 2013). The literature also shows student demographics are significantly significant for the likelihood of being identified for special education (Oswald et al.). For example, male students were more likely to be identified for special education earlier than girls; African American students were less likely to be identified early than any other race yet have high overall special education identification rates (Guarino et al., 2010). Woodson and Harris (2018) conducted a quantitative correlational research design study to determine whether teacher and student demographic variables predicted how likely a teacher would refer male students for special education evaluation. Like Bradshaw et al., the researchers found significant predictive relationships between a teacher's race/ethnicity and the likelihood the teacher would refer a student to special education. Woodson and Harris referred to findings by Eiland (2009) and noted their study found contrasting information as data showed the relationship between years of teaching experience and the likelihood of the teacher referring students for special education evaluation was significantly positive. Teachers with positive attitudes toward inclusion were found to be less likely to refer students. Teacher gender,

however, was not found to be a significant predictor of referrals. Although the study was limited to an urban region in Pennsylvania, the researchers noted consistencies with other studies where race of student and teacher were statistically significant predictors of the probability of referrals to special education (Woodson & Harris).

Cultural mismatch between the referring teacher and student has been debated in the literature. Skiba, Simmons, Ritter, Gibb, et al. (2008) referred to Ladson-Billings' work when they opined that teachers are unprepared and lack the knowledge and skills to effectively work with students different from themselves. Other researchers have found that teachers have difficulty knowing how to interact with students who are economically disadvantaged or who display behavioral styles outside of the teacher's culture (Skiba, Simmons, Ritter, et al., 2006). Gay (2013) identified the fact that most teachers and students are not from the same ethnic backgrounds, therefore cultural differences can be challenging for teachers. She suggested that teachers connect with other cultures through culturally responsive teaching. Conversely, Ahram et al. (2011) argued that the disproportionate representation of African American and Latino students in special education is not due to a cultural mismatch between the teacher and students but rather a merging of two distinct concepts: 1) cultural deficit thinking and 2) "misguided conceptualization of providing academic services for struggling learners" (p. 2256). Despite the various reasons a general education teacher may refer an African American student for special education, Donovan and Cross (2002) concluded learning or behavior problems are evident in special education referral cases.

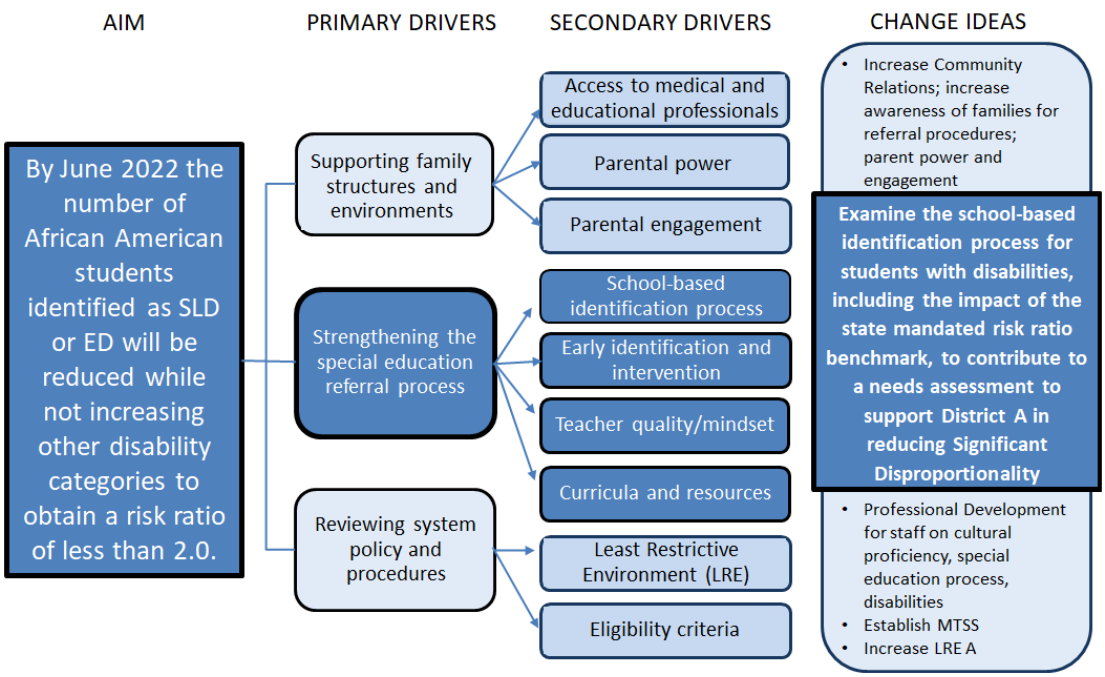
E. Drivers of Improvement

There are several things that could be done to improve the significant disproportionality of African Americans identified as having a specific learning disability in District A. However, the researcher has chosen to focus on strengthening the special education referral process by investigating the impact on District A's special education referral and evaluation practices of the state mandated risk ratio benchmarks for identifying significant disproportionality in special education identification. As yet, there has been little impact of the state risk ratio benchmarks and the consequences associated with being identified as having significant disproportionality; therefore, it is important to better understand how the state benchmarks are understood and what, if any, changes are made to identification procedures at the district or school level.

Investigating special education eligibility practices and the perceptions of key school and system staff regarding those practices will inform District A's efforts to address the significant disproportionality of African American students identified as having an IDEA disability, particularly in the categories of Specific Learning Disability or Emotional Disability.

Figure 9:

Driver Diagram



Supporting Family Structures and Environments

One of the drivers involves supporting family structures and environments. Race/ethnicity and poverty status are correlated in the U.S. (Donovan & Cross, 2002; Dunn, 1968; Heller et al., 1982). As Blanchett et al. (2009) noted, "families of color are disproportionately poor" (p. 402). District A's demographic data reflects this statement. African American students represent 12.7% of District A's overall student population yet they represent 20.7% of students with IEPs and 28.5% of students who are categorized as economically disadvantaged. Alarmingly, 797 out of 2,048, or 38.9%, of African American students in District A are economically disadvantaged. This is likely a lower percentage as not all families who qualify for the National School Lunch Program complete the applications, for various reasons (Spies et al., 2014). The discrepancies between the number of economically disadvantaged African

American students and White students is shown in that 11.3% (1,272 out of 11,233) of White students are economically disadvantaged.

The disadvantages for children living in poverty is documented in the literature (Donovan & Cross, 2002; Lefmann & Combs-Orme, 2014; Parrish, 2002; Schibli et al., 2017). The level of income and/or race/ethnicity has been connected to many environmental and biological factors including low birth weight; exposure to alcohol during pregnancy; tobacco use and drug use; malnourishment; exposure to lead; stress levels; and health problems (Donovan & Cross; Schibli et al.). Increasing resources to support African American families who are economically disadvantaged, such as: expanding early intervention preschool programs; increasing family supports and health services; and removing environmental hazards (e.g. lead in a home) is a valid recommendation which could reduce significant disproportionality in District A. Coordination among organizations and community-based agencies have shown improvement for youth with educational-behavioral health inequalities (NeMoyer et al., 2020). While this driver could effectively support families of children who are likely to be referred to special education and reduce the chance for referral or the need for services, the resources and collaboration of multiple systems and agencies required in order for this to be successful is vast.

Reviewing System Policy and Procedures

Policy will be discussed in more detail in a subsequent section; however, it is important to note the impact this driver has on local implementation and the effect on teachers and students. Artiles and Trent (1994) proposed advocating for and developing policy in the interest of minority students. Improvements in education

policies and practices regarding identification of LD, teacher preparation, and early intervention programs have also been proposed (Lyon et al., 2001). Albrecht et al. (2012) recommended changes to policy, some of which included: examining whether disproportionate representation and significant disproportionality should be different labels and processes; not allowing states to report their data regarding racial disproportionality; shifting the focus from monitoring procedural compliance in special education identification to systemics factors that contribute to disproportionality prior to special education referral; publicly posting the level of disproportionality and remedial efforts to correct it for all districts wherein noncompliance with regulations is identified as the cause of disproportionality. In addition, the researchers recommended grant competition priorities as:

> study and develop interventions and systems reform efforts to address and reduce disproportionate representation in special education and school discipline; improve teacher and administrator training in culturally responsive instruction and classroom management and discipline; and improve school-based data collection systems for monitoring and disaggregating data and for training school personnel in interpreting and using such data to improve practices. (p. 23)

District A must comply with federal and state regulations (IDEA and COMAR, respectively), which include mandates for special education eligibility including criteria for identification of a specific learning disability. To meet the state's expectation of the percent of students with disabilities receiving instruction eighty percent of the day or more in general education (LRE A), District A was in a

partnership with the Maryland Coalition for Inclusive Education (MCIE) and MSDE DEI/SES at the time of this study and was systematically and strategically implementing the Inclusive Education Systems Change process developed by MCIE. Similar to supporting family structures and environments, influencing system policy and procedures or implementing a new system-wide initiative could prove to be beneficial in reducing significant disproportionality; however, it would be difficult to accomplish within the researcher's sphere of influence.

Strengthening the Special Education Pre-Referral Process

Coordinated early intervening services (CEIS) has been a part of IDEA since 2004; however, it has had limited effect in reducing disproportionality (Albrecht et al., 2012). It is unknown whether the framework itself has been unsuccessful in reducing disproportionality or if it is due to other factors such as lack of professional preparation and fidelity of implementation of CEIS (Sullivan & Osher, 2019). Albrecht et al., opined the need for districts to utilize a practical method for local data collection and interpretation of data in annual public reporting. Given the researcher's professional role, she had an opportunity to investigate the impact of the state mandated risk ratio benchmarks and the resulting implementation of CCEIS; whether it was in fact solving significant disproportionality or moving the problem from one category to another. Additionally, learning more about school-based special education referral practices and how those may have changed as a result of the determined risk ratio for significant disproportionality was informative. It was also important to learn about the perspectives of IEP Chairpersons regarding the special education eligibility process and whether that has remained constant after CCEIS has been implemented.

The findings have the potential to be valuable to District A as it works to decrease the significant disproportionality of African American identified as having a SLD.

Sullivan and Osher (2019) noted that LEAs must uphold their child find obligation; thus, efforts to correct disproportionality cannot deny services under IDEA for eligible students. When more attention is placed on disproportionality, teachers may change their referral practice as Hibel et al. (2010) hypothesized was one possible reason for the findings in their study wherein minority students were under placed in special education. This practice leaves a multitude of questions to answer before determining whether significantly disproportionality has been eradicated. By that the researcher means, it is unclear the validity of referrals and nonreferrals. Are there cases where a reasonable suspicion of a disability for children simply are not being moved through because of a teacher's reluctance to refer? If so, what is causing the reluctance – is it directed by school policy and practice, district policy, state, and federal mandates, etc.? Analysis of current referral practices is vital for two reason: (1) the response to federal, state, and local policy may reduce significant disproportionality where it is being monitored but may increase significant disproportionality in a different category (Oswald & Coutinho, 2001), and (2) denying special education services to eligible students is a violation of IDEA and fails to support students in general education who are struggling (Macmillan & Balow, 1991; Oswald et al., 2002; Sullivan & Osher).

At the time of this study there was no research regarding the impact of the state determined threshold for risk ratio of significant disproportionality for the identification of African American students as having a disability (and thus

implementing CCEIS) on a school system's significant disproportionality status. The researcher was particularly interested in understanding the influence of state-mandated risk ratio benchmarks on special education eligibility decisions at the school level. In summation, investigating what impact, if any, the state mandated risk ratio threshold for significant disproportionality has had on school- and district-based practices was informative and potentially beneficial for District A as the results will contribute to a better understanding of the district's needs and efficacy in the system.

Theory of Action Statement

The theory of action is as follows: *If I examine the district- and school-based identification process for students with disabilities, then I can determine the influence of the state mandated risk ratio benchmarks on eligibility decision-making and contribute to a needs assessment to equip school leaders to reduce the significant disproportionality of African American students identified as having a SLD or ED in District A.*

Prior Attempts to Addressing the Problem

National Attempts at Solving the Problem. The issue of equity in the U.S. public education system has been addressed through a litany of litigation and state and federal regulations for nearly a century. Often heralded as an education equity landmark, the 1954 *Brown v. Board of Education* decision "…that in the field of public education the doctrine of 'separate but equal' has no place" (Brown v. Board of Education, 1954), not only overturned the 1896 *Plessy v. Ferguson* ruling of "separate but equal" (Plessy v. Ferguson, 1896), but spawned the notion that education should yield tangible outcomes for children. The results of these outcomes,

it was implied, are tied to the impact of segregation which spans beyond physical resources and facilities. Brown paved the way for what Sunstein (1990) labeled the Rights Revolution of the 1960s and 1970s, where a litany of regulations and laws were passed to protect individuals from discrimination (McLaughlin & Burho, 2018). However, policy and rulings at the federal level have been vague and subject to local interpretation and implementation (Romero & Romero, 2003).

Litigation. Court decisions have influenced the landscape of public education regarding equity in access to learning. The 1967 *Hobson v. Hansen* federal court case involved the argument that African American students were denied equal education opportunity as they were assigned in disproportionate numbers to low ability groups or tracks which were based on a single standardized aptitude test administered in early elementary school. The court found that the tests were biased and that this was discriminatory. An overrepresentation court case followed in the 1970 *Diana v. State Board of Education* in California due to Spanish speaking Mexican American students being mislabeled as mentally retarded based on IQ assessment results which were administered in English as per the district's English-only testing policy. The California Department of Education agreed to reassess students in both their primary language and English; revise and develop IQ assessments; and reevaluate all Mexican-American and Chinese students enrolled in classes for the Educable Mentally Retarded. The settlement in this case provided residual effects in future litigation and legislation regarding assessing students for special education eligibility, parental involvement, and placement in the least restrictive educational environment (MacMillan, Hendrick, Watkins, 1988).

Two substantial cases (*PARC v. The Commonwealth of* Pennsylvania, 1971; *Mills v. The Board of Education*, 1972) involving the exclusion of children with disabilities and/or denial of educational services led to the passage of the Education for All Handicapped Children Act of 1975, now the IDEA. The 1979 *Larry P. v. Wilson Riles* lawsuit was a landmark case regarding identification and placement of students in EMR classes. The court decreed that standardized tests of intelligence (IQ tests) were culturally biased against Black students and did not consider their cultural and background experiences. As a result, IQ tests could not be administered to African American students for purpose of placing them in special education classes for the Educable Mentally Retarded. In 1986, the court issued a statewide ban in California on the use of standardized IQ tests with African American students.

A reverse decision occurred in the 1980 *PASE v. Hannon* case. Parents in Action for Special Education (PASE) claimed that African American students were overrepresented in EMR classes as a result of biased IQ assessment results. The parents demonstrated that some children in those classes had average intelligence but experienced school failure. The court determined that there was no evidence that intelligence tests were biased against minorities and since multiple assessments were mandated, they did not discriminate against minority children.

The question of the requirements regarding a school system's obligation to provide a free appropriate public education was at the heart of the 1982 *Board of Education of the Henrick Hudson Central School District v. Rowley* case. The Supreme Court determined a two-part test that courts should use in ruling on FAPE cases; this Rowley two-part test (part one: Did the school district comply with the

procedures set forth in the IDEA? Part two: Did the student obtain some educational benefit?) has become the standard by which cases involving FAPE are judged. The court noted that Congress had as its primary purpose to make public education available to children with disabilities rather than to guarantee any particular level of education and that language addressing the level of education was not included in the IDEA (Yell, Shriner, Thomas, & Katsiyannis, 2018). The U.S. Court of Appeals for the Third Circuit expanded on the Rowley decision in the 1993 *Doe v. Board of Education of Tullahoma Schools* case and ruled the IDEA does not require school districts to provide the "educational equivalent of a Cadillac" to each eligible student with disabilities; however, districts must provide the "educational equivalent of a serviceable Chevrolet to every student" (Yell et al., 2018, p. 90).

The most recent case at the federal level regarding appropriate education for students with disabilities is the 2017 *Endrew v. Douglas County School District* case. U.S. Supreme Court opined "to meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances" (*Endrew*, 2017, p. 15). The Supreme Court developed a new standard that was 'markedly more demanding than the 'merely more than de minimis' test applied by the tenth circuit" (p. 14) thus reversing the previous de minimis standard of educational benefit. This decision is likely to further obscure the debate regarding the benefit of special education and how it relates to disproportionality of minority students receiving special education and related services.

Policy. The federal government's role in education is restricted. In fact, the Constitution does not specifically address the right to an education (Sunstein, 1990; Yell et al., 2018). Federal policies' effectiveness depends on a coordinated effort carried out by national, state, and local agencies.

The Elementary and Secondary Education Act (ESEA) was signed into law in 1965 and became a major federal instrument aimed at reducing inequalities in education. States were allowed to provide more protections for students with disabilities but could not provide fewer rights and protections than the federal law.

The Rehabilitation Act followed in 1973 and included Section 504 which addressed protections for people with disabilities and prohibited discrimination against individuals with disabilities in any program that receives federal financial assistance. The final regulations required that a free, appropriate, public education be given to every handicapped child. Requirements for the evaluation and placement process were addressed to prevent misclassification, unnecessary labeling, and inappropriate placement and required that the placement of children with disabilities follows the principle of education in the least restrictive environment.

Soon after the Education for All Handicapped Children Act of 1975, renamed the IDEA in 1990, provided federal funding to states for the providing educational services to students with disabilities in specified categories. The law's intent was to ensure that children with disabilities receive an education appropriate to their specific needs through the public school system. The act and its implementing regulations provided a definition of Mental retardation; required a full evaluation of a child's educational needs prior to any placement decision or action; required that tests used

must be validated for their intended use, given in the child's native language, and administered by trained personnel; and required that no single procedures may be used as the sole criterion for placing a child.

Federal regulations in 1977 specified eligibility criterion rules for the Learning Disability category, with much consternation (Donovan & Cross, 2002). The three components included low achievement in at least one area; a severe discrepancy between a student's achievement and his or her intellectual ability; and specific exclusion criteria. Specifically, a student could not be determined to have a learning disability if the student's difficulties were a result of any of the five rule out factors including inappropriate instruction or environmental, cultural, or economic disadvantage (Donovan & Cross). Studies have found that adherence to these criteria varied greatly across states (Donovan & Cross).

The ESEA was reauthorized in 2002, known as the No Child Left Behind Act (NCLB) (P.L. 107-110), and in 2015, known as Every Student Succeeds Act (ESSA). NCLB provided the federal government an expanded and strengthened oversight of states' education, most notably through accountability regarding academic achievement. A strong focus on improving educational results for students with disabilities surpassed the original purpose of access to an education. ESSA emphasized the need to address the equity gap but inexplicably had a minimum focus on students with disabilities (Pazy & Yates, 2018). The ESSA included requirements for all 50 states to develop equity plans that would analyze and define the problem of inequitable access to effective teachers and outline strategies to address the equity gaps. Special education students were still included in monitoring, and the law

mandated restrictions on the use of alternative assessment tests for students with disabilities; however, there is lack of an emphasis on improved educational results for students with disabilities (Pazy & Yates).

As noted previously, revisions to IDEA have included mandates regarding equity in education and reducing significant disproportionality. Clarifications regarding significant disproportionality under IDEA have been provided through federal government agencies, specifically the Office of Special Education Programs and Office of Special Education and Rehabilitative Services in the U.S. Department of Education, with the March 2017 publication of the IDEA Part B Regulations Significant Disproportionality (Equity in IDEA) Essential Questions and Answers.

State Attempts at Solving the Problem. In response to a request by the Maryland K-16 Leadership Council to evaluate Maryland's progress regarding the academic underachievement of African American males, the Report of the Task Force on the Education of Maryland's African American Males was released on March 6, 2007. Some of the recommendations from the Task Force included stopping the overidentification of African American males for special education and drafting a plan for exiting students from it; including cultural competency training in teacher preparation programs; significantly reducing out-of-school, unsupervised suspensions; assigning all high-risk African American male students an advocate to work through academic and disciplinary problems; and providing high-quality early care and education to all children (2007).

As noted earlier, Maryland revised its process for identifying significant disproportionality based on the revised IDEA regulations in 2016 which went into

effect July 2017. Under Maryland state regulations, MSDE is required to annually collect and analyze data to determine if significant disproportionality based on race and ethnicity has occurred in each local school system. In June 2017, MSDE released a Technical Assistance Guide regarding disproportionality in school discipline as part of a statewide effort to reform school discipline. The guide provided a framework for analyzing discipline-related policies and practices that may lead to disproportionality (MSDE, 2017). It explained the criteria for data analysis for determining disproportionality within schools and to help school systems identify areas on which to focus to address occurrences of disproportionality using a Plan, Do, Study, Act Cycle. Implementation, Phase II of the Guidance Document was released in January 2018.

Local Attempts at Solving the Problem. Currently, District A has applied for a Comprehensive Coordinated Early Intervening Services (CCEIS) Plan and is awaiting approval from MSDE. The plan is a continuation of the previously approved plan for school year 2019-2020 and outlines how the reallocation of fifteen percent of federal Part B funds will be used to provide CCEIS to address root causes of the significant disproportionality. This includes the development of a tiered system of supports for struggling learners; sequenced and sustained support for special educators and general educators to effectively implement curriculum and/or assessment, as well as instructional capacity; identification and implementation of targeted intervention programs (evidence- or research-based) for student demonstrating academic difficulty; continuous professional development on purpose, application and interpretation of curriculum, assessment, instructional strategies, and

interventions; file reviews of all newly identified African American SLD students; and strategies to address disciplinary actions.

In preceding years to the 2016 IDEA regulations, when District A had been found to have disproportionality, the Department of Special Education had written and submitted Improvement Plans to MSDE. Strategies and activities identified in the plans included reviewing procedures related to eligibility, including SLD and subsequently conduct trainings; providing professional development for all teachers (general and special education), Student services Team members, and administrators regarding the special education IEP process, eligibility determination, interventions and progress monitoring; training teachers on Universal Design for Learning (UDL); reviewing files of newly identified African American SLD students; developing professional development training materials and online modules; formulating a committee to refine practices and further promote consistency in SLD identification; and collaborating with the Student Services Department and the Department of Instruction regarding the SST process. Since 2017, the Special Education Department in district A had provided specific trainings regarding MTSS, special education eligibility, and detailed information regarding the identification of specific learning disabilities to school-based administrators, Student Services Team Chairs, school psychologists, IEP Chairs and special education teachers.

While not targeting the disproportionate representation of African American students as having a Specific Learning Disability directly, District A addressed issues

of inequity through Policy #1015, a Strategic Plan, and an Equity Plan. In 2016, District A revised Policy #1015 Regarding Equity which states:

> The Board of Education believes each student can learn with adequate support at the highest levels when all staff provide equitable access and opportunity for learning, and hold each student to high expectations. Maximizing the academic achievement of each child requires allocating funding and resources equitably, not necessarily equally. An inclusive and welcoming environment plays a critical role in supporting a child's educational goals. The Board recognizes that creating equitable learning opportunities for each child and eliminating achievement gaps among student subgroups is a goal that requires significant investment in professional development, curricular resources, and educational programs to implement lasting change across all schools. The Board directs the Superintendent to implement procedures to achieve the goals of this policy statement.

This policy revision was followed by the establishment of a central office position of the Supervisor of Equity and School Improvement as well as a Strategic Plan which encompasses an Equity Plan. District A's Strategic Plan identifies the system's mission of "producing graduates who are responsible citizens with options and choices in the 21st century" through five district priorities: (1) Equity, (2) Student Outcomes, (3) Climate and Culture, (4) Workforce, and (5) Community Engagement (District A Strategic Plan, 2017). Under the equity priority area, the Strategic Plan identifies three action items: provide equitable learning opportunities to all students in order help them become determined, independent, and successful learners; promote

a culturally responsive workforce; and promote equitable allocation of resources that is transparent and is clearly communicated (2017).

An internal needs assessment in the area of literacy was conducted in 2018. While the results indicated that District A had a data culture, audits conducted by outside companies, specifically WestEd and The District Management Group, found that District A did not have formalized data teams at the building and district levels. This included a system to support staff in the use of literacy assessment data to adjust instruction as needed. The external audits found a MTSS was neither established nor used in District A to incorporate instruction, assessment, and decision-making within a tiered model of service delivery. District A established a MTSS Committee in 2018 with a goal of implementing a MTSS framework to provide support to all students in academics and behavior in order for them to successfully learn grade-level content standards and developmentally appropriate social, emotional, and behavioral milestones. The Committee reviewed universal screeners for academic and social, emotional, behavioral areas and made recommendations for system-wide implementation. District A selected NWEA MAP Growth as a universal screener for academic (reading and math) areas and implemented it in Kindergarten through twelfth grade in the 2019-2020 school year.

F. Purpose of Investigation

Education is critical to a healthy and productive society as it increases the knowledge and outcomes of each of its citizens. Nonetheless, disproportionality has historically been an issue in U.S. public education. Despite its longevity, it is a problem that must be remedied to prevent unnecessary stigmatization, segregation,

and low expectations (Losen & Orfield, 2002; Losen & Welner, 2002). There is research that demonstrates the importance of pre-referral screenings and interventions (Donovan & Cross, 2002; Heller et al., 1982). Heller et al. asserted the validity of the referral to special education is a key component to perceived inequities of disproportionality. Research demonstrates that once referred to special education, the majority of students are subsequently determined to be eligible and placed in special education programs (Algozzine, et al., 1983).

Educational reforms established to protect student groups may in fact yield negative outcomes. For example, grade retention once thought to help students who were not achieving grade level expectations obtain more time in which to do so has been found to be ineffective (Donovan & Cross, 2002). Policy addressing disproportionality of minority students in a disability category could result in reduced disproportionality in that category; however, other categories may show an increase in disproportionality (Oswald et al., 2002). Furthermore, states and local school systems may be concerned with adhering to regulations and policies regarding disproportionality and fail to refer African American students for special education (Sullivan & Osher, 2019). Attempts to correct disproportionality may result in some students not receiving needed services (Hallahan, 1992; MacMillan & Reschly, 1998). Lhamon argued that this practice violates students' rights under IDEA and that all students with disabilities must be identified and provided services, even if it results in the LEA being identified as having significant disproportionality under IDEA's regulations (2016).

Learning more about the impact of the state mandated risk ratio benchmarks for identifying significant disproportionality on the implementation practices during the pre-referral process and special education eligibility decisions has afforded District A with a great opportunity. Research had not been done to ascertain the effect of the state determined risk ratio threshold for significant disproportionality on school-based processes in Maryland. This research was designed to investigate the impact of the state-mandated risk ratio benchmarks at the school and district level in District A. Investigating the impact of the state-mandated risk ratio benchmarks at the school level and district level and understanding how the prevalence of risk for African American students changed or didn't change was especially relevant as the district strives to solve its status of having significant disproportionality of African American students identified as having a specific learning disability. Section 2 details the design of the study.

Section 2: Study Design

A. Purpose Statement

The purpose of this study was to investigate the impact on District A's special education referral and evaluation practices of the state mandated risk ratio benchmarks for identifying significant disproportionality in special education identification. As noted in Section 1, decisions regarding referral for special education evaluation and subsequent determination of eligibility to receive services for most students happens at the school level. Therefore, a state policy that establishes a risk ratio threshold for determining if significant disproportionality among subgroups of students exists is a policy instrument that requires changes at both the district and individual school levels to achieve its goal.

In the case of District A, state risk ratios indicate the need to eliminate significant disproportionality in the identification of African American students for special education. As indicated by the data presented in Section 1, as yet, there has been little measurable impact of the state mandates on reducing significant disproportionality among African American students. Therefore, it is important to better understand how individuals at the district and school levels understand the purpose of the state benchmarks and what, if any, changes have been made to identification procedures at the district or school level. This study focused particularly on identification in the categories of Specific Learning Disability, Emotional Disability, and Intellectual Disability as Section 1 shows these to be the disability categories that are above the state benchmarks for African American students. By examining the district- and school-based identification process for students with

disabilities, the intent was to describe the influence of the state mandated risk ratio benchmarks on eligibility decision-making and contribute to a needs assessment to equip school leaders to reduce the significant disproportionality of African American students identified for special education in District A.

B. Research Questions

The following research questions guided this study:

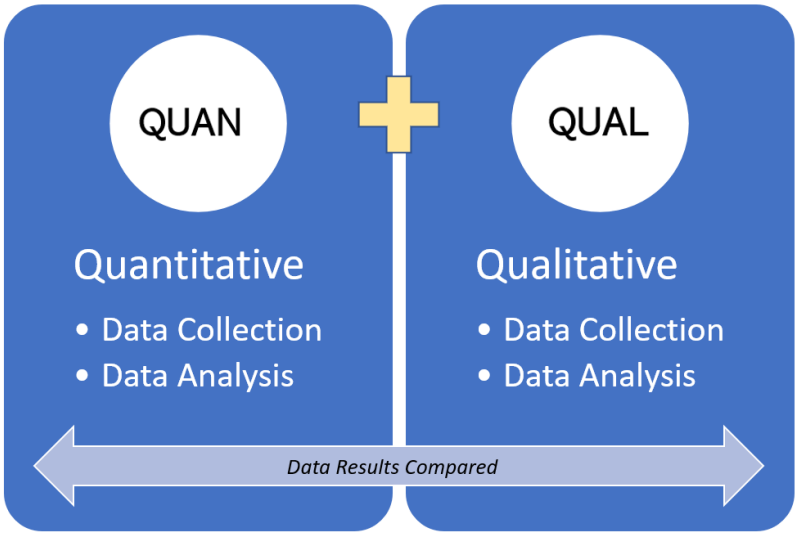
1. *To what extent, and in what ways, has District A's significant disproportionality data changed since 2018?*
2. *In what ways, if at all, do IEP Chairpersons consider the state mandated risk ratio benchmark when determining eligibility of African American students for special education?*
3. *What, if any, changes in special education eligibility policies or procedures do IEP Chairpersons and central office administrators perceive have resulted from state mandated risk ratio benchmarks?*

C. Design

This study used a concurrent triangulation mixed methods approach. According to Creswell (2009), a concurrent triangulation approach requires the researcher to collect both quantitative and qualitative data concurrently and then compare the two databases to determine if there is "convergence, differences, or some combination" (p.196). Fraenkel, Wallen, and Hyun (2012) note that more information and insight is obtained in a triangulation mixed methods design than if only quantitative or qualitative methods are used. The study design is shown in Figure 10.

Figure 10

Concurrent Triangulation Design



Note: Adapted from Creswell (2009)

This mixed methods study analyzed existing system data to explore trends in eligibility and significant disproportionality among subgroups of students and disability categories. The impacts of the state mandates on District A's special education referral and evaluation practices were also explored using qualitative methods obtained from two focus groups and five individual interviews. Participants in the focus groups and individual interviews were key school and district staff with responsibility for overseeing the special education identification process, and involvement in school improvement, equity, and instruction.

The data gained during the focus groups and interviews were analyzed using descriptive coding. Analysis of the focus groups and interview data was supplemented with two analytic memos as recommended by Phillips and Carr (2007) that documented the research process and emerging themes through personal

reflections post-focus groups and post-interviews. The use of analytic memos increased the researcher's awareness of experiences, and the researcher recorded the development of ideas and questions, and reflected on the methodology results, as noted by Gibbs (1988).

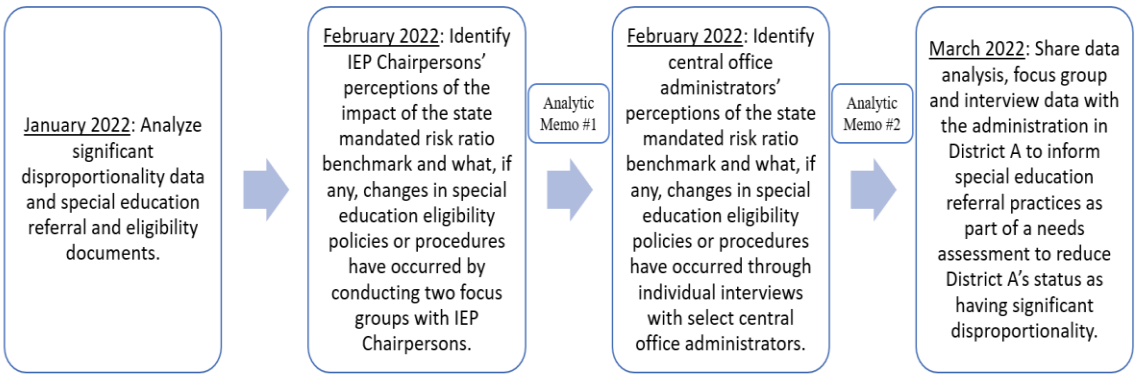
Finally, an analysis of district- and specific school-developed special education referral documents, district-developed special education eligibility and CCEIS documents, and the district strategic plan and equity policy was conducted. This was done to further understand the components of the special education process at the school level, training, and district expectations as recommended by Stage and Manning (2003). Analyses of the various documents resulted in identification of specific categories that will be discussed in Section 3.

The results of the quantitative and qualitative analysis were then triangulated to answer the research questions regarding District A's efforts to address the significant disproportionality of African American students identified as having an IDEA disability and eligible for special education. Combining quantitative and qualitative data allowed for a deeper understanding of the specific research questions by converging quantitative data (broad trends) and qualitative information (detailed views) (Creswell, 2009).

The study design and research questions as well as procedures were informed by the Theory of Action timeline discussed in Section 1.

Figure 11

Theory of Action Timeline



Methods

This section outlines the methods used to address the research questions. The data source and characteristics of the participants and process for participant selection will be discussed, followed by procedures and instruments for conducting focus groups and individual interviews and, finally, analysis.

System record data. Since 2018, Maryland has used the relative risk ratios for determining *significant disproportionality*. The relative risk ratios compare one group of students receiving special education services to all other students within the LEA who are also receiving education. Relative risk ratios can be computed for total number of students identified as well as by specific disability category. For example, to calculate the risk ratio for African American students for the SLD disability category, the risk for African American students being identified as having SLD is divided by the risk for all other students within the SLD category in District A. The equation is as follows:

$$\text{Risk ratio} = \frac{\text{AA students in SLD category} \div \text{All AA students}}{\text{All other students in SLD category} \div \text{All other students}}$$

A risk ratio of 1.0 indicates a racial/ethnic group is no more likely than students from all other racial/ethnic groups to be identified as having a particular disability. A risk

ratio above 1.0 specifies greater risk while a ratio below 1.0 means a diminished risk. To be identified as a district or school with significant disproportionality in Maryland, the ratio had to exceed the state benchmark of 2.0 for two consecutive years.

The relative risk ratios for African American students identified as having one of three IDEA disability categories were examined for District A and each of the nine schools in the study for the school years 2017-2018, 2018-2019, 2019-2020 and 2020-2021. The three IDEA disability categories, SLD, ED, ID were selected for examination because District A had been found to have significant disproportionality for African American students in the categories of SLD (2019, 2020, 2021), ED (2021) and based on the data, the state will identify the district as having significant disproportionality in the category of ID in 2022.

Significant disproportionality data for District A and all District A individual schools were obtained from an online IEP database, Maryland Online IEP, developed by the Center for Technology in Education in a partnership between the Maryland State Department of Education and the Johns Hopkins University. Data for school years 2017-2018 to 2020-2021 were examined. The database contains district and individual school data for 7 racial/ethnic student groups pertaining to identification of students with disabilities as a whole, and identification of students in each of six disability categories, special education placements, and disciplinary removals of students with IEPs.

School and participant selection. As noted above, District A was identified in 2019 as having significant disproportionality for African American students identified as having SLD. In 2020, District A was again identified as having

significant disproportionality of African American students identified as having SLD and for African American students identified as having ED. The district risk ratio for African American students identified as having ID surpassed the 2.0 threshold in the 2019-2020 and 2020-2021 school years, indicating this will be another disability category for which the district will be identified.

Individual school risk ratios from the 2020-2021 school year were reviewed to determine school sites for the purpose of inclusion in the focus groups. In the 2020-2021 school year, 11 schools exceeded the risk ratio benchmark for SLD, ED, and/or ID. These became the pool from which the researcher selected schools. The risk ratios for schools exceeding the state benchmark are shown in Table 11.

Table 11

District A African American Student Risk Ratios for Specific Learning Disability, Emotional Disability, and Intellectual Disability, 2020-2021

SCHOOL	SLD	ED	ID
A	2.38	7.91	0.00
B	2.35	0.00	0.00
C	2.75	2.36	2.82
D	4.66	3.49	1.16
E	0.00	0.00	2.63
F	3.39	0.00	0.00
G	2.31	2.77	2.08
H	3.28	0.00	0.00
I	3.40	2.89	11.58
J	2.27	10.57	0.99
K	1.47	11.76	0.00

Two of the 11 schools had a new Assistant Principal from outside the district assigned to the school in the 2021-2022 school year. These schools were excluded from recruitment due to the fact that the APs had not received training regarding

District A's significant disproportionality efforts and were new to the role of an IEP Chairperson. Based on the researcher's experience, new IEP Chairpersons typically do not facilitate IEP meetings independently and follow a "gradual release" model with modeling and support from the central office. Therefore, the two individuals were not considered to be able to contribute significant insight into District A's processes. Therefore, 9 schools were chosen for this study: 5 elementary schools and 4 secondary schools (two middle schools and two high schools).

The final 9 schools selected were located throughout the district, representing the northern, central, and southern areas. The African American student population at the 9 schools ranged from 7.8-21.6%, with a mean of 13.6%; the district range for the African American student population was 7.4%-22.6% with a mean of 13.7%. The selected schools had a medium income range of $88,822 to $158,750, with the district average medium household income of $96,808 and a mean household income of $111,784.

Focus group participants. Two focus groups were conducted, one for elementary school representatives and one for middle grades and high school representatives. Focus group participants were recruited from the 9 schools and included IEP Chairpersons and IEP Facilitators. The IEP Chairpersons are Assistant Principals assigned to a school that manage the IEP process as one of their responsibilities. IEP Facilitators are teachers assigned to two or three schools and provide leadership in their assigned buildings with ensuring compliance with federally and state mandated Special Education procedures for students with disabilities. Their responsibilities include organizing and facilitating IEP Team

meetings, monitoring IEP files, and providing professional development to general and special education staff on compliance topics related to the IEP process. When selecting focus group participants, if one of the identified schools had an IEP Facilitator assigned, that person was recruited and not the IEP Chairperson as the entirety of the IEP Facilitator's role involves the special education process and they conduct the majority of a school's special education eligibility meetings, which was the focus of this study. The recruitment process is described below.

Following approval by the University of Maryland's IRB and District A, each of the 9 IEP Chairpersons/Facilitators were emailed individually to introduce the study, describe the purpose and method, and explain the study is being completed as part of the fulfillment of a Doctorate of Education (See Appendix A). The email described the purpose of the study and that the study was being completed as part of the fulfillment of a Doctorate of Education. Selection criteria for participants was described. The email noted that participation was voluntary, and that the identity of all focus group participants would be protected to the maximum extent possible including that all information obtained during the focus groups would be deidentified to protect identities of all participants and schools. Additional information included compensation of a $25 Amazon.com gift card for participation. An electronic consent form, using DocuSign, an electronic agreement software company (see Appendix G) was attached to the email.

Invited participants from each of the 9 schools initially responded directly to the researcher to indicate their interest in being part of the study. The researcher sent an email with the session dates and times for each session. However, within one week

of sending the email, one individual from a secondary school indicated having a scheduling conflict and was unable to attend. The 8 remaining participants confirmed the time for the focus groups and provided a signed consent form electronically prior to the focus group sessions.

The eight individuals participated in one of two focus groups: elementary and secondary. Among the 8 participants, 3 were IEP Chairpersons (1 secondary and 2 elementary) and 5 were IEP Facilitators (2 secondary and 3 elementary). Hereafter the 8 focus group participants will be referred to as IEP Chairpersons.

The first focus group that was conducted included 3 IEP Chairpersons representing 3 out of the 10 secondary schools in the district. The second focus group included 5 IEP Chairpersons representing 5 out of the 12 elementary schools in the district. Six out of the 8 participants were White females, one was a Hispanic female, and one was an African American female. Six out of eight participants had special education teaching experience prior to becoming an IEP Chairperson. The participants had between half a year to 10 years' experience as an IEP Chairperson in District A.

Individual interview participants. In addition to the 2 focus groups of IEP Chairpersons, 5 individual interviews were conducted. Two were follow up individual interviews with selected focus group participants and 3 were individual interviews with central office administrators. The individuals from the focus groups who were selected to participate in the follow up individual interviews included one person whose comments during the session demonstrated strong opinions regarding the special education process and eligibility decisions, and one person who appeared to

put tremendous thought and reflection into her comments and was the only participant who mentioned bias and prejudice in discussions related to process, which the researcher wanted to probe further.

The 3 administrators were recruited to be interviewed because of their role in strategic planning, school improvement efforts, supervision, equity, special education, and their involvement with districtwide initiatives, specifically establishing a Multi-Tiered System of Supports (MTSS). These administrators were responsible for system and instructional performance in the areas of curriculum, instruction, assessment, professional learning, and teacher evaluation. They supported the system strategic plan by aligning districtwide initiatives in Pre-kindergarten through Grade 12 focusing on culturally responsive instruction, research-based strategies, evidence-based practices, technology integration, and the provision of a Free and Appropriate Public Education.

Each of the 3 administrators was contacted in person during which the study purpose and methods were described including that the study was being completed as part of the fulfillment of a Doctorate of Education. The selection process for participation was described and the individuals were informed that participation was voluntary, and that the identity of all interview participants would be protected to the maximum extent possible. Each individual was told that she/he would receive a $25 Amazon.com gift card in recognition of their time and each was also offered the option to be interviewed in person or virtually via Microsoft Teams outside of the workday.

All 3 central office administrators agreed to participate in the interview, two in person and one through Microsoft Teams. They were sent a follow-up email that further explained the study and emphasized that all information obtained during the interviews would be deidentified to protect all participants and school information (see Appendix B). The email included an electronic consent form, using DocuSign, an electronic agreement software company (see Appendix G). The signed consent was collected prior to the start of each interview.

Procedures for Data Collection

Quantitative data. To answer research question 1: *To what extent and in what ways has District A's significant disproportionality data changed since 2018?* deidentified quantitative data from the MSDE online database was analyzed. The data reported the risk ratios for racial/ethnic subgroups (American Indian or Alaska Native, Asian, Black or African American, Hispanic, Native Hawaiian or Other Pacific Islander, White, Multiple Races) in each of the six IDEA disability categories monitored for Significant Disproportionality (Autism, Emotional Disability, Intellectual Disability, Other Health Impairment, Specific Learning Disability, Speech Language Impairment). Risk Ratios for African American and White students from 2020-2021 were analyzed and reported for all six IDEA disability classifications measured under significant disproportionality. Next, a trend analysis was completed with risk ratios for African American and White students for SLD, ED, and ID from 2018-2021 to show change and patterns over the four-year period. In addition, a trend analysis was completed for the individual school risk ratio data for African American and White students for SLD, ED, and ID for the nine identified schools.

Focus groups. As noted above two focus groups were conducted to address research questions: (2) *in what ways, if at all, do IEP Chairpersons consider the state mandated risk ratio benchmark when determining eligibility of African American students for special education?* and *(3) What, if any, changes in special education eligibility policies or procedures do IEP Chairpersons perceive have resulted from state mandated risk ratio benchmarks?* The researcher developed a focus group discussion guide of 7 questions (See Appendix C for the guide) to ensure that all information required to respond to the research question was adequately addressed. The focus group guide consisted of an opening, and introductory and transition questions to provide a level of comfort for participants. Focus group participants were asked about the following topics: (1) their role in the process of determining students to be eligible for special education, (2) their familiarity with state mandated risk ratio benchmarks for significant disproportionality, (3) their perceptions of changes, if any, of their school data regarding eligibility categories, (4) consideration of the state-mandated risk ratio of 2.0 when determining eligibility for African American students for special education, and (5) their perceptions of any changes in special education eligibility policies or procedures that have occurred as a result of the state mandated risk ratio benchmarks.

Procedures for Focus Groups. Once an IEP Chairperson agreed to participate in the focus group, she received a follow up email with dates, times, and informed that the focus groups would be conducted after the workday and virtually via Microsoft Teams. Focus group sessions were confirmed through email and a Microsoft Teams meeting link was provided via a separate email so that only the

researcher would have access to the recordings and transcripts. A reminder email was sent one week before the focus group sessions and included the questions so that participants could see in advance what would be asked (see Appendix E).

The first focus group with three secondary IEP Chairpersons lasted 45 minutes and the second focus group with five elementary IEP Chairpersons lasted approximately one hour. At the beginning of each of the focus group sessions, the researcher reviewed the procedures for the session and confidentiality norms. Participants had an opportunity to ask questions and seek clarification before the focus group discussion begins; however, none of the participants had any questions.

Individual questions were modified or clarified during focus group discussions based on emerging ideas or responses. For example, participants' responses to the initial three questions, how they described their role in the process of determining students to be eligible for special education, what tools they use to determine eligibility, and what is most confusing about significant disproportionality, led the researcher to understand that participants wanted to speak explicitly about the use of pre-referral interventions and their concerns about interventions not being matched to student need and/or done with fidelity so the discussion was allowed to expand and the researcher probed further to clarify whether participants felt the tools they used helped with accurate special education eligibility determinations. Another example of modifying the questions was guiding the discussion away from discussing IEP Chair's roles as "decision makers" because of their assertions that they are part of a team and a facilitator and not the decision-maker.

Individual interviews. Two types of individual interviews were conducted. As noted earlier, two focus group participants were selected for individual follow-up interviews for the purpose of clarifying and expanding on specific comments they made during their focus group session. The first participant was selected for a follow-up interview based on her comments regarding participating in eligibility meetings. Her comments indicated a lack of regard for the state-mandated benchmarks, and she strongly expressed her belief that race should not impact special education evaluation decisions. In addition, she noted her perception of District A as always having disproportionality during her long tenure in the district.

The second participant was chosen due to the reflective nature of her responses during the focus group, specifically related to SLD eligibility as well as re-evaluation decisions. This IEP Chairperson was the only participant to mention bias and prejudice during the focus group session and the researcher saw an opportunity to ask some difficult core questions that were not posed during the focus group about whether bias impacts eligibility decisions. Each of these individuals was contacted via phone following the two focus groups and asked if they were willing to be interviewed in order to clarify and expand on their comments during their focus group session.

Both individuals agreed and these follow-up interviews were held in person outside of the workday six to eight days after the focus group session. Each interview lasted approximately fifteen to twenty minutes.

Procedures for individual interviews with central office administrators. Individual in-person interviews were conducted with three central office

administrators. The interviews were semi structured (Drever, 1995) and a guide consisting of eight questions with probes was developed to respond to research question 3: *what, if any changes in special education eligibility policies or procedures do central office administrators perceive have resulted from state mandated risk ratio benchmarks?* The questions were designed to fit within a one-hour interview which is recommended by Hill et al. to ensure consistent information across participants and provide opportunities for probing (2005). The purpose of the interviews was to obtain the insights and perceptions of the central office administrators regarding causes of significant disproportionality and their role in addressing it. The interview guide was developed prior to conducting the two focus groups, with the anticipation that revisions could be warranted based on the focus group discussions. However, no revisions to the guide were necessary. (See Appendix D for central office administrator interview guide.)

Each administrator had an opportunity to ask questions and seek clarification before the interview began; none of the administrators had questions or sought clarification. The first interview was conducted in person after the workday and lasted approximately half an hour. The interview was audio recorded using a recording device and was transcribed through the artificial intelligence software Otter.ai. The second interview was conducted virtually via Microsoft Teams on a Saturday morning. That interview lasted one hour and fifteen minutes and was video recorded via Microsoft Teams, transcribed with the Microsoft Teams software, then uploaded to the artificial intelligence software Otter.ai. In order to ensure that only the researcher would have access to the recordings and transcripts, a Microsoft Teams

meeting link was provided via the email confirming the date and time. The final interview was conducted in person during the administrator's duty-free lunch break. This interview lasted approximately half an hour and was audio recorded and transcribed through Otter.ai.

Analytic Memos. According to Phillips and Carr (2007), analytic memos offer researchers opportunities to document their thinking and reflect throughout the data analysis process. Using analytic memos allowed the researcher to make connections among data and identify emerging patterns and themes. Two analytic memos were completed as part of this research: one was completed after the two focus group discussions, and one was completed after the individual interviews had been conducted. The analytic memos were narratives and did not follow a specific template (See Appendices J and K). Both memos were reviewed during the triangulation phase of the analysis to examine connections between the focus groups and individual interviews and further check decisions regarding answers to the research questions.

Document Analysis. Document analysis was used to enhance and enrich the qualitative research in this study (Stage & Manning, 2003). Special education referral documents, special education eligibility tools, the district strategic plan, the district equity policy, and trainings or guidance from district leaders regarding significant disproportionality were analyzed using a document analysis template during the qualitative phase. The template was organized by the name of the document, data/content presented, key categories, and evidence (See Appendix M). The special

education documents were hard copies, the district strategic plan and equity policy were obtained from the district's website.

The intent of the review was to highlight information in the 12 documents to compare or support focus group and interview participants' expressed understanding of the state mandated risk ratio benchmarks and significant disproportionality, as well as any changes in special education policies or procedures perceived as a result of the state mandated risk ratio benchmarks. The researcher reviewed each document and, using a spreadsheet, identified content presented in each, then identified key categories and noted evidence to support the analysis.

The following 12 documents were analyzed: District A CCEIS Process Checklist; District A Special Education Department PLC Template; District A Special Education Department Kid Talk Template, District A Individual Student Academic/Intervention Tracking Form; School F Student Services Team (SST) Referral; School L Student Services Team (SST) Referral; MSDE Child Find Referral Form; District A SLD Eligibility Tool; District A ED Eligibility Tool; District A ID Eligibility Tool; District A Strategic Plan; and District A Policy Regarding Equity.

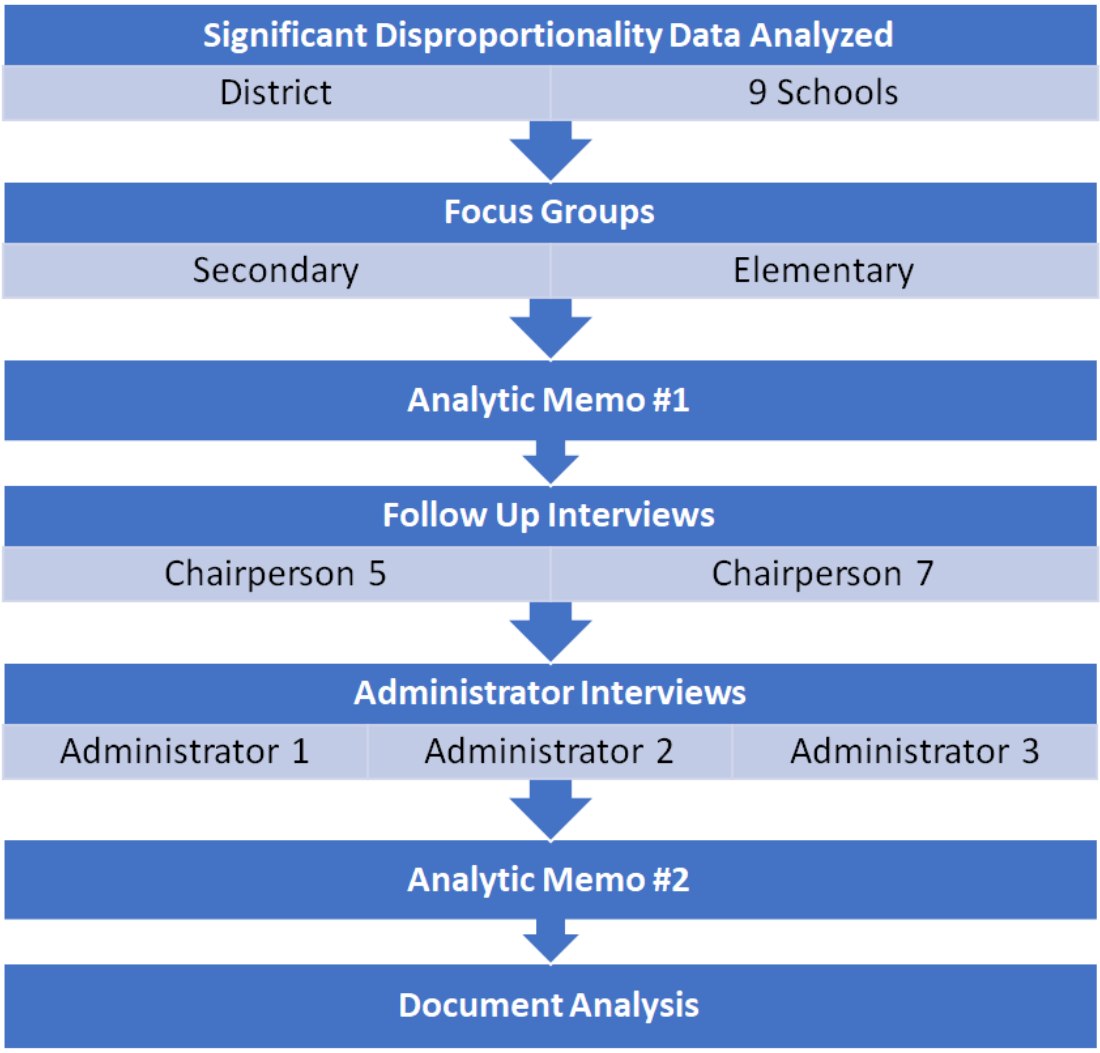
Data Analysis

Quantitative and qualitative data were collected including Significant Disproportionality reports obtained from Maryland Online IEP database, transcripts from focus groups and individual interviews, analytic memos, and a document analysis. Initial data analysis occurred in three phases: analysis of IEP record data, transcript coding, along with analytic memos, and finally document analysis. Findings from each of these analyses were then compared and contrasted and

triangulated to address the research questions. Figure 12 below illustrates the initial steps in the data analysis.

Figure 12

Initial Steps in Data Analysis



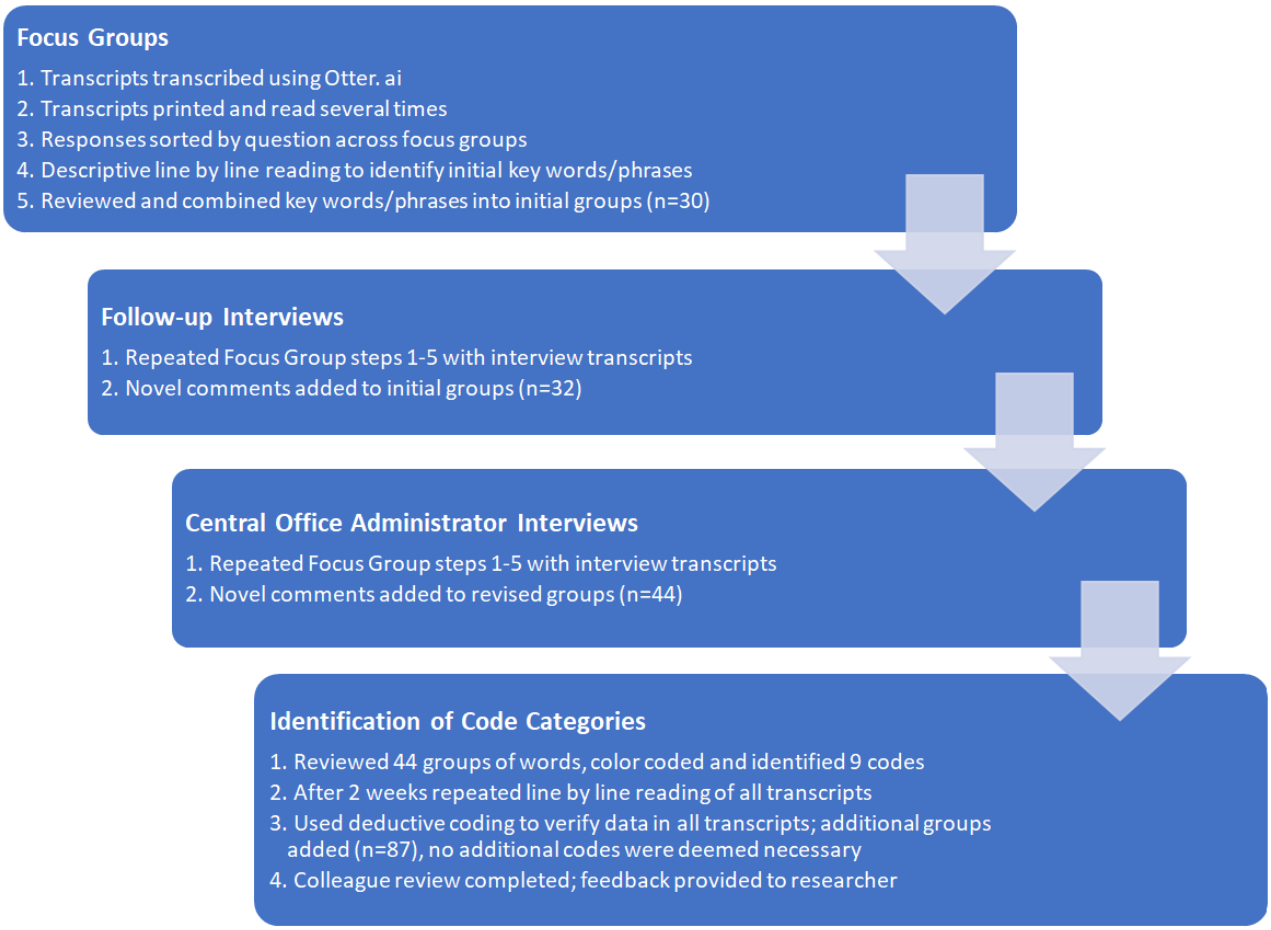
Quantitative Data Analysis. First, the significant disproportionality risk ratio data for African American and White students related to identification of specific disabilities for the following categories: Autism, ED, ID, OHI, SLD, and Speech Language Impairment was obtained for District A and each of the 9 schools. As noted

earlier, the risk ratio data were obtained from the Maryland Online IEP database and trends were examined over four school years (2017-2018, 2018-19, 2019-20, 2020-21).

Qualitative Data Analysis. The second step in the analyses involved transcribing and coding the focus group and interview discussions. The process followed procedures for content analysis through the use of a hybrid approach of both inductive and deductive descriptive coding. Figure 13 below displays the steps for the coding process of the focus group and interview transcripts.

Figure 13

Coding Process for Focus Group and Interview Data



As noted earlier, focus group transcripts were obtained from the audio recordings of each focus group and interview and transcribed using the artificial intelligence software Otter.ai. The analysis of the transcripts was a multi-step, iterative process. The researcher first printed a hard copy of each of the focus group and follow-up interview transcripts and read each one multiple times over several days to become familiar with the content. The researcher then sorted responses by question across focus groups and used descriptive line by line coding to cover the sample of responses, identifying key words or phrases. The key words and phrases were then reviewed and refined by commonality to create common groups. The researcher's line by line reading resulted in an initial set of 30 groups across all 7 focus group questions.

The researcher repeated the steps in the analysis with the individual follow up interviews with two IEP Chairpersons. After reading each transcript multiple times, the researcher used line by line reading to add any novel groups to the initial set from the focus groups. This resulted in 2 additional groups for a total of 32.

Next, the researcher repeated the steps in the analysis with the individual interview transcripts, reading each interview transcript several times to become familiar with the content and then sorting responses by interview question. The researcher used line by line reading to determine additional words/phrases that might be novel or require new groupings. This process resulted in 12 additional groupings of words/phrases for a total of 44.

As the next step, the researcher used an inductive approach to review each of the 44 groupings and color-coded to identify 9 codes. Each group of words/phrases

was categorized under one of the codes. For example, the 3 words/phrases, *part of a team, facilitator,* and *provide training* were collapsed into the code *Roles and Responsibilities*.

To enhance the study's validity, the researcher followed procedures recommended by Berger (2015) to review the focus group and interview transcripts two weeks after the original analysis to view the material with fresh perspective and identify where the researcher's own experiences might have interfered with the initial coding. The researcher reread participants' responses to individual questions and revised the initial descriptive line by line coding. This resulted in the identification of additional key words and phrases; however, these additional terms fit within the existing 9 codes.

In addition, the researcher asked two colleagues: one supervisor and one teacher specialist to review the participants' responses to questions and the coding scheme and to provide verbal feedback to the researcher regarding categorization and coding. Two revisions to the code categories were made based on feedback (see Appendix L for the final code categorization).

Throughout the entire process of analyzing the qualitative data including developing groups and code categories, the researcher intentionally focused on maintaining reflexivity as described by Berger (2015) as understanding how the researcher's position in relation to the study group may have impacted the research and analysis, throughout the research process. The researcher was a Supervisor of Special Education in the district for eight years prior to the 2021-2022 school year, an IEP Chairperson for two years, and a special education teacher for eight years prior to

that. The researcher is currently a central office administrator in the Department of Instruction. While the researcher's experiences provided knowledge of issues which enabled enhanced collaboration between the researcher and participants, it was essential to maintain reflexivity during data collection and analysis to ensure the researcher's full engagement with the data.

During the analysis phase, the researcher became actively aware of "unconscious editing" which Berger (p. 221) defines as identifying questions and content that the researcher might emphasize or avoid and to become aware of the researcher's own reactions to interviews, thoughts, and emotions. The unconscious editing occurred during the focus group discussions as well as when reading the transcripts. For example, at times the researcher did not inquire about topics that participants raised if the responses did not directly align to the research questions. In at least one instance this may have limited discussion when during the discussion of IEP Chairpersons' roles, one participant began to discuss issues with interventions and the SST team, the researcher brought them back to roles and responsibilities. However, upon reflection, this might have been a key piece of evidence to include in the analysis. A second instance of unconscious editing occurred during the first reading of transcripts and identification of key words and phrases. At the end of the first categorization, 30 key words and phrases were identified, again due to looking for words aligned with research questions. However, after a two-week wait and a rereading of the transcripts, the researcher identified 87 and realized her understanding of the comments were expanded to include broader concepts.

Document Analysis. As noted above, 12 documents were reviewed for the purpose of understanding the district and state special education eligibility tools, CCEIS resources provided by the district, the special education referral process at the school level, and the district's priorities. Data and content presented in each document were noted and the researcher identified key categories based on document evidence.

Triangulation. In the final phase of the analysis, data were triangulated by using a matrix approach to answer the research questions (see Appendix N). Patton (2002) describes triangulation methodology as "ideal" (p. 247) as this approach strengthens research studies by combining multiple quantitative and qualitative methods to analyze the problem. Triangulation was achieved by examining in one matrix, data from focus group and individual interview findings and comparing to analytic memos and document analysis by research question.

D. Protection of Human Subjects.

An expedited IRB was requested for this research due to the minimal risks involving human subjects (building and central office administrators in District A) for the focus groups and individual interviews.

Human Subject Review and Confidentiality.

To protect the administrators at Schools A, B, C, D, E, F, G, H, and I in District A, as well as the University of Maryland, the following procedures were followed to ensure that no identifiable subject data was used during this research process:

- Participation in the study was entirely voluntary and every effort was made to protect participants' identities.

- Participants completed a consent form prior to the focus group or individual interview.
- Participants were given a number for analysis discussion and potential quote attribution (see Appendix G for the University of Maryland IRB initial application and consent forms).
- Individual schools were not identified by name or location. Schools were randomly assigned a letter ranging from School A to School I.
- Final documents only report results in aggregate forms.
- Participants have access to the results upon request after the completion of the study.
- Data from the focus groups and interviews is stored on an encrypted flash drive on a password protected computer for three years before being erased.

E. Summary

This study used a mixed methods approach and used data analysis, focus groups, individual interviews, and document analysis to investigate the impact of the state mandated risk ratio benchmarks for identifying significant disproportionality on the special education referral and evaluation practices at the district and school-based level in District A. Data from this study helped to identify areas where the district should focus its efforts to solve its significant disproportionality of African American students identified as having an IDEA disability in the categories of Specific Learning Disability or Emotional Disability. This section has detailed the purpose, design, and methods for the proposed study. The next section will describe the results, analysis,

and conclusions of the study, as well as the potential for this study to be replicated in other districts in the state.

Section 3: Results and Conclusions

Section 1 notes current and past attempts to solve the problem of significant disproportionality of African American students being identified as having a specific learning disability nationally, within the state, and within District A. Section 2 outlines the methods and procedures to investigate the impact of the state mandated risk ratio benchmarks for identifying significant disproportionality in special education identification on District A's special education referral and evaluation practices. In this section, the research study results, key findings, conclusions, and implications for District A are shared.

A. Results

In the following sections results and key findings are presented for the quantitative and qualitative data including both focus groups as well as central office administrator interviews. Analytic memos (Appendices J and K) were conducted after the focus groups and interviews to document this researcher's reflections and thinking about emerging themes. The information obtained through the memos is reflected in the findings from the focus groups and interviews. A document analysis (Appendix M) was also conducted to better understand the resources for special education eligibility determinations, the referral process for special education services, and trainings regarding significant disproportionality that were provided in the district. The findings from the document analysis are also presented below.

Significant Disproportionality Longitudinal Data Results

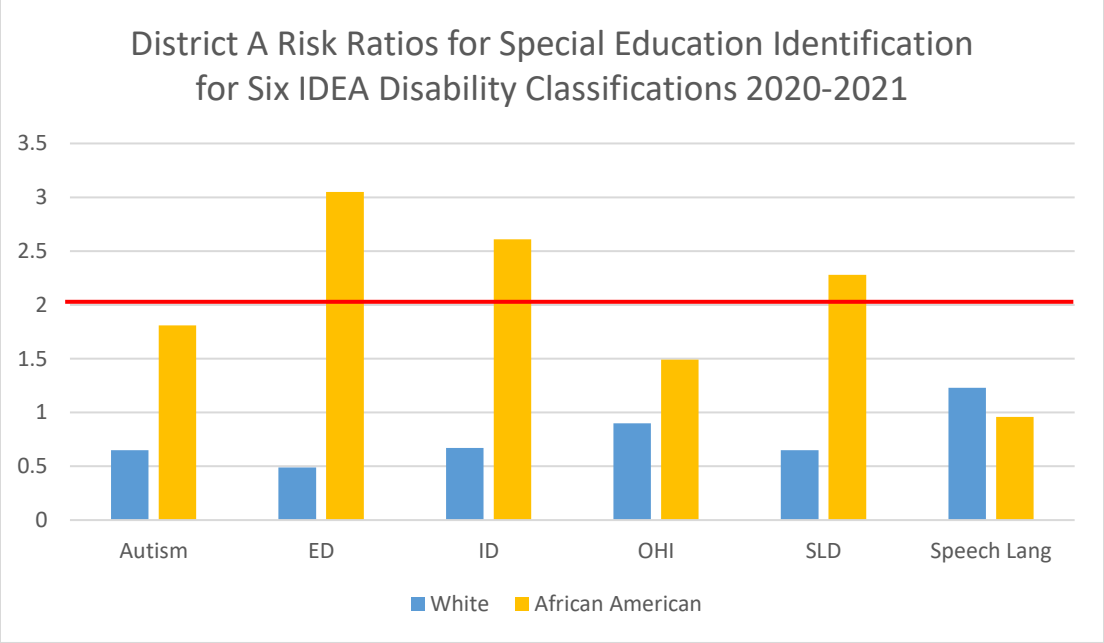
As noted in Section 1 and 2, District A was identified as having significant disproportionality of African American students identified in the category of SLD in January 2019. As a result of being identified as having significant disproportionality, the district had to "review and revise its policies, practices, and procedures, if appropriate, and publicly report on the results of that process" (34 C.F.R. § 300.646(c)). In addition, District A was required to utilize 15% of Part B funds ($462,319.00) "to provide comprehensive coordinated early intervening services (CCEIS) to address factors contributing to the significant disproportionality" (34 C.F.R. § 300.646(d)). The data provided in the following figures represent the school years for which state benchmarks and mandated consequences began. The state monitors the risk ratios in six IDEA disability categories; however, most of the data presented focuses on the risk ratios for ED, ID, and SLD the three IDEA categories in which African American students are shown to be significantly disproportionate.

As shown in Figure 14 below, during the 2020-2021 school year, African American students in District A were two times or greater at risk of being identified as having one of three IDEA disability categories (ED, ID, and SLD) than all other children in the district. In fact, African American students were at higher risk than White students of being identified in all but the category of Speech Language Impairment. For example, African American students had a risk ratio of 3.5 in the category of ED, which was over 6 times greater than the risk ratio for White students. The risk ratio of 2.28 for African American students identified as SLD was 3.5 times

greater than White students and the risk ratio of 2.61 for African American students identified as ID was nearly 4 times greater than White students.

Figure 14

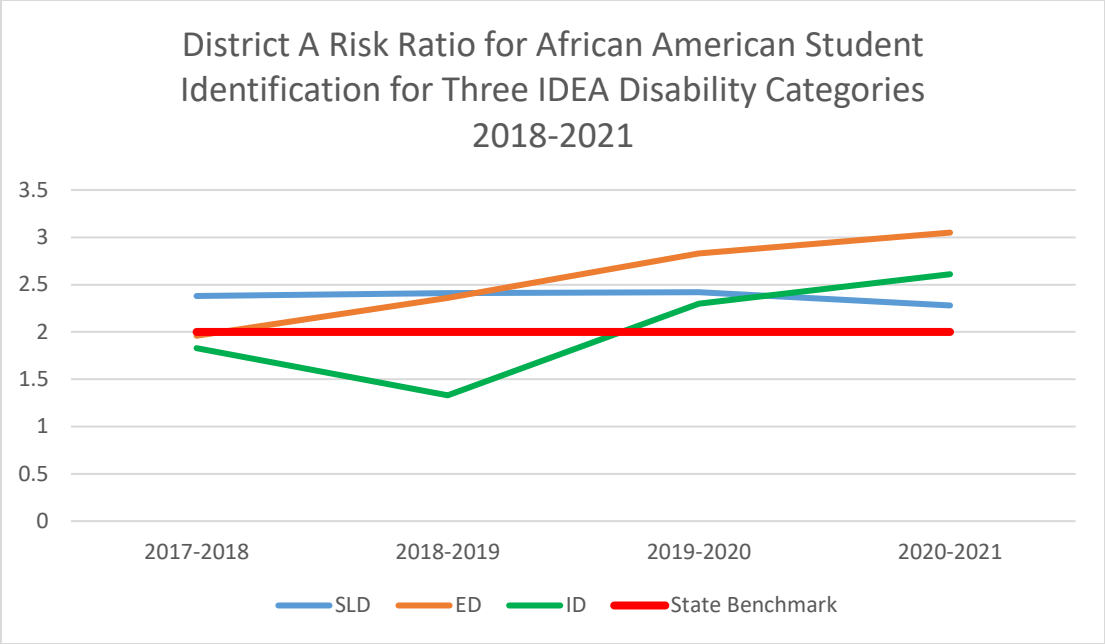
District A Risk Ratios for Special Education Identification for Six IDEA Disability Classifications 2020-2021



Figures 15 below shows the trends in risk ratios for the three disability categories compared to the state benchmark of 2.0 between 2017-2018 and 2020-2021.

Figure 15

District A Risk Ratio for African American Student Identification for Three IDEA Disability Categories 2018-2021



As shown in Figure 15, the relative risks of being identified as having ED or ID have increased for African American students since the 2017-2018 school year and only slightly declined for the category of SLD.

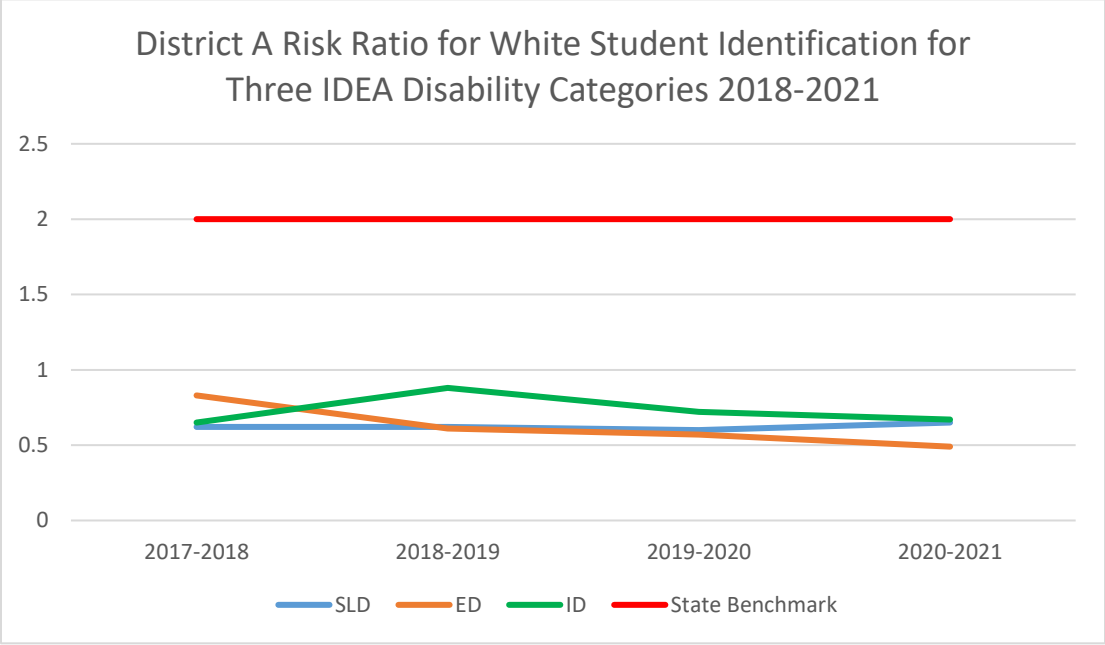
In response to having been identified by the state as having significant disproportionality for African American students in the SLD category in January 2019, District A made both system level changes as well as provided targeted training on referral practices and eligibility determinations to all IEP Chairpersons. In addition, the district revised its SLD Team Report for eligibility determinations in October 2019 and increased the monitoring of files for African American students that were being identified as having SLD in an initial evaluation. The increased attention was intended to reduce the numbers of African American students identified in the SLD category. These efforts could potentially account for the slight decrease in the SLD risk ratios. However, at the same time, the increases in ED and ID categories may indicate that IEP teams may have looked to other disability categories when

determining special education eligibility for African American students to avoid the SLD category.

Figure 16 below shows that the risk ratios for White students identified in the categories of ED and ID decreased over the four school years and slightly increased in SLD over that same timespan. For all three categories, the relative risk of white students was below 1.0 showing overall decreased risk.

Figure 16

District A Risk Ratio for White Student Identification for Three IDEA Disability Categories 2018-2021



As noted earlier, the state monitors risk ratios for six IDEA disability categories. The following tables present risk ratios for White and African American students for each of the six IDEA disability categories and show stark differences between the two subgroups in all disability categories except Speech Language. Overall, the risk ratios for White and African American students since 2018 have

opposite trends, that is, when risk ratios for White students in certain categories decreased, the risk ratios for African Americans increased.

Table 12

District A Risk Ratios for Six IDEA Disability Categories from 2017-2018 to 2020-2021 School Years for White and African American Students

	2017-2018		2018-2019		2019-2020		2020-2021		% Change 2018-2021	
IDEA Disability	W	AA	W	AA	W	AA	W	AA	W	AA
Autism	0.72	1.46	0.59	1.94	0.60	1.77	0.65	1.81	-9.72	23.97
Emotional Disability	0.83	1.96	0.61	2.36	0.57	2.83	0.49	3.05	-40.96	55.61
Intellectual Disability	0.65	1.83	0.88	1.33	0.72	2.30	0.67	2.61	3.08	42.62
Other Health Impairment	0.87	1.68	0.77	1.72	0.89	1.59	0.90	1.49	3.45	-11.31
Specific Learning Disability	0.62	2.38	0.62	2.41	0.60	2.42	0.65	2.28	4.84	-4.20
Speech Language	1.02	1.05	0.98	1.19	1.09	1.18	1.23	0.96	20.59	-8.57

Between 2018-2021 the greatest increase in risk for African American students evaluated for special education eligibility was being identified in the category of ED, with an increase of 55.61%. The next highest increase (42.62%) was in the category of ID. The risk of African American students being identified as having OHI, Speech/Language or SLD all decreased over the period of time.

To provide some context for understanding the changes in identification, it is important to note that the district enrollment remained stable between the 2017-2018-2019-2020 school years. In 2020-2021, during the COVID-19 pandemic, there was a

4% decrease in enrollment. The percentage of students with IEPs increased slightly between the 2017-2018 and 2020-2021 school years, from 9.3% to 9.6%.and the percentage of White and African American students with IEPs changed little between those school years. White students with IEPs in District A represented 68-71% of the total while African American students represented 13-14% between 2017-2018 and 2020-2021 school years. Therefore, the changes in relative risk ratios do not appear to represent fewer White students or more African American students being identified as eligible for special education.

Individual School Data. Risk ratios for White and African American students for each of the three IDEA disability categories (ED, ID, SLD) were examined by individual school. The data below are for the nine schools that were part of this study and are displayed in Tables 13-15 below.

Table 13

Emotional Disability Risk Ratios for Identified Schools*

	2017-2018		2018-2019		2019-2020		2020-2021		Percent Change 2018-2021	
School	W	AA	W	AA	W	AA	W	AA	W	AA
A	0.26	0.00[a]	0.34	1.07	0.10	3.32	0.00	7.91	-99	+791
B	0.00	0.00	0.00	0.00	0.52	2.79	1.52	0.00	+152	0
C	0.00	0.00	1.09	0.95	0.52	1.57	0.26	2.36	+26	+236
D	1.22	2.12	1.83	1.21	1.35	0.67	0.23	3.49	-81	+65
E	0.91	4.39	0.00	0.00	0.00	0.00	0.00	0.00	-91	-439
F	0.00	0.00	0.00	0.00	0.51	0.00	0.00	0.00	0	0
G	0.23	3.09	0.00	0.00	0.57	4.69	0.93	2.77	+304	-10
H	0.00	0.00	0.96	1.20	0.00	0.00	1.40	0.00	+140	0
I	0.12	21.10	0.23	12.49	0.45	3.14	0.24	2.89	+100	-86

*Note: All Risk Ratios reported in Table 13 had populations that fell below the minimum cell size (5) or minimum n-size (20).

[a]Risk ratios reported as 0.00 indicate the school did not have any students in the race/ethnicity category identified as having that IDEA disability.

Table 14

Intellectual Disability Risk Ratios for Identified Schools*

	2017-2018		2018-2019		2019-2020		2020-2021		Percent Change 2018-2021	
School	W	AA	W	AA	W	AA	W	AA	W	AA
A	0.00[a]	0.00	0.00	0.00	0.58	4.42	0.00	0.00	0	0
B	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0
C	0.73	0.00	1.09	0.95	0.87	0.67	0.52	2.82	-29	+282
D	0.61	4.25	0.00	0.00	1.35	0.00	0.23	1.16	-62	-73
E	0.00	2.93	0.11	2.49	0.23	2.00	0.28	2.63	+28	-10
F	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0
G	0.00	0.00	0.00	0.00	0.00	0.00	1.24	2.08	+124	+208
H	0.31	10.17	0.64	4.80	0.65	5.44	0.00	0.00	-31	-1017
I	0.00	0.00	0.00	6.23	0.15	18.86	0.24	11.58	+24	+1158

*Note: All Risk Ratios reported in Table 12 had populations that fell below the minimum cell size (5) or minimum n-size (20).

[a]Risk ratios reported as 0.00 indicate the school did not have any students in the race/ethnicity category identified as having that IDEA disability.

Table 15

Specific Learning Disability Risk Ratios for Identified Schools

	2017-2018		2018-2019		2019-2020		2020-2021		Percent Change 2018-2021	
School	W	AA	W	AA	W	AA	W	AA	W	AA
A	0.65*	2.23*	0.51*	1.43*	0.29*	3.54*	0.37*	2.38*	-43	+6.7
B	0.29	7.79	0.61*	2.88*	0.69*	5.59*	1.52*	2.35*	+424	-70
C	0.49	1.31*	0.47	2.52	0.52	3.07	0.52	2.75	+6.1	+110
D	0.61	1.93	0.52	2.59	0.39	3.02	0.27*	4.66	-56	+141
E	0.62	1.65*	0.65	1.54*	1.26*	0.00*[a]	1.52*	0.00*	+145	-165
F	0.00*	0.00*	0.98*	4.80*	0.68*	3.37*	0.72*	3.39*	+72	+339
G	1.09	1.54*	1.35	0.76*	0.65	1.71*	0.62	2.31	-43	+50
H	0.63	3.39*	0.77	1.80*	0.92	1.81*	0.47	3.28	-25	-3.2
I	0.61	2.64	0.53	2.83	0.59	2.69	0.70	3.40	+15	+29

*Note: Risk Ratios noted with * had populations that fell below the minimum cell size (5) or minimum n-size (20).

[a]Risk ratios reported as 0.00 indicate the school did not have any students in the race/ethnicity category identified as having that IDEA disability.

Due to the small number of students in District A identified as having ED or ID (72 and 49, respectively), the number of students identified in these categories fell below the minimum reporting cell size (5) or minimum n-size (20) in each of the 9 schools. Therefore, the risk ratios reported for ED and ID should be viewed with caution when interpreting the data. In the category of SLD, all nine schools exceeded the state benchmark for African American students except one. School E, which had no change in risk ratios since 2019-20 school year but also had their SLD populations fall below the minimum cell or n-size.

To provide context for school-level data, among the 9 schools, 7 had regional special education programs meaning that children with a particular disability or a

level of need that could not be provided at their schools of residence, or “home school,” would be bussed to the school that had the regional program. However, the programs are generally non-categorical and students with the disability categories of ED, ID and SLD are provided their services in their home schools through a continuum of settings and arrangements. Only 1 of the 9 schools had a behavioral regional program in which more students with the disability category of ED might be placed and 3 of the schools had a functional skills program where students identified in the disability category of ID might be placed. However, the school with the behavioral regional program did not have the highest risk ratio for African American or White students identified as ED in the 2020-2021 school year.

School A had the greatest increase in the risk ratio for African American students identified for ED (RR = 7.91) and exceeded the state benchmark for SLD (RR = 2.38). School A’s enrollment is primarily White at 62% and approximately 20% of the students identify as African American. Students with IEPs represent 13.7% of the student population, higher than the district average of 10%. Of those students with IEPs, 23.9% were African American and 52.1% were White. School A also is one of four district schools with a special education regional program for students who typically have a disability code of Autism and are participating in Alternate Standards.

School C exceeded the state benchmark for risk ratios for African American students in all three disability categories in the 2020-2021 school year. Over the four school years, the risk ratios for African American students increased in all three disability categories while the risk ratios for White students decreased in the disability

categories of ID and SLD and slightly increased in the category of ED (the risk ratio for ED in 2020-2021 was 0.26). However, when comparing the risk ratios for ID by race, the risk ratios for African American students at School C have increased by 282% while the risk ratios for White students decreased by 29%.

School C's student population was majority White (64.7%), and African American students represent 17.2% of the enrollment. The percent of students with IEPs was 10.8%, of which 35.7% were African American and 51.8% were White students. School C was one of five schools in the district with a regional program for students who typically are not identified as having Autism (students who receive services in this program typically have disability classification of ID or Multiple Disabilities) but are participating in Alternate Standards. Students participating in this program may have a disability classification of ID.

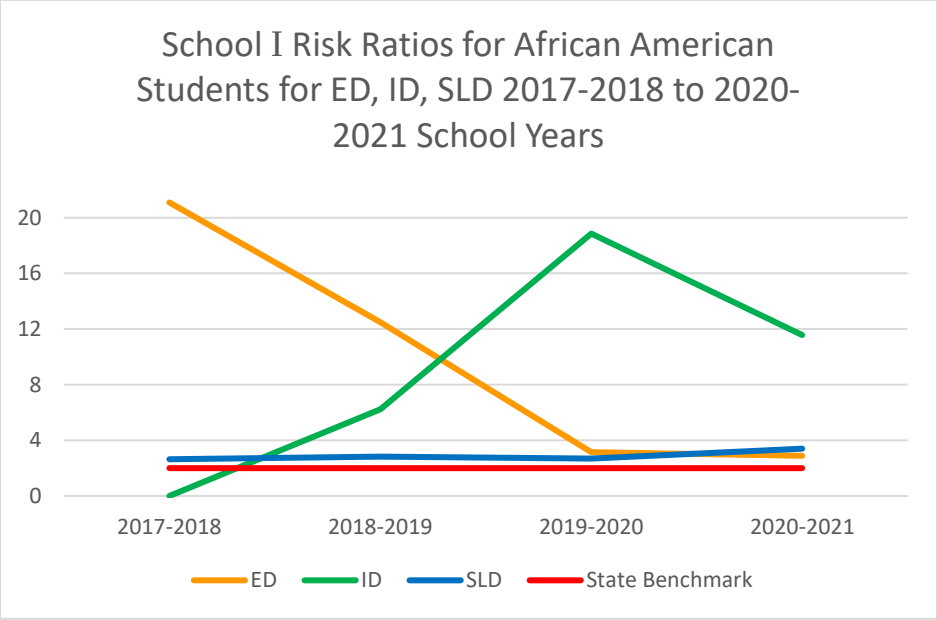
School D had the largest increase in risk ratios for African American being identified for SLD and exceeded the state benchmark for SLD and ED in the 2020-2021 school year. This school had a student population of 22.8% African American and 55.9% White and 9.2% of the students had IEPs. A third (33.3%) of students with IEPs at School D were African American and 48.3% were White. School D was the only school out of the 9 that had an increase in the risk ratio for African American students identified as having SLD in each year since the 2017-2018 school year, despite the increased monitoring and training at the district level. During the same time, the risk ratios for White students being identified as having SLD steadily decreased.

School I is particularly interesting as it possibly illustrates the researcher's speculation that in response to the need to reduce risk ratios in SLD, school IEP teams would adjust criteria to meet achieve an eligibility determination in a different IDEA category. The school's student population included 14.9% African American students and 64.5% White students and.15.5% of the students at School I had IEPs, above the district average. A fifth of the students with IEPS (20%) were African American and 58.9% were White students. School I did not host any special education regional programs.

School I consistently exceeded the state benchmark of 2.0 for African American students identified as having SLD beginning in the 2017-2018 school year. Figure 17 below displays the variation in risk ratios for African American students for ED, ID and SLD.

Figure 17

School I Risk Ratios for African American Students for ED, ID, SLD 2017-2018 to 2020-2021 School Years



As Figure 17 indicates, the risk ratio for African American students identified as having SLD remained relatively stable and above the state threshold across the years, with a slight increase in 2019-2020. However, over the span of two school years School I dramatically decreased the risk for African American students identified as having ED but at the same time increased risk for identification in the category of ID. Caution is needed in interpreting these shifts given the small number of students with a disability label of ED and ID. It is possible that the changes could be due to a few students enrolling in or withdrawing from School I as opposed to actions in response to the designation as having significant disproportionality. Yet, the risk ratio for White students at School I remained stable and below the state benchmark for all three disability categories; thus, it is possible that students were found to be re-eligible for IDEA services under different disability categories than their original designation. If this was the case, further investigation is necessary given the very different eligibility criteria for ED and ID.

Focus Group and Follow Up Interview Results

Results of the analysis of the focus group discussions are presented in the following sections. As discussed in Section 2, two focus groups were conducted, one with secondary IEP Chairpersons and one with elementary IEP Chairpersons. The purpose of the focus groups was to address the research questions: *in what ways, if at all, do IEP Chairpersons consider the state mandated risk ratio benchmark when determining eligibility of African American students for special education?* and *what, if any, changes in special education eligibility policies or procedures do IEP Chairpersons perceive have resulted from state mandated risk ratio benchmarks?*

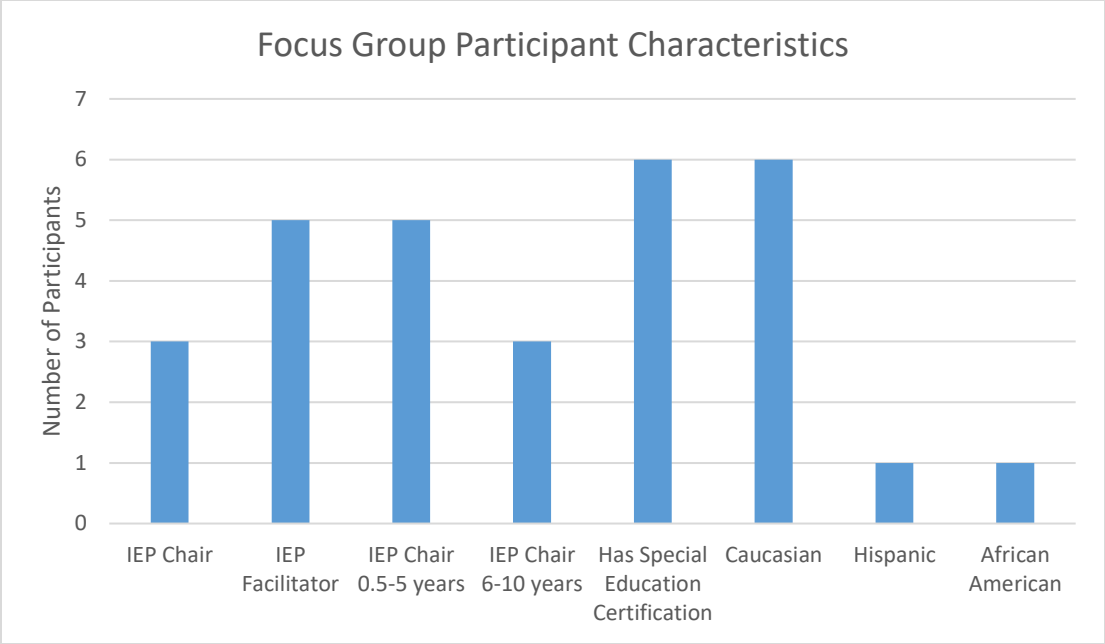
The focus groups were conducted following the data analysis in part because the original intent was to discuss more specifically the analysis data and why the significant disproportionality was continuing and increasing in the district. However, during each focus group, when participants were asked to describe their roles and their understanding of the intent of the benchmarks, it became apparent that there was inconsistent or a lack of understanding about the state mandated risk ratio benchmarks and the meaning of the analysis, as well as the intent of the regulations. Therefore, the researcher shifted the focus groups discussions to discuss general processes, their use of eligibility tools, and their understanding of significant disproportionality.

A total of 8 IEP Chairpersons participated in the focus groups which were conducted and recorded via Microsoft Teams. Focus Group 1 with 3 secondary IEP Chairpersons lasted 45 minutes and the Focus Group 2 with 5 elementary IEP Chairpersons lasted approximately one hour.

Overview of Focus Groups. The two focus groups began the same way, with a question asking each of the IEP Chairpersons how long they had been an IEP Chairperson in District A. Participants reported a wide range of years' experience, Most participants also had special education teacher certification. Figure 18 displays the characteristics of the focus group participants.

Figure 18

Focus Group Participant Characteristics



In terms of contributing to discussions, Focus Group 1 had two participants, Chairpersons 1 and 2, who were the most vocal among the three secondary Chairpersons and most likely to offer an initial response to each question throughout the entire focus group discussion. Chairperson 2 was highly opinionated regarding the special education process and eligibility decision-making. At the same time, Chairperson 2 disclosed that she was not aware of the significant disproportionality data and that she didn't know "what [the state is] looking for." She stated, "If I'm qualifying a kid, I can guarantee you I have evidence to support it." Chairperson 2 was the only IEP Chairperson of the 8 to note that *if* [emphasis added] teachers were aware of the state mandated benchmarks, "it would absolutely, one hundred percent, impact everybody's decision in that meeting." She forcefully expanded on her comments:

> If I went into a meeting knowing which areas we were significantly [disproportionate], it would absolutely…impact

> everybody's decision in that meeting. [For example, they might say] 'Well, too high in this [category], so let's [consider eligibility in this category].' I think [the state mandate process is] one hundred percent wrong. I am not a fan of quotas. I feel if a student meets the criteria, they meet the criteria, and I've proven it, I'm giving you data, I'm giving you explanations. Sorry, [if] it's above what the state wants…And I don't feel the need to share [the state benchmarks with the IEP team]...it one hundred percent taints people's input.

Chairperson 3 in Focus Group 1 was often prompted by the researcher to provide a response and tended to veer off topic. When this occurred, the researcher prompted her to reflect on the question. Chairperson 3 may have reacted to how Chairperson 2 and to a degree Chairperson 1 dominated the conversation and might have been reluctant to provide strong opinions.

In Focus Group 2, Chairperson 6 was the most vocal participant. Chairpersons 4, 5 and 7 contributed somewhat equally and seemed comfortable offering their opinions and personal experiences. Chairperson 8 required prompting by the researcher to provide a response; however, her responses were on topic when she did share them. Chairperson 7 tended to veer off topic the most and frequently spoke about "interventions". She seemed unconcerned with the district's significant disproportionality status and did not attribute it to her own work as she stated, "I've never known a time in this county that we were not disproportionate…I have very few students that are SLD…but I talked to other people at the middle school; they

have lots of SLD kids." This participant shared her personal experience as a teacher which appeared to contrast with her comments as an IEP Chairperson: "I was that person who said, 'No we have to test them, and it doesn't matter if it's a black male. I'm sorry, it doesn't." Overall, the Chairpersons in Focus Group 2 had more dialogue and conversation than participants in Focus Group 1, despite having a larger number of participants. An analytic memo was completed after both focus group sessions were concluded to capture impressions of the discussions, increase the researcher's awareness of experiences, and record the development of ideas and questions (See Appendices J and K).

As noted in Section 2, content analysis and both deductive and inductive descriptive coding was used to analyze the focus group transcripts and to ensure the analysis was systematic and valid. As noted, the focus group recordings were transcribed through the artificial intelligence software Otter.ai. The eight participating IEP Chairpersons were identified as *Chairperson 1, Chairperson 2, Chairperson 3, Chairperson 4, Chairperson 5, Chairperson 6, Chairperson 7,* and *Chairperson 8.*

To begin the analysis, the researcher first sorted and read transcripts by focus group and noted any errors in transcriptions and compared to notes in the analytic memos. Next, the researcher read the responses to each question across both focus groups (as well as the follow up and administrator interviews discussed below) and used descriptive line by line coding by question across all 8 participants. Key words (e.g., "confusion") and phrases ("part of a team") were noted and assigned to a group of common terms or phrases.

The researcher repeated the steps in the analysis for individual interview transcripts and added any novel key words or phrases to the initial set of groups. As noted in Section 2, this initial step of grouping common words and phrases yielded 47 groups. The researcher then used inductive coding to further combine the groups into 9 categories that represented the initial set of codes that emerged from the data set.

After two weeks, the researcher repeated line by line reading of all transcripts and identified additional terms and phrases; however, these additional phrases were determined to fit within the existing 9 code categories. Only two revisions to the code categories were made and that was based on peer feedback and involved changing the label of one code category from "Understanding" to "Knowledge" and changing the label of another code category from "Professional Team Practice" to "IEP Team Practice" (See Appendix L for the final codes and terms/phrase categorizations). In the following sections, analysis of focus group results are presented by question area and the assigned code.

Findings by Questions 2-7. As noted above, the first question asked participants about how long they had been an IEP Chair. The second question asked participants to think about how they would describe their role in the process of determining students to be eligible for special education. A summary of key codes that emerged from the line-by-line transcript coding is presented by question below.

Table 16

Key Codes and Evidence from Focus Group Reponses to Question 2

Question 2	Key Codes	Evidence
Please think about the top three ways that you would describe your role in the process of determining students to be eligible for special education.	Role and Responsibilities	• "I see [my role] as part of a team." • "[Eligibility] is a team decision." • “There have been a couple of cases that I think that we have requalified that I probably wouldn’t have, if it were only me, but since it’s a team decision.” • "I more facilitate the discussion and clarify questions or ask questions so that the team is all on the same page." • “I will have the psychologist [or speech pathologist] pull up the form and go through the questions.”
	IEP Team Practice	• “start with…the SST process…see what [interventions] we’ve done...” • “[pre-referral] process…is lacking… supposed to go through SST.” • “…interventions, whether they’re researched or evidenced based.” • “…ensure [interventions are] done to fidelity, and what kind of intervention...” • "Sometimes we kind of play intervention roulette...don't give it enough time...we don't match the actual weaknesses...” • “teams [are] very resistant to changing an eligibility…”

Two major areas emerged from the transcript analysis: *Role and Responsibilities,* and *IEP Team Practice*. Most notable was the agreement among participants in both focus groups that the role of an IEP Chairperson is that of a facilitator and part of the IEP team and not a decision-maker. In fact, the participants seemed to indicate they were

not even the leaders of the team and had a more limited role of data review. This may have been a reaction to the purpose of the focus group which was to discuss the District's significant disproportionality status, yet the sense was that they distanced themselves from having a role in making the final decision. As an example, one Chairperson stated that school psychologists "have to approve the eligibility decision of the team."

All 8 participants focused on their role in the pre-referral process such as reviewing data from interventions that were implemented in the general education classroom prior to the eligibility determination IEP meeting. The discussions then moved to how appropriately or inappropriately classroom interventions were being implemented and matched to student need and if they were being implemented with fidelity. Several issues arose about reviewing the student progress monitoring data (of the pre-referral intervention) in order to make special education eligibility decisions. This discussion seemed to indicate that the Chairpersons saw their roles as mostly limited to reviewing a student's educational history and the impacts of the pre-referral interventions.

The Chairpersons pointed out a number of discrepancies across school practices regarding how interventions are provided to students during the pre-referral process. One participant described the pre-referral intervention process as playing "intervention roulette" and explained that interventions aren't done for enough time and "don't match the actual weakness with what's needed." However, another participant noted that her IEP team thoroughly reviews the student's education history

and stated that in other schools the “IEP team doesn’t really dig into that educational history.”

Question three asked IEP Chairpersons about the special education eligibility tools they use, what, if anything is unclear about the tools, and if they feel the tools help IEP teams make an accurate eligibility determination. All participants indicated they use the eligibility tools that District A provides. The key codes from question three responses were *IEP Team Practice, Roles and Responsibilities* and *Perceptions* as shown in Table 17.

Table 17

Key Codes and Evidence from Focus Group Reponses to Question 3

Question 3	Key Codes	Evidence
What eligibility decision tools, if any, do you use to help determine special education eligibility?	IEP Team Practice	• "I always use the county eligibility forms, and show them to parents..." • “We use the tools and…we post it, we go through it, and I do think that we put a lot of thought into it.” • “the tools] are effective in helping us make good decisions.” • “There's no question [with the eligibility tools] that the student would qualify for that [disability].” • “You could have…different opinions on the primary [disability]. • The ultimate goal is to service the child, not to give them a label.” • “I always feel like am I capturing the right pieces of data?” • "... that stuff was hard to grasp. I wish we had some more [training] so that we could really understand it better so that we could explain it to parents better.”

Question 3	Key Codes	Evidence
What eligibility decision tools, if any, do you use to help determine special education eligibility?	IEP Team Practice	• "The special education teacher needs to be able to present in tandem with the psychologist." • "That pattern of strengths and weaknesses would be…more clear if our [psychologists] came [to the IEP meeting] with some sort of plotted visual."
	Role and Responsibilities	• "It should be the expert in that field, who's completing the eligibility tool." • "[psychologists] have to approve the eligibility decision of the team."
	Perceptions	• "I find the [eligibility tool] wording…is awkward." • "Developmental Delay [eligibility tool]…it's a bit confusing on the top..." • "The patterns of strengths and weaknesses…was hard to grasp…I wish we had more [training] so we could…understand it better so we could explain it to parents better." • "... there's a lot of gray that you have to encompass with that discussion as you're filling out those eligibility forms to make sure you're doing right by the child."

In addition to discussing tools, a follow-up question inquiring whether there is anything unclear about the tools resulted in some comments. There were relatively few responses to the question, but four participants shared that the wording on some forms is confusing and noted that the SLD form was particularly "awkward." With respect to tools, Focus Group 1 participants discussed the need for multiple data points and assessments. Chairperson 1 appeared to suggest that [IEP teams] need to

use judgment in the eligibility decision-making process when she noted, “we have to be really careful not to just use a formal assessment because sometimes that doesn’t match the college and career standards.” She asserted the need to “make sure that you’re doing right by the child.” Chairperson 3 responded to a previous question and noted some eligibility decisions in which she disagreed and concluded that the students would not have requalified for special education “if it were only me, but since it’s a team decision [the students were found to be re-eligible for special education].”

Question four reminded IEP Chairpersons that the state has set specific benchmarks and procedures for determine significant disproportionality in the identification of students for special education. Participants were asked to reflect on what was most confusing about significant disproportionality. The key codes that emerged from responses were *Knowledge, IEP Team Practice, Perceptions, and Impact of State Mandate,* as shown in Table 18.

Table 18

Key Codes and Evidence from Focus Group Reponses to Question 4

Question 4	Key Codes	Evidence
What’s most confusing about significant disproportionality?	Knowledge	• "I've been confused and actually very frustrated.” • "I just know we're disproportionate and it's African Americans and it's now ED and ID as well...I don't really know all the numbers." • "I've never known a time in this county that we were not disproportionate."

Question 4	Key Codes	Evidence
What's most confusing about significant disproportionality?	Knowledge	• "We didn't know enough about SLD and that caused us to overidentify." • "I feel if a student meets the criteria, they meet the criteria…Sorry, [if] it's above what the state wants." • "I don't want it to skew people's decision-making."
	IEP Team Practice	• "It's important that we get students what they need [for special ed services]." • "I've had meetings with teams like, 'No, that's what [student was] eligible as, that's what we're keeping [student] as.'"
	Perceptions	• "If [elementary] were doing [early interventions] would they have been identified to begin with?" • "[Students] come to us [with SLD label]." • "At the middle school they have lots of SLD kids." • "If I went into a meeting knowing which areas were significantly [disproportionate], it would absolutely impact everybody's decision in that meeting… That's one hundred percent wrong…I don't need to share [the state mandate with the team]."
	Impact of State Mandate	• "I find that schools...don't have conversations about [significant disproportionality]..."

The researcher asked participants what they thought was the intent of the state benchmarks and across both Focus Groups, the comments demonstrated a lack of understanding of significant disproportionality and the benchmarks or the intent of

the federal regulations and state mandate. For instance, Chairperson 2 in Focus Group 1 stated the intent of the law was about discrimination. When asked to clarify her comments, she explained, “I really feel like it is more about stereotypes, trying to avoid them, and avoiding discrimination practices [which] may be very heavily influenced by recent political events.” Chairperson 1 in the same Focus Group noted the intent was to avoid any sort of bias and “they’re trying to make sure that the students we do identify truly have a disability.” Chairperson 3 in Focus Group 1 questioned how the state derived the benchmarks and whether school systems’ circumstances were considered. She stated that parents moved to District A because of the special education services, so if district A has “the same limit [meaning significant disproportionality threshold] as everybody else, that just doesn’t’ seem like that’s fair.” In focus Group 2 only Chairperson 5’s response indicated any understanding of the intent of the benchmarks by stating that they are, “to show that relative to the population it appears as though there’s over identification.” None of the other participants offered a response or expanded on that comment.

Question five asked participants in what ways, if at all, has their school’s special education referral practices or processes changed as a result of the state-mandated risk ratio benchmarks. In their responses to the prior question, both Focus Groups had indicated a lack of awareness of the state benchmarks so in response to question five, the discussion focused on the greater impact of the COVID-19 pandemic and resulting school disruptions. The Chairpersons commented on the increased number of parent referrals for special education evaluations during the 2020-2021 school year which was virtual instruction for most of the school year, as

well as the 2021-2022 school year when students returned to in-school instruction. Participants attributed the increase in parent referrals to the virtual instruction and the impact of the pandemic on the instructional school year. The researcher did not ask whether the parent referrals were for African American or White students, although historical district-level data show that referrals from parents of White students far exceed those of African American students.

Only one Chairperson clearly indicated that there had been a change in her school's special education referral practice because of the district's significant disproportionality designation, stating, "do I think our practices have changed because of the disproportionality…yeah, I think SST and…really knowing kids and putting things in place… I'm in SST so I really have followed these kids before they come to the IEP table." Chairperson 1 in Focus Group 1 stated that, "there's more understanding" but followed the statement with "but I will never tell you…if a student requires specialized instruction…and it's an African American male, that we don't give it to them because of the numbers." Another Chairperson indicated that there had been a change in her school's special education referral practices; although it was difficult to ascertain whether this was due to the state mandate or the impact of the COVID-19 pandemic as the participant had stated earlier in her response to question 4 that "schools...don't have conversations about [significant disproportionality]..." The key codes that emerged from question 5 include *Impact of State Mandate, Impact of Pandemic,* and *Perceptions* as shown in Table 19.

Table 19

Key Codes and Evidence from Focus Group Reponses to Question 5

Question 5	Key Codes	Evidence
In what ways, if at all, have your school's special education referral practices or processes changed as a result of the state-mandated risk ratio benchmark?	Impact of State Mandate	• "I haven't seen a change." • "There's more… understanding… through that CCEIS process because we are talking about it at team meetings." • "I will never tell you...if a student requires specialized instruction...and it's an African American male, that we don't give it to them because of the numbers." • "I've been at…school for three years, and I've never heard one conversation about [the state mandate]." • "I feel like [now] we really know our kids before they [are referred to the IEP team]." • "What if you miss someone? …it doesn't matter if it's a black male."
	Impact of Pandemic	• "...the impact of the pandemic is going to be significant...it's a very gray area right now." • "There is a hesitation to rush to referral now." • "...the pandemic has definitely changed [referral practices]...now every student is going to have some gap..." • "Last year...was virtual teaching and parents...at home with their kids...we had so many [parent initiated] initial [referrals] last year." • "We have a lot of parents requesting testing now, absolutely."

Question 5	Key Codes	Evidence
In what ways, if at all, have your school's special education referral practices or processes changed as a result of the state-mandated risk ratio benchmark?	Perceptions	• "We do what's right by kids..." • "I think we do what's best for our students who are struggling...no matter if they do happen to fit certain criteria for demographics." • "Some people lack confidence in the [eligibility determination] process. They would rather err on behalf of the students." • "I don't think [teachers] know what the state benchmarks are; I'm not familiar..."

For question six, IEP Chairpersons were asked to distinguish differences between eligibility decisions for initially referred students versus eligibility decisions for students being re-evaluated. Participants from Focus Group 2 seemed to presume that once students were determined eligible, they would be found to be re-eligible in the same disability category. For example, Chairperson 6 explained, "the lens [is] really narrowed and focused for any initial but [not for] the reevaluation." Chairperson 5 shared that re-eligibility decisions have "a different feeling [about the level of scrutiny for eligibility determination compared to re-evaluation eligibility decisions]."

The researcher had the impression that during the discussion of question six, some of the IEP Chairpersons were hesitant to share their specific eligibility decision-making practices or processes. For example, Chairperson 4 stated, "I was afraid to say it [in the focus group]…[when considering re-eligibility disability categories] it's like, 'could he possibly be OHI?" The researcher interpreted this comment as IEP

teams considering other IDEA disability categories that were not identified as having significant disproportionality.

Table 20

Key Codes and Evidence from Focus Group Reponses to Question 6

Question 6	Key Codes	Evidence
Are eligibility decisions different for initials versus reevaluation? What are some examples of differences?	IEP Team Practices	• "A lot of those [re-eligibility] meetings are approached with the presumption that the student is going to continue to be eligible." • “It’s always a shock, like, ‘Oh, they’re not going to qualify anymore.” • “[Re-evaluation meetings have] a different feeling.”
	IEP Team Practices	• “[Eligibility classification] shouldn’t be a choice. It should be what is most [impacting.]” • "...for [re-eligibility]...it's well, would they be this [disability category]? Or would they be, you know, the catch-all for everything, OHI?" • "We always want what's best for the child, but it's like, could he possibly be OHI [instead of SLD]?"

The final question, seven, asked participants to review District A’s risk ratio data for identification of the 6 specific disabilities. After participants had an opportunity to review the data, the IEP Chairpersons were asked to share their thoughts about why the district’s data looked the way it did and to provide any ideas that might help to improve the district’s significant disproportionality status. The key codes that emerged from question 7 are show in Table 21 below.

Table 21

Key Codes and Evidence from Focus Group Reponses to Question 7

Question 7	Key Codes	Evidence
Please take a moment to review these data and reflect on why you think the district's data looks the way it does. What ideas do you have that might help to improve the district's significant disproportionality status?	Questions	• "Is it because we have disproportionately larger numbers of white students?" • "What's the average age students are initially eligible for special education services?" • "What tools are we using to [determine eligibility]?" • "Are [students] really getting…Tier 1, 2, and 3 interventions?" • "I just wonder if we decided to pick a different disability code?"
	Questions	• "How does [eligibility] change over time [for a re-evaluation] versus initial [eligibility?" • "…what [have states without significant disproportionality] implemented?"
	Perceptions	• "she probably wouldn't have qualified but we…couldn't take those supports away from her." • "Initial eligibility…sets the tone." • "It's just presumed that [students] continue to be eligible." • "It's certainly not the easiest to be found eligible in SLD." • "There is inconsistency with [data points for eligibility] across our county."
	Suggestions	• "We have to give [interventions] enough time before we start…placing a label." • "The curriculum moves far too quickly." • "[Interventions] aren't provided consistently and [not] started soon enough." • "…address students' weaknesses across content areas, a cross-curricular approach." • "Frequent, distributed practice."

Question 7	Key Codes	Evidence
Please take a moment to review these data and reflect on why you think the district's data looks the way it does. What ideas do you have that might help to improve the district's significant disproportionality status?	Suggestions	• "…empowering of gen ed teachers…" • "…empowering the teachers and that whole inclusive mindset." • "Building the capacity [of teachers] to look at data and [identifying] what does that data mean." • "Progress monitoring…digging deeper… then addressing/targeting those [skills] and monitoring [student] progress, that's critical."

When presented with the district data, Focus Group 1 participants struggled at first to discuss the data. Instead of discussing the overall data displayed on the screen, Chairperson 3 began discussing her issues with a specific re-eligibility consideration for a student with Down Syndrome. Chairperson 2 then responded to her with suggestions for what Chairperson 3 should do regarding the student's eligibility. The researcher attempted to redirect the conversation back to the district significant disproportionality data; however, Chairpersons 2 and 3 continued to discuss the case of the student and her re-eligibility determination. Chairperson 3 continued to suggest how to address the specific problem.

The researcher then prompted Focus Group 1, who were the secondary IEP Chairpersons, to consider what might help the district improve the data. Chairperson 1 responded [that the problem is] the average age that students initially become eligible for special education services, "Because when you're making that initial eligibility [determination] that kind of sets the tone." This implied that the problem is at the elementary school level. This Chairperson also noted as a suggestion that there

should be evidence the IEP team could review at the eligibility determination meeting to verify and review what supports had been in place, including interventions, prior to the student being found eligible. Again, she implied that students were being found eligible under the SLD category without prior interventions. Chairperson 3 stated she thought the school system has done a better job with pre-referral interventions but supported Chairperson 1's response and asked, "when were [students] qualifying?" She seemed to agree with Chairperson 1's assertion that students were qualifying, and their disability determined, prior to middle school. None of Focus Group 1 Chairpersons appeared to express any responsibility or role in changing a student's disability category or removing a student's overall eligibility during re-evaluations in middle school. However, that was not a direct question.

Focus Group 2 participants were in general more reflective and posed thoughtful questions when presented with the data. Yet, they too seemed to indicate that the core problem was with the re-evaluation process and students not exiting from special education. Chairperson 4 commented on the ED and ID risk ratios trending upward for African American students and SLD slightly decreasing. She noted, "I just wonder if we decided to pick a different disability code?" Chairperson 8 commented about inconsistencies with eligibility decisions among schools and attributed it to IEP teams being "somewhat flexible with [the student's intervention progress monitoring] data points [when determining eligibility for SLD]." Chairperson 6 considered whether the re-evaluation decisions presume continued eligibility and posed, "how does [the risk ratio] change over time if it's a re-eval versus initial [eligibility]?" Similar to Focus Group 1, the discussion seemed to

indicate that the Chairpersons saw the problem as stemming from the re-evaluation process and students not exiting from special education.

Participants in Focus Group 2 offered a variety of insights and ideas for how the district could solve the problem of having significant disproportionality. All but Chairperson 7 identified the need for building capacity of classroom teachers to meet the needs of students academically. All specifically identified pre-referral interventions, data collection and progress monitoring as areas which District A could improve. Chairperson 5 also inquired as to what other districts and states were doing to address the problem.

Results from Follow up Interviews. Two follow up interviews were conducted with focus group participants, one on February 15, 2022, with Chairperson 7 which lasted approximately 15 minutes, and one on February 17, 2022, with Chairperson 5 which lasted approximately 20 minutes. Chairperson 7 was contacted to elaborate on her comments regarding participating in IEP meetings where significant disproportionality may have been considered. The researcher noted Chairperson 5's thoughtful responses during the focus group discussion and wanted to learn more about how Chairperson 5 navigated eligibility determinations considering the state mandates as well as according to student race.

The key codes that emerged from the follow up interviews included *Perceptions, Impact of State Mandate, Equity, Knowledge,* and *Questions* and are shown in Table 22.

Table 22

Key Codes and Evidence from Follow Up Interview Reponses

Questions	Key Codes	Evidence
Reflect on a time you were in meetings when significant disproportionality was considered, were the state mandates considered?	Perceptions	• "…it did not matter what race this child was. He was struggling and he needed to be tested." • "He won't get an IEP if he's not in an intervention." • "We are making sure kids get what they need."
	Impact of State Mandate	• "Teachers don't care about whether the state wants another black child in special ed or not." • "I can't say that anything came out because of the state…"
	Equity	• "…it's in the back of our heads…what about bias? But no one says that; no one wants to bring it up." • "It's a larger conversation than what you can have at the IEP table." • "If we're not having conversations that are free of bias and prejudice, we're not addressing anything that leads up to disproportionality." • "This makes it hard for schools and hard to facilitate [IEP meetings]."
Are there different considerations regarding teacher referrals for students of various race/ethnicities?	Perceptions	• "I don't think [teachers] are thinking about race."
	Impact of State Mandate	• "Teachers refer kids regardless." • "Once we're at the [IEP meeting]…race isn't considered at that point."

Questions	Key Codes	Evidence
Please discuss the guidance and training you received about significant disproportionality.	Knowledge	• "[The Special Education Department] made it clear we have disproportionality, but we have to make individual decisions for kids. So that is confusing…we are disproportionate, but…we have to identify kids if they qualify."
	Questions	• "So how do we fix our numbers?" • "How long does [the financial penalty] last?"
	Perceptions	• "The state is going to keep fining us or whatever…" • "There's only so much money…"

Chairperson 7's comments reflect two important ideas that emerged during the focus groups. One is that IEP Chairpersons viewed special education services as a benefit and needed to help struggling students, regardless of issues of disproportionality. However, at the same time the discussion never focused on what responsibility classroom teachers might have beyond implementing the pre-referral intervention process. Chairperson 7's role, certification and experience as a special educator could have resulted in a narrowed and perhaps biased opinion of special education as being the "fix" for students who struggle.

Administrator Interview Results

The interviews with three central office administrators were designed to address the research question: *what, if any, changes in special education eligibility policies or procedures do central office administrators perceive have resulted from state mandated risk ratio benchmarks?*

Overview of Interviews. All central office administrators who were selected to participate in the study agreed to participate in an interview. The interviews were conducted 1:1. Two of the interviews were conducted and recorded in an in-person setting, and one interview was conducted and recorded via Microsoft Teams. The recorded interviews were transcribed through the artificial intelligence software Otter.ai. The three participating central office administrators were identified as *Administrator 1, Administrator 2,* and *Administrator 3.*

Findings by Questions. There were eight questions within the interview protocol. The first question was introductory and designed to put the administrators at ease at the start of the interview. Question one prompted administrators to share their teaching and administration experiences and backgrounds. The interviewees had between five and a half years to twenty-three years' experience an administrator in the district and had between five and a half years' and fifteen years' experience as a central office administrator in District A.

Next, administrators were asked a series of questions regarding their knowledge of significant disproportionality, how the state mandated risk ratio is impacting eligibility decisions in the district, what changes have resulted from the state mandates, how schools have been trained in response to the state mandates, how the state mandate addresses inequities for African American students, their role and responsibilities regarding significant disproportionality data, and finally, any additional information they wanted like to share. Codes and evidence of the administrator's responses to questions 2 through 8 are displayed in Table 23 below.

Table 23

Central Office Administrator Reponses to Interview Questions

Question	Code	Evidence
2: Please share your knowledge or understanding of special education federal regulations including IDEA and Significant Disproportionality.	Knowledge	Admin 1: "Our CCEIS data…support some of the actions within disproportionality and track students prior to being identified to ensure that they're getting the appropriate supports and interventions…" Admin 2: (unable to address) Admin 3: "As part of IDEA when school districts are significantly disproportionate…they have at least a 2.0 weighted risk ratio for a particular racial group of students with IEPs…over identified for identification of IDEA eligibility, or discipline or placement." "Our school system has been deemed as significantly disproportionate; I believe this is our third school year…"
	Roles and Responsibilities	Admin 1: "We are always monitoring disproportionality." "The special education department [is] constantly monitoring that data and working with school principals and administration and teachers to track that data, make sure that they're providing specific interventions prior to any types of referrals coming in."
3: What are your thoughts about how, if at all, the state-mandated risk ratio of 2.0 is impacting eligibility decisions for African American students for special education in the district?	Perceptions	Admin 1: "I really believe it's a way to increase the number of schools to identify the fact that schools identify, suspend and exclude kids more often. And to bring to light that it's a greater issue than what people might perceive when you don't meet the [2.0] threshold." Admin 3: "I think the weighted risk ratio of a 2.0 is fair…" "I really don't think at the school level [teachers] fully would even understand weighted risk ratio." "[Teachers] just see students who need help… I think it's less about students' race."
	Impact of State Mandate	Admin 2: "When looking at [the data], it hasn't decreased."
	Equity	Admin 2: "I don't know why race isn't talked about more…it's almost like we're afraid to." "If you don't get to the root…it becomes, don't identify them, or keep doing what you're doing, which ends up harming kids."

Question	Code	Evidence
4: What changes in special education eligibility policies or practices have resulted from state mandated risk ratio benchmarks?	Knowledge	Admin 3: "There's been a heightened awareness made to administrators."
	Roles and Responsibilities	Admin 1: "…it's also all special ed driven, which is problematic." Admin 3: "[The Special Education Department has] revised eligibility forms for any areas that were significantly disproportionate or at risk of becoming significantly disproportionate and conducted training on those eligibility forms…" "We've provided more proactive behavioral trainings and support. We've increased our behavioral specialist and technician staffing; we've increased our social workers across the system so that we're able to be more proactive."
	Impact of State Mandate	Admin 1: "…monitor[ing] the CCEIS data helps schools to keep it in the forefront of their mind and…ensuring that they're trying everything before they make that referral for identification for special education."
	Perceptions	Admin 1: "…in the classroom, teachers feel overwhelmed, and they may feel like they don't know what to do."
5: How have schools been guided or trained in response to the state-mandated target for the significant disproportionality risk ratio?	Equity	Admin 2: "if you're not honest about [the district's significant disproportionality data], I don't know any other way to address it…" "With the identification, it goes back to that external factor where…we're saying that genetically, inherently, African American students are going to have a disability, or there's something else going on."
	Roles and Responsibilities	Admin 3: "…we have provided [schools] with their data…"
	Impact of State Mandate	Admin 2: "I know there were certain things…like de-escalation strategies…But as far as any direction or guidance or anything like that, again…I haven't seen that." Admin 3: "…we also meet with key leaders from each school and go over the county data so that they can see where they're falling." "We get schools [identified as having significant disproportionality] maintaining at risk lists…" "I do think that schools are following the guidance."
	Suggestions	Admin 1: "…would be an interesting conversation…for the data to be shared with the instructional staff of the central office…"

Question	Code	Evidence
6: In what ways do you think the state-mandated target for significant disproportionality addresses inequities for African American students in the district?	Equity	Admin 1: "It does align to our equity work and what we're trying to do with creating that supportive environment where kids get what they need in the general ed classroom." Admin 2: "… it's either there's something inherent in African American students, they're genetically inferior, or there's something within the structure that is making that occur." "…if the student groups were flipped, I mean, we'd have bake sales and like we would completely change the structure of school." Admin 3: "…our equity policy looks at race. It looks at students with disabilities and that…connects to the significant disproportionality."
	Perceptions	Admin 1: "[It] also goes back to whether or not teachers feel equipped [to support students who may be struggling]." "I don't know that teachers necessarily see that they're referring black students more often." Admin 2: "The hardest thing on a daily basis is there is a great deal of comfort with the current data that we have. Because that's the way it's been." "…when people see this data, they are okay with justifying."
	Impact of State Mandate	Admin 1: "Whenever there's a light shone on something I believe that make a difference…" Admin 3: "…the state mandated significant disproportionality target really brings to light that there is an equity issue in our school system…"
	Role and Responsibilities	Admin 1: "…by using our equity work and attaching disproportionality to that helps to create that avenue…"

Question	Code	Evidence
7: Talk about your role and responsibility regarding the district's significant disproportionality data.	Role and Responsibilities	Admin 1: "I do have a role and I am responsible." Admin 2: "[my work is] definitely part of the [significant disproportionality] work. I have not been engaged explicitly in [significant disproportionality] work." Admin 3: (receiving and reporting data, monitoring files) "fiscal responsibility…write the grants…pull together the data reports for each school and lead the discussions at each school." "…training…with principals was also done with all IEP Chairpersons…"
	Suggestions	Admin1: "I have to make sure that I'm working in tandem with everyone to ensure that our district priorities are supporting the work of diminishing the disproportionality…for special education." "…all the things that we're putting together…really tie in with our system priorities and what's happening with our data, and we have to make sure that we're messaging out how all these things are tied together." Admin 2: "…the key piece being these [equity] opportunities that we're trying to do a grassroots effort." "I think our board, I think our administration, I think they should be working with a sense of urgency, they should be demanding better of us; our board should be asking these intense questions." Admin 3: "Each school has to develop an action plan for how they will address any area that is significantly disproportionate for their school."
	Equity	Admin 1: "If we don't [message how everything ties together]…people see these things as Special Ed's world." Admin 2: "It's so deep and pervasive of how we look at others, and that's what we're trying to shift."

Question	Code	Evidence
8: Is there anything else about the district's practices, the impact of the state-mandated target, or your experiences regarding special education referral and eligibility practices that you would like to share?	Perceptions	Admin 1: "Many of the few [secondary schools] that are identified for disproportionality in identification have received the kids… they get flagged…but their feeder patterns have done that to them." Admin 3: "[A] small number of students who are African American and identified as either SLD, ED, or ID [are] newly identified. So…a problem is…they need to continue to be eligible through their IEP teams…." "Our audits have shown that our practices are being followed. The procedures for eligibility are being followed…" "Interventions are not always done to fidelity…[or] for a long enough…time."
	Suggestions	Admin 2: "…the MTSS we are planning…if we can improve our core instruction, if we can better differentiate to meet the needs, then I think that will end up having an impact too." Admin 3: (strengthen intervention practices) "I would like to see more ownership over significant disproportionality from the Department of Instruction…" "If we really focus on tier 1…to develop more equitable and inclusive learning environments…that would help." "It is good that we are working toward developing a [true MTSS]."
	Knowledge	Admin 1: "…we have all these different [requirements] which is also frustrating…That causes just as much consternation with…staff because you have all of these different things that have different expectations, but yet you're monitoring them and you're monitoring them all in different ways."

The administrators' responses regarding their knowledge or understanding of special education federal regulations including IDEA and Significant Disproportionality ranged from deep to surface. The two administrators with more knowledge of special education federal regulations tended to answer in terms of collecting and monitoring data. The third administrator shared knowledge regarding disproportionality; however, it pertained to the general education discipline data and not special education.

Question three asked administrators to share their thoughts about how, if at all, the state-mandated risk ratio of 2.0 is impacting eligibility decisions for African American students for special education in the district. Administrator 1 noted that the impact of the state benchmarks was that it brings "to light that it's a greater issue than what people might perceive." Administrator 3 shared that the risk ratio is not fully understood at the school level and stated, "when it gets to teachers, I think they just see students who need help and if, depending on their skill set with how much they know how to help the students, that could lead to the student being referred to special education." Administrator 2 expressed that there hasn't been an impact "because nothing has changed [with the district's significant disproportionality status]." Administrator 2 continued,

> I would hope an impact would be more of a serious focus on the root cause, and…I know that hasn't happened… I don't know why race isn't talked about more…it's almost like we're afraid to… I don't know why that's not a more centerpiece of the conversations. Because if you don't get to the root, I don't care what else you do.

It becomes, don't identify them, or keep doing what you're doing, which ends up harming kids.

For question four, administrators were asked what changes in special education eligibility policies or practices have resulted from state mandated risk ratio benchmarks. Administrators noted changes the district's Special Education Department had made with eligibility forms, and trainings. Behavioral trainings and increased support were also noted. Administrator 1 expressed concern that it was "all special ed driven," and noted the need for a connection between general education and special education. Administrator 1 also noted teachers feel overwhelmed and may feel like they don't know what to do to support students who are struggling.

For question five, administrators were asked to share their knowledge of the trainings or guidance schools have received in response to the state-mandated target for the significant disproportionality risk ratio. This question revealed that only the special education administrator had provided trainings and offered guidance regarding significant disproportionality. Although Administrator 1 had a wealth of knowledge about many aspects of the district's priorities and initiatives, the trainings and guidance in response to the district's significant disproportionality status was not something in which Administrator 1 had participated. Administrator 1 noted, "I haven't participated in one of those [school-based CCEIS] meetings, nor do I know what particularly has been shared with IEP Chairs." Administrator 1 went on to assert the importance of including central office [general education] instructional staff to address the issue of significant disproportionality. Administrator 2 knew there was training but had not seen or taken part in any.

Question six asked administrators to reflect on the district's priority area of equity and to consider how the state-mandated target for significant disproportionality addresses inequities for African American students in the district. Administrators 3 and 1 acknowledged that the state mandated benchmarks for significant disproportionality exposes inequities. Administrator 1 made connections to the district's equity work and noted how addressing equity and significant disproportionality together "helps to create that avenue where teachers begin to see, 'wait a minute, I'm not giving this kid a chance…" Administrator 2 noted inequity with the district's apparent acceptance with the data and stated, "If those who were underserved were flipped to the dominant groups, [the district would] completely restructure school to what it really needs to be. That's the part that makes it hard, is there's a certain comfort level [with the data]. So, when people see this [significant disproportionality] data, they are okay with justifying."

Question seven asked administrators to talk about their role and responsibility regarding the district's significant disproportionality data. All three administrators reported they had a role in addressing the district's significant disproportionality data. Administrator 1 focused on the need to work in collaboration with various stakeholders. Administrator 2 expressed the need for accountability and high expectations from the Board of Education and Administration but asserted that the work has to come "from and through teachers."

For question eight, administrators were asked if there was anything else about the district's practices, the impact of the state-mandated target, or their experiences regarding special education referral and eligibility practices that they would like to

share. Administrator 1 noted the impact on secondary schools as they receive students from elementary feeder patterns who are already found eligible for special education. Administrator 1 also addressed the differing requirements for data collection and reporting from the federal and state levels. Administrators 2 and 3 discussed the need for a Multi-Tiered System of Supports (MTSS)[2] and differentiating supports to meet the needs of all students. Administrator 3 identified the origin of the problem as re-evaluations and students continuing to be found eligible for special education and explained, "we typically have a pretty small number of [newly identified] students who are African American and identified as either SLD, ED, or ID."

Analytic Memos

Analytic memos are a tool for researchers to engage in reflective practice to increase their awareness of experiences, record the development of ideas and questions, and reflect on the results of research (Gibbs, 1988). The first analytic memo was completed after the two focus groups were conducted (Appendix J). The memo documents the variations among IEP Chairpersons regarding the impact of the state-mandated benchmarks for significant disproportionality. The researcher was able to reflect on the fact that all participants indicated they use the district-provided special education eligibility tools; however, eligibility criteria for SLD was reported to be confusing.

---

[2]A Multi-Tiered System of Supports (MTSS) is a framework for schools to use to provide targeted academic and behavioral support to struggling students. MTSS typically includes three Tiers of supports: Tier 1 is universal, core instruction; Tier 2 is targeted, small group support; Tier 3 is individualized support (retrieved 4/3/22 from www.understood.org).

Document Analysis

An analysis of 12 documents was conducted as part of the qualitative phase of this research study. The purpose was to better understand district and state special education eligibility tools, CCEIS resources provided by the district, student referral practices in schools, and the district's priorities including its policy regarding equity. The document analysis illustrated key findings including *data transparency, training materials, data-driven decision making, communication, documentation, literacy and math goal setting, special education eligibility decision-making, core values, staff and community engagement, meaningful shared practice, community/culture.*

Summary of Qualitative Findings

Across these findings, major themes were identified: *disconnect* and *lack of cohesion.*

Disconnect. Merriam Webster defines a disconnect as: a lack of or a break in connection, consistency, or agreement. These three features were evident across the qualitative findings and supported by the data showing continued significant disproportionality of African American students in eligibility for special education in certain IDEA disability classifications.

Connection. A break in connection between state mandates and school practices was evident. Findings revealed that significant disproportionality was not something that was discussed at the administrative or school-based level. Focus group participants and one administrator did not indicate an understanding of the definition of significant disproportionality or the intent of the consequences. While one central

office administrated noted that there was a heightened awareness for school administrators regarding significant disproportionality, district data did not support any improvements in meeting the state benchmarks. In addition, IEP Chairpersons and administrators noted that teachers were not aware of or did not consider the state mandates when referring African American students for special education evaluations.

Further, the consequences for the district when being identified as having significant disproportionality did not appear to be a consideration for IEP Chairpersons nor well understood. IEP Chairpersons tended to view special education services as a benefit to help struggling learners as evidence by comments such as "[IEP teams] would rather err on behalf of the students" when making eligibility decisions rather than considering the state mandate or its intent. A document analysis revealed numerous resources and tools for schools to use to adhere to CCEIS requirements and for pre-referral documentation; however, none of the documents outlined what significant disproportionality measured, the consequences for the district and school or addressed the root causes of the district's significant disproportionality.

Inconsistent. One finding from this study was also the inconsistent understanding among interviewees. IEP Chairpersons expressed varying definitions and understanding as well as confusion and frustration regarding what is "significant disproportionality". Two central office administrators indicated that they were familiar with the regulations, but one administrator was not and had not been involved in trainings or communication regarding significant disproportionality. This

was despite the extensive work of the administrator with the district's priority of equity.

In addition to defining significant disproportionality and its intent, IEP Chairpersons revealed the inconsistent understanding and implementation of eligibility determination practices across schools. They indicated that the use of special education eligibility tools does help teams make appropriate decisions, although some confusion with some of the forms, especially the SLD eligibility form, was noted. One Chairperson noted the paradox of trying to stay below the state mandated risk ratio benchmarks but still having to make individual eligibility decisions for students. All focus group participants and one central office administrator noted inconsistent eligibility practices specifically focused on the implementation of pre-referral interventions, both designing them and monitoring the impact on students. These interventions are crucial to determining if a student who has been referred to special education is struggling due to a disability or a lack of evidence-based instruction as required by IDEA. Yet, the interventions and data monitoring are the responsibility of the classroom teachers.

Agreement. Lack of agreement among all participants was evident in several places including the comments about the use of data and the roles and responsibilities of IEP Chairpersons. All three administrators and the 8 IEP Chairpersons spoke at length regarding the use of data. Administrators specifically discussed monitoring data and sharing disproportionality data with schools as well as reporting to the state and federal administration. IEP Chairpersons did not indicate that they or the IEP teams discuss or review their school's significant disproportionality data. Instead, IEP

Chairpersons centered their data discussions around data related to impacts of interventions and using data for eligibility decisions. There was some concern about documenting “the right data.” The document analysis revealed that the District has provided materials that create an expectation that there will be documentation of student data for the pre-referral process.

With respect to roles and responsibilities, two central office administrators were clear that they had a role in the district’s work to reduce significant disproportionality. On the other hand, the IEP Chairpersons were quick to assert that they are not the decision-makers in eligibility decisions and that they facilitate a team. However, it seems that they see their role as primarily collecting data to be reviewed by others on the team, including a student’s educational history. They were never clear on who the decision-makers were and it seemed that there was a vacuum in terms of accountability or responsibility for the individual decisions.

There were also differences in agreement among the participants in Focus Groups 1 and 2 as well as the administrators when identifying where significant disproportionality originates. For example, participants in Focus Group 1, who were secondary IEP Chairpersons, and one central office administrator, indicated that students are initially identified in elementary school and that “sets the tone.” Focus Group 1 participants focused on the need for those doing the initial evaluations to have tried interventions and have a variety of data; however, they never expressed a responsibility or role for what happens at the secondary level. Conversely, Focus Group 2 participants who were elementary IEP Chairpersons, and one central office administrator, clearly stated that the problem was that students continued to be found

eligible during re-evaluations in higher grade levels and were not being dismissed from services at the secondary level.

Lack of Cohesion. Again, one of the definitions provided by Merriam Webster for cohesion is: the act or state of sticking together tightly. This definition suggests more than differences of opinion or disagreement. Cohesion means a strong shared knowledge and responsibility across system levels. The qualitative results provide evidence of lack of cohesion among central office departments, schools, and district documents.

District Level. Central office administrator interviews indicated the district's efforts to reduce significant disproportionality had been "special ed driven." In fact, one central office administrator had not been a part of the district's significant disproportionality work. The central office administrators did identify the need for collaboration and connections among the district's priority work and initiatives. Administrator 1 in particular noted the importance of communication and including all stakeholders in discussing the data and collaborating in order to reduce the district's significant disproportionality but noted that as yet there has not been a cohesive effort. However, overall, central office administrators did understand the significant disproportionality reporting requirements and the consequences (both financially and for African American students), which was not apparent from the focus group discussions. Further evidence from the document analysis revealed many documents related to special education pre-referral practices and CCEIS documentation tools; however, these tools did not have direct connections to the district's Strategic Plan or the district's Policy Regarding Equity.

School Level. Findings from the focus groups and the interviews revealed a lack of cohesion in several areas at the school level. One major area was the discrepancies across schools in the provision of appropriate interventions matched to students' areas of weakness including lack of fidelity and time in implementing the interventions and progress monitoring of students' intervention data. The lack of cohesion or tightly shared responsibility is most evident between general and special education. IEP Chairpersons and one central office administrator indicated that classroom teachers' requests to obtain support for students who were struggling were not connected to a child's race/ethnicity. The classroom teachers wanted help for the students regardless and if the comments regarding poor implementation of the pre-referral interventions are accurate, the classroom teachers feel that they are unable to attempt strategies in their own instruction that might address the students' needs.

A lack of cohesion among IEP decision making was also apparent and perhaps most notable between elementary and secondary IEP Chairs. Each focus group tended to identify the root cause of the problem of disproportionality on decisions made at the other level (e.g., elementary or secondary). For example, each of the three secondary IEP Chairpersons indicated that significant disproportionality originated at the elementary level, where students are typically initially identified as having a disability and requiring special education. Elementary IEP Chairpersons, on the other hand, indicated the problem was due to the re-evaluation process that occurs during the middle and high school grades and the assumption of continuing eligibility, as opposed to dismissal from special education, of students on the part of the IEP teams.

B. Conclusions

As described in Section 2, the information from the quantitative and qualitative aspects of this study were triangulated to address each of the research questions. Conclusions and evidence are presented in this section and are summarized in the Triangulation Matrix (see Appendix N).

Research Question #1

The first research question was *to what extent, and in what ways, has District A's significant disproportionality data changed since 2018?*

Conclusion 1. African American students in District A are approaching significant disproportionality in every IDEA disability category except Speech Language Impairment. District A's significant disproportionality data has remained consistently above the state-mandated risk ratio benchmark of 2.0 for African American students identified as having a SLD, indicating the districtwide training regarding significant disproportionality has not resulted in improvement. Since 2018, there has been an increase in the risk ratio for African American students identified as having an ED and ID. The risk ratio for ED exceeds the 3.0 risk ratio, meaning an African American student in District A is three times as likely to be identified as having an emotional disability than students in all other racial categories. In contrast, the risk ratios for White students being identified as having a SLD, ED or ID has remained below the 1.0 risk ratio threshold over the last four years.

Research Question #2

The second research question inquired *in what ways, if at all, do IEP Chairpersons consider the state mandated risk ratio benchmark when determining eligibility of African American students for special education?*

Conclusion 2. Schools do not have consistent understanding as to what the state mandate is or the intent of the regulations. As a result, the special education referral practices at the school level, as well as eligibility and re-eligibility do not include consideration of the state benchmarks. Focus groups and individual interviews revealed a lack of awareness at the teacher level, as well as lack of understanding of the state benchmarks at the school-based administration level. Participants in both Focus Groups expressed uncertainty and frustration regarding significant disproportionality. Further, they were not able to define significant disproportionality or the state mandated benchmarks and could not consistently identify the purpose of the state mandated benchmarks.

The majority of IEP Chairpersons in this study did not consider the state mandated risk ratio benchmark when determining eligibility for African American students for special education. In fact, IEP Chairpersons noted their lack of knowledge about the state benchmarks and claimed that it would "skew people's decision-making" if they were aware of the state benchmarks. Further, the majority of IEP Chairpersons indicated there had been no change in their school-based special education pre-referral practice in light of the district exceeding the state benchmarks. The IEP Chairpersons' assertions gave the researcher the impression that they believed special education services were a benefit and they did not see how a student's race impacted eligibility determinations. For example, multiple participants

made complacent comments regarding the state benchmarks such as, “if a student meets the criteria, he meets the criteria” and “you have to refer this person…it doesn’t matter if it’s a black male.” Both Focus Groups included participants who noted the lack of teacher awareness and discussion regarding significant disproportionality, indicating a lack of communication and dissemination of information.

Conclusion 3. IEP Chairpersons did not report their role as having an impact on eligibility decisions, as evidence by describing the role of an IEP Chairperson as “part of a team.” Evidence for this conclusion was found across both IEP Chairperson focus groups. Participants tended to renounce their role as one of decision-maker or leader in the IEP team eligibility discussions and instead purported their role as that of a facilitator. Three IEP Chairpersons noted that the school psychologist, speech language pathologist, or other “expert in the field” reviews eligibility tools with the IEP team during meetings and complete the eligibility decision tool.

Differences were found between the elementary and secondary group regarding the cause of the district’s significant disproportionality status. Secondary IEP Chairperson participants consistently implied the problem stems from the elementary level and initial eligibility decisions. This was supported by one central office administrator’s statement that the secondary schools who were identified as having significant disproportionality received the students [with the IDEA disability classification of SLD or ED]. Elementary IEP Chairperson participants claimed the secondary school level had more students identified as having a SLD. One central office administrator supported this assertion, stating there was a small number of African American students who are newly identified as having a SLD; therefore, the

students were continuing to be found eligible in re-evaluations and not exiting special education services.

Research Question #3

The third research question examined *what, if any, changes in special education eligibility policies or procedures do IEP Chairpersons and central office administrators perceive have resulted from state mandated risk ratio benchmarks?*

Conclusion 4. Based on the trend data, there have been some slight changes in the risk ratio for SLD; however, there was no evidence that the state mandated risk ratio benchmarks had impacted eligibility decisions at the school level. There was evidence from the document analysis that certain documents were revised, and new documents created at the district level. IEP Chairpersons indicated that they used the "tools" provided but had little to say about the tools nor have they resulted in significant changes in special education eligibility policies or procedures.

There were some differences of opinion among administrator and focus group participant responses regarding whether special education procedures have changed as a result of the state mandated risk ratio benchmarks. One central office administrator noted the lack of impact of the state mandated risk ratios because the risk ratio data for SLD only very slightly increased but still exceeded the 2.0 risk ratio benchmark. To further support this assertion, the risk ratios for African American students identified as having ED and ID exceeded the 2.0 threshold. One central office administrator indicated that IEP teams followed the district guidance regarding significant disproportionality; however, there wasn't evidence of this from the data.

The majority of IEP Chairpersons could not identify changes at the school level that might have resulted from the state mandate.

Two of the central office administrators' perceptions were that school-based administrators were aware of the state mandated risk ratio benchmarks and noted awareness has not yet reached teachers. Focus groups and interviews reported no sense of urgency to eliminate the significant disproportionality in the district, as one Chairperson shared "we were always disproportionate in one or more of the categories." Despite these findings, District A had numerous documents available, some of which were required and some of which were optional, for schools to comply with the requirements of implementing comprehensive coordinated early intervening services.

Relation of Findings to Theory of Action

The theory of action that drove this study was as follows: *If I examine the district- and school-based identification process for students with disabilities, then I can determine the influence of the state mandated risk ratio benchmarks on eligibility decision-making and contribute to a needs assessment to equip school leaders to reduce the significant disproportionality of African American students identified as having a SLD in District A.* The results of the study have contributed to a deeper understanding of the district- and school-based special education identification process. First, the researcher determined that the state mandated risk ratio benchmarks have not reduced the risk for African American students in District A being determined as eligible for special education. The study also pointed to several areas that require further investigation and action in order to reduce the significant

disproportionality of African American students identified in District A as having a SLD, ED, or ID, and to prevent an increase in any other IDEA disability category measured for significant disproportionality. These implications will be discussed later. First, however, several limitations to the study need to be noted.

Limitations. There are several limitations that should be noted in this study. One limitation might be considered to be a lack of school psychologist perspective. The researcher's extensive experience has shown that decisions can be dependent on individuals at the table who are the most vocal. As noted in the literature and from participants' comments in this study, school psychologists play a predominant role in special education eligibility decisions. This research did not include a full representation of everyone at the IEP table; however, this study sought to determine how this select group of IEP Chairpersons considered the state mandated risk ratio benchmark and did not encompass the IEP process.

A further limitation was the limited sample of IEP Chairpersons and central office administrators. The secondary IEP Chairperson focus group was limited when one Chairperson could not attend due to a last-minute scheduling conflict. The participant composition was limited by a lack of gender and racial/ethnicity diversity. All but one participant was female, and most participants identified as Caucasian. However, the participant groups were representative of the population being analyzed and the study was exploratory and intended to obtain a sense of the impact of the state mandated risk ratio benchmarks in the district.

The virtual format of the focus groups and one individual interview was another limitation. While there were no technological challenges, and all participants

were able to log in to the sessions and remained connected throughout the discussions, the research's virtual format could be considered a limitation in this study. The researcher established norms at the onset of the sessions and interview and ensured participants were knowledgeable of the virtual platform settings. The sessions were conducted in Microsoft Teams platform, of which all participants in this study were familiar.

Finally, researcher bias is another limitation of this study. The researcher was a Supervisor of Special Education in District A for eight years prior to the 2021-2022 school year, an IEP Chairperson for two years, and a special education teacher for eight years prior to that. At the time of the study, the researcher was a central office administrator in the Department of Instruction. The researcher sought to minimize the impact of researcher bias by implementing focus group and interview best practices, such as a discussion guide, as well as increasing the validity of the transcript analysis by being actively aware of unconscious editing (defined by Berger (2015) as identifying questions and content that the researcher might emphasize or avoid and to become aware of the researcher's own reactions to interviews, thoughts, and emotions) and by implementing a peer review and input regarding the transcript analysis and coding scheme.

C. Implications for District A

This section will detail the implications of the study results for District A.

Implication 1: Acknowledge that Reducing Significant Disproportionality of African American Students in Special Education is a Districtwide Effort and Will Require Systemic Initiatives

Reducing the district's significant disproportionality requires a systemic effort. The issues arise in general education and will require collaborative action planning among central office departments and schools. Central office administrators and school-based administrators must understand why significant disproportionality is a problem and see their role in reducing it in the district. For the state significant disproportionality mandates to be addressed, there must be collaboration and acknowledgement from general education. District A must collaborate with all stakeholders to plan coordinated communication and professional learning initiatives that address central office and building-based administrators as well as all teachers and other instructional staff. Topics to be included in professional learning should include definitions of significant disproportionality and why the state has mandated the use of risk ratios. Other topics should address the requirements for reporting and implications for students and the district when there is significant disproportionality. Specific focus needs to be given to general education teachers and the importance of providing early and effective interventions for struggling learners to include training on data collection and progress monitoring to track student progress. This effort should be in collaboration with special educators to share strategies and also understand their support needs.

One big area to be discussed is why disproportionality is a problem to be fixed. Evidence from this study suggests that some IEP Chairpersons perceive special education services as a benefit as opposed to a risk. Therefore, there seemed to be a reluctance to address the issue or a lack of urgency. However, there is a lack of evidence to support that African American students receiving special education

services have better outcomes. The reasons for this need to be discussed and understood by school-based staff. The district has established equity trainings at the central office and schools and should connect the information from these trainings to include communication and training regarding the historic issue of disproportionality and the impact of special education labels as noted in Section 1. This collaborative training should be provided as part of the district's equity priority.

Implication 2: Identify and address root cause patterns in the district's significant disproportionality

District A should embark on a root cause analysis process focused on reviewing various data related to referral source to classification rates by race/ethnicity, special education referral practices at the school level, implementation of interventions and universal core curricula, and teachers' perception of ability to support struggling learners. Identifying the district's root cause of having significant disproportionality will provide data to inform the collaborative action plan to reduce significant disproportionality in the district.

Implication 3: Need for Further Investigation of Special Education Practices in Schools with Risk Ratios Below the State-Mandated Benchmark

Despite the district's status as having significant disproportionality, there are schools within the district that have risk ratios for African American students below the state benchmarks. The district would benefit from identifying the pre-referral and referral practices at these schools and incorporate findings in future trainings.

D. Summary

The purpose of this mixed methods study was to investigate the impact on District A's special education referral and evaluation practices of the state mandated risk ratio benchmarks for identifying significant disproportionality in special education identification. This research was not designed to solve the problem of significant disproportionality, but to understand how the data in District A had changed over four years, how, if at all, IEP Chairpersons consider the state mandated risk ratio benchmark for eligibility decisions, and the perceptions of IEP Chairpersons and central office administrators regarding any changes in special education eligibility policies or procedures had resulted from the state mandates. As noted in Section 1, educational reforms established to protect student groups may in fact yield negative outcomes. The researcher identified three consequences of not addressing significant disproportionality: negative consequences for minority students including misclassification, inadequate services, low quality curriculum and instruction, segregated special education placements, stigma associated with labeling, lowered expectations and higher incidence for negative disciplinary actions; poor secondary outcomes for African American students with disabilities; and financial penalties for the district. The CSA identified four major causal factors including referral and identification process, high risk environments, school staff, and definition issues and eligibility criteria. The primary driver was identified as the special education referral process.

A mixed methods study was designed to investigate the research questions: (1) to what extent, and in what ways, has District A's significant disproportionality data changed since 2018?; and (2) in what ways, if at all, do IEP Chairpersons

consider the state mandated risk ratio benchmark when determining eligibility of African American students for special education?; and (3) what, if any, changes in special education eligibility policies or procedures do IEP Chairpersons and central office administrators perceive have resulted from state mandated risk ratio benchmarks? By analyzing existing district significant disproportionality data, conducting focus groups and individual interviews, using analytic memos, document analysis and a triangulation matrix, the study found that District A's significant disproportionality data did not improve despite the numerous resources available. The data did not show that the state mandated risk ratio benchmarks were considered when determining eligibility of African American students for special education. Additionally, while the district had data available, inconsistencies in understanding and lack of communication regarding significant disproportionality and the state mandates at the school building and teacher level were a consistent finding in this study. The major themes were identified in this study were *disconnect* and *lack of cohesion.*

The researcher proposed creating a collaborative working group of administrators from the central office including Administration, the Department of Special Education, the Department of Instruction, and the Department of Student Services as well as building administrators to review district and school level data and identify the root cause of District A's significant disproportionality and create consistent communication for all stakeholders. This group should use the study findings to inform the district's next steps, including the need to address the district's significant disproportionality through a collaborative effort that shares responsibility

for improvement among special and general education and other stakeholders. The change initiative aims to eliminate the district's significant disproportionality of African Americans being identified for special education under specific eligibility classifications.

Appendix A
Recruitment Email to IEP Chairpersons

Re: Requesting your participation in a research study
From: Marcella Gruver (mlemire@umd.edu)
To: IEP Chairperson Email Address

Dear IEP Chairperson,

I am writing to ask if you would be willing to participate in a study to explore the impact of the state mandated risk ratio benchmarks for identifying significant disproportionality. I am conducting this study as part of my Doctorate in Education in order to complete my dissertation, "An Investigation of the Impacts of State-Mandated Benchmarks on Special Education Eligibility Identification of African American Students" through University of Maryland, College Park. This study will be conducted through an analysis of MSDE special education data, IEP Chairperson focus groups, and select central office administrator interviews. This information could help the school district and school leaders like yourself in learning more about significant disproportionality.

I am going to facilitate two focus groups, one with elementary IEP Chairpersons and one with Secondary IEP Chairpersons. The focus group will last 60-90 minutes and will be held virtually via Microsoft Teams. Only a limited number of IEP Chairpersons have be selected to participate so please consider this exclusive opportunity. The focus group is voluntary, anonymous, and individual respondents will not be reported.

Please let me know **by responding to this email if you are willing to participate in the focus group**, as participation is voluntary. Upon agreement to participate I will send a consent form for you to sign and will then reach out to coordinate the session. In order to complete the study, I need 9 IEP Chairpersons to participate. As a small token of appreciation for your participation in the interview you will be provided a **$25 gift card to Amazon**.

I have been approved by the University of Maryland, district policy procedure, and the Institutional Review Board (IRB) to conduct this study. Please find a description of the study (cover letter) and IRB approval from UMD and the county attached to this email.

Thank you in advance for considering this request to participate in an interview. If you have questions or would like additional information on the study, please reply to this email or call me at [redacted].

Thank you,
Marcella L. Gruver, Doctoral Candidate
Doctorate in Education

Appendix B
Interview Email to Select Central Office Administrators

Re: Student Referrals for Special Education
From: Marcella Gruver (mlemire@umd.edu)
To: Central Office Administrator Email Address

Dear (Administrator Name),

I am writing to ask if you would be willing to participate in a study to explore the impact of the state mandated risk ratio benchmarks for identifying significant disproportionality. I am conducting this study as part of my Doctorate in Education in order to complete my dissertation, "An Investigation of the Impacts of State-Mandated Benchmarks on Special Education Eligibility Identification of African American Students" through University of Maryland, College Park. This study will be conducted through an analysis of MSDE special education data, IEP Chairperson focus groups, and select central office administrator interviews. This information could help inform school and district leaders like yourself on current challenges of meeting state mandated risk ratio benchmarks regarding significant disproportionality, as well as help inform needs for further development of training practices around special education referral and eligibility.

I am going to conduct individual interviews with 3 central office administrators. The interview should take you no longer than 60 minutes and upon completion, **you will receive a $25 Amazon gift card**. Your participation in this study is greatly appreciated and will be kept completely confidential. All data obtained from participants will be kept confidential and will only be reported in a group format and will not identify you individually. In addition, all names in the interview are immediately replaced with a unique number identifier and no identifiers will be reported.

Please let me know **by responding to this email if you are willing to participate in an interview**, as participation is voluntary. Upon agreement to participate I will send a consent form for you to sign and will then reach out to coordinate the session.

I have been approved by the University of Maryland, district policy procedure, and the Institutional Review Board (IRB) to conduct this study. Please find a description of the study (cover letter) and IRB approval from UMD and the county attached to this email.

Thank you in advance for considering this request to participate in an interview. If you have questions or would like additional information on the study, please reply to this email or call me at [redacted].

Thank you,
Marcella L. Gruver, Doctoral Candidate
Doctorate in Education

Appendix C
Focus Group Discussion Guide

Introductory Remarks (3 minutes)

Opening Statement: Welcome and thank you for attending today's focus group session. I appreciate you taking the time to discuss your experiences as an IEP Chairperson and look forward to hearing about your experiences with determining special education eligibility, specifically related to the state mandated risk ratio benchmarks for identifying significant disproportionality and the impacts they might have had on your school.

 Introduce self

 I would like to set some of the logistics and expectations for our focus group:

 Review Microsoft Teams icons and procedures for participation (cameras on, mute/unmute, permission to record, transcribe the recording): Let's review a few procedures before we begin.

- First, please turn your camera on and mute your microphone (explain how if needed). Unmute to talk, you may also use the raise your hand feature.
- Second, I want to stress the confidentiality of our discussion.
- Thank you for completing the electronic consent form prior to today's focus group session. With your approval, I would like to record this session to assist with transcribing the audio recording and accurate data analysis.

 Give assurances of confidentiality and anonymity of responses:

- As stated in the Informed Consent Form, all focus group discussions will be summarized and reported in ways that will not identify any of you or your schools. Further, no one other than myself, will have access to the recordings.
- Each of you will be assigned a number that I will use for quote attribution.
- Each of your schools will be given an identity letter to maintain confidentiality.
- Please do not share anything mentioned during this focus group with anyone who is not part of the focus group.

 Convey researcher's desire to hear perspective of each participant: Given the fact that we only have an hour, I may stop you or give you a prompt to finish your thought as we need to transition to the next topic. I want to be respectful of your time and be able to hear from each of you.

 Does anyone have questions or concerns regarding these procedures or the informed consent form?

Opening Question (2 minutes)

 Please give your first name and how long you have been an IEP Chairperson in this District.

Introductory Question (5 minutes):

 Please think about the top three ways that you would describe your role in the process of determining students to be eligible for special education.

- Wait two seconds, ask participants to name ways without repeating someone else's response. If person 1 says "compliance," the next person should add a different way. If all of a participant's three ways have been noted, they say "pass."

Transition Question (5 minutes):

 What eligibility decision tools, if any, do you use to help determine special education eligibility?

 Probe: How helpful do you find these tools?

- What, if anything, is unclear about the tools?
- (If needed to stimulate discussion, focus on SLD eligibility tool)

 Probe: To what extent do these tools help teams feel they have made an accurate determination?

Core Questions (30 minutes)

As you are aware, MSDE has set specific benchmarks and procedures for determining significant disproportionality in the identification of students for special education. Let's start by discussing:

1. What's most confusing about significant disproportionality?
    a. How well do you think you understand the mandated benchmarks?
    b. What do you think is the intent of the benchmarks?
    c. How do you think your school's data compares with the district data?

        i. Probe: Is your school in compliance with the state mandated benchmarks?

2. In what ways, if at all, have your school's special education referral practices or processes changed as a result of the state-mandated risk ratio benchmark?
3. Take a moment to reflect on the most recent time you facilitated a special education eligibility meeting for an African American student. Would you say that there were any differences from what might have occurred for a student of a different race/ethnicity?
    a. Probe: is this different for an initial and reevaluation? What are some examples of differences?
        i. Do you think that this might have been related to the state-mandated risk ratio benchmarks for disproportionality when the team determined the student's eligibility?
            1. If yes, in what ways?
            2. If no, then what may account for any differences?

Follow up Question (5 minutes)

Display district significant disproportionality data.

 Please take a moment to review these data and reflect on why you think the district's data looks the way it does. What ideas do you have that might help to improve the district's significant disproportionality status?

Closing Statement: Thank you very much for taking the time to participate today. I'll be combining your responses and aggregating all of the data to help make

recommendations to the district about what we now understand around school-based administrator perceptions in special education significant disproportionality and needs that exist regarding pre-referral and special education eligibility practices. Our focus group session has concluded; I will be sending you a $25.00 Amazon gift card.

If you have any questions about your participation in this focus group, you can contact me via email at [redacted].

Appendix D
Interview Protocol for Central Office Administrators

DATE, location, NAME - **interviewer**, NAME – **interviewee**

Opening Statement: Thank you very much for your time today and for agreeing to participate in this research study. I appreciate your willingness to discuss your experience as a central office administrator and experiences related to significant disproportionality. The purpose of this study is to investigate the impact of the state mandated risk ratio benchmarks for identifying significant disproportionality on the special education referral and evaluation practices at the district and school-based level in CCPS. This interview is designed to gather information on your experience and thoughts about significant disproportionality; there are no right or wrong answers. This interview will be transcribed, analyzed, and triangulated to provide a more comprehensive understanding of the impact of the federal and state regulations. Our discussion will be recorded and then transcribed and will not contain any identifying information such as your name or work location. I will be the only person who will have access to the transcriptions and any reports of the information obtained during the interview will be reported in summary form and will not contain any information that will identify you or your department. Do you have any questions for me before we begin?

Questions/Prompts:

1. Tell me about your teaching background and administration experience.
2. Please share your knowledge or understanding of special education federal regulations including IDEA and Significant Disproportionality?

3. What are your thoughts about how, if at all, the state-mandated risk ratio of 2.0 is impacting eligibility decisions for African American students for special education in the district?
4. What changes in special education eligibility policies or practices have resulted from state mandated risk ratio benchmarks?
5. How have schools been guided or trained in response to the state-mandated target for the significant disproportionality risk ratio?
    a. Follow up Prompt: Are schools following the central office guidance? Please explain.
6. I'd like to take a moment to reflect on the district's priority area of equity. In what ways do you think the state-mandated target for significant disproportionality addresses inequities for African American students in the district?
7. Talk about your role and responsibility regarding the district's significant disproportionality data.
8. Is there anything else about the district's practices, the impact of the state-mandated target, or your experiences regarding special education referral and eligibility practices that you would like to share?

Closing Statement: Thank you for your participation in this study. I greatly appreciate your time and willingness to share your thoughts on significant disproportionality and the impact of the state mandated target to help inform the special education referral and evaluation practices moving forward. After the responses are analyzed, I may contact you again for any clarifications. As a small

gesture of appreciation for your time and participation today, you will receive a $25.00 Amazon gift card.

Appendix E
Reminder Email to Focus Group Participants

Hello, (IEP Chairperson):

Thank you again for participating in our Focus Group on (DATE) at (TIME). I want to remind you that it is confidential and anonymous.
Please click this link to join: Click here to join the meeting
I have attached the questions for tomorrow's focus group protocol so that you can see in advance what I will be referring to. Please let me know if you have any questions. I look forward to talking with you!

Respectfully,

Marcella L. Gruver, Doctoral Candidate
Doctorate in Education

Appendix F
Consent Form for Focus Group

Institutional Review Board
1204 Marie Mount Hall ● 7814 Regents Drive ● College Park, MD 20742 ● 301-405-4212 ● irb@umd.edu

Project Title	An Investigation of the Impacts of State-Mandated Benchmarks on Special Education Eligibility Identification of African American Students
Purpose of the Study	*This research is being conducted by **Marcella Gruver** at the University of Maryland, College Park as part of my dissertation under the direction of Dr. Margaret McLaughlin.* *I am inviting you to participate in this research project because you are an IEP Chairperson who assist in providing leadership for the continuous improvement of your school, including managing the IEP process.* *The purpose of this research project is to investigate the impact on CCPS' special education referral and evaluation practices of the state mandated risk ratio benchmarks for identifying significant disproportionality in special education. The study also includes individual interviews; however, this portion of the study involves focus groups that will attempt to better understand schools' special education referral and eligibility processes and what, if any impact the state mandated benchmarks have at the school level.*
Procedures	*The procedures involve you participating in one focus group session with me (elementary or secondary) and 3 to 4 other IEP Chairpersons that will last approximately 60 minutes and address 6 questions. A sample question is: Please think about the top three ways that you would describe your role in the process of determining students to be eligible for special education.* *You will be asked to discuss your school's significant disproportionality data and your thoughts regarding how, if at all, the state-mandated risk ratio is impacting*

	eligibility decisions for African American students for special education at your school. There are no expected correct answers. This focus group session is intended to understand more about the impact on CCPS' special education referral and evaluation practices of the state-mandated risk ratio benchmarks for identifying significant disproportionality in special education identification. *The focus group session will be conducted via Microsoft Teams. Each focus group will be digitally video recorded through Microsoft Teams. Recording is not required for participation and if you do not want the focus group recorded, the session will not be recorded, and the researcher will hand scribe notes during the focus group.* *The focus group session will be analyzed using standard qualitative procedures which call for creating transcripts and removing individual identities from those transcripts. Any reports of findings will be reported in the aggregate, and, to the extent possible, no information that might identify you individually will be included.* *After the focus group session, a follow up interview may be needed for clarification of responses. The follow up interview will last approximately 20-30 minutes.*
Potential Risks and Discomforts	*There are no known risks for you participating in the focus group. Your responses to the questions will be treated in full confidentiality as discussed below. There is a potential risk of your discomfort while responding to questions; however, be assured that your responses will be kept confidential and will not be linked to your identity or the identity of your school. If you do not wish to answer a question, you may skip it. If at any time you no longer want to participate, you may leave the session.*

Potential Benefits	*There are no direct benefits to you as the participant; however, the benefits to schools and the district are potentially considerable. The information obtained through the interview will illuminate how the state-mandate risk ratio benchmarks impact CCPS referral and eligibility practices in CCPS, if at all. This information can better inform school and district practices regarding professional development and special education referral and eligibility.*
Confidentiality	*Your identity will be protected to the maximum extent permitted by law. Any potential loss of confidentiality will be minimized by the following procedures:* *Neither you nor your school will be identified in any reports, summaries or other documents that are made available to others. You will be assigned a number that will be used to identify your comments on the transcripts and only I will have the list linking name to your individual number.* *Recordings will be uploaded into transcription software and will be deleted following transcription. Transcripts and coding documents will be stored on a password protected flash drive for 3 years and then deleted. I will be the only person with access to the data. If I write a report or article about this research all information/results will be reported in the aggregate and no quotations or other information will be used that has the potential to identify you or your school. You may request a copy of the study once the primary investigator has deemed it complete.* *Your information may be shared with representatives of the University of Maryland, College Park or governmental authorities if you or someone else is in danger or if I am required to do so by law.*
Compensation	*You will receive a $25.00 Amazon gift card for your completion of the focus group session, including answering at least one of the posed questions, which will be hand delivered to your mailbox in your school building office. You will not be asked to provide identifiable information, such as your name or address, in order to receive compensation.*

Right to Withdraw and Questions	*Your participation in this research is completely voluntary. You may choose not to take part in the focus group. If you decide to participate in this research, you may stop participating at any time. If you decide not to participate in this study or if you stop participating at any time, you will not be penalized or lose any benefits to which you otherwise qualify. Your decision to participate or not participate will have no positive or negative effect on your relationship or employability with your school or district.* *If you have questions, concerns, or complaints, or if you need to report an injury related to the research, please contact the investigator:* ***Marcella L. Gruver*** [redacted] *Or* *Dr. Margaret McLaughlin* *3119 Benjamin Building, College Park, MD 20742* [redacted]
Participant Rights	*If you have questions about your rights as a research participant or wish to report a research-related injury, please contact:* University of Maryland College Park Institutional Review Board Office 1204 Marie Mount Hall College Park, Maryland, 20742 E-mail: irb@umd.edu Telephone: 301-405-0678 *For more information regarding participant rights, please visit:* https://research.umd.edu/irb-research-participants *This research has been reviewed according to the University of Maryland, College Park IRB procedures for research involving human subjects.*
Statement of Consent	*Your signature indicates that you are at least 18 years of age; you have read this consent form or have had it*

	read to you; your questions have been answered to your satisfaction and you voluntarily agree to participate in this research study. You will receive an electronic copy of this signed consent form which will be emailed to you. ***Please check your consent or decline for the following:***	
	___ I consent to being recorded and understand all information I share will be confidential. *___ I do not consent to being recorded.*	
	___ I consent to being contacted regarding a follow up interview. *___ I do not consent to being contacted regarding a follow up interview.*	
	If you agree to participate, please sign your name below.	
Signature and Date	**NAME OF PARTICIPANT** **[Please Print]**	
	SIGNATURE OF PARTICIPANT	
	DATE	

Appendix G
Consent Form for Interview

Institutional Review Board
1204 Marie Mount Hall ● 7814 Regents Drive ● College Park, MD 20742 ● 301-405-4212 ● irb@umd.edu

CONSENT TO PARTICIPATE

Project Title	An Investigation of the Impacts of State-Mandated Benchmarks on Special Education Eligibility Identification of African American Students
Purpose of the Study	*This research is being conducted by **Marcella Gruver** at the University of Maryland, College Park as part of my dissertation under the direction of Dr. Margaret McLaughlin.* *I am inviting you to participate in this research project because you are a central office administrator involved with strategic planning, school improvement efforts, and system and instructional performance.* *The purpose of this research project is to investigate the impact on CCPS' special education referral and evaluation practices of the state mandated risk ratio benchmarks for identifying significant disproportionality in special education. The study also includes two focus groups; however, this portion of the study involves interviews that will attempt to better understand district administrators' thoughts about how the state-mandated risk ratio is impacting eligibility decisions.*
Procedures	*The procedures involve you participating in an individual interview with me that will last approximately 45-60 minutes and address 8 questions. A sample question is:* *What changes in special education eligibility policies or practices have resulted from state mandated risk ratio benchmarks?* *You will be asked to discuss the district's significant disproportionality and your thoughts regarding how, if at*

	all, the state-mandated risk ratio is impacting eligibility decisions for African American students for special education in the district. There are no expected correct answers. This interview is intended to understand more about the impact on CCPS' special education referral and evaluation practices of the state-mandated risk ratio benchmarks for identifying significant disproportionality in special education identification. *The interview may be conducted via Microsoft Teams or in-person depending on your availability and preference, as well as in-person restrictions mandated by the University of Maryland or CCPS. Each interview will be digitally recorded either through a video recording on Microsoft Teams (for virtual interviews) or an audio recording via the Voice Recorder and Audio Editor application (for in-person interviews). Recording is not required for participation and if you do not want the interview recorded, the session will not be recorded, and the researcher will hand scribe notes during the interview.* *The interviews will be analyzed using standard qualitative procedures which call for creating transcripts and removing individual identities from those transcripts. Any reports of findings will be reported in the aggregate, and, to the extent possible, no information that might identify you individually will be included.* *After the interview session, a follow up interview may be needed for clarification of responses. The follow up interview will last approximately 20-30 minutes.*
Potential Risks and Discomforts	*There are no known risks for you participating in the interview. Your responses to the interview questions will be treated in full confidentiality as discussed below. There is a potential risk of your discomfort while responding to questions; however, be assured that your responses will be kept confidential and will not be linked to your identity or the identity of your school. If you do not wish to answer a question, you may skip it. If at any time you no longer want to participate, you may leave the session.*

	Please note: There may be increased risk by being on campus due to the state of the COVID-19 pandemic. We take a number of precautions to minimize this risk, including the use of face coverings, allowing the area to settle between participants, and sanitizing all surfaces after each participant. We also sanitize the computer and other surfaces touched by the researcher between launching the experiment and the participant using the area. However, the risks cannot be entirely eliminated despite these precautions.
Potential Benefits	*There are no direct benefits to you as the participant; however, the benefits to schools and the district are potentially considerable. The information obtained through the interview will illuminate how the state-mandate risk ratio benchmarks impact CCPS referral and eligibility practices in CCPS, if at all. This information can better inform school and district practices regarding professional development and special education referral and eligibility.*
Confidentiality	*Your identity will be protected to the maximum extent permitted by law. Any potential loss of confidentiality will be minimized by the following procedures:* *Neither you nor the district will be identified in any reports, summaries or other documents that are made available to others. You will be assigned a number that will be used to identify your comments on the transcripts and only I will have the list linking name to your individual number.* *Recordings will be uploaded into transcription software and will be deleted following transcription. Transcripts and coding documents will be stored on a password protected flash drive for 3 years and then deleted. I will be the only person with access to the data. If I write a report or article about this research all information/results will be reported in the aggregate and no quotations or other information will be used that has the potential to identify you or your district. You may request a copy of the study once the primary investigator has deemed it complete.*

	Your information may be shared with representatives of the University of Maryland, College Park or governmental authorities if you or someone else is in danger or if I am required to do so by law.
Compensation	*You will receive a $25.00 Amazon gift card for your participation in the full interview, including answering at least one of the posed questions, which will be hand delivered to your mailbox in your department at the central office. You will not be asked to provide identifiable information, such as your name or address, in order to receive compensation.*
Right to Withdraw and Questions	*Your participation in this research is completely voluntary. You may choose not to take part in the interview. If you decide to participate in this research, you may stop participating at any time. If you decide not to participate in this study or if you stop participating at any time, you will not be penalized or lose any benefits to which you otherwise qualify. Your decision to participate or not participate will have no positive or negative effect on your relationship or employability with your district.* *If you have questions, concerns, or complaints, or if you need to report an injury related to the research, please contact the investigator:* ***Marcella L. Gruver*** [redacted] *Or* *Dr. Margaret McLaughlin* *3119 Benjamin Building, College Park, MD 20742* [redacted]
Participant Rights	*If you have questions about your rights as a research participant or wish to report a research-related injury, please contact:* *University of Maryland College Park*

	Institutional Review Board Office *1204 Marie Mount Hall* *College Park, Maryland, 20742* *E-mail: irb@umd.edu* *Telephone: 301-405-0678* *For more information regarding participant rights, please visit:* *https://research.umd.edu/irb-research-participants* *This research has been reviewed according to the University of Maryland, College Park IRB procedures for research involving human subjects.*
Statement of Consent	*Your signature indicates that you are at least 18 years of age; you have read this consent form or have had it read to you; your questions have been answered to your satisfaction and you voluntarily agree to participate in this research study. You will receive an electronic copy of this signed consent form which will be emailed to you.* *Please check your consent or decline for the following:* *___ I consent to being recorded and understand all information I share will be confidential.* *___ I do not consent to being recorded.* *___ I consent to being contacted regarding a follow up interview.* *___ I do not consent to being contacted regarding a follow up interview.* *If you agree to participate, please sign your name below.*
Signature and Date	**NAME OF PARTICIPANT** **[Please Print]**
	SIGNATURE OF PARTICIPANT
	DATE

Appendix H
University of Maryland IRB Approval

UNIVERSITY OF MARYLAND
INSTITUTIONAL REVIEW BOARD

1204 Marie Mount Hall
College Park, MD 20742-5125
TEL 301.405.4212
FAX 301.314.1475
irb@umd.edu
www.umresearch.umd.edu/IRB

DATE:	December 2, 2021
TO:	Marcella Gruver
FROM:	University of Maryland College Park (UMCP) IRB
PROJECT TITLE:	[1814163-1] An Investigation of the Impacts of State-Mandated Benchmarks on Special Education Eligibility Identification of African American Students
REFERENCE #:	
SUBMISSION TYPE:	New Project
ACTION:	APPROVED
APPROVAL DATE:	December 2, 2021
EXPIRATION DATE:	
REVIEW TYPE:	Expedited Review
REVIEW CATEGORY:	Expedited review category # 7

Thank you for your submission of New Project materials for this project. The University of Maryland College Park (UMCP) IRB has APPROVED your submission. This approval is based on an appropriate risk/benefit ratio and a project design wherein the risks have been minimized. All research must be conducted in accordance with this approved submission.

Prior to final approval of this project scientific review was completed by the IRB Member reviewer.

This submission has received Expedited Review based on the applicable federal regulations.

This project has been determined to be a MINIMAL RISK project.

Please remember that informed consent is a process beginning with a description of the project and insurance of participant understanding followed by a signed consent form. Informed consent must continue throughout the project via a dialogue between the researcher and research participant. Unless a consent waiver or alteration has been approved, Federal regulations require that each participant receives a copy of the consent document.

Please note that any revision to previously approved materials must be approved by this committee prior to initiation. Please use the appropriate Amendment forms for this procedure.

All UNANTICIPATED PROBLEMS involving risks to subjects or others (UPIRSOs) and SERIOUS and UNEXPECTED adverse events must be reported promptly to this office. Please use the appropriate reporting forms for this procedure. All FDA and sponsor reporting requirements should also be followed. All NON-COMPLIANCE issues or COMPLAINTS regarding this project must be reported promptly to this office.

Please note that all research records must be retained for a minimum of seven years after the completion of the project.

If you have any questions, please contact the IRB Office at 301-405-4212 or irb@umd.edu. Please include your project title and reference number in all correspondence with this committee.

Appendix I
District A IRB Approval

December 9, 2021

Ms. Marcella L. Gruver

Dear Ms. Gruver,

This is a formal letter indicating that your request for research has been approved in [redacted] with the following stipulations:

- All information, requests, and coordination of the project should be directed to [redacted], Director of Special Education.
- Any changes to your research design must be communicated to [redacted] and me for review and consideration of approval.
- No information that is collected from you or other staff should be identifiable in nature.
- Results of the study must be kept confidential.
- When requesting participation from [redacted] staff members, it must be clear that the study is voluntary.
- A summary of your results will be sent to me and [redacted] upon completion of your research.

If you have any questions, please feel free to contact me.

Sincerely,

Matt Poteet
Director of Information Technology

Appendix J
Analytic Memo 1

I am interested in understanding what, if any, impact the state mandated risk ratio benchmark for identifying significant disproportionality in special education identification has on District A's special education referral and evaluation practices. The topic of significant disproportionality has been of greater relevance in the last four years when the 2016 IDEA regulations took effect after a brief postponement. As District A has continued to be identified as having significant disproportionality for African American student, I am interested in how the benchmarks are understood and what, if any, changes are made to identification procedures at the school level. This phase of my research study consisted of conducting two focus groups with a total of nine IEP Chairpersons. This phase was designed to answer the research questions in what ways, if at all, do IEP Chairpersons consider the state mandated risk ratio benchmark when determining eligibility for African American students for special education? And what, if any, changes in special education eligibility policies or procedures do IEP Chairpersons perceive have resulted from state mandated risk ratio benchmarks? As I began recruitment for the focus groups, I felt anxious as to whether or not I would have anyone willing or able to participate. IEP Chairpersons were continuing to adjust to the COVID-19 pandemic health and safety requirements, including scheduling IEP meetings to consider compensatory services, Extended School Year services, addressing IEPs for students who were not making sufficient progress on quarterly progress reports, as well as re-evaluation and annual review IEP meetings. In addition, I wondered whether anyone would feel comfortable discussing the topic of significant disproportionality and African American students or if they

felt confident enough regarding the topic to participate in a focus group. Fortunately, all nine IEP Chairpersons agreed to participate; however, one participant had a scheduling conflict and could not participate in the focus group.

The focus groups took place after the contractual day and were held via Microsoft Teams between February 8, 2022, and February 9, 2022, with follow up interviews with IEP Chairperson #7 on February 15, 2022, and IEP Chairperson #5 on February 17, 2022. I allotted one hour for the focus groups, which was ample time to address the questions and prompts. I determined the need to adjust one of the questions based on the focus group conversations and asked the original question in a follow up interview with an individual IEP Chairperson.

The first focus group was with three secondary IEP Chairpersons. I planned on having four participants in this focus group, but the fourth participant had a last-minute scheduling conflict. Although the focus group was shorter in duration than the elementary IEP Chairperson focus group, the participants were very eager to share their answers. At times the participants strayed from the topic. I was able to redirect them when this occurred, but this pattern persisted throughout the focus group.

The secondary IEP Chairpersons appeared to struggle to answer how the district could improve its significant disproportionality but pointed to elementary as the origin of the issue. The secondary IEP Chairpersons' answers focused on re-eligibility and a common theme was how reluctant teams are to change eligibility, either IDEA disability category or eligibility in general. One participant asked the group what to do in a specific case regarding a student's re-eligibility for an

intellectual disability, to which the other participants began to respond, and I had to redirect them back to the question centered around the district data.

The elementary IEP Chairpersons discussed the topic of interventions at length. Concerns regarding identifying an appropriate intervention matched to the student's area of weakness, the amount of time spent providing the intervention, as well as whether interventions were done with fidelity were common among participants. This group also noted the difficulty in understanding a pattern of strengths and weaknesses when consider a specific learning disability.

Interestingly, all participants indicated they utilize the district-provided eligibility tools, and all seemed to feel confident that the tools helped to ensure that the correct decisions were made for students, regardless of a student's race. The high degree of confidence regarding eligibility decision seemed in conflict with their admission of concerns with providing appropriate interventions as well as understanding criteria for SLD eligibility. There was heavy reliance on data as the determining factor for whether a student qualifies. Again, this seems at odds considering the participants' concerns noted above. Both focus groups had participants who mentioned it being surprising if a student doesn't continue to qualify or if a different eligibility label could be considered. This indicates to me that a mindset for IEP Chairpersons in District A could be that once students are identified for special education services, they continue to need them, and if that is the case, District A must work on shifting that mindset.

One surprising finding was the inconsistency of answers among participants regarding whether the state-mandated risk ratio benchmarks impacted eligibility

determinations. Only one participant noted that the state target had an impact on eligibility determinations. Four participants noted the state target did not have an impact. One participant indicated teachers were not aware of the state target but that, if they were, it would have an impact on the eligibility decision. I was surprised that bias related to race was only mentioned by one person, and even more surprised that no other participant agreed, disagreed, or even commented on it. This makes me wonder if it is a subject that is purposely avoided, and if so, why?

I'm eager to conduct the last two individual interviews with central office administrators to elicit their perceptions of the impact of the state mandated risk ratio benchmark. I'm wondering if those at the district level have an inaccurate portrait of how IEP Chairpersons understand and consider the state mandated risk ratio benchmarks when determining eligibility of African American students for special education?

Appendix K

Analytic Memo 2

This phase of my research study consisted of interviewing three central office administrators in District A. This phase was designed to answer the research question what, if any, changes in special education eligibility policies or procedures do central office administrators perceive have resulted from state mandated risk ratio benchmarks? As I began recruitment for the focus groups, I felt apprehensive about who would be willing or able to participate. The Center for Disease Control had recently revised guidelines regarding COVID-19 and District A was experiencing a high COVID-19 positivity rate concurrent with a substitute shortage. Fortunately, all three central office administrators agreed to an interview.

Two of the interviews were held in person and one was held via Microsoft Teams between February 3, 2022, and February 16, 2022. I allotted forty-five minutes for each interview, which was ample time to address the questions and prompts for two of the interviews, with one interview lasting one hour and ten minutes.

All three administrators commented on the connection between significant disproportionality and the work the district is doing with equity; however, one administrator noted how many different requirements and mandates there are currently from both the state and federal level. I was surprised to hear how the work to address significant disproportionality was being done by the special education department and not connected to other district initiatives. One administrator shared that the work is “all special ed driven, which is problematic…because it’s all happening in gen ed, before you identify kids.”

To me, the most informative part of all three interviews occurred when discussing the interviewee's role and responsibility in regard to the district's significant disproportionality data. Every interviewee indicated they had a role and responsibility yet noted that the work was currently being done in silos. There was optimism in the responses regarding the district's future work that would be done collaboratively. The administrators were reflective and were able to talk about this issue from a systems perspective. Two of the administrators, for example, discussed the district's work to establish a Multi-Tiered System of Supports (MTSS) to address the inequities that the significant disproportionality data brought to light. It was apparent that efforts were currently in place to bring various initiatives together while meeting the reporting requirements at the state and federal level. When considering this evidence compared to the focus group discussions, it is apparent that this collaborative effort has not had an impact at the school level as of yet.

Another factor that the administrators discussed during the interviews was the reality of the circumstances for general education teachers. One administrator felt that the state-manded benchmarks weren't considered at the school level and that "[teachers] just see students who need help." Another administrator noted "in the classroom, teachers feel overwhelmed, and they may feel like they don't know what to do. So even if they're given strategies to address those things, or given supports to provide small group targeted instruction, it becomes overwhelming with the other twenty-two to twenty-five kids in a classroom." There was acknowledgement that expectations and guidance had to start with administration, but ultimately the change would come "from and through teachers."

I appreciated the thoughtful answers the administrators provided. All three administrators reported the data as a concern and something that needs to be addressed. One administrator noted the importance of getting to the root of the issue of why the district has significant disproportionality. The administrator also discussed the need to address the issue with staff the right way and stated that "when you ask and demand in the wrong way, people get nervous, scared, fearful, and they do the wrong thing. They do the wrong thing, in order to try to raise scores a couple of points."

The last three questions in the interviews shed the most light on what is happening at the district level, although there wasn't a direct connection to the state-mandated risk ratio benchmarks. Administrators shared how significant disproportionality connects to the district's work with its equity priority; however, it was also noted as a concern that there were so many different requirements for monitoring and reporting. For example, the state has multiple requirements for districts (Ready to Read Act, Specialized Instruction Report, Disproportionality) in addition to the federal requirements (IDEA, Significant Disproportionality) where data are collected and reported, with some of it overlapping. In addition, all administrators noted the importance of collaboration among departments but shared the district is still working in silos in many ways.

Appendix L
Final Code Categorization

Roles & Responsibilities

- Part of a team
- Facilitator
- Reviewing prereferral/intervention data
- Provide data
- Monitoring, reporting data
- Provide Training to schools
- Grants, fiscal
- Meet with school-based leaders
- Revise forms
- Collaboration
- System priorities
- Documentation

Knowledge

- Confused
- Frustrated
- Unfamiliar
- Familiar
- I know we have it
- Plan in place

IEP Team Practice

- Eligibility decisions
- Presumed continued eligibility
- Evaluation/Assessments
- Expert in field reviews tool
- Resistant to change classification
- Change classification
- Use the tools
- Data points, interventions
- Team disagreement
- Psychologists approve eligibility
- Explain to parents

Impact of State Mandate

- Impacting
- Not impacting

Impact of Pandemic

- Increased parent referrals

- Changed practices
- Student gaps

Equity

- Bias, stereotype, prejudice
- Larger issue than Special Education
- Root cause
- Connection to Equity Policy

Questions

- Am I capturing the right pieces of data?
- Will there be questions about how form was completed?
- Did we pick a different disability code?
- What drives [state] decisions?
- Where does this start?
- Is it because we have a large number of White students?
- How initially determined?
- Average age students initially eligible?
- What tools are we using [prereferral]?
- How does it (eligibility data) change over time?
- Are [students] really getting Tier1, 2, and 3 interventions?
- What are other districts doing?
- How do we fix our numbers?
- Why isn't race talked about more?

Suggestions

- Building capacity of gen ed
- Data analysis/progress monitoring
- Interventions
- MTSS
- Core instruction/differentiation in Tier 1
- Collaboration
- Communication
- Early intervention
- Equity priority
- Inclusion

Perceptions

- Intervention practice
- Referral source
- Presumed continued eligibility
- Documentation on eligibility tools
- State mandate not considered

- State mandate considered
- State mandate would impact decisions
- Teachers feel overwhelmed
- Schools aware
- Schools/teachers unaware
- What's best for students
- Intent of benchmarks
    - Avoid bias
    - Arbitrary
    - Fair
    - Unfair
- Lack of concern
- Blame
    - Elementary
    - Secondary
    - Dept. of Instruction
- Pre-referral process lacking
- Eligibility forms
    - Confusing
    - Help make good decisions
    - Data, explanations
- Difficult for schools to navigate
- Root cause

Appendix M

Document Analysis Table

Document Selected	Data/Content Presented	Key Categories	Evidence
District A CCEIS Process Checklist (2021)	Guidance and tool for schools providing Comprehensive Coordinated Early Intervening Services	Training materials; data driven decision making; communication; documentation	Checklist created by District A Special Education Department to support schools in providing CCEIS, analyzing data, provision of supplemental instruction, Student Review Teams, Ongoing Progress Monitoring, CCEIS Documentation, and completion of CCEIS required forms
PLC Template	Tool for schools and grade level teams to use during grade level professional learning community meetings	Training communication; data transparency; literacy and math goal setting; data driven decision making; communication; documentation	PLC template recommended by District A Special Education Department including data analysis, instructional goals, recommended instructional approach, support and resources needed, professional learning, monitoring results. Areas include: analyzing data to inform instruction, specific content to instruct, strategies that provide opportunities to learn, equity/cultural awareness/proficiency, programming/scheduling, intervention math/materials, social emotional learning, other
Kid Talk Template	Tool for schools and grade level teams to discuss specific students	Training material; data transparency, goal setting, data driven decision making; communication; documentation	Document provided by District A Special Education Department to identify student-specific problem, goal, strategies, monitoring, and updates.
District A Individual Student Academic/ Interventions Tracking Form (2019)	Tool for schools, teachers to document individual student intervention, instructional strategies, and student progress	Training material; data transparency; data driven decision making; communication; documentation	Form provided by District A Special Education Department to document area of concern, intervention and strategies, student data, and results/outcome.

Document Selected	Data/Content Presented	Key Categories	Evidence
School A Student Services Team (SST) Referral (updated 2018)	Individual student referral to the SST Team.	Communication; documentation; data transparency	Reasons for Referral (Academics, Behavior, Attendance); Cumulative File Folder Review; Academics – state 2 positives about the student, 1 being academic and the 2nd being behaviorally; Attendance; Health Information; Homework & Classwork; Discipline; Parent Contact; Speech Language; Basic Reading Skills/Reading Comprehension; Reading Intervention/Strategy; Written Expression; Writing Intervention/Strategy; Math Calculation, Math Reasoning; Math Intervention/Strategy; Gross, Fine Motor; Social/Emotional/Behavioral; Attention/Organization Activity Level
School B Student Services Team (SST) Referral (updated 2021)	Individual student referral to the SST Team.	Communication; documentation; data transparency	Area of Concern (Attendance, Behavior/Social Emotional, Academics, Health, Speech/Lang); Student's strengths; Precise Problem Statement; Attendance Concerns; Behavioral, Social, Emotional Concerns (check those that apply); Academic Concerns (Processing, Reading, Written Language, Math); Resources (List Research Based Interventions, Initial Date of Implementation, Duration, Specific Results, End Date); Speech, Language Concerns; Parent Contact (Communication, Dates); Family Information; Grade Level Team Collaboration; Record Review and Information; Medical; Academic History/Report Card Grades; Indicate what your student CAN do

Document Selected	Data/Content Presented	Key Categories	Evidence
Child Find Referral Form	Individual student referral form to the IEP Team (parent or school source of referral)	Communication; documentation; data transparency	Demographic information; Referral Source/Title; Reason(s) for referral; Behaviors frequently observed (in comparison to peers); Vision & Hearing Screening results; Relevant Medical Concerns; Medical Diagnoses; English Language Learner?; "Are there cultural, environmental or economic factors that influence the student's performance?"; Statement of concerns/needs (parental, school-based, childcare); Student's strengths, interest areas, significant personal attributes, and personal accomplishments; Parental input regarding the student's educational program; Instructional Interventions and Strategies; Date assessment results were shared with parents; Data and summary of observations conducted by teachers and special education providers in general education classroom setting; Additional Notes; Additional Observations by Teachers and/or Related Services Providers
District A Eligibility Tool for SLD (Revised Oct. 2019)	Guidance/tool for IEP teams to use when determining special education eligibility under the IDEA classification of SLD	Communication; documentation; data transparency; special education eligibility decision-making	Form provided by District A Special Education Department to assist IEP teams with determining eligibility for a student under the IDEA eligibility classification of SLD. Initial evaluations require Pre-referral information and documentation that the student was given appropriate instruction in general education. "Criteria – Must consider all 3 criteria (student does not achieve adequately, pattern of strengths and weaknesses, lack of achievement the result of visual/hearing or motor disability, emotional disability, environmental/ cultural or economic disadvantage, intellectual disability, limited English Proficiency, lack of instruction in Reading or Math)"

Document Selected	Data/Content Presented	Key Categories	Evidence
District A Eligibility Tool for ED (revised June 2021)	Guidance/tool for IEP teams to use when determining special education eligibility under the IDEA classification of ED	Communication; documentation; data transparency; special education eligibility decision-making	Emotional Disability defined at top of tool; student has previously been assessed in both Intellectual and Academic Abilities; a certified School Psychologist, Licensed Psychologist or Licensed Psychiatrist has completed an evaluation; a certified Psychologist, Licensed Psychologist, or Licensed Psychiatrist has completed an evaluation and documented the presence of one or more of the characteristics listed; documentation to support that the characteristics have existed over a long period of time – at least 6 months; team's determination that the emotional disability adversely impacts the student's ability to access and function in the educational program
District A Eligibility Tool for ID (revised July 2021)	Guidance/tool for IEP teams to use when determining special education eligibility under the IDEA classification of ID	Communication; documentation; data transparency; special education eligibility decision-making	Intellectual Disability defined at top of tool; evaluation by a certified school psychologist or licensed psychologist using standardized comprehensive instruments of cognitive ability that indicates student performs 2 standard deviations below peers of equivalent age, ethnic and cultural background; an evaluation that indicates that adaptive behavior is consistent with cognitive abilities; an educational evaluation by a certified teacher, demonstrating academic difficulties related to reduced cognitive ability and adaptive behavior; a team's determination that the student's functioning in all areas, as documented through the screening and evaluation process, is consistent with the findings of reduced cognitive ability and adaptive behavior, team's determination this impacts the student's ability to access and function in the educational program

Document Selected	Data/Content Presented	Key Categories	Evidence
District A Strategic Plan (Modified 2021)	2021 Modified plan from 2017 plan	Core Values, staff and community engagement, meaningful shared practice	Strategic Goals: "Equity," "Student Outcomes," "Climate and Culture," "Workforce," "Community Engagement"
District A Policy Regarding Equity	Board of Education Policy Statement Regarding Equity (adopted 2016, revised 2018, 2020)	Core Values, community/ culture, meaningful shared practice	"raise achievement for each child," "identify and address structural, institutional barriers, and social identifiers," Guidelines include Superintendent annual reports on "progress on eliminating opportunity gaps; budget allocations; ESSA Strategic Plan; employment of persons from underrepresented groups; culturally responsive curriculum, materials, assessments; disproportionality related to discipline of minority students, ELL, and special ed students; participation of individuals from underrepresented groups in advanced academics"

Appendix N

Triangulation Matrix

Research Question	Key Findings	Conclusion
1: *To what extent, and in what ways, has District A's significant disproportionality data changed since 2018?*	***Risk Ratio Data:*** District data show slight decrease in risk ratios for AA. Increased risk ratios for AA in ED and ID (ED above 3.0, ID above 2.5). Risk ratios for African American students in District A exceed risk ratios for White students in all disability categories except Speech Language. Risk ratios for White students remained below a 1.0 risk ratio for the last four years. ***Focus Group Key Codes:*** Role and Responsibilities, IEP Team Practice, Knowledge, Perceptions, Questions, Suggestions ***Focus Group Evidence:*** "[pre-referral] process… is lacking… supposed to go through SST." "teams [are] very resistant to changing an eligibility…" "Is it because we have disproportionately larger numbers of white students?" ***Interview Key Codes:*** Knowledge, Perceptions, Impact of State Mandate, Equity, Suggestions ***Interview Evidence:*** "Our school system has been deemed as significantly disproportionate; I believe this is our third school year…" "When looking at [the data], it hasn't decreased." "…we have provided [schools] with their data…" "…there is an equity issue in our school system…" ***Document Analysis:*** Guidance and tools for providing Comprehensive Coordinated Early Intervening Services, PLC meetings, Kid Talk Template for grade level teams, and individual student intervention tracking. SST Referral (School A and School B) and Child Find Referral Form provide documentation and data transparency. Special Education eligibility tools for SLD, ED and ID were revised and provide communication, documentation, data transparency. Limited connection among checklists/tools and District A Strategic Plan and Policy Regarding Equity. Overview and description of system priorities and policy and procedures regarding equity.	1. African American students in District A are approaching significant disproportionality in every IDEA disability category except Speech Language Impairment.

Research Question	Key Findings	Conclusion
2: *In what ways, if at all, do IEP Chairpersons consider the state mandated risk ratio benchmark when determining eligibility of African American students for special education?*	***Focus Group Key Codes:*** Impact of State Mandate, Perceptions, Impact of Pandemic, Knowledge, IEP Team Practice ***Focus Group Evidence:*** "Teachers refer kids regardless." "Once we're at the [IEP meeting]…race isn't considered at that point." "I see [my role] as part of a team." "[Eligibility] is a team decision." "Initial eligibility…sets the tone." "I more facilitate the discussion and clarify questions or ask questions so that the team is all on the same page." "I will have the psychologist [or speech pathologist] pull up the form and go through the questions." "It's just presumed that [students] continue to be eligible." "We do what's right by kids..." "I think we do what's best for our students who are struggling...no matter if they do happen to fit certain criteria for demographics." "...the pandemic has definitely changed [referral practices]...now every student is going to have some gap..." "I feel if a student meets the criteria, they meet the criteria…Sorry, [if] it's above what the state wants." "I don't want it to skew people's decision-making." "If [elementary] were doing [early interventions] would they have been identified to begin with?" "teams [are] very resistant to changing an eligibility…" "At the middle school they have lots of SLD kids." ***Interview Key Codes:*** Knowledge, Perceptions, Roles and Responsibilities, Equity ***Interview Evidence:*** "There's been a heightened awareness made to administrators." "[The Special Education Department has] revised eligibility forms for any areas that were significantly disproportionate or at risk of becoming significantly disproportionate and conducted training on those eligibility forms…" "…training…with principals was also done with all IEP Chairpersons…" "Each school has to develop an action plan for how they will address any area that is significantly disproportionate for their school." "I don't know why race isn't talked about more…" "Many of the few [secondary schools] that are identified for disproportionality in identification have received the kids…" "[A] small number of students who are African American and identified as either	2. Schools/IEP Chairpersons do not consider the state benchmarks in the pre-referral process or eligibility decision-making. 3. IEP Chairpersons did not report their role as eligibility decision-makers.

	SLD, ED, or ID [are] newly identified. So…a problem is…they need to continue to be eligible through their IEP teams….” “The procedures for eligibility are being followed…” ***Document Analysis:*** Child Find Referral Form, District A Eligibility Tool for SLD, District A Eligibility Tool for ED, District A Eligibility Tool for ID provide guiding questions and eligibility criteria for IEP Teams to use when determining special education eligibility. Lack of connection among District Strategic Plan, Policy Regarding Equity, and Special Education documents.	
Research Question	**Key Findings**	**Conclusion**
3: W*hat, if any, changes in special education eligibility policies or procedures do IEP Chairpersons and central office administrators perceive have resulted from state mandated risk ratio benchmarks?*	***Risk Ratio Data:*** District risk ratio trend data indicates a slight decrease in risk ratio for African Americans being identified as SLD. Risk for AA increased for both ED and ID. ***Focus Group Key Codes:*** Impact of State Mandate, IEP Team Practice, Impact of Pandemic, Equity, Perceptions ***Focus Group Evidence:*** “I wish we had some more [training] so that we could really understand it better so that we could explain it to parents better.” “I don't want it to skew people's decision-making.” “It's important that we get students what they need [for special ed services].” “schools...don't have conversations about [significant disproportionality]...” "I haven't seen a change.” “There’s more…understanding…through that CCEIS process because we are talking about it at team meetings.” “What if you miss someone? …it doesn’t matter if it’s a black male.” "...the pandemic has definitely changed [referral practices]...now every student is going to have some gap..." “we do what's best for our students who are struggling...no matter if they do happen to fit certain criteria for demographics." "I don't think [teachers] know what the state benchmarks are; I'm not familiar..." "...for [re-eligibility]...it's well, would they be this [disability category]? Or would they be, you know, the catch-all for everything, OHI?" “The state is going to keep fining us or whatever…” “It’s a larger conversation than what you can have at the IEP table.” “Teachers don’t care about whether the state wants another black child in special ed or	4. There has been minimum impact on procedures as a result of the state mandated risk ratio benchmarks.

	not." "I can't say that anything came out because of the state…" ***Interview Key Codes:*** Knowledge, Perceptions, Roles and Responsibilities, Equity, Impact of State Mandate ***Interview Evidence:*** "When looking at [the data], it hasn't decreased." "We are always monitoring disproportionality." "The special education department [is] constantly monitoring that data and working with school principals and administration and teachers to track that data, make sure that they're providing specific interventions prior to any types of referrals coming in." "There's been a heightened awareness made to administrators." [The Special Education Department has] revised eligibility forms for any areas that were significantly disproportionate or at risk of becoming significantly disproportionate and conducted training on those eligibility forms…" "We get schools [identified as having significant disproportionality] maintaining at risk lists…" "Whenever there's a light shone on something I believe that make a difference…" "I have to make sure that I'm working in tandem with everyone to ensure that our district priorities are supporting the work of diminishing the disproportionality…for special education." "…we have all these different [requirements] which is also frustrating…That causes just as much consternation with…staff because you have all of these different things that have different expectations, but yet you're monitoring them and you're monitoring them all in different ways." ***Document Analysis:*** Newly created documents (CCEIS Checklist, PLC Template, Kid Talk Template, Individual Student Academic/Interventions Tracking Form). District A Policy Regarding Equity adopted in 2016, revised in 2018 and again in 2020. Documents provide tools for school-based teams to use in the pre-referral process. Tools for school-based leaders to comply with CCEIS requirements. Guidance/tools for IEP teams to use when determining special education eligibility were revised for SLD, ED, ID.	

Bibliography

Ahram, R., Fergus, E., & Noguera, P. (2011). Addressing racial/ethnic disproportionality in special education: Case studies of suburban school districts. *Teachers College Record, 113*(10), 2233-2266.

Albrecht, S.F., Skiba, R.J., Losen, D.J., Chung, C., & Middleberg, L. (2012). Federal policy on disproportionality in special education: Is it moving us forward? *Journal of Disability Policy Studies, 23*(1), 14-25. DOI: 10.1177/1044207311407917

Algozzine, B. & Ysseldyke, J. (1983). Learning disabilities as a subset of school failure: The over-sophistication of a concept. *Exceptional Children, (50)*3, 242-246.

Algozzine, B., Ysseldyke, J.E., & Christenson, S. (1983). An analysis of the incidence of special class placement: The masses are burgeoning. *The Journal of Special Education, (17)*2, 141-147.

Alter, P., Walker, J., & Landers, E. (2013). Teachers' perceptions of students' challenging behavior and the impact of teacher demographics. *Education and Treatment of Children 36*(4), 51-69. http://doi:10.1353/etc.2013.0040

American Institutes for Research. (2015). *A framework for coherence: College and Career Readiness Standards, Multi-Tiered Systems of Support, and educator effectiveness.* https://gtlcenter.org/sites/default/files/Multi-Tiered_Systems_of_Support.pdf

Artiles, A.J. (2011). Toward an interdisciplinary understanding of educational equity

and difference: The case of the racialization of ability. *Educational Researcher, 40*(9), 431-445. DOI: 10.3102/0013189X11429391

Artiles, A.J. (2013). Untangling the racialization of disabilities: An intersectionality critique across disability models. *DuBois Review, 10*(2), 329-347. DOI:10.1017/S1742058X13000271

Artiles, A.J., & Bal, A. (2008). The next generation of disproportionality research: Toward a comparative model in the study of equity in ability differences. *The Journal of Special Education, (42)*1, 4-14.

Artiles, A.J., & Trent, S.C. (1994). Overrepresentation of minority students in special education: A continuing debate. *The Journal of Special Education, 27*(4), 410-437. DOI: 10.1177/002246699402700404

Ayres, L. (1909). *Laggards in Our Schools.* New York: Russell Sage.

Berger, R. (2015). Now I see it, now I don't: researcher's position and reflexivity in qualitative research. *Qualitative Research 15(2),* 219-234.

Blackorby, J. & Wagner, M. (1996). Longitudinal postschool outcomes of youth with disabilities: Findings from the National Longitudinal Transition Study. *Exceptional Children,* 62(5), 399-413. DOI: 10.1177/001440299606200502

Blanchett, W.J., Klingner, J.K., & Harry, B. (2009). The intersection of race, culture, language, and disability: Implications for urban education. *Urban Education, (44)*4, 389-409. DOI: 10.1177/0042085909338686

Blanchett, W.J., Mumford, V., & Beachum, F. (2005). Urban school failure and disproportionality in a Post-*Brown* Era: Benign neglect of the constitutional rights of students of color. *Remedial and Special Education, 26*(2), 70-81.

https://doi-org.proxy-um.researchport.umd.edu/10.1177/07419325050260020201

Bollmer, J., Bethel, J., Garrison-Mogren, R., & Brauen, M. (2007). Using the risk ratio to assess racial/ethnic disproportionality in Special Education at the school-district level. *The Journal of Special Education, (41)*3, 186-198.

Bradley, R., Danielson, L., & Doolittle, J. (2007). Responsiveness to intervention: 1997 to 2007. *Teaching Exceptional Children, (39)*5, 8–12. DOI: 10.1177/004005990703900502

Bradley, R.H., Whiteside, L., Mundfrom, D.J., Casey, P.H., Kelleher, K.J., & Pope, S.K. (1994). Early indications of resilience and their relation to experiences in the home environments of low birthweight, premature children living in poverty. *Child Development, 65*(2), 346-360. https://www.jstor.org/stable/1131388?seq=1

Bradshaw, C.P., Mitchell, M.M., O'Brennan, L.M., & Leaf, P.J. (2010). Multilevel exploration of factors contributing to the overrepresentation of black students in office disciplinary referrals. *Journal of Educational Psychology, 102*(2), 508-520. https://doi.org/10.1037/a0018450

Brandon, R.R., & Brown, M.R. (2009). African American families in the special education process: Increasing their level of involvement. *Intervention in School and Clinic, 45*(2), 85-90. DOI: 10.1177/1053451209340218

Bridgeland, W.M., & Duane, E.A. (1987). Elementary school principals and their political settings. The *Urban Review, 19*(4), 191–200. https://doi-org.proxy-um.researchport.umd.edu/10.1007/BF01112054

Brock, S.E. (2006). An examination of the changing rates of Autism in special education. *The California School Psychologist, 11*(1), 31-20. DOI: 10.1007/BF03341113

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

Cameto, R. (2005). Employment of youth with disabilities after high school. In M. Wagner, L. Newman, R. Cameto, N. Garza, & P. Levine (Eds.), *After high school: A first look at the post school experience of youth with disabilities* (pp. 1-19). Menlo Park, CA: SRI International. Retrieved from https://nlts2.sri.com/reports/2005_04/nlts2_report_2005_04_ch5.pdf.

Centers for Disease Control and Prevention. (2014). Prevalence of Autism Spectrum Disorder among children aged 8 years — Autism and Developmental Disabilities Monitoring Network, 11 sites, United States, 2010. *Morbidity and Mortality Weekly Report, Surveillance Summaries, 63*(2), 6-21. https://www-jstor-org.proxy-um.researchport.umd.edu/stable/24806108

Cohen, D.K. (1970). Immigrants and the Schools. *Review of Educational Research, 40*(1), 13-27. https://www.jstor.org/stable/1169575

Council of Parent Attorneys & Advocates, Inc. v. Devos, 2019 WL 1082162 (D.D.C. 2019)

Craft, E., & Howley, A. (2018). African American students' experiences in special education programs. *Teachers College Record, 120*, 1-35.

Cramer, E., Little, M.E., & McHatton, P.A. (2018). Equity, equality, and standardization: Expanding the conversations. *Education and Urban Society, 50*(5), 483-501. DOI: 10.1177/0013124517713249

Creswell, J. W. (2009). Research design: Qualitative, quantitative, and mixed methods approaches (3rd ed.). Thousand Oaks, CA: SAGE Publications, Inc.

Cumming v. Richmond County Board of Education, 175 U.S. 528 (1899).

Cummins, J. (1986). Psychological assessment of minority students: Out of context, out of focus, out of control? *Journal of Reading, Writing, and Learning Disabilities International: Overcoming Learning Difficulties, 2*(1), 9-19. DOI: 10.1080/0748763860020103

Curry, L. (2015). *Fundamentals of qualitative research methods [YouTube video]*. Yale Global Health Leadership Initiative. Available from https://www.youtube.com/watch?v=cCAPz14yjd4

Denning, C.B., Chamberlain, J.A., & Polloway, E.A. (2000). An evaluation of state guidelines for mental retardation: Focus on definition and classification practices. *Education and Training in Mental Retardation and Developmental Disabilities, 35*(2), 226-232. https://www.jstor.org/stable/23879946?seq=1

Deno, E. (1970). Special education as developmental capital. *Exceptional Children 37*(3), *229-237*. DOI: 10.1177/001440297003700306

Deschenes, S., Cuban, L., & Tyack, D. (2001). Mismatch: Historical perspectives on schools and students who don't fit them. *Teachers College Record 103*(4), 525-547.

Donovan, M.S., & Cross, C.T. (2002). *Minority Students in Special and Gifted Education.* The National Academy Press, Washington, DC: U.S. Government Printing Office.

Drever, E. (1995). Using semi-structured interviews in small-scale research: A

teacher's guide. Scottish Council for Research in Education.

Dunn, L. (1968). Special education for the mildly mentally retarded: Is much of it justifiable? *Exceptional Children, 23,* 5-21. DOI: 10.1177/001440296803500101

Emerson, N.D., Morrell, H.E.R., & Neece, C. (2016). Predictors of age of diagnosis for children with Autism Spectrum Disorder: The role of a consistent source of medical care, race, and condition severity. *Journal of Autism and Developmental Disorders, 46*(1), 127-138. DOI: 10.1007/s10803-25555-x

Endrew F. v. Douglas County School District. (2017). Retrieved from www.scotusblog.com/case-files/cases/endrew-f-v-douglas-county-school-district/.

Ferri, B.A. & Connor, D.J. (2005). Tools of exclusion: Race, disability, and (re)segregation education. *Teachers College Record, 107*(3), 453-474. DOI: 10.1111/j.1467-9620.2005.00483.x.

Ferri, B.A. & Connor, D.J. (2006). *Reading resistance: discourses of exclusion in desegregation & inclusion debates.* New York: Peter Lang.

Fierros, E.G., & Conroy, J.W. (2002). Double jeopardy: An exploration of restrictiveness and race in special education. In D.J. Losen & G. Orfield (Eds.), *Racial Inequity in Special Education* (pp. 39-70). Cambridge, MA: The Civil Rights Project at Harvard University, Harvard Educational Press.

Figueroa, R.A. (1983). Test bias and Hispanic children. *The Journal of Special Education, 17*(4), 431-440.

Forness, S.R. (1985). Effects of public policy at the state level: California's impact on

MR, LD, and ED categories. *Remedial and Special Education, 6*(3), 36-43. DOI: 10.1177/074193258500600308

Fraenkel, J.R., Wallen, N.E., & Hyun, H.H. (2012). How to design and evaluate research in education (8th ed.). New York, NY: McGraw Hill.

Fuchs, D., Fuchs, L.S., McMaster, K.L., & Lemons, C.J. (2018). Students with disabilities' abysmal school performance: An introduction to the special issue. *Learning Disabilities Research & Practice, 33*(3), 127-130.

Fuchs, L.S., & Vaugh, S. (2012). Responsiveness to intervention: A decade later. *Journal of Learning Disabilities, 45*(3), 195-203. DOI: 10.1177/0022219412442150

Garcia, G.E., & Pearson, P.D. (1994). Assessment and diversity. *Review of Research in Education, 20*, 337-391. http://www.jstor.com/stable/1167388

Gay, G. (2002). Preparing for culturally responsive teaching. *Journal of Teacher Education, 53*(2), 106–116. https://doi.org/10.1177/0022487102053002003

Gay, G. (2013). Teaching to and through cultural diversity. *Curriculum Inquiry, 43*(1), 48-70. DOI: 10.1111/curi.12002

Gibbs, G. (1988), Learning by doing: A guide to teaching and learning methods, *Oxford Further Education Unit*, Oxford. https://thoughtsmostlyaboutlearning.files.wordpress.com/2015/12/learning-by-doing-graham-gibbs.pdf

Gottlieb, J., Alter, M., Gottlieb, B.W., & Wishner, J. (1994). Special education in urban America: It's not justifiable for many. *The Journal of Special Education, 27*(4), 453-465.

Gottlieb, J., & Weinberg, S. (1999). Comparison of students referred and not referred

for special education. *The Elementary School Journal, 99*(3). 187-199. https://www-jstor-org.proxy-um.researchport.umd.edu/stable/1002312

Gravois, T.A., & Rosenfield, S.A. (2006). Impact of instructional consultation teams on the disproportionate referral and placement of minority students in special education. *Remedial and Special Education,* 27(1), 42-52.

Guarino, C.M.; Buddin, R.; Pham, C.; & Cho, M. (2010). Demographic factors associated with the early identification of children with special needs. *Topics in Early Childhood Special Education, 30*(3), 162-175. DOI: 10.1177/0271121409349273

Hallahan, D.P (1992). Some thoughts on why the prevalence of learning disabilities has increased. *Journal of Learning Disabilities, 25*(8), 523-528. DOI: 10.1177/002221949202500806

Harry, B. (1992). *Culturally diverse families and the special education system: Communication and empowerment.* New York: Teachers College Press.

Harry, B., Allen, N., & McLaughlin, M. (1995). Communication versus compliance: African-American parents' involvement in special education. *Exceptional Children, 61*(4), 364-377.

Harry, B., & Klingner, J.K. (2007). Discarding the deficit model. *Educational Leadership, 64*(5), 16-21.

Harry, B., & Klingner, J.K. (2014). *Why are so many minority students in special education? Understanding race and disability in schools.* Teachers College Press. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/umdcp/detail.action?docID=3544894

Harry, B., Klingner, J.K., & Hart, J. (2005). African American families under fire: Ethnographic views of family strengths. *Remedial and Special Education, 26*(2), 101-112.

Harry, B., Klingner, J.K., Sturges, K.M., & Moore, R.F. (2002). Of rocks and soft places: Using Qualitative Methods to investigate disproportionality. In D.J. Losen, & G. Orfield (Eds.), *Racial inequity in special education* (pp. 1-13). Cambridge, MA: Harvard Educational Press.

Hart, B., & Risley, T.R. (2003). The early catastrophe: The 30 million word gap by age 3. *American Educator, 27*(1), 4-9.

Heller, K.A., Holtzman, W.H. & Messick, S. (1982). *Placing Children in Special Education: A strategy for equity.* The National Academy Press, Washington, DC: U.S. Government Printing Office.

Hendrick, I.G., & MacMillan, D.L. (1987). Coping with diversity in city school systems: The role of mental testing in shaping special classes for mentally retarded children in Los Angeles, 1900-1930. *Education and Training in Mental Retardation, 22*(1), 10-17. https://www.jstor.org/stable/23878345

Hendrick, I.G., & MacMillan, D.L. (1989). Selecting children for special education in New York City: William Maxwell, Elizabeth Farrell, and the development of ungraded classes, 1900-1920. *The Journal of Special Education, 22*(4), 395-417.

Hibel, J., Farkas, G, & Morgan, P.L. (2010). Who is placed into special education? *Sociology of Education, 83*(4), 312-332. DOI: 10.1177/0038040710383518

Hill, C.E., Knox, S., Thompson, B.J., Williams, E.N., & Hess, S. A. (2005).

Consensual qualitative research: An update. *Journal of Counseling Psychology*, *52*(2). https://doi.org/10.1037/0022-0167.52.2.196

Hipp, K.A., & Huffman, J.B. (2000, Apr 24-28). How leadership is shared and visions emerge in the creation of learning communities [Paper presented at a conference session]. Annual Meeting of the American Educational Research Association, New Orleans, LA, United States.

Hosp, J.L., & Reschly, D.J. (2001). Predictors of restrictiveness of placement for African-American and Caucasian students. *Council for Exceptional Children*, *68*(2), 225-238.

Individuals with Disabilities Education Improvement Act (IDEA), Pub. L. No. 108-446, 118 Stat. 2647 (2004).

Karier, C.J. (1973). Testing for order and control in the corporate liberal state. *Educational Theory*, *22*(2), 154-180. DOI: 10.1111/j.1741-54461972.tb01274.x

Kauffman, D.P., & Hallahan, D.P. (1995). *The illusion of full inclusion: A comprehensive critique of a current special education bandwagon.* Austin, TX: Pro-Ed.

Kena, G., Aud, S., Johnson, F., Wang, X., Zhang, J., Rathbun, A., Wilkinson-Flicker, S., & Kristapovich, P. (2014). *The Condition of Education 2014* (NCES 2014-083). U.S. Department of Education, National Center for Education Statistics. Washington, DC. Retrieved October 4, 2018 from http://nces.ed.gov/pubsearch

KewalRamani, A., Gilbertson, L., Fox, M., & Provasnik, S. (2007). *Status and Trends*

in the Education of Racial and Ethnic Minorities (NCES 2007-039). National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education. Washington, D.C.

Klingner, J.K., & Harry, B. (2006). The special education referral and decision-making process for English Language Learners: Child study team meetings and placement conferences. *Teachers College Record, 108*(11), 2247-2281.

Lefmann, T., & Combs-Orme, T. (2014). Prenatal stress, poverty, and child outcomes. *Child and Adolescent Social Work Journal, 31*(6). 577-590. DOI: 10.1007/s10560-014-0340-x

Lemons, C.J., Vaugh, S., Wexler, J., Kearns, D.M., & Sinclair, A.C. (2018). Envisioning an improved continuum of special education services for students with learning disabilities: Considering intervention intensity. *Learning Disabilities Research & Practice, 33*(3), 131-143. https://doi-org.proxy-um.researchport.umd.edu/10.1111/ldrp.12173

Lhamon, C.E. (2016). *Dear colleague letter: Preventing racial discrimination in special education.* Office for Civil Rights. Retrieved December 8, 2019 from https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-racedisc-special-education.pdf

Losen, D.J., & Orfield, G. (2002) *Racial inequity in special education.* Cambridge, MA: The Civil Rights Project at Harvard University, Harvard Educational Press.

Losen, D.J., & Welner, K.G. (2001). Disabling discrimination in our public schools:

Comprehensive legal challenges to inappropriate and inadequate special education services for minority children. *Harvard Civil Rights-Civil Liberties Law Review, 26,* 407-460.

Losen, D.J., & Welner, K.G. (2002) Legal challenges to inappropriate and inadequate special education for minority children. In D.J. Losen, & G. Orfield (Eds.), *Racial inequity in special education* (pp. 1-13). Cambridge, MA: Harvard Educational Press.

Lyon, G. R., Fletcher, J.M., Shaywitz, S.E., Shaywitz, B.A., Torgesen, J.K., Wood, F.B., Schulte, A., & Olson, R. (2001). Rethinking learning disabilities. In C.E. Finn Jr., A.J. Rotherham, & C.R. Hokanson, Jr (Eds.), *Rethinking Special Education for a new century* (pp.259-287). Washington, DC: Thomas B. Fordham Foundation.

Mackie, R. (1969). Special education in the United States: Statistics 1948-1966. New York: Teachers College Press.

MacMillan, D.L., & Balow, I.H. (1991). Impact of *Larry P.* on educational programs and assessment practices in California. *Diagnostique, 17*(1), 57-69. https://doi.org/10.1177/153450849101700106

MacMillan, D.L., Greshman, F.M., Lopez, M.F., & Bocian, K.M. (1996). Comparison of students nominated for prereferral interventions by ethnicity and gender. *The Journal of Special Education, 30*(2), 133-151.

MacMillan, D.L., Hendrick, I.G., & Watkins, A.V. (1988). Impact of Diana, Larry P., and P.L. 94-142 on minority students. *Exceptional Children, 54*(5), 426-432. DOI: 10.1177/001440298805400505

MacMillan, D.L. & Reschly, D.J. (1998). Overrepresentation of minority students: The case for greater specificity or reconsideration of the variables examined. *The Journal of Special Education, 32*(1), 15-24.

MacMillan, D.L., Windaman, K.F., Balow, I.H., Borthwick-Duffy, S., Hendrick, I.G., & Hemsley, R.E. (1992). Special education students exiting the educational system. *The Journal of Special Education, 26*(1), 20-36.

Maryland State Department of Education, Division of Early Intervention and Special Education Services (MSDE, EIS/DSE) and Johns Hopkins University, Center for Technology in Education (JHU, CTE). (2018). Retrieved 12/13/2021 from https://iep.online-iep.com/maryland/Login.aspx

Maryland Partnership for Teaching and Learning, PreK-16. (2007). *Report of the Task Force on the Education of Maryland's African-American Males*. Retrieved July 23, 2018, from www.justicepolicy.org/uploads/justicepolicy/documents/blackmales2007

McFarland, J., Cui, J., Rathbun, A., & Holmes, J. (2018). *Trends in High School Dropout and Completion Rates in the United States: 2018* (NCES 2019-117). U.S. Department of Education. Washington, DC: National Center for Education Statistics. Retrieved December 10, 2018 from http://nces.ed.gov/pubsearch

McLaughlin, M.J. (2010). Evolving interpretations of educational equity and students with disabilities. *Council for Exceptional Children, 76*(3), 265-278.

McLaughlin, M.J., & Burho, J. (2018). The search for equality of educational

opportunity. In J.B. Crockett, B. Billingley, & M. Boscardin (Eds.), *Handbook of leadership and administration for special education* (2nd ed., pp. 443-457). New York: Routledge.

McLaughlin, M.J., Dyson, A., Nagle, K., Thurlow, M., Rouse, M., Hardman, M., Norwich, B., Burke, P.J., Perlin, M. (2006). Cross-cultural perspectives on the classification of children with disabilities: Part II. Implementing classification systems in schools. *The Journal of Special Education, 40*(1), 46-58.

McLaughlin, M.J., & Owings, M.F. (1992). Relationships among states' fiscal and demographic data and the implementation of P.L. 94-142. *Exceptional Children, 59*(3), 247-261.

Mercer, J. (1989). Alternative paradigms for assessment in a pluralistic society. In J.A. Banks & C.A.M. Banks (Eds.), *Multicultural education: Issues and perspectives* (8th ed., pp. 289-304). Boston: Allyn & Bacon.

Mercer, C.D.; Jordan, L.; Allsopp, D.H., & Mercer, A.R. (1996). Learning disabilities definitions and criteria used by state education departments. *Learning Disability Quarterly*, 19(4). http://www.jstor.com/stable/1511208

National Assessment of Educational Progress (NAEP). (2018). *Nation's Report Card*. Retrieved November 11, 2018 from https://www.nationsreportcard.gov/

National Center for Educational Statistics. (2008). *Status and trends in the education of racial and ethnic minorities.* Retrieved February 20, 2018, from http://nces.ed.gov

National Center on Response to Intervention. (2010). *Essential components of RTI: A closer look at response to intervention.* http://www.rti4success.org

National Research Council Institute of Medicine. (2000). *From Neurons to Neighborhoods: The Science of Early Childhood Development.* Washington, DC: The National Academies Press. https://doi.org/10.17226/9824

NeMoyer, A., Nakash, O., Fukuda, M., Rosenthal, J., Mention, N., Chambers, V.A., Delman, D., Perez Jr., G., Green, J.G., Trickett, E., & Alegria, M. (2020). Gathering diverse perspectives to tackle "Wicked Problems": Racial/ethnic disproportionality in educational placement. *American Journal of Community Psychology, 65*(1-2). 44-62. https://doi-org.proxy-um.researchport.umd.edu/10.1002/ajcp.12349

No Child Left Behind Act of 2001, Pub. L. 107-110, 115 Stat. 1425, codified as amended at 20 U.S.C. §§6301.

Oswald, D.P., Coutinho, M.J., & Best, A.M. (2002). Community and school predictors of overrepresentation of minority children in special education. In D.J. Losen, & G. Orfield (Eds.), *Racial inequity in special education* (pp. 1-13). Cambridge, MA: Harvard Educational Press.

Parrish, T. (2002). Racial disparities in the identification, funding, and provision of special education. In D.J. Losen, & G. Orfield (Eds.), Racial inequity in special education (pp. 15-37). Cambridge, MA: Harvard Educational Press.

Patton, M. Q. (2002). Qualitative research and evaluation methods (3rd ed.). Sage Publications.

Patton, M.Q. (2015). Qualitative research and evaluation methods: Integrating theory and practice. (4th ed.). Thousand Oaks, CA: Sage Publications.

Pazey, B.L. & Yates, J.R. (2018). Conceptual and historical foundations of special

education administration. In J.B. Crockett, B. Billingley, & M. Boscardin (Eds.), *Handbook of leadership and administration for special education* (2nd ed., pp. 443-457). New York: Routledge.

Peters, C.D., Kranzler, J.H., Algina, J., Smith, S.W., & Daunic, A.P. (2014). Understanding disproportionate representation in special education by examining group differences in behavior ratings. *Psychology in the Schools, 51*(5), 452-465. DOI: 10.1002/pits.21761

Phillips, D. K., & Carr, K. (2007). Illustrations of the analytic memo as reflexivity for preservice teachers. *Educational Action Research, 15*(4), 561–575.

Phinney, J.S. (1996). When we talk about American ethnic groups, what do we mean? *American Psychologist, 51*(9), 918-927. DOI: 10.1037/0003-066X.51.9.918

Plessy v. Ferguson, 163 U.S. 537 (1896).

Praisner, C.L. (2003). Attitudes of elementary school principals toward the inclusion of students with disabilities. *Exceptional Children, 69*(2), 135-145.

Reschly, D.J. (1988). Minority MMR overrepresentation and special education reform. *Exceptional Children, 54*(4), 316-323.

Rogers, R. (2003). A critical discourse analysis of the special education referral process: A case study. *Discourse: Studies in the Cultural Politics of Education, 24*(2), 139-158. DOI: 10.1080/0159630032000110702

Romero, D.W., & Romero, F.S. (2003). Precedent, parity, and racial discrimination: A federal/state comparison of the impact of Brown v. Board of Education. *Law & Society Review, 37*(4), 809-826. https://www.jstor.org/stable/1555153

Rosa's Law, Pub. L. 111-256 (2010), 124 Stat. 2643, codified as amended at 20

U.S.C. §§1400(c)(12)(C)), §§1401(3)(A)(i), and (30)(C)).

Sadeh, S., & Sullivan, A.L. (2017). Ethical and legal landmines: Causal inference in special education decisions. *Psychology in the Schools, 54*(9), 1134-1147. DOI: 10.1002/pits.22046

Schibli, K., Wong, K., Hedayati, N., & D'Angiulli, A. (2017). Attending, learning, and socioeconomic disadvantage: Developmental cognitive and social neuroscience of resilience and vulnerability. *Annals of the New York Academy of Sciences, 1396*(1). 19-38. COI: 10.1111/nyas.13369

Shifrer, D. (2018). Clarifying the social roots of the disproportionate classification of racial minorities and males with learning disabilities. *The Sociological Quarterly, 59*(3), 384-406. DOI: 10.1080/00380253.2018.1479198

Shinn, M.R., Tindal, G.A., & Spira, D.A. (1987). Special education referrals as an index of teacher tolerance: Are teachers imperfect tests? *Exceptional Children, 54*(1), 32-40.

Skiba, R.J., Poloni-Staudinger, L., Simmons, A.B., Feggins, L.R., & Chung, C.G. (2005). Unproven links: Can poverty explain ethnic disproportionality in special education? *The Journal of Special Education, 39*(3), 130-144.

Skiba, R.J., Simmons, A.B., Ritter, S., Gibb, A.C., Rausch, M.K., Cuadrado, J., & Chung, C. (2008). Achieving equity in special education: History, status, and current challenges. *Exceptional Children, 74*(3), 264-288.

Skiba, R.J., Simmons, A., Ritter, S., Kohler, K., Henderson, M., & Wu, T. (2006). The context of minority disproportionality: Practitioner perspectives on special education referral. *Teachers College Record,* 108(7), 1424-1459.

Smith, A., & Kozleski, E.B. (2005). Witnessing Brown: Pursuit of an equity agenda in American education. *Remedial and Special Education, 26*(5), 270-280.

Snyder, P.A., Bishop, C.E., & Crow, R. (2018). Responsive practice-focused leadership for early intervention 1. In J.B. Crockett, B. Billingley, & M. Boscardin (Eds.), *Handbook of leadership and administration for special education* (2nd ed., pp. 393-416). New York: Routledge.

Speece, D.L. (2008). Learning disabilities in the United States: Operationalizing a construct. In L. Florian & M.J. McLaughlin (Eds.), *Disability Classification in Education* (pp. 227-243). Thousand Oaks, CA: Corwin Press.

Sperry, D.E., Sperry, L.L., & Miller, P.J. (2019a). Language does matter: But there is more to language than vocabulary and directed speech. *Child Development, 90*(3), 993-997. https://doi-org.proxy-um.researchport.umd.edu/10.1111/cdev.13128

Sperry, D.E., Sperry, L.L., & Miller, P.J. (2019b). Reexamining the verbal environments of children from different socioeconomic backgrounds. *Child Development, 90*(4), 1303-1318. https://doi-org.proxy-um.researchport.umd.edu/10.1111/cdev.13072

Spies, T.G., Morgan, J.J., & Matsuura, M. (2014). The faces of hunger: The educational impact of hunger on students with disabilities. *Intervention in School and Clinic, 50*(1), 5-14. DOI: 10.1177/1053451214532349

Stage, F. K., & Manning, K. (2003). *Research in the college context: Approaches and methods.* Brunner-Routledge.

Strand, S., & Lindsay, G. (2009). Evidence of ethnic disproportionality in special

education in an English population. *The Journal of Special Education, 43*(3), 174-190. DOI: 10.1177/0022466908320461

Sullivan, A.L., & Bal, A. (2013) Disproportionality in special education: Effects of individual and school variables on disability risk. *Exceptional Children, 79*(4), 475-494.

Sullivan, A.L., & Osher, D. (2019). IDEA's double bind: A synthesis of disproportionality policy interpretations. *Exceptional Children, 85*(4), 395-412. DOI: 10.1177/0014402918818047

Sunstein, C.R. (1990). *After the rights revolution: Reconceiving the regulatory state*. Cambridge: MA: Harvard University Press.

U.S. Const. amend. XIV.

U.S. Department of Education. (1998). *To Assure the Free Appropriate Public Education of All Children with Disabilities: Individuals with Disabilities Education Act, Section 618, Twentieth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 1998,* Washington, D.C. https://www2.ed.gov/about/reports/annual/osep/1998/20thar.pdf

U.S. Department of Education. (2008). *Policy Questions on the Department of Education's 2007 Guidance on Collecting, Maintaining and Reporting Data by Race or Ethnicity,* Washington, D.C. https://www2.ed.gov/policy/rschstat/guid/raceethnicity/questions.html

U.S. Department of Education. (2018). *Assistance to States for the Education of*

Children With Disabilities; Preschool Grants for Children With Disabilities. https://www.gpo.gov/fdsys/pkg/FR-2018-07-03/pdf/2018-14374.pdf

U.S. Department of Education, ED*Facts* Data Warehouse (EDW). (2015). OMB #1875-0240: *IDEA Part B Personnel Collection*. Retrieved November 28, 2018, from https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/index.html

U.S. Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs. (2020). *41st Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2019,* Washington, D.C.

U.S. Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs. (2018). *40th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2018,* Washington, D.C.

U.S. Department of Education, Office of Special Education and Rehabilitative Services. (2016). *Racial and Ethnic Disparities in Special Education: A Multi-Year Disproportionality Analysis by State, Analysis Category, and Race/Ethnicity*, Washington, D.C.

Wallingford, E.L., & Prout, H.T. (2000). The relationship of season of birth and special education referral. *Psychology in the Schools, 37*(4), 379-387. https://doi-org.proxy-um.researchport.umd.edu/10.1002/1520-6807(200007)37:4<389::AID-PITS9>3.0.CO;2-K

Watson Jr., M.D., Simon, J.B., & Nunnley, L. (2016). SLD identification: A survey

of methods used by school psychologists. *Learning Disabilities: A Multidisciplinary Journal*, *21*(1), 57-67. http://dx.doi.org/10.18666/LDMJ-2016-V21-I1-6392

Westat. (2005). *Methods for assessing racial/ethnic disproportionality in special education: A technical assistance guide*. Washington, DC: U.S. Department of Education, Office of Special Education Programs. Retrieved October 7, 2019, from https://files.eric.ed.gov/fulltext/ED577280.pdf

WestEd. (2003). Addressing the disproportionate representation of minority students in special education. *R&D Alert*, *5*(1), 5&9. Retrieved July 17, 2020, from https://www.wested.org/resources/rd-alert-vol-5-no-1-focus-on-ensuring-equity-for-all-students/

Woodson, L. & Harris, S.M. (2018). Teacher and student demographic variables which predict teacher referrals of males for special education evaluation. *The Journal of At-Risk Issues*, *21*(1), 32-42.

Yell, M.L., Shriner, J.G., Thomas, S.S., & Katsiyannis, A. (2018). Special education law for leaders and administrators of special education. In J.B. Crockett, B. Billingley, & M. Boscardin (Eds.), *Handbook of leadership and administration for special education* (2nd ed., pp. 443-457). New York: Routledge.

Ysseldyke, J.E., Algozzine, B., Richey, L., & Graden, J. (1982). Declaring students eligible for learning disability services: Why bother with the data? *Learning Disability Quarterly*, *5*(1), 37-44.

Ysseldyke, J.E., Vanderwood, M.L., & Shriner, J. (1997). Changes over the past

decade in special education referral to placement probability: An incredibly reliable practice. *Diagnostique*, *23*(1), 193-201.

Zhang, D., Katsiyannis, A., Ju, S., & Roberts, E. (2014). Minority Representation in Special Education: 5-Year trends. *J Child Fam Stud*, *23*, 118-127.

Zigmond, N. (1993). Learning disabilities from an educational perspective. In G.R. Lyon, D.B. Gray, J.F. Kavanaugh, & N.A. Kraznegor (Eds.), *Better Understanding Learning Disabilities: New views from research and their implications for education and public policies* (pp. 251-272). Baltimore: Paul H. Brookes.