

## ABSTRACT

Title of Dissertation:

*AN EXPLORATION OF GRADES (3-5)  
TEACHERS' PRACTICES TO PREVENT THE  
DISPROPORTONATE REPRESENTATION OF  
BLACK STUDENTS IN SPECIAL  
EDUCATION.*

*Ericka P. Steckel, Doctor of Education, 2024*

Dissertation directed by:

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This study analyzes the factors that contribute to the misidentification of school age Black students who are unjustly placed in special education settings. While several factors have been identified in the research, a major factor has been the special education screening and evaluation process (Flores, 2014; Thacker-King, 2019). The general education teacher has been identified as playing a crucial role in the special education identification process (see Heller, et.al, 1982; Donovan & Cross, 2002). These teachers initiate referrals for special education evaluations and provide vital information to the eligibility decision (Chu, 2011). Pre-referral interventions designed to be implemented in general education classrooms have been used for some time to support students who struggle academically or behaviorally without formal referral to special education. Therefore, it is important to examine the role of the general education teachers in the special education identification process and their understanding of how to reduce the

disproportionate numbers of Black students identified as having a disability and requiring special education.

Over the past 20 years, school districts have adopted pre-referral processes that call for moving a student experiencing a learning or behavior problem through a series of interventions (Tiers of instruction) that begin in general education and require documenting the student's progress prior to issuing a request for a referral for a special education evaluation. This study was conducted in one elementary school in a Maryland school system that adopted a tiered pre-referral process called the Collaborative Decision-Making Model (CDM) in 2008 to reduce its history of over-representation of Black students identified for special education. Using a web based anonymous survey, the study examined the grades 3-5 general education teachers' understanding of the CDM process and their knowledge of specific interventions and resources available to support their implementation of the CDM. The IEP Chair in the elementary school was also asked to indicate what support and resources were available to the general education teachers.

Results indicated that teachers in this one elementary school are not particularly familiar with either CDM or the expectations for them to implement specific supports, including progress monitoring, to address the academic and/or behavioral needs of a struggling learner. Among the 13 teachers who responded to the survey, only one reported being extremely familiar with the CDM process and having implemented it at various times and could mentor others. Another four reported that they understood the process and had implemented it more than once, and two teachers indicated only having heard of but not implemented it, one teacher reported being not at all familiar with the CDM process. Further, many teachers reported that two of the Wilson Reading research-based intervention programs, (Wilson Reading and Wilson Foundations) were

implemented more than any other of the reading interventions, followed by one math intervention (FASTT Math). All of the teachers were most familiar with both Wilson programs; however, four other programs were frequently utilized; however, none of the teachers who participated in the survey indicated that they would be likely to use these.

The lack of familiarity with the CDM process was also reported by the IEP chair. The IEP Chair also reported that teachers often do not understand the IEP process, or the strategies that should be used in classrooms to differentiate instruction for struggling learners. In addition, most general education classroom teachers have limited knowledge of who to contact when a student requires a pre-referral and involvement in the screening process, including designing and implementing interventions and data tracking/data collection and progress monitoring as required in the CDM process. Results of the study suggest the need for school-based professional development such as training and coaching in delivering differentiated instructional supports to struggling learners and systemic efforts to reduce inconsistencies across schools in use of the CDM or other pre-referral models.

AN EXPLORATION OF GRADES 3-5 TEACHERS' PRACTICES TO PREVENT  
THE DISPROPORTIONATE REPRESENTATION OF BLACK STUDENTS IN  
SPECIAL EDUCATION

by

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## **Dedication**

This dissertation is dedicated to the memory of my father, Eric Paul Steckel, who unexpectedly passed away shortly before the completion of this work. I am profoundly grateful for the constant support and encouragement which has allowed me to strive for endless possibilities. My father's influence has been instrumental to my academic success, and I express my utmost gratitude for this. Thank you for always believing in me, for your endless love and support throughout all of life's challenges and for teaching me that education is something that can never be taken away. I am forever grateful for every sacrifice that was made, and for every opportunity that was provided which has allowed me to achieve at the highest level. You have instilled the belief that hard work and dedication are the key to success and I wish you were here to see the result. This work is dedicated to you, Dad!

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## **Section I**

### **Introduction**

A major concern in special education is the disproportionate number of Black students who receive or qualify for special education services. Data taken from the 2019-2020 Annual Report issued by the National Center for Education Statistics (May 2021) indicates that Black students were overrepresented in the total number of students receiving special education as well as in specific categories of disabilities. The 2022-2023 report showed that during that school year, 7.5 million, or 15% of all public-school students ages 3–21, were served under the Individuals with Disabilities Education Act (IDEA). Of that number, 19% were identified as American Indian/Alaska Native students followed by Black students (17%), students of two or more races (16%) and White students at 16%. The lowest percentage was for Hispanic Students (15%) and Asian students (8%). During that same school year, White students represented almost 44% of the total U.S. school population and Black students represented 15%. (Condition of Education, May 2024).

Black students are also overrepresented in some of the categories of disabilities of students receiving special education services. According to the NCES data, of the 7.5 million students that received IDEA services in SY 2022-2023, over a third (32%) were identified as having a specific learning disability, followed by 19% identified with speech or language impairments, 15% with other health impairments and 13% were students with Autism. The disability categories of developmental delay, intellectual disabilities, and emotional disturbances each accounted for between 4 to 7% of the students served under IDEA; only 1-2% of the students serving under IDEA in SY 2022-2023 were identified as having multiple disabilities, hearing

impairments, orthopedic impairments, visual impairments, traumatic brain injuries, and deaf blindness. Identification rates have also shown disproportionate representation of Black students in some disability categories. These students were more likely to be identified as having “Emotional Disturbance” than any other racial/ethnic group and also more likely to be categorized as having an “Intellectual Disability” than other groups of students (NCES, May 2024).

The problem of disproportionate representation of Black students in special education also exists across in the state of Maryland and its local school systems, including the E.R. Walker County School District (WCSD). Maryland defines disproportionality “as having students in a particular racial/ethnic group (i.e., American Indian or Alaskan Native, Asian, African American, White, Hispanic, Hawaiian or Pacific Islander, or 2 or more races), being at a considerably greater or lesser risk of being identified as eligible for special education and related services than all other racial/ethnic groups enrolled either in the local school system (LSS) or in the State” (MSDE, 2022). In the school year 2019 and 2022, the state identified 18 of its 25 school districts as having disproportionate representation of one or more racial and ethnic groups in special education (MSDE, 2023).

According to the 2024 (MSDE) Maryland Report Card, WCSD had a total student enrollment of 84,844 students during the 2023-2024 school year. Out of the 84,346 total student enrollment, 18,789 (22.3%) were identified as African American and 38,477 (45.6%) as White. The Report Card also indicated that in the same school year, 10,758 students (12.8%) were identified as receiving special education. Among this number, 2,981 (28%) were identified as African American students and 4,763 (44.3%) were White students (MSDE Early Intervention and Special Education Services Census Report, 2023).

The disproportionate representation of Black students identified as needing special education is not a new problem for the school system nor for the state. The Office for Civil Rights (OCR) in the US Department of Education has filed multiple complaints against the district alleging that WCSD has discriminated based on disability. The Office for Civil Rights has a responsibility under federal law to prohibit discrimination based on disability. As recently as April 2024, the Office for Civil Rights reported eight cases related to violations of Title VI of the Civil Rights Act. Six complaints referred to discrimination against persons with disabilities related to Free and Public Education (FAPE), one referred to disability harassment which means there was a complaint filed against the district alleging discriminating behavior against a person(s) with a disability, and one complaint referred to disability-denial of benefits which indicates that a complaint was filed against the district alleging that a person with a disability was denied access to a program or service which violates federal civil rights laws (US Department of Education, Civil Rights Data Collection, Office of Civil Rights, 2024).

### ***General Education Teachers and the Disproportionate Representation of Black Students***

Identification of a school-age student for special education typically begins with a referral from general education teachers. The general education teacher is an integral part of the special education identification process as these teachers initiate and provide vital information to the eligibility decision; therefore, must have a deeper understanding of Tier1 strategies that should be implemented prior to initiating a special education referral (Calderon, 2020; Chu, 2011). The process of referring a student for a special education evaluation occurs when there are concerns with academic performance and/or behavior concerns in the general education classroom compared to similar grade/age level peers in the same academic setting.

If a student is suspected of having a disability, IDEA requires that schools conduct an appropriate evaluation to determine if the student has met the necessary criteria for eligibility of special education services. Special education eligibility determination requires two decisions; First, the student must be found to have one of the fourteen federal disabilities specified in the IDEA (US Department of Education, 2021). Then, the student must be evaluated to determine if the disability has an adverse impact on the ability to benefit from education. Each local school system must establish procedures for evaluating students who might be eligible to receive special education services. These procedures shall be approved by each state education agency and conform to the IDEA regulations.

Federal regulations (US Department of ED, 2017) are very specific about who can conduct special education evaluations and require sound evaluation materials and procedures that are related to education and instruction. Evaluations must be administered on a non-discriminatory basis. Parents or guardians are to be equal participants in the decision-making process regarding eligibility. There are also specific timelines for beginning and completing the formal evaluations and making the determination. (The SPED Compliance Timelines are shown in Figure 5 and will be discussed later in the section). Based on the result of the evaluation, eligibility for special education services is determined and then the IEP is developed by the IEP team, which directly addresses the evaluation information and develops an individualized program of special education and related services, in the Least Restrictive Environment, that meets a student's unique educational needs (US Department of Education, 2017).

Over the years, researchers and policymakers have examined the identification process to address factors related to the disproportionate numbers of Black students identified as having a disability and requiring special education (Heller, et. al, 1982, page 7). One major focus of the

research has been the initial referrals for special education evaluation for most school age children originate from teachers in the general education setting. A formal referral results in an evaluation to determine first, whether the child's learning or behavior problems were indicative of having one of the disabilities defined under the IDEA, and then determines if the disability has impacted the child's ability to learn. The referral and evaluation process are very detailed and must be completed within designated timelines.

Hosp and Reschly (2004) focused on what occurs before a formal referral to special education is initiated. This is considered the pre-referral phase which has been formalized over time to include specific steps that a classroom teacher is expected to take when a student is exhibiting academic or behavioral difficulty in the learning environment. The process focuses on providing the student with increasingly intensive instruction or support within the general education environment and careful monitoring of a student's response to those interventions. Various models of pre-referral processes have been developed over time but all include the general education teacher collaborating with a site based team that may include a variety of school or school district professionals, such as a counselor, reading, math or behavior specialists, a special education teacher, an administrator, the referring classroom teacher, a school psychologist, speech pathologist, and any other specialist that might be needed based on the student's needs (Reschly, 1994).

In the past two or more decades, the predominant pre-referral model has been Response to Intervention (RtI) that focused on meeting the academic needs of students by adapting a tiered level of support tailored to the individual learner's needs. The tiered model is referred to as the "*Multi-Tiered System of Support*" (MTSS), which is a framework that addresses the broader needs of learners through academic, social-emotional, and/or behavioral intervention strategies

(MSDE, Maryland's Response to Intervention Framework, 2008). The MTSS framework is comprehensive and based on data-driven decision-making (Averill & Rinaldi, 2011; Jackson, 2021). Reschly (2014) stated that the MTSS framework is comparable to the RTI, but MTSS addresses both academic and behavioral components. (The MTSS framework Pyramid is discussed in greater detail in the next section (in Figure 5).

**CDM and the WCSD.** Since 2006, WCSD has been implementing a structured special education referral process designed to identify students (ages 3-21) who are in need of special education and related services. The process for leading to special education eligibility is called the Collaborative Decision Making (CDM) and is discussed further in this section, see Figure 5. The CDM process involves a team of 4-5 individuals including the general education classroom teacher who are responsible for reviewing academic and behavioral data for any student experiencing classroom difficulties and suspected of having a disability. Information provided by the general educator during this process can include student grades, academic performance, behavioral concerns, as well as teacher input on rating scales to assess any other difficulties that are observed in the general education classroom (Echevarria, et. al, 2004); (Edmonds, 2023); (MSDE, Maryland Public Schools, Parent Information Series, page 6, 2023). The CDM team reviews the information and designs an individual intervention plan that is to be implemented for 4-6 weeks to determine progress made by the student in each of the areas of concern. The interventions are implemented and monitored by either the classroom teacher or an intervention teacher (i.e., a teacher who focuses on math or reading deficits). A critical part of the CDM process is that the general education teacher implements the intervention and monitors student progress. As a part of the MTSS framework, the WCSD specifically identifies CDM as the Tier 2

and Tier 3 problem solving process for students that are struggling behaviorally and/or academically. The referring teacher is required to present the data (to indicate that the student has been struggling in the academic setting) and provides more context about the student's academic or behavioral performance; at this phase, the team analyzes trends, examines concerns, and determines the next course of action for the student. At this stage of the pre-referral process, the site-based team makes a recommendation for the implementation of a Tier 1 intervention(s) within the classroom setting to best support the student's academic/behavioral needs. Once the intervention has been implemented in the general education setting, the student's progress is monitored through the collection of data throughout the designated 4–6-week period. The data collected after this period will be examined by the site-based team to determine further action. If data has indicated a need for more intense interventions, then Tier 2 or Tier 3 interventions may be proposed for that student after the 4–6-week initial progress monitoring period. Tier 2 and Tier 3 interventions are implemented outside of the academic setting by a reading/math interventionist and are monitored for a time period that could persist for the entire 10–12-week progress-monitoring period. The site-based team meets again at the end of the progress-monitoring period to analyze the intervention data and determine a plan of action for that student. This may include a recommendation for the special education referral process.

The MTSS model is based on extensive research findings, data indicates that when research-based interventions have been implemented with fidelity, there are reductions in special education placement referrals (Fuchs, Fuchs & Bahr, 1990; Kulkarni, 2020). Roberts et al., (2021) determined that when adapting interventions to classroom developed supports, MTSS strategies enhance student success when implemented with fidelity. When data reveals that a student has not made progress with the implementation of Tier 2 or Tier 3 Interventions by week

twelve of the progress monitoring period, then the student is referred to the special education team to determine further action. (The Tiered Interventions are further discussed in this section under the RtI Model, see Figure 5 discussed later in this section).

In the CDM process, the plan of action, or next steps often include advancing to the special education referral process where the school-based IEP team schedules a meeting with the parent/guardian and discusses academic and/or behavioral concerns and shares the result of the intervention data that has led to the team to progressing to this stage of the process. During this meeting, the IEP team attempts to gather more information from the parent about the child's background (medical history, development, and/or family history) which assists in supporting the need for formal assessments. When granted consent for the administration of formal assessments has been given by the parent, the mandated 90-day timeline begins where assessments must be completed no later than 60 calendar days (MSDE, Division of Early Intervention and Special Education Services, March 2024);(US Department of Education, IDEA, June 2010) . Within the next 60-day period, the evaluator is required to assess the student in the areas previously discussed in the summary of screening and referral process indicating the area(s) of academic, communication, and/or social/emotional needs. The IEP team is required to complete the assessment reports within the mandated timeline designated by the US Department of Education IDEA Mandates. The parent meets with the IEP team again at the end of the 60-day period to review the assessment reports and determine whether or not the student qualifies for special education eligibility. {If the assessments determine eligibility for special education services, and parents agree to moving forward, then the IEP is written within 30 days after determination of eligibility}. The IEP team is required to meet the 90-day compliance timeline, where the

development of the Individualized Educational Program (IEP) will complete the process. A final meeting is held with parents to review, approve and finalize the IEP.

### **Statement of the Problem in the District**

The problem that prompted this study was the longstanding disproportionate representation of Black students in special education in WCSD. Too often, Black students are disproportionately identified as having a disability and requiring special education. Specifically, this study focused on general education teachers' knowledge and understanding of the CDM process in one school. As a special educator in WCSD I have been employed in 3 different schools (2 middle schools and 1 elementary school) across the district and have experienced limited options pertaining to the availability of tier 2 resources; particularly when elementary students enter middle school, the suggested intervention (that is recommended to be carried over from elementary to middle school does not always align to what resources are available). There were also inconsistencies when identifying staff members who were responsible for implementing supports/interventions, as well as acquiring trained staff members to implement interventions. This led to wanting to explore the strategies that grade 3-5 teachers and interventionists implement in the classrooms to support the academic and behavioral needs of students, and what supports are reported as available in their schools, as well as what supports are needed to properly implement the pre-referral process prior to referring a student to special education. This also led to delving further into examining how or whether the initial or pre-referral practices in WCSD may contribute to the disproportionate identification of a Black elementary student as having a disability and requiring special education. In the following sections, I first describe the national, state, and local data regarding disproportionate representation of Black students in special education. This information will be followed by an

overview of the current policy context for determining eligibility for special education services. Through data analysis and further research of the disproportionality of Black students in special education, I also identify some of the causal factors that lead to the disproportionate representation of Black students in special education. Following the discussion of causal factors, I discuss my theory of action to improve the problem of disproportionate representation of Black students in special education and the rationale for my study. I have provided an Appendix (A) with definitions of a number of the acronyms used in special education in the E.R. Walker County School District.

### ***Scope of the Problem of Disproportionate Representation***

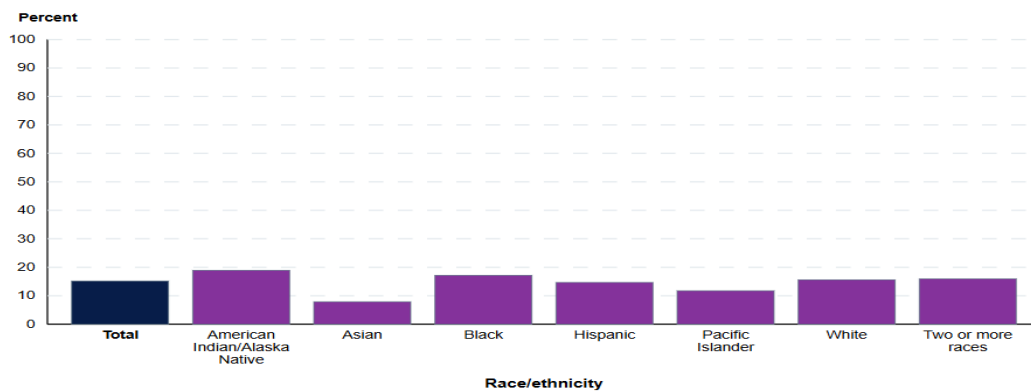
The following sections present data from national, state, and local levels that show the scope of the problem of disproportionate numbers of African American students identified as receiving special education compared to White and other student subgroups.

***National.*** National statistics on eligibility for special education have been reported by several agencies within the US Department of Education. Two of the main sources are the National Center for Education Statistics (NCES) and the Office of Special Education Programs (OSEP). The most recent data reported by the National Center on Education Statistics (NCES) (May 2024) indicates that in 2022-2023, The number of students ages 3–21 receiving services under the Individuals with Disabilities Education Act (IDEA) has increased to 7.5 million students in school year 2022–23. This shows an increase in total public-school enrollment from 13 to 15 percent of students in comparison to school year 2012–13 (where the enrollment of students receiving services under IDEA consisted of 6.4 million in school year 2012-2013). Data reported by NCES in 2019-2020, showed a total of slightly over 7 million children and youth

ages 3-21 received special education services. This represented 14.1% of the total enrollment of pre-k through 12th grade in the US. This number and percentage is the highest since 2000-2001. Slightly over 16% (16.3%) of Black students enrolled in pre-k-12 were receiving special education compared to 14.4% of White students and 13.5% of Hispanic students. Table 1 below represents the most recent data from 2022-2023 on the percentage of U.S. students ages 3-21 who have received special education by race/ethnicity.

**Table 1**

*2022-2023 School Year Percentages, Ages 3- 21 by race/ethnicity who served under the Individuals with Disabilities Education Act (IDEA)*

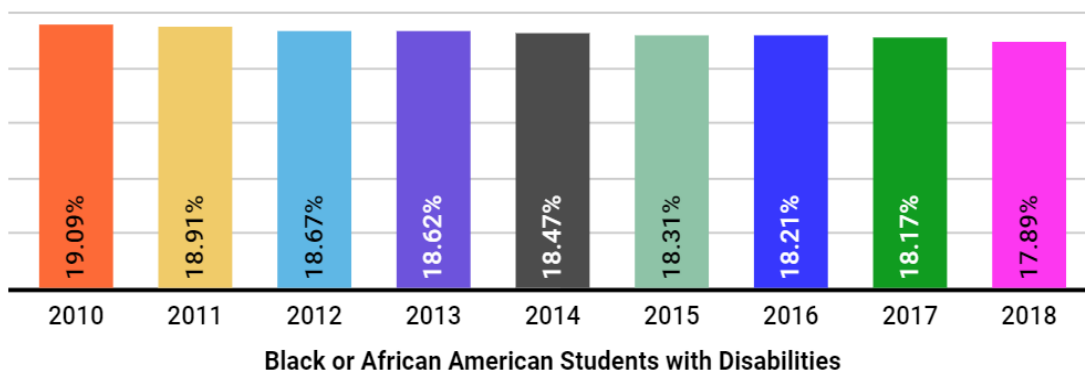


(NCES, May 2024)

Table 2 shows that the percentages of Black students (ages 6-21) identified for special education have remained constant between 2009-2010 and 2018-2019. Data indicates that Black children comprised 13.8% of the population of ages 6-21; however, 17.89% of school aged children with disabilities in the United States were Black or African American in the 2018-19 school year. (see Table 2 below).

**Table 2**

*Percentage of Students with Disabilities by Race and Ethnicity, Ages 6-21 SY 2009-10 through 2018-19*



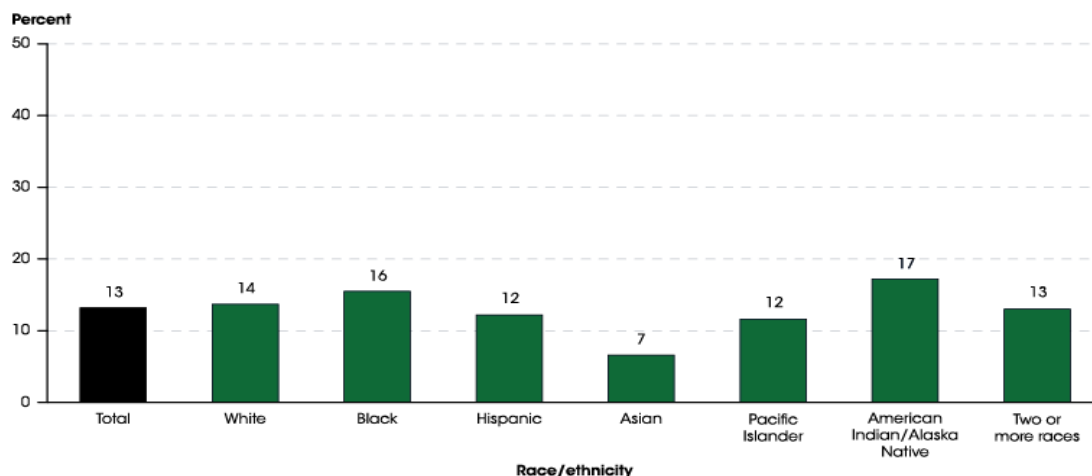
Note: Percentage of students with disabilities, by Race and Ethnicity, Ages 6-21, served under IDEA, Part B in the US, outlying areas, and freely associated states: Between SY 2009 and 2019-19, (US Department of Education, US Condition of Education, “at a glance report,” 2020).

According to NCES (May 2024), the number of students in the United States who served under idea (ages 3-21 in pre-kindergarten through grade 12) increased from 6.4 million in SY 2012-13 to 7.5 million in SY 2022-23 revealing an increase in the percentage of public-school students who served under IDEA (from 13% to 15%). NCES (February 2019), further concluded that the percentages of white and Black students enrolled in K-12 public schools have decreased between 2000 and 2015. White student enrollment has shown a decrease by approximately 12%, Black students decreased about 2% and Hispanic students increased 10%. Data taken from The U.S. Condition of Education 2020 “at a Glance Report” indicated that Black students represented 15.2% of total public k-12 school enrollments in Fall 2017 and White students have shown about 47%. When comparing NCES data taken from SY 2019-2020 (Table 2) to NCES data taken in

SY 2015-2016 (Table 3), data indicates that the percentages of students served under IDEA (ages 3-21) has remained the same for White students (14%). However, data has depicted an increase from 16% to 17% respectively for Black students who served under IDEA within the 4-year period (NCES, 2020- Indicator 9). See Table 3 below.

**Table 3**

*School Year 2015-16: Percentage of Students, Ages 3 to 21 by race/ethnicity who served under the Individuals with Disabilities Education Act (IDEA)*



(US Department of Education, National Center for Education Statistics, 2017).

The NCES data also presents the racial/ethnic percentages by disability category. Table 4 below classifies the percentages of students with disabilities in the U.S. by race/ethnicity. As seen in Table 4, 17% of Black students in the U.S. were identified with a disability. (US Department of Education, Office of Special Education Programs, December 2023). Table 4 below describes (students who serve under IDEA, Ages 3-21, who are enrolled in public schools) by race and ethnicity in SY 2022-23 (see below).

The NCES data also presents the racial/ethnic percentages by disability category. Figure 1 below classifies the percentages of students with disabilities in the U.S. by race/ethnicity. As seen in figure 1, 17% of Black students in the U.S. were identified with a disability. (US Department of Education, Office of Special Education Programs, December 2023).

**Table 4**

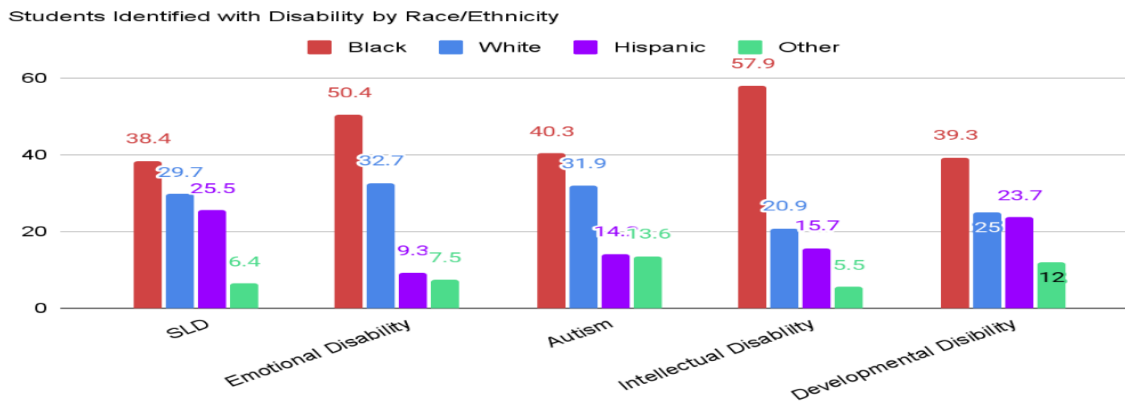
*U.S. Students, Ages 3–21 served under the Individuals with Disabilities Education Act (IDEA), as a percentage of public-school enrollment, by race/ethnicity: School year 2022–23*

| Race/Ethnicity                 | Percentage of Students |
|--------------------------------|------------------------|
| Total                          | 15                     |
| American Indian/ Alaska Native | 19                     |
| Asian                          | 8                      |
| Black                          | 17                     |
| Hispanic                       | 15                     |
| Pacific Islander               | 12                     |
| White                          | 16                     |
| Two or More Races              | 16                     |

**Maryland Data.** As seen in the table below, Black students were more likely to be identified with an intellectual disability or emotional disturbance than any other disability category (see Table 5 below).

**Table 5**

*Students with Disability categorized by Disability Code and Race/Ethnicity in SY 2021-22*

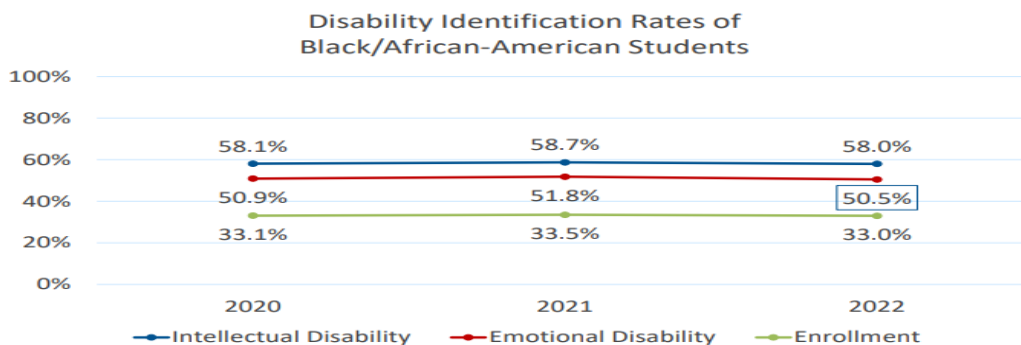


(MSDE, Early Attendance Data Collection and Enrollment Data, WCSD, February 2023).

Black students are at greater risk of being placed in a special education classroom since these students have higher risk ratios compared to all other racial/ethnic groups combined in the categories of: autism (1.1), developmental delay (1.5), emotional disturbance (2.2), intellectual disability (3.0), multiple disabilities (1.4), other health impairment (1.0), specific learning disability (1.3), traumatic brain injury (1.2), and visual impairment (1.2). A risk ratio of 1.0 indicates no difference between the racial/ethnic groups, A risk ratio of 1.4 indicates that students in that subgroup are 1.4 times more likely to be identified in that disability category. The risk for special education is largest for Black students (12.2 percent) in comparison to students in the American Indian/Alaska Native, White, Hispanic and Asian/Pacific Islander subgroups (www2.ed.gov, 2002). Findings from the MSDE Equity and Excellence, Dive Deep report conclude that “Black/African American students represent 33% of the state’s student population, yet over half identified for intellectual and emotional disabilities” and has remained constant throughout the past few years (MSDE, February 2022). See Table 6 below.

**Table 6**

*SY 2020-2022 Percentages of Most Identified Disability Category of Black Students in Maryland*

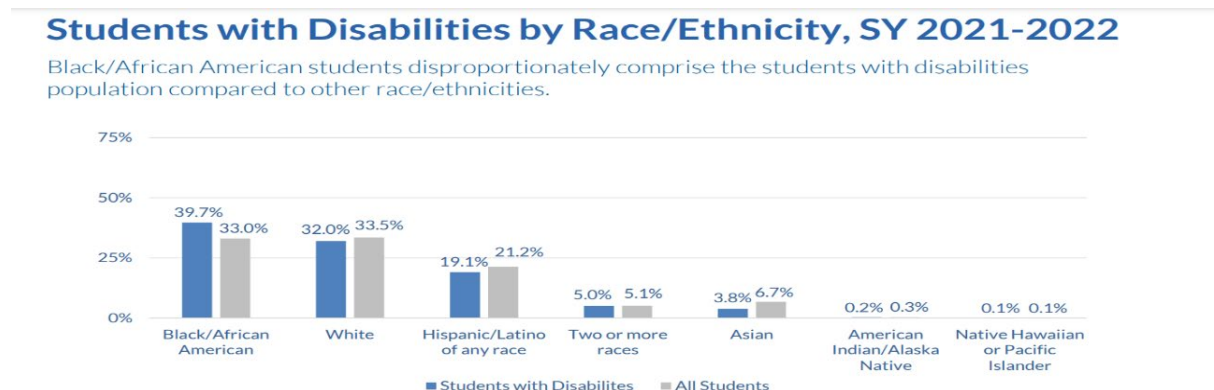


(Maryland State Department of Education, Maryland public schools, Dive Deep Report, February 2023).

There is a strong connection between restrictive placement, or segregated learning environments among handicapping conditions, (or disability codes), such as, “intellectual and emotional disability” labels (MSDE, Early Attendance Data Collection, 2022). This can negatively impact our African American students, who face additional barriers and bias, as compared to their White peers. Students who are misidentified or disproportionately represented are vulnerable to a less rigorous curriculum and lower expectations in a segregated setting. However, the percentages of White and Black students in special education have not changed that much in the past decade. The MSDE Students with Disabilities Demographic and Outcome Data (September 2023 report) indicates that Black/African American students disproportionately comprise the students with disabilities population compared to other races/ethnicities (MSDE, Deep Dive, Early Attendance Data Collection, September 2023). (See Table 7 below).

**Table 7**

*2021-2022 SY Students with Disabilities by Race/Ethnicity in Maryland Public Schools*



(MSDE, Early Attendance Data Collection, September 2023).

Based on findings reported in the MSDE (2024) Maryland Initiative report, The State Department of Education and the Office of Special Education Programs require the state to annually report data in the Annual Performance Report to indicate disproportional representation of students enrolled in special education. This annual report collects data on the disability category, special education placement and behavioral data (suspensions and expulsions) according to race of students with disabilities. States are required to use a “0.2 percent comparative ratio in order to provide consistency with reporting data across all states.” The purpose is to analyze percentages of students within general education and special education populations by racial/ethnic categories (as well as suspension and expulsion data according to disability category and race) to identify whether a school system has significant disproportionality to indicate risk ratios, “MSDE uses criterion (greater or equal to) 2 to 1 to indicate risk factors” (MSDE, 2021).

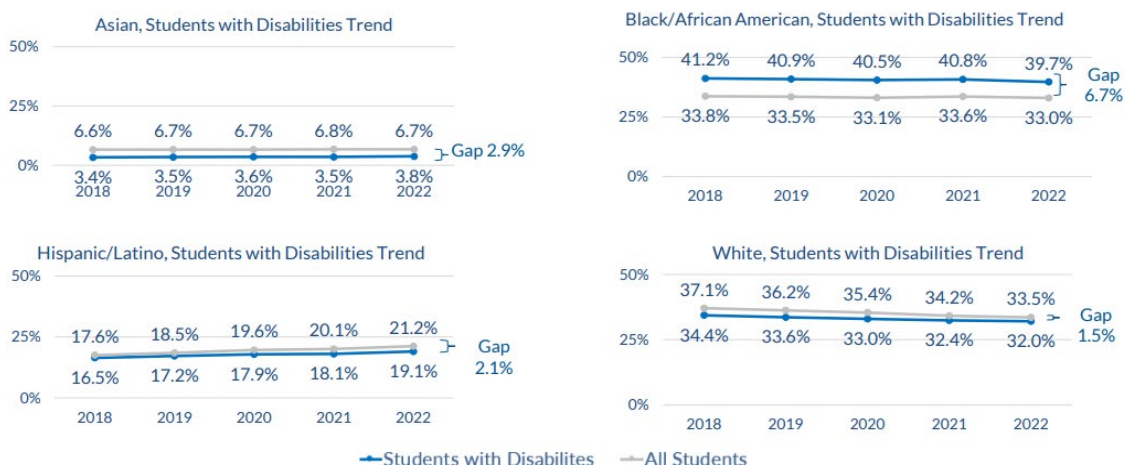
The State defines a risk ratio as a “numerical comparison expressed as a ratio or decimal, between the risk of a specific outcome for a specific racial or ethnic group in a Local Educational Agency, and a risk of the same outcome for all other students in the Local Educational Agency” (US Department of Ed, 2017). The comparison occurs by calculating the risk of a specific outcome of one particular racial/ethnic group at the school and dividing by the risk for the same outcome for students in all other racial/ethnic groups enrolled at the same school (comparison group). If the risk ratio is higher than the County benchmark of 2.0, this indicates the presence of disproportionality. If the Risk Ratio is above 3.0, this indicates the presence of significant disproportionality. Risk ratios and significant disproportionality are discussed later in Section 1. According to the most recent report submitted by MSDE to the US Department of Education, in 2018, 18 of 25 of the school systems in the state had significant disproportionality in one or more disability categories. However, the state determined that none of these districts were using inappropriate evaluation methods (US Department of Education, 2018). For example, During the July 1, 2003, through June 30, 2004, reporting period, MSDE focused on districts that consisted of higher minority percentages, specifically targeting schools with higher rates of Black and Hispanic students. Data indicated discrepancies “when comparing the difference between the actual count and the expected count with 10 or more students”. One particular error alluded to the absence of students based on suspensions and expulsions in districts with high populations of minority students which has led to restructuring of MSDE disproportionality guidelines. Districts must ensure that both groups have a minimum of 20 students each when comparing between categories (race, disability label and suspension/expulsion data among general ed population and special ed populations of students) in order to identify significant disproportionality according to MSDE Annual Percentage Report guidelines (US Department of Education, 2018). According to

the 2022-2023 data reported by the Maryland State Department of Education (MSDE), there were 889,900 total students enrolled in Maryland Public Schools that year. Out of the total number of students enrolled in Maryland Public Schools in 2022-2023, 293,690 students (33%) were classified as African American, 293,690 students (33%) were classified as white, 44,498 students (5%) were identified as two or more races, and 195,793 (22%) students were classified as Hispanic and 108,054 students (12%) were identified as receiving special education (US Department of Education, MSDE, 2023).

Data collected in Maryland from SY 2018 to 2022 indicated trends when comparing student groups with disabilities by race/ethnicity compared to all students in Maryland with disabilities. Information from this source reported that Black students indicated the largest gap (6.7%) between race and disability, while white students indicated (less than 1.5 % respectively), Hispanic students (2.1%) and Asian (2.9%) when compared to other races/ethnicity of students in Maryland who are identified with disabilities (MSDE, Students with Disabilities Outcome Data, Early Attendance Data Collection Report, February 2023). (See Table 8 below).

**Table 8**

*SY 2018-2022 Maryland Trend Data- Students with Disabilities by Race/Ethnicity*



(MSDE, Early Attendance Data Collection, February 2023).

In 2010, the public-school enrollment of students (ages 6- 21), was 760,130 and the number of children identified with disabilities was 90,449 (11.9%) of the enrollment. Over the 10-year period, overall enrollment increased by about 17% as did the numbers of students identified for special education which maintained about the same percentage of the school enrollment.

Data shows the percentages of students with disabilities (ages 3-21) identified in each of what the state considers the four high-growth categories changed over the 2010-2011 to 2020 throughout the 10-year period. Over that time, there have been small decreases in the percentage of students identified as having a Specific Learning Disability and also Emotional Disturbance. However, there has been a 63% increase in the number of students identified as having autism and also a 44% increase in the category of multiple disabilities.

**District Data.** As previously noted in the introduction, The E.R. Walker County School District exhibits disproportionate representation of the number of Black students who have been identified as having a disability and receiving special education. According to the 2023 Maryland Report Card (MDReportCard.org) which was reported in April 2024, total student enrollment in grades K-12 in WCSD in 2022-23 SY consisted of 84,346 students. Black students accounted for 18,789 or 22.3% of total enrollment and White students accounted for 38,477 or 45.6%, Hispanic students represented 17,926 or 21.3%. Of the total student population, 10.3% or 9,433 students (ages 3-21) were identified as having a disability and receiving special education. The same data showed that among the 10,104 students identified as requiring special education, 2,804 (27.8%) were Black students and 4,646 (46.1%) White students. (MSDE, Maryland Early Intervention

and Special Education Services Census Data, (MSDE, Maryland Public Schools Report Card, September 30, 2023). Table 9 below shows the demographic data for other racial/ethnic student subgroups.

**Table 9**

*SY 2022-23 Students with Disabilities by Race in WCSD, Ages 3-21*

|              | <b>Black/AA<br/>Total</b> | <b>White<br/>Total</b>  | <b>Hispanic<br/>Total</b> | <b>Two +<br/>Races<br/>Total</b> | <b>Hawaiian/<br/>Pacific<br/>Islander<br/>Total</b> | <b>American<br/>Ind./Alaskan<br/>Native<br/>Total</b> | <b>Asian<br/>Total</b> |
|--------------|---------------------------|-------------------------|---------------------------|----------------------------------|-----------------------------------------------------|-------------------------------------------------------|------------------------|
| <b>10104</b> | <b>28.04<br/>(27.8%)</b>  | <b>4654<br/>(46.1%)</b> | <b>1757<br/>(17.4%)</b>   | <b>602<br/>(6.0%)</b>            | <b>12<br/>(0.1%)</b>                                | <b>23<br/>(0.1%)</b>                                  | <b>223<br/>(2.4%)</b>  |

In 2016, E.R. Walker County School District (WCSD) had a total student enrollment of 81,379 students. Out of the total 81,379 students enrolled in the district in 2016, 8,403 (10.3%) were students identified as having a disability. African American students accounted for 20.6% of total enrollment and 27.1% (2,239) of special education enrollment while White students accounted for 55.4% of total enrollment and 54.2% of those with a disability. Out of 11,147 Hispanic students (13.7%) enrolled in the district, 917 (11.1%) are students identified with a disability (MSDE-MD Report Card, 2017). By the 2022-23 SY, total student enrollment for students increased from 81,379 in 2016 to 84,452, and increased from 10.3% to 11.4% for students with disabilities from 2016 to September 2023 (MSDE, MD Report Card, 2016, 2023). The current and past data provide evidence of the scope of the problem and the particular categories most likely to demonstrate disproportionality, prior to discussing the consequences of the misidentification of Black students. The following section discusses some of the consequences of the overidentification of Black students.

## **Historical Trends in Disproportionate Representation of Black Students**

The data reported above indicates that disproportionate representation of Black students in special education continues to be a national, state, and local district problem. Historical trends, as well as current findings support the national problem that disproportionate representation of Black male students who are identified for special education has been a substantial concern, particularly when analyzing data by disability category and race. As noted above, this problem was identified decades ago and has been the target of several important legislative and regulatory policy remedies and research over the years. An early article by Dunn (1968) pointed out flaws in the educational system that created the disproportionate identification and placement of Black students in classes for the mild mentally retarded. Dunn presented data showing how the students in the classes were exclusively Black students who were considered to be “slow learners” but were mostly students from high-poverty families and in schools with many high-poverty students.

One of the earliest national reports to document the problem of racial disproportionality in special education was a study conducted by the National Research Council (Holtzman, Heller & Messick, 1982) that examined national data as well as historical trends related to the relationship between being identified for special education and race. The 1982 report cited data from a 1978 survey conducted by the Office for Civil Rights in the U.S. Department of Education and revealed that across the nation, Black children represented about 16% of all elementary and secondary students, yet they constituted 38% of all students identified and placed in classes for the “mentally retarded”. Among the concerns raised in the NRC report were those related to the validity of the assessments used for identifying and classifying children, specifically IQ tests, the lack of systematic referral processes and the quality of instruction received across general

educational settings. The report also presented historical data from national surveys that revealed an overrepresentation of poor and minority children in special education programs.

Despite attempts to address disproportionate representation through IDEA regulations and oversight of state and local referral and identification procedures, disproportionate identification of Black students continued to be a problem that prompted a second study of the issue by the National Research Council (Donovan & Cross, 2002). This study confirmed that there has been a decrease in the disproportionality. For example, the report cited Heller, et.al. (1982) and the 1978 data from the Office for Civil Rights that indicated that across the nation, Black children constituted 38% of students identified as mentally retarded students, about four times that of White students. However, according to Fierros and Conroy (1999) of the 38 states that reported to the OCR in a 2013 study, Black students were more than 1 to 1.5 times more likely to be labeled as ID (formerly known as MR) in comparison to White students (Fierros & Conroy, 1999). Through findings, authors have identified factors such as the requirements for determining eligibility of students to receive special education services as a major problem in the overrepresentation. National data presented in the Fierros and Conroy study showed that at that time Black/African American students made up 17% of the total general pupil population but comprised 33% of all the students assigned to programs for the “mentally retarded”. Upon analyzing percentages from this study, data shows that 2.64% of Black students are diagnosed as having a disability, compared with 1.18% of White students. Fierros and Conroy (1999) concluded that Black students were more than twice as likely as White students to be labeled mentally retarded and with emotional and behavioral disorders.

Fierros and Conroy (1999) and Donovan and Cross (2002) both stated that a big factor in the overidentification of Black students was that some of the disability categories covered under the

eligibility requirements under IDEA are ambiguous, particularly for the category of Learning Disabilities, and use invalid assessment instruments such as IQ tests that misidentify children with poor academic achievement as having a disability when the real problem is poor general education instruction. Donovan and Cross (2002) also identified other risk factors for special education identification including socioeconomic status. Findings from the NRC report contributed to changes in the 2004 reauthorization of the IDEA regarding how eligibility decisions for some students are to be determined. These changes are currently in place and are discussed later in this section. However, from the time of the 2002 NRC study to the present day, research continued to demonstrate that Black students are placed in special education at rates higher than White students and in fact than all other racial/ethnic groups (Blanchett, 2006). Klinger, et. al. (2005) stated that, “Black students are 2.41 times more likely than White students to be identified as having mental retardation, 1.13 times more likely to be labeled as learning disabled, and 1.68 times as likely to be found to have an emotional or behavioral disorder” (p.24). According to the National Center for Learning Disabilities (2020) Report, Black students were 40 percent more likely to be identified with a disability versus all other students (NCLD.org, 2020).

### **Consequences of Disproportionate Representation**

Consequences of Black students disproportionately represented in special education was initially discussed in the 1982 NRC report (Heller, et. al.,1982) which asked if special education was a benefit. The NRC report asked If receiving special education services is viewed as a benefit, then why should the field be concerned about too many students or too many of a particular group of students being eligible for receiving those services. Over time, several consequences have been identified. I discuss many of these consequences below.

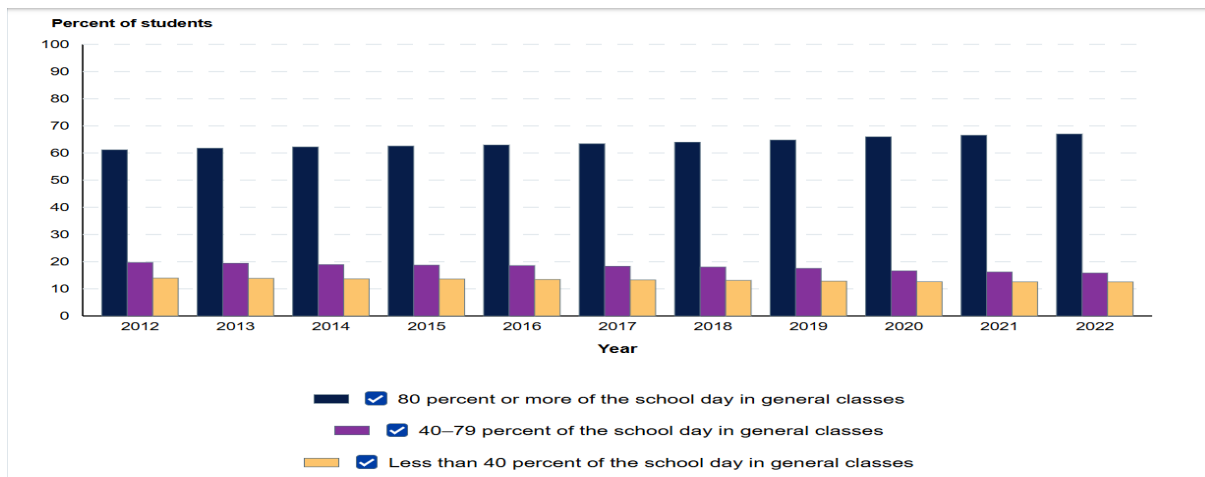
### ***Least Restrictive Environment***

One negative consequence identified by Heller, et. al. (1982) and others is that many Black students who are identified as needing special education are placed in separate classrooms or pulled out of general education. Heller, et.al concluded that students who are placed into inappropriate settings do not benefit from special education services and are isolated from general education instruction and peers causing them to lose skills, dislike learning and were placed on a track that makes it even more difficult for them to return to general education classrooms.

The percentage of time spent in general education classrooms has steadily increased over the years because of the emphasis on inclusive settings and the requirements that all students with IEPs have access to grade level standards and instruction. Placement outside of the general education classroom for all or a major portion of the school day continues to be a problem for some disability categories nationally. According to the most recent national LRE 2022 data, 95% of students with disabilities ages 6-21 were educated in regular classrooms for some portion of the school day. Almost two-thirds (64%) were educated in a regular class for 80% or more of the school day, 18% were educated inside the regular class between 40 and 79% of the day, and 13% spent less than 40% in a general education classroom. Only 5% of students with disabilities were educated in other settings, including special schools or centers and hospitals ([45th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2023](#)). (See Table 10 below).

**Table 10**

*Percentage of Public-School Students (ages 6-21 who served under IDEA) who spent time in the General Education Classes during the school day from Fall 2012 through Fall 2022*



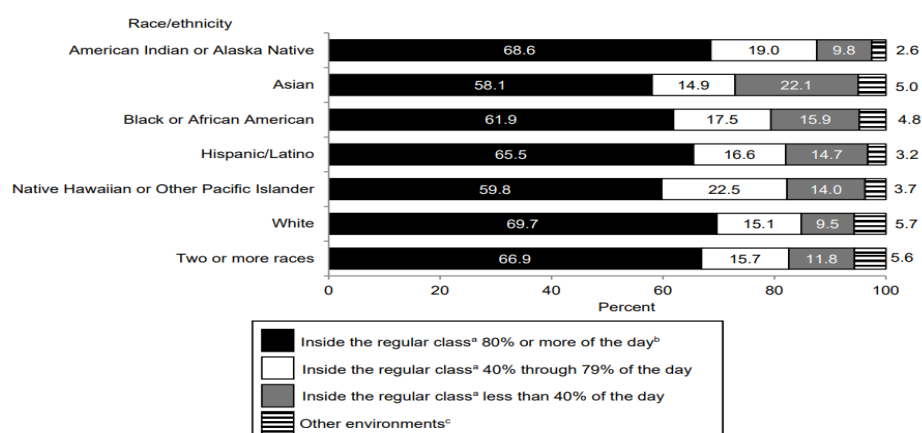
(U.S. Department of Education, Office of Special Education Programs, Individuals with Disabilities Education Act (IDEA), October 16, 2023).

The time spent in general education settings differs by disability category. For example, over 87% of students reported under the category of speech or language impairment were educated inside the regular class 80% or more of the day, while only 17% of students with intellectual disabilities spent that much time in general education classrooms and only 12% of students with multiple disabilities remained in regular education settings for 80% of the day. In fact, almost half of the students in the categories of intellectual disability and 45% of those with multiple disabilities were educated inside the general education class less than 40% of the day (US Department of Education, Implementation of the Individuals with Disabilities Education Act, 2020).

The national LRE data also indicated that Black students with disabilities are at greater risk of being educated outside of the general education settings. Table 11 below presents Data for school year 2018 showing that 64% of all students in special education spent 80% or more of a school day in general education; only 59% of Black special education students were reported to have spent the same duration of time in general education (US Department of Education, Office of Special Education Programs, 2020). Showing even more segregation, 16% of Black students spent less than 40% of the day in general education compared to white students, Hispanic students, and students of 2+ races (See Table 11 below).

**Table 11**

*Percentage of students (ages 5-21) served under IDEA, Part B, within racial/ethnic groups, by educational environment: Fall 2021*



Findings from a 2020 National Center of Learning Disabilities (NCLD) study indicates that approximately 55% of White students with disabilities have spent more than 80% of their school day in a general education setting, however, only one-third of Black students with disabilities occupied 80% of their school day in the general education learning environment (NCLD, 2020).

Data indicates that placement decisions that segregate students affect learning by heightening achievement gaps. For example, students who remain in general education settings have improved academic and employment results than students who are placed in segregated or confined learning environments. Figure 1 below shows the correlation between the percent of Black students and white students who have occupied 80 percent (or more) of their school day in the general education setting with grade level peers. The NCLD report stated that segregation of students increased achievement gaps and limited educational indicators for students who were separated from the general education learning environment (NCLD, 2020). The NCLD report also concluded that students who were educated in learning environments with disabled peers for the majority of their school day were excluded from experiences that they would encounter in a less restrictive setting (with general education peers) and denied students of educational opportunities and exposure to rigorous learning environments (NCLD, 2020). See Figure 1 below.

**Figure 1**

*Percentage of students by race/ethnicity who spend 80% or more of their time in the least restrictive learning environments.*



(National Center for Learning Disabilities, 2020).

**LRE in Maryland.** Maryland has a disproportionate number of Black students receiving special education in more segregated settings. Table 12 below presents the LRE data by race for school year 2023 for students who received special education. There were relatively subtle differences between White and Black students in terms of placements in general education classrooms for 80% or more and 40-79% of the school day. The larger discrepancies were noted in the two most segregated settings, where students spent less than 40% of their day in a general education classroom and are in “non-public” settings, which is defined ‘by Maryland’ as “a more restrictive setting that is provided to students with disabilities whose needs surpass the public-school continuum. Children requiring more extensive services, beyond what a public program is able to provide, are then placed in an appropriate nonpublic educational program that offers these services at a public expense.” (Md. Education Code Ann. §8-406). If a district is unable to provide appropriate placement, the State Board of Education must approve the placement guidelines for children with disabilities in nonpublic schools. Transportation for students who were placed in nonpublic schools must be arranged by the County Board of Education (U.S. Department of Education, 2014), (Md. Education Code Ann. §8-410). See Table 12 below).

**Table 12**

*Maryland LRE Placement of Students with Disabilities by Race, Ages 6-21 (October 2023).*

|                                  | Grand Total | Inside General Education Classroom 80% or more | Inside General Education Classroom 79-40% | Inside General Education classroom <40% |
|----------------------------------|-------------|------------------------------------------------|-------------------------------------------|-----------------------------------------|
| Total State                      | 105,692     | 77,617<br>(77.44%)                             | 9,874<br>(9.34%)                          | 11,827<br>(11.19%)                      |
| Am. Indian / Alaskan Native      | 271         | 201<br>(74.17%)                                | 25<br>(9.23%)                             | 31<br>(11.44%)                          |
| Asian                            | 3,780       | 2,411<br>(63.78%)                              | 435<br>(11.51%)                           | 668<br>(17.67%)                         |
| Black/AA                         | 41,547      | 27,979<br>(67.34%)                             | 4,766<br>(11.47%)                         | 5,990<br>(14.42%)                       |
| Native/Hawaiian Pacific Islander | 108         | 71<br>(65.74%)                                 | 10<br>(9.26%)                             | 23<br>(21.30%)                          |
| White                            | 33,834      | 27,059<br>(79.98%)                             | 2,313<br>(6.84%)                          | 2,308<br>(6.82%)                        |
| Hispanic/Latino                  | 20,597      | 15,679<br>(76.12%)                             | 1,828<br>(8.88%)                          | 2,316<br>(11.24%)                       |
| Two or More Races                | 5,555       | 4,217<br>(75.91%)                              | 497<br>(8.95%)                            | 491<br>(8.84%)                          |

(MSDE, Maryland Early Intervention and Special Education Services Census Data, October 2023).

**Labeling and Stigma.** In addition to segregation from grade level peers, there are also negative consequences associated with the “label” or stigmatization of special education on marginalized groups of students (Haft, et al., 2023). Minority students with disabilities who were

labeled with a disability often become aware of the parameters regarding their disability; which led to factors of social stigma, experiences of more socioemotional effects, such as a decrease in self-esteem and an increase in mental illness related factors (Haft, Magalhães, & Hoeft, 2023); (O'Connor & Fernandez, 2006). Other data indicates that misidentification or disproportionate representation of minority students have also led to a false sense of the child's intelligence and academic potential (NEA Education Policy and Practice Department, 2007). The NEA report also concluded that once students begin to receive special education services, they tend to remain in such classes, they have lower learning expectations that lead to diminished educational opportunities and outcomes and face social stigmatization. Research has also conveyed that disproportionality has also contributed to significant racial separation which impacts Black students.

When students disproportionately identified, and/or placed in an inappropriate educational setting, the research shows that they will not benefit from the instruction being received and will eventually fail to meet important educational outcomes such as graduating from high school (NEA Education Policy and Practice, 2007). Further, when students with less severe disabilities who are improperly placed in learning environments alongside students with more severe disabilities often face shame when issues of labeling have occurred (Zhang & Katsiyannis, 2002).

Mueller (2021) speaks to the effects of "Disability Identity," where a person establishes a sense of self in connection to the disability, and further concludes that there is a strong correlation between the development of "disability identity" and the negative social context that emerges among everyday interactions between peers and teachers. When disability identity is restricted by limited teacher-knowledge of the disability, or by the parameters that shape this connection,

such as one's own personal beliefs about disabilities and/or ableism, research suggests that the teacher's contribution in disrupting these theories is a major barrier to supporting students in developing "disability identity" to overcome stigmatization (Mueller, 2021).

### **IDEA Sanctions**

The US Department of Education monitors state identification rates as part of its legal responsibility to oversee IDEA. One area that is monitored is "significant disproportionality" in identification, LRE and discipline. How a state must define and determine "significant disproportionality" is prescribed by the IDEA. If a state is identified to have disproportionate rates of students of a particular race or ethnicity identified for special education in one (or more) disability category in a school district, the state requires the district to use 15% of its IDEA federal special education funding to provide Coordinated Early Intervening Services (CEIS) to students who are at risk of being identified for special education. The CEIS are services, programs, and/or interventions that have been designed to address the learning or behavior problems that may lead to special education, with a focus on grades K-3 and should be focused, "particularly, but not exclusively, for students in those groups that were 'significantly overidentified'." (Title 34 CFR §300.646(b)(2)).

### ***OCR Complaints***

As noted in the Introduction, the Office for Civil Rights (OCR) in the US Department of Education monitors all civil rights violations related to education. The OCR monitors both "under and over" identifying of students qualifying for special education services, as well as racial disproportionality in terms of services, settings, and discipline, and investigates and follows up on complaints in districts found to have discriminated based on race, ethnicity, or

gender. If found to have discriminated, the district must implement a plan to remedy the problem. ([www.ed.gov](http://www.ed.gov)).

In 2000, the OCR received 4,897 civil rights complaints; 55% of these complaints have involved students with disabilities under section 504, 18% or 870 complaints were filed for alleged discrimination under Title VI (based on race or national origin) and 11% or 539 complaints were filed for discrimination pertaining to the violation of multiple laws (Title VI and Section 504), including the inappropriate assignment of minority students to special education (U.S. Department of Education, Office for Civil Rights, 2000). According to one study conducted by (National Academies Press, 2003), infringement of students' civil rights is not atypical, indicating discrepancies in "student access" to learning opportunities that have remained prevalent.

As noted earlier, the OCR has received several complaints about the E.R. Walker County School District (WCSD) regarding discrimination on the basis of disability and has several pending cases. The first complaint was filed on November 15, 2013, for violating section 504 of the Rehabilitation Act of 1973 and for failing to adhere to Title II of the Americans with Disabilities Act of 1990. An additional complaint was filed against WCSD on August 3, 2015, in violation of Section 504 for failing to implement specific provisions of students' 504 plans. On March 24, 2016, WCSD received a complaint filed for retaliation and discrimination against a student on the basis of disability and race. The complaint stated that the school system failed to implement provisions of the student's IEP, and the student was discriminated against on the basis of race and was then retaliated against following the complaint of racial and disability harassment, a violation of Title VI of the Civil Rights Act of 1964 and its implementing regulations. Another complaint was filed on March 1, 2017, for failing to implement provisions of the 504 plan and

for violating Title II of the Americans with Disabilities Act of 1990-prohibiting discrimination on the basis of disability by public entities (U.S. Department of Education and Office of Civil Rights Report, 2018).

The most recent OCR complaint was filed against WCSD on February 3, 2020, for violations of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. §104.4 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35. In addition, OCR investigated whether the district failed to take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communication with others, in violation of 28 C.F.R. § 35.160(a) (U.S. Department of Education and Office of Civil Rights Report, 2020). Responding to an OCR complaint requires a great deal of resources in a district and can also be a factor in morale among staff.

**MSDE Complaints and Compliance Monitoring.** The MSDE is responsible for investigating and resolving all complaints regarding violations of IDEA statute or regulations. Complaints may be filed by anyone outside MSDE and,” MSDE will investigate and determine whether or not the school district has violated any of the special education procedures.” If violations are determined, MSDE requires the school district to take corrective actions.

**Due Process.** Parents, guardians, and/or school districts can file for a due process hearing. “A due process complaint is a formal complaint regarding the identification, evaluation, educational placement, or the provision of a free appropriate public education for a student with a disability or suspected of having a disability, which may result in a due process hearing.” (WCSD Parent Handbook, 2019). Multiple complaints have been filed for due process hearings

for violations of the IDEA. The most recent complaint was filed against the district on February 25, 2019, indicating that the E.R. Walker County School District (WCSD) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the unnamed student. The allegations indicated that the WCSD has not ensured that proper procedures were followed to identify the student as a student with a disability and conducted an evaluation under the IDEA, between February 25, 2018, and May 2018, (in accordance with 34 CFR §§300.8, .101, .111, .304 - .306, .503, and COMAR 13A.08.04.05(C)(1)). In addition, the complaint indicated that WCSD failed to adhere to proper guidelines ensuring that the IEP addressed the student's social-emotional, and behavioral needs since early 2018, and was unable to supply data to determine the student's eligibility for Extended School Year (ESY) services for the summer of 2018; consequently, WCSD did not follow the proper procedures when removing the student from school in October 2018 for disciplinary concerns. (MSDE, Maryland Public School Data, 2019).

MSDE district letter data indicates that an additional complaint was filed against the district during the 2011-2012 School Year. This complaint indicated that a due process complaint with the Office of Administrative Hearings was filed on June 28, 2012, to review the identification, evaluation or placement of the student under Individuals with Disabilities Education Act, (IDEA) .20 U.S.C.A § 1415 (f)(1)(A) (2010). A second complaint was filed on September 6, 2012, which was a due process complaint filed with the Office of Administrative Hearings to review the identification, evaluation or placement of the student under Individuals with Disabilities Education Act, (IDEA) .20 U.S.C.A § 1415 (f)(1)(A) (2010).

An additional complaint was filed by E.R. Walker County School District (WCSD) on October 18, 2017. The district filed a Due Process Complaint with the Office of Administrative Hearings

(OAH) requesting a hearing to indicate that its educational evaluations of (student X) were appropriate and that the Parents did not have a right to independent evaluations at public expense under the Individuals with Disabilities Education Act (IDEA). 20 U.S.C.A. § 1415(f)(1)(A) (2017). (MSDE, 2017).

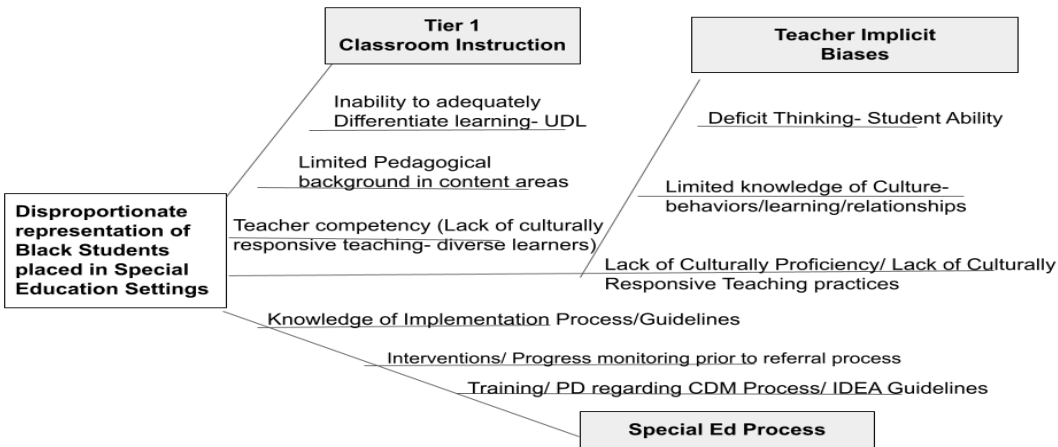
The information discussed above provides only some of the consequences to students and to the district for the disproportionate identification of Black students in special education. Therefore, it is important that the district understand some of the causes of the problem and identify improvement strategies. In the following section, some of the causal factors that relate to misidentification have been discussed.

### **Causes of Disproportionate Representation of Black Students in Special Education**

After reviewing the research and other evidence, I determined the following major causal factors that have led to the disproportionate representation of Black students identified for special education. These factors included general education classroom instruction, teacher implicit bias and the special education eligibility process. These are root causes that are under the control of schools. Figure 2 below presents my Causal Systems Analysis. I have narrowed the scope of the analysis to the three of the most crucial factors that have impacted misidentification/disproportionality when identifying Black students for special education. However, the three interactive causes that have been influenced by the school's demographics, particularly to children who are living in poverty. Therefore, before I discuss each of the causal factors, I have reviewed the research related to the root cause of child poverty on the special education identification of children (see Figure 2 below).

**Figure 2**

*Fishbone Diagram*



### **Impact of Poverty on Special Education Identification**

Before discussing each of the three major causal factors in Figure 2, it was important to understand how both biological and environmental factors influenced special education identification as they have impacted student academic readiness and achievement. Skiba, et. al. (Skiba, Poloni-Staudinger, Simmons, Azziz & Chung, 2002) concluded that the disproportionality of minority students in special education is influenced by poverty and socioeconomic disadvantages and lack of academic readiness. Donovan and Cross (2002) noted that learning and behavior issues that lead to special education referrals and identification are influenced by biological risk factors, racial ethnic minority status and exposure to poverty all of which stem from historical oppression, discrimination and segregation. Claycomb et. al. (Claycomb, Ryan, Miller & Schnakenberg-Ott, 2004) also stated that socioeconomic factors increase the risk for cognitive and behavioral disorders and are the reason Black students are placed in special education settings more often than other races or ethnicities. Losen and Orfield

(2002) stated that higher rates of Black students identified for special education result from increased poverty which creates risk for disability and other health and environmental factors that contribute to learning problems. These factors include poor nutrition, exposure to lead, lack of positive social relationships, deficiencies related to sleep, high stress environments, and lack of exercise (Shaw, Owens, Giovannelli, & Winslow, 2001). According to the 2002 NRC Report (Donovan & Cross, 2002), the impact of poverty is a contributor to the disproportionate representation of students placed in special education programs who are minorities and, “is entirely comparable with the notion that schools exert an important, sizeable, independent, influence on achievement of special education placement of minority students” (NRC, 2002, p. 4). The role of school readiness was discussed by Campbell and Ramey (1994). They noted that students who reside in lower socioeconomic areas can exhibit delayed learning and often require more support to “catch up” academically to their same age/grade level, middle-class peers. Research findings indicated that since children living in poverty are less likely to meet the required indicators that prepare them for school readiness, district wide programs need to be offered to provide all necessary skills that prepare children for school readiness and an enhanced likelihood of school success.

The first NRC (Heller, et. al., 1982) report suggested that the quality of instruction provided in schools with large numbers of minority students contributed to higher numbers of those students placed in special education in comparison to higher-income suburban areas. The 1982 report also indicated that schools in lower socioeconomic areas with higher numbers of minority students also had larger special education populations. This point was also emphasized by Harry, et al. (Harry, Klingner, Sturges & Moore, 2007) who stated that poverty was an important factor that should be considered during the assessment/identification phase of the special education

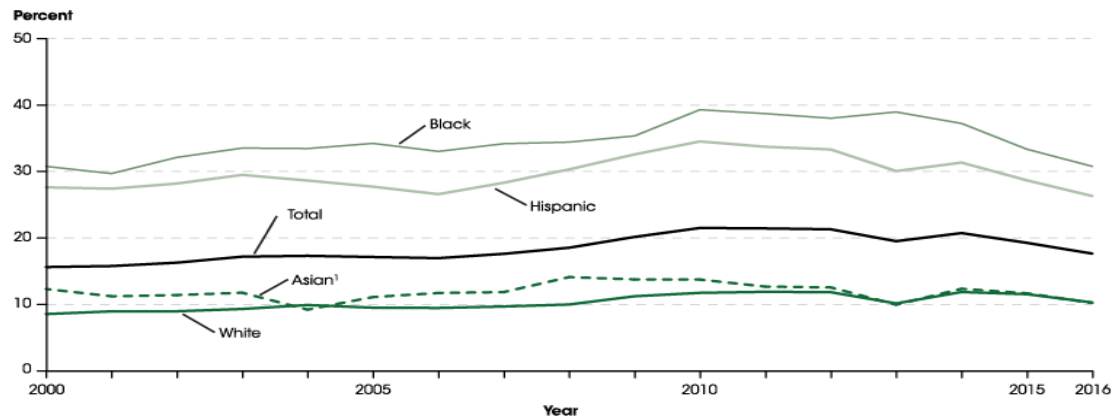
identification process. The inequalities lead to,” the ‘incidences’ of disability where disproportionality represented the higher rate where deficits are found among poor youth who are a disproportionality minority” (O’Connor & Fernandez, 2006).

### ***Poverty and Race***

According to data provided by the U.S. Department of Education (NCES, 2019), over 30% percent of Black students were living in poverty in 2016 and had the highest rate among White, Asian and Hispanic students (See Table 14 below). The same 2019 report stated that the literature reveals that there are impacts that correlate with living in poverty during early childhood. Findings suggest that living in poverty from a very young age is associated with lower-than-average academic achievement, impacting school readiness preparation; when students reside in lower socioeconomic environments from kindergarten through high school, data suggests that students have lower-than-average rates of school completion (NCES). Another study suggests that children from low-income households are more likely to have disabilities (Shifter, Hare & Grindel, 2019). Finally, research concluded that the number of students living in poverty continues to increase which is a cause for concern regarding disproportionality in the number of Black students being referred to special education (National Center for Learning Disabilities, 2021). See Table 13 below.

**Table 13**

*Percentage of children under age 18 in families living in poverty based on the official poverty measure, by race/ethnicity: 2000 through 2016.*



(National Center of Educational Statistics, Indicator 4, 2019).

**Children in Poverty in Schools.** Data provided by NCES (May 2021) signified that between May 2009 and 2018, “the percentage of Black students in US schools decreased from 17-15% and White students decreased from 54 to 47%. The largest increase was for Hispanic/Latino students who shifted from 22-27%. Also in 2018, data determined that 45% of all Black students in the US and 44% of Hispanic/Latino students enrolled in US schools which contained higher rates of students who received Free and Reduced Meals (FARMS). These schools reported that 75% or more of the students’ received FARMS compared to 8% of White students”.

A study conducted by the Century Foundation (2019) using US Department of Education data claimed that racial disproportionality in special education can be expected to continue due to the connection between race and poverty and the relationship between poverty and special education identification. This is due to the higher percentage of FARMS identification within the category of Black students with disabilities. The Century Foundation report concluded that it is imperative

that general education classrooms are capable of meeting the needs of all students in order to reduce inappropriate identification to the special education process. (Century Foundation, 2019).

***Poverty in WCSD.*** Meyer and Patton (2001) stated that disproportionality of Black students in special education is not solely a national phenomenon, but rather a problem that varies across the state and district levels and is related to race and Social Economical Status (SES). According to Maryland Kids Count 2018 data, 43% of public-school students received Free and Reduced Meals (FARMS) which presented an increase from 36% in 2009 (The Annie E. Casey Foundation, 2009). The same data indicates that in 2018 WCSD had 33% of its 83,414 students receiving FARMS, an increase of 10% from 2009 (The Annie E. Casey Foundation, Kids Count Data, 2019).

Data reported by WCSD as part of the Joint Initiative to Eliminate the Achievement Gap (September 2019), the Black population in the county presented an increase of 32% between 2000 and 2016 and included findings that indicated that approximately 10% of the population was below the poverty line. Table 14 below compares the poverty rates between Black and White children in the county between 2010 and 2019. Poverty increased among Black children and decreased for White children. (See Table 14 below).

**Table 14**

*Child Poverty Status by Race in WCSD (2010-2019)*

| Race  | Data Type | 2010   | 2011   | 2012   | 2013   | 2014   | 2015   | 2016   | 2017   | 2018   | 2019   |
|-------|-----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Black | Number/   | 2,909  | 3,243  | 3,945  | 4,005  | 3,173  | 3,171  | 3,092  | 3,114  | 3,248  | 3,727  |
|       | Percent   | 34.25% | 35.61% | 40.37% | 40.19% | 35.87% | 37.94% | 34.65% | 33.72% | 34.72% | 39.77% |
| White | Number/   | 3,497  | 3,508  | 3,329  | 3,276  | 2,906  | 2,785  | 3,233  | 3,518  | 3,491  | 3,308  |
|       | Percent   | 41.18% | 38.52% | 34.06% | 32.87% | 32.85% | 33.32% | 36.23% | 38.10% | 37.32% | 35.30% |

(WCSD, Joint Initiative Study, WCSD.org, 2019).

In summary, research emphasized that disproportionality continues to exist in special education identification of minority students of low socio-economic status, particularly in socially disadvantaged schools (Coutinho & Oswald, 2005) ;(Schifter, Grindal, Schwartz & Hehir, 2019). Although I do not feel that poverty is a causal factor that is in my sphere of influence to improve, it is important to understand the impact of classroom instruction of poor and minority students pertaining to special education referrals and identification. Before discussing classroom and teacher bias, it is important to understand how a student is determined eligible for special education.

### **The Special Education Identification Process**

The issues surrounding how a student is identified for special education are lack of valid measures of what constitutes some disabilities. For example, issues about what evidence is needed to define a Specific Learning Disability, Emotional Disability, ADHD, and some levels of intellectual disabilities have been controversial and debated and contribute to the disproportionate representation of Black students in special education. Related to the diagnostic criteria is the use of invalid or instructionally irrelevant assessments, such as IQ tests (Heller, et al., 1982; Donovan & Cross, 2002; Parrish, 2002). Reshley's (1996) findings stated that the "classification system" or special education identification process has been designed to intensify the quality of interventions to better identify struggling learners at the initial stages of learning. By utilizing and implementing research-based interventions, the abundance of referrals to the special education team decreases, which leads to a more structured process when identifying students for special education (Reshley, 1996). Parrish (2002) also cited the need for clearer

guidelines and criteria for identification and stricter monitoring of the actual processes being used to resolve the issue of disproportionate representation. Morgan (2020) expanded upon factors that influence the identification process such as teacher perceptions and biases, poverty, and how society and history shapes the education system/ policies of schools (Morgan, 2020). Rosenfield (2009) conveyed that research-based interventions are a crucial component of the Special Education Identification Process due to the concrete data that is collected through the progress monitoring process, further supporting the team in identifying a student with a disability (Rosenfield, et. al 2009). She further elaborates her research by stating that knowledge of the tools are not enough, it is the application (of such tools) that determine the direction of student referrals in terms of the identification of students (Rosenfield, et. al 2009).

As part of the 2004 reauthorization of IDEA, accountability measures were established in order for educational systems to be held accountable for educating students with disabilities (IDEA, Reauthorization, December 2004). This reauthorization called for students with disabilities to receive a free and appropriate public education (FAPE) and established guidelines to ensure special education and related services were designed to meet the unique learning needs of students with disabilities, as well as pushing for stronger mandates that focused on fostering independence, by preparing students for “further education, employment, and independent living” (US Department of Education, IDEA Reauthorization, December, 2004).

**The WCSD Eligibility Determination Process.** As noted earlier, in the introduction and in research related to special education, determining special education eligibility of school age children often begins with a referral or request for special education evaluation from a classroom teacher. “Teacher referrals for special education evaluations are a major factor leading to the over identification of certain groups of students” (Keller-Bell, 2021, p8). The misidentification

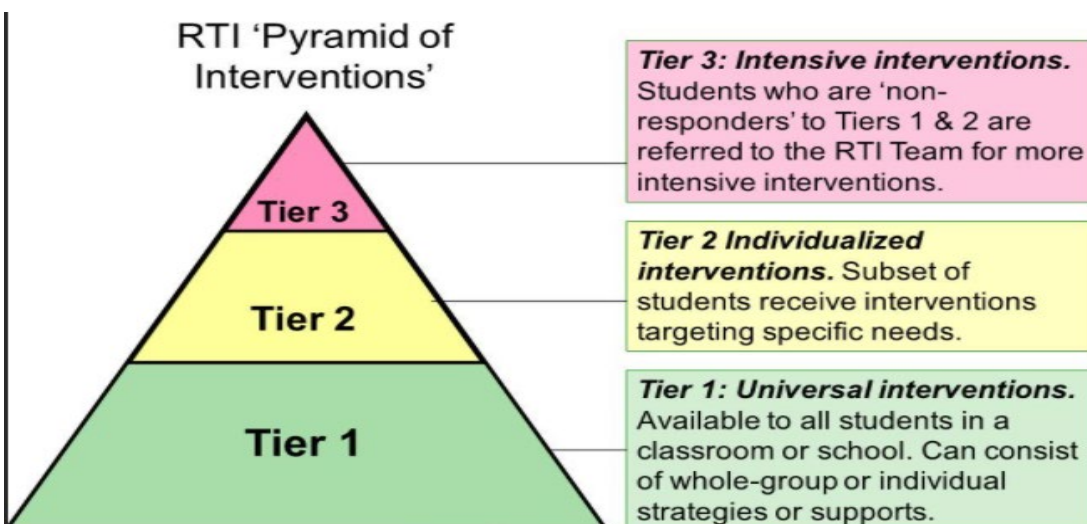
of Black students most often begins when a classroom teacher immediately refers a child for special education; this child presents with academic or behavior problems in the classroom and is immediately referred to the special education process rather than attempting to address the issue that is interfering with learning. There are specific components that are to be considered before a formal referral for an evaluation should be made, but these steps are frequently bypassed by the classroom teacher, particularly when the teacher is unaware of the process. For instance, a subsequent step, usually called a “pre-referral” process or intervention that is required to “rule out factors” such as the lack of evidence-based interventions, including additional or specialized classroom support as the cause of the child’s issues. The pre-referral processes differ across school systems but are intended to reduce disproportionate representation. As noted in the Problem Statement, in WCSD the pre-referral process is the step that occurs prior to making a formal request for evaluation, this is also known as the Collaborative Decision-Making (CDM) process (Special Education Policy, 2020). CDM is a team approach that consists of a framework for all stakeholders involved to utilize techniques to solve problems and support student achievement and success; the process is a proactive approach that emphasizes early intervention, evidence-based practices, collaborative teaming, and ongoing progress monitoring. According to the policy, “CDM fosters best practices in adult and student learning, collaboration, and problem solving to achieve the desired results. identifies student needs and matches them with appropriate and effective interventions” (P. 14).

The CDM is a structured problem-solving model involving a team of 4-5 members who meet routinely, (once or twice per month) to identify research-based interventions for use in the general education classroom, with a focus on progress monitoring. The CDM is a tiered intervention model based on Response to Intervention (RtI) as recommended by research (see

Heller, et al.; Oswald, Coutinho, Best, & Singh, 2002) and the recommendations from the 2002 NRC report (Donovan & Cross, 2002). The intent of CDM is to make the determination of whether the academic or behavior problems exhibited by the student are due to a lack of effective evidence-based instruction and not a disability. If the learner does not make academic progress or improvement in the behaviors after a set number of weeks of interventions, then the CDM team will move to the next phase of the process and make a formal referral for special education evaluation and a 90-day mandatory timeline for completion. See Figure 3 below and a description of Maryland's RtI Model provided in Appendix B.

**Figure 3**

*E.R. Walker County School District Model- Response to Pyramid of Intervention Model (RtI)*



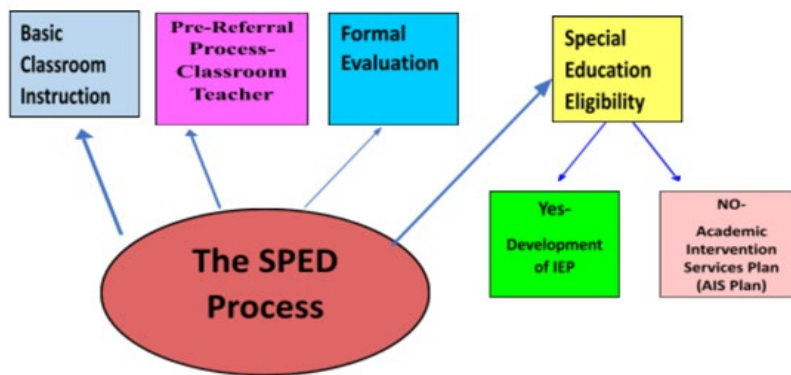
(Marylandpublicschools.org, 2014)

The CDM is categorized under Tier 2 in the RtI model. The CDM team meets to analyze data on a student's academic or behavior progress and develops interventions which the classroom teacher is expected to deliver to the struggling learner (discussed at the CDM meeting). The classroom teacher is responsible for providing data such as failing grades, or data to determine

that the student is not meeting the common core standards/skills when comparing to the same age/grade level peers. Academic concerns are initially discussed during the weekly Interdisciplinary Team Meetings (IDT) and then can be transferred to the CDM if improvements are not observed once UDL strategies are implemented within the next 2-3 weeks. CDM analyzes student data collected from the IDT meeting and the team takes a collaborative approach to determine interventions for the student. The interventions may be implemented inside the general education classroom, (consisting of a small group of 4-6 students) administered by a qualified staff member (reading/math intervention teacher, special educator or teacher assistant) or general education classroom teacher. Student progress monitoring of data is expected to be collected by the staff member who is responsible for implementing the intervention. The progress monitoring is based on the checkpoints (pretest, mid-point and final) during the intervention. The data are recorded electronically and the CDM team can monitor when a student's performance falls below expectations. The CDM team can intensify the interventions based on student performance, however, if students are not making progress with interventions within 8-10 weeks, the intervention may be adjusted, but most commonly, a formal referral is made to the CDM team for a formal request for eligibility. Research indicates that when Tier 2 intervention is added to instruction, particularly for struggling learners, such interventions result in academic improvements for approximately 67% of referred students (Crone, D. A., Hawken, L. S., & Horner, R. H., 2010). When Tier 2 and 3 interventions are not implemented with fidelity or when progress is not monitored effectively, research indicates that successful results will not occur (Rock, et al., (2014). See Figure 4 below.

**Figure 4**

*The Special Education Identification Process (CDM) in WCSD*



As I noted in my problem statement early in this section, in my role as a special educator I have also observed classroom teachers' avoidance of implementing interventions and/or monitoring student response to the interventions. I have also noted another common avoidance of the CDM process by classroom teachers such as when a teacher contacts a student's parent/guardian and asks them to provide a "written request" to the principal to have their child evaluated for special education eligibility. When the school receives a written request for evaluation from a parent/guardian, the school is legally mandated to bypass the CDM process and begin the timeline for the evaluation and determination of eligibility. The school system has 90 calendar days from the time the letter has been received, in order to complete the IEP process. Figure 5 above illustrates the key components of the identification process in WCSD.

### ***Ineffective Tier 1 Classroom Instruction***

Another major causal factor identified in the fishbone diagram leading to misidentification of Black students as needing special education relates directly to the lack of "good" Tier 1, general classroom instruction. As noted in the RtI model above, the first level of support for learners

begins in the classroom and is known as the Tier 1 level of support (provided in the whole group learning environment). If a teacher has struggled to help a child learn or conform to norms of the classroom, there is a greater likelihood that the student may be referred for special education evaluation. Research (Hoover, 2010; & McIntosh et. al., 2010) emphasized the educational value and heavy role that “good” general education classroom instruction plays when assisting struggling learners. Yet, Hoover noted that general education classroom interventions are frequently overlooked or under-utilized when considering eligibility for special education. It is important that the general classroom environment is equipped to support academic and behavioral concerns for all diverse learners. This will also assist in identifying appropriate “supports” for struggling learners (Harry, et. al., 2007). Data from NRC (2002) and OSEP (2020) indicated that a key area of effective general education Tier 1 practice is early intensive research-based instruction in reading and math. Failure to provide this support frequently results in increased referrals for special education evaluations in 3rd grade and beyond.

Tier 1 calls for high-quality evidence-based instruction for all children in a classroom as well as careful monitoring of student progress. Tier 1 supports that have demonstrated to be effective in addressing student learning and behavior problems include both universal interventions that target learning needs of all students, as well as differentiated supports. These can consist of a whole group, small group or individual instructional supports. Examples of effective Tier 1 strategies suggested through research includes, but is not limited to: differentiating instruction, UDL, Culturally Responsive Teaching practices, small group instructional opportunities for pre-teaching and re-teaching of skills, flexible grouping, and opportunities for repetition and reinforcement of tasks or skills.

**Universal Design for Learning (UDL).** UDL is an instructional strategy utilized for differentiating instruction and removing barriers to success. The UDL framework is an evidence-based strategy that is used to meet the needs of every learner in the classroom. Although UDL takes time and commitment from the classroom teacher to successfully implement, when effectively applied to the classroom, this instructional practice is beneficial to students, particularly to students who struggle with attention concerns and low academic skills. UDL may be executed in a variety of ways to assist students in becoming “expert learners” (Courey et al., 2013). There are a multitude of ways that UDL may be implemented in the general education classroom to ensure the success of all learners.

1. **Posting Visual Goals-** When lesson goals are posted where they serve as a visual reminder to learners, students become aware of what they are striving to achieve; therefore, when the goal is referenced throughout the lesson, students are able to identify a targeted outcome.
2. **Assignment Options-** When educators allow students the opportunity to choose the way that an assignment will be completed (through the use of a choice board) allows built-in flexibility that capitalizes on particular strengths that reduces hurdles that impact learning.
3. **Flexible Workspaces-** To successfully implement UDL; it is important to provide workspaces within the general education setting that benefit the way students learn. For example, if a student requires a quiet area to assist their ability to focus, then a quiet workstation (with accessible earphones) may be offered to support and accommodate students within the classroom. If a student is more successful when working collaboratively, then an area should be provided within the classroom where students have the opportunity to work with others.

Research has shown that when UDL is implemented in the classroom, it removes barriers to learning by allowing an array of opportunities for students to choose how they will access the way they learn (Levey, 2024).

4. **Feedback-** UDL has offered routine opportunities for students

to assess their progress through receiving daily feedback on skills/tasks. Teachers provide students the opportunity to participate in individual conferences to assess their progress on meeting their set goals through student-teacher collaboration conferencing; this also serves as reflection in order to further progress on their learning needs. 5. Digital/Audio of Text- UDL has offered opportunities for students to read texts through visual or audio options. This method has been successful for struggling learners who are faced with reading decoding/comprehension deficits and allows another option to support areas of need. UDL has served as a classroom-based support that is required for all students in the general education setting; research has indicated that UDL is successful in removing barriers and addresses the variability in learning (Levy, 2024).

**Differentiating Instruction.** Differentiated instruction is the practice of adapting instruction that is tailored to the needs of the learners. Research emphasized that different learning styles of students must be considered when developing adaptive strategies to support student learning. The educator as well as the student(s) must learn what supports are needed in order for students to meet success (Wormeli, 2018). Literature further emphasized the challenges that teachers experience when identifying the learning differences of students within the classroom setting. When there are a range of learning differences among students, teachers often face difficulty when the characteristics vary so greatly in the classroom. Characteristics include but are not limited to learner interests, learning styles, developmental level, learning speed, educational abilities, cultural background, and language proficiency level (Moore, 2005; Tomlinson, 2001; Waldron & Mcleskey, 2001). In order to reduce the number of Black students being referred to the special education process, teachers must identify effective strategies that activate the abilities of the learner. Evidence has confirmed that learning must be specific to the

learner in order to meet the individual needs of students (Orosco & O'Connor, 2014). For instance, teachers are trained to utilize instructional approaches that are designed to meet the needs of a dominant society or group, which prevents differentiation from occurring in classrooms (Pozas, et. al., 2020). Research has also revealed a direct connection between the classroom environment and student learning (Gay, 2002). However, to be effective, teachers must be competent enough to apply a variety of instructional strategies, including research-based instruction required to meet the needs of diverse learners. "Differentiated instruction does not mean we make learning easier for students- instead it provides the appropriate challenge that enables students to thrive" (Wormily, 2006, p 18). Literature has indicated that Black students have the highest identification rates in schools containing a low minority rate (Elder et. al., 2021), signifying that Black students are "3.8 percentage points more likely" to be identified with a disability than white peers in schools that consist of fewer than 10% minority students (Elder, Figlio, Imberman, & Persico, 2021). Research findings by Slavin, Neitzel, Pellegrini, & Lake, (2019) indicate that early intervention through proven interventions play a key role in the reduction of special education placement; for example, one-to-one or small group tutoring programs are effective for struggling readers. When strategies are employed at the classroom level, struggling learners are able to gain the additional support needed to maximize their learning potential, address learning gaps to support academic/behavioral deficits, and promote strategies to overcome learning barriers; this includes students of low socioeconomic status and minority students. Data has shown that with early interventions in place, and through the use of Tier 1 and 2 supports, special education placements have reduced by 45% (Tucker & Sorenson, 2007). Najarro-Gomez's (2020) findings placed emphasis on the collaboration between general and special education teachers throughout the implementation of Tier 1 and Tier 2 interventions.

Teaching teams routinely met during the beginning of the study to determine data collection guidelines and tracking procedures, and frequently collaborated while monitoring student progress. Findings in this seven-year study revealed that when Tier 1 and 2 interventions are implemented with fidelity, special education referrals are reduced significantly (Najarro-Gomez, 2020).

**Lack of Culturally Responsive Teaching.** Culturally Responsive Teaching (CRT) occurs when students' culture, background, personal experiences, customs, and individual perspectives are incorporated into the learning environment in order to empower students and close the achievement gap. One of the more promising strategies suggested in the literature to be effective in lowering disproportionality of minority students who were referred for special education evaluation is, "matching the contextual conditions for learning with the cultural condition of the learner" (Gay, 2018, p. 202). According to Gay, when this skill is mastered, evidence has indicated that task engagement and task performance will increase among culturally diverse students. Therefore, Gay concludes that, "it is imperative and entails using cultural knowledge, prior experiences, frames of reference, and performance styles of culturally diverse students to make learning encounters more relevant and effective for them" (p. 49). When students feel as though they are learning in culturally responsive classrooms, research shows that students perform better on multiple measures of achievement, especially when teaching is filtered through their own cultural experiences and frames of reference (Gay). Culturally responsive teaching is crucial for teacher success in diverse learning populations. Studies have shown that culturally responsive teaching is most effective when the instructor conveys that they care about all students, the teacher attitudes and expectations are not biased, formal and informal multicultural curriculum is observable, lessons consist of culturally informed classroom discourse, and there is

a presence of ‘cultural congruence’ in teaching and learning strategies. When all of these aspects exist, research has indicated that students learn better and achieve at greater rates (Gay, 2010). Effective implementation of specific pedagogical practices for minority and culturally diverse students has been essential to reducing special education referrals and identification of Black and other minority students (Coutinho, Oswald, & Best, 2002). Data has indicated that there are inconsistencies among the teachers’ ability to provide culturally responsive classrooms that are needed to meet the academic demands of diverse learners, which exhibited confounding effects, particularly on teacher ability to meet student learning styles in the classroom (Orosco & O’Connor, 2014). As previously discussed, students of various cultures learn differently, and as Gay (2018) emphasized, teachers must have the tools to teach to each student group which in turn, will reduce the disproportionality rates of students being referred to special education. If the problem of culturally responsiveness among teachers is not addressed, evidence suggests that disproportionality will prevail (Orosco & O’Connor, 2014).

Specific to Black students, there are culturally relevant distinctions that explain differences of how students learn (Boykin, 1983). Black students learn best when African American culture is valued and utilized regularly, not just during specific times (Gay, 2018). For example, Gay noted that Black students thrive in educational settings when the communication system such as, “African American dialect” or “Ebonics” is recognized, and accompanied with topic chaining during conversations and learning (p. 215). Black students also reported that they feel more connected to the classroom when there is a strong sense of community, where trust is established, and accountability for learning among teachers and peers are present. Black students also reported that they prosper in instructional environments that combine individual and group efforts when initiating tasks. Opportunities for collaboration are crucial when creating, revising,

and editing assignments; as well as when opportunities arise to work in groups or with partners (Gay, 2018; Krater et al., 1994).

Gay (2018) also emphasized that there are disproportionate numbers of students of color who were not adequately achieving in the classrooms; when elements of culture and lived experiences are incorporated into the classroom, students felt connected and a better sense of belonging, which then fosters learning and improves student outcomes; if this practice is not evident in classrooms, students do not soar to their greatest potential (Gay, 2018). “When educators are culturally responsive, students feel empowered and can often find their way out of the achievement gap” (Hammond & Jackson, 2015, p. 15). Hammond (2015) and Hammond and Jackson (2018) suggested that Culturally Responsive teaching in the classroom can reduce disproportionate numbers of low achieving Black students by culturally connecting students to the classroom, which can also reduce the number of Black students being misidentified for special education when this practice is applied to the learning environment.

### ***Teacher and School System Implicit Bias***

A fourth cause of the disproportionate identification of Black students in special education is related to bias. The literature pertaining to teachers’ special education referrals often focuses on concerns related to subjectivity and bias when it comes to identifying academic behaviors that have led to a teacher-initiated referral (Parrish, 2002). O’Connor and Fernandez (2006) proposed the ‘Theory of Compromised Human Development’ that offers a conceptualization of development that places minority students at heightened ‘risk’ for special education placement. This theory places Caucasian students as the “norm” against which the progress and learning of “other students” is assessed. This theory system is utilized in the organization of schools and increases the likelihood that some students, high poverty, and racial/ethnic minority

students are perceived as academically and behaviorally deficient and in need of special education services. Other early studies suggested that classroom behavior and academic engagement of students may influence teacher perception of disability and the likelihood of special education referrals (Prince & Lawrence, 1993) and inconsistencies in the pre-referral process (Ferri & Conner, 2005; Semmel, Gerber & MacMillian, 1994) contributes to the overrepresentation of Black students in referrals to special education and related services. Shaffer (2022) contextualized the premise that humans develop from their own personal experiences and continues to remind future teachers that every child's experiences are different, for example, if a student does not use scissors appropriately, this does not mean that we should imply that the students may have fine motor concerns, this simply means that the student may not have been shown how to properly use scissors; if a student behaves outside of the teacher's "norm", this does not indicate a challenging behavior which would require a referral to special education. Educators are encouraged to understand that implicit biases often lead to a disproportionate number of special education referrals, particularly pertaining to Black students (Shaffer, 2022). Connor et al., (2019) emphasizes that teacher biases lead to inaccuracies in assessments, labeling, and placement of students into special education settings and fosters the belief that further research is needed to identify factors that lead to "disadvantaging" Black students (Connor, et. al., 2019); (Stewart, 2020).

Teacher perception of students, particularly biases, has guided the special education referral process both educationally and in terms of academic performance. According to research, the nature of the particular disability combined with bias and informal judgements made by the teacher, is the catapult that drives students into formal testing. The teacher's decision to refer a child is the most crucial step in the process and when biases are prevalent, overidentification of

students can occur (Harry & Anderson, 1995). Other factors that played a role in environmental contributors are biases, attitudes and stereotypes among teachers about a particular ethnic group or race, which have a profound effect on disproportionality among minority students, especially when this group is improperly placed in the special education environment (Gaviria-Soto & Castro-Morera, 2005). Hu, et. al., (2024) emphasize that implicit biases impact students by creating a sense of “societal and institutional devaluation” often leading to negative academic outcomes (Hu & Hancock, 2024). Teacher biases that occur when referring students to special education is a huge concern but is not within my direct scope to drive improvement or change.

When the perceptions, biases and inconsistencies are supported using various assessment tools, tests, checklists, etc. that reflect the Caucasian norm and are often not aligned with actual curriculum standards or other relevant classroom expectations and instructional changes. The lack of data and student progress monitoring has been cited as leading to inconsistencies and is a cause for concern. Researchers have pointed to the issue data used to measure student progress during the pre-referral process which is often overlooked and rarely used in special education decision-making, including data collected during the eligibility determination process (Ferri & Conner, 2005; Kim & Rowe, 2004)

**Limited Teacher Preparation and Support.** Sleeter (2017) stated that the problem of disproportionality of Black students being referred to special education relates to the Critical Race Theory and the preparation of teachers. Sleeter concluded that large numbers of teachers are not well equipped to teach racially, ethnically, and linguistically diverse students. This is more of a systematic concern, stating that the education system was originally designed “to meet white needs” (p.157) which causes a disconnect between teacher education and the diverse students in the schools. Sleeter also explained that teacher preparation programs are not

adequately training teachers to meet the needs of diverse learners and stated that while teachers may have knowledge of the content from their respective program coursework, many are unable to apply these skills in the classroom environment with diverse students.

Skiba, et al., (2006) interviewed sixty-six teachers in urban settings as part of a study identifying causes of disproportionality. Upon analyzing results from teacher interviews, the researchers identified three key findings: teachers felt unprepared to meet the learning needs of low SES students; teachers felt as though classroom behaviors were too challenging to manage; teachers felt that special education was the only available resource in helping students succeed. Skiba, et. al concluded that when teachers have limited resources and support, disproportionality becomes more prevalent in special education. Suprayogi, Valcke and Godwin (2017) stated that a considerable number of instructors do not have a clear understanding to identify the differentiated needs of learners; therefore, instructors should be trained in lesson planning which focuses on each learner. As noted previously when discussing Response to Intervention, literature points out the importance of teacher knowledge and understanding of Tier 1 supports that are provided in the general education classroom for any learner who is experiencing academic difficulties (PBIS, 2013). When teachers refer students to special education, they must be familiar with the system's policy and practice. DeMatthews, Edwards, and Nelson (2014), stated that many teachers are unaware of the district guidelines when attempting to identify a student for eligibility and the process is not being properly implemented which leads to misidentification or disproportionate representation of students.

According to DeMatthews, et. al., (2014), research speaks to the unfamiliarity among teachers regarding policies and practices; The Maryland Blueprint was passed by the Maryland General Assembly in 2021, and the goal is to transform public education into a “top-notch” system that

provides a high-quality, rigorous, comprehensive educational experience for all students (MSDE, Blueprint for Maryland's Future, 2024). This will not only enhance students' educational experiences, focusing on accountability to improve the quality of education, particularly for students who have remained in marginalized groups (Pillar 5, Blueprint for Maryland's Future, 2024). DeMatthews, et al., (2014) conveyed that accountability was lacking in terms of teacher knowledge of policies, resources and supports that are necessary to meet the needs of all students. Pillar 4 of the MD Blueprint establishes a plan (through the increase of funding) that would acquire resources and support for our disadvantaged group of learners (multilingual learners, students who struggle academically, and learners who derive from impoverished backgrounds). The Maryland Blueprint will be discussed further in the last section.

### **Summary of Causal Factors**

In summary, disproportionate representation of Black students in special education has been a concerning factor for decades. While considering factors that have led to disproportionality, a substantial cause is the special education pre-referral identification process. Related to that is inadequate classroom instruction that supports students of color, particularly those who are poor. Schools rely heavily on testing to identify intelligence or place a strong emphasis on standardized tests which can lead to false assumptions about a student's ability and fail to recognize how classroom instruction produces the outcomes that often lead to referrals and reasons for special education identification. The overrepresentation of minority students referred to special education programs are also due to conscious or implicit biases of educators regarding race and poverty, or family factors as the causes of behavior problems or lower learning performance. Bias can lead to conclusions that the differences are disabilities. For example, "At Risk" children, such as those with lower socioeconomic status account for many of the special

education referrals. Schools and school systems often fail to dig deeper to understand how a student's prior education, cultural background and environmental factors play a large role in their current academic performance and how the system must make efforts to support differences in day-to-day instruction. Evidence has suggested that with effective classroom instruction, culturally responsive teaching approaches, and provision of Tier 1 and 2 supports including appropriate knowledge of the CDM process/ special education identification process, it is possible to reduce the disproportionate number of Black students being identified as disabled and placed in the special education program.

### **Theory of Action**

After reviewing research on major causes of the disproportionality, I have identified three primary drivers that have the potential to reduce disproportionality of Black students in special education. One of the drivers is to improve Tier 1 classroom instruction to improve students' learning and engagement. A second primary driver is to improve implementation of the CDM process, specifically at the pre-referral stage of the process. The third driver is to eradicate the unconscious biases of classroom teachers regarding the learning and behaviors of students of color. Given my current position, scope of influence and resources, I am focusing on the second driver of improving the classroom teacher pre-referral process of the collaborative decision-making process (CDM). In this section, I have discussed the aim and focus of my improvement initiative and my theory of improvement.

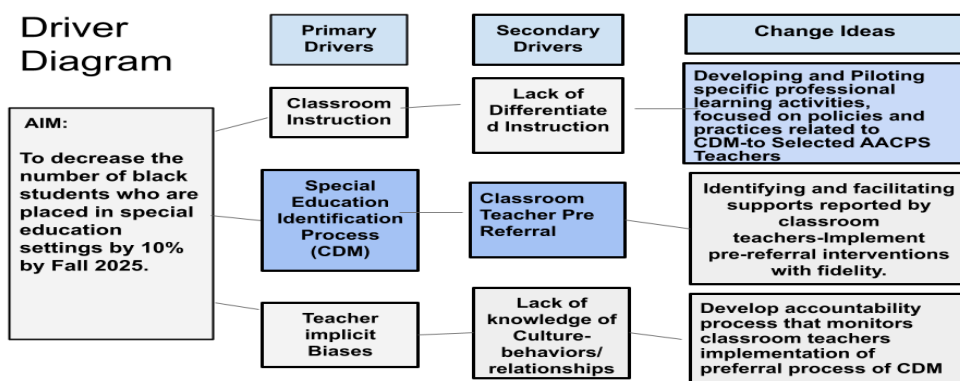
### ***Aim and Theory of Improvement***

When considering all factors that are linked to disproportionate identification of Black students in special education, I intend to focus on the classroom teacher's role in the CDM

process. My long-term aim is to identify a reduction in the number of Black students referred for formal evaluation for special education services in one elementary school. Figure 5 below presents my aim and primary and secondary drivers.

**Figure 5**

*Driver Diagram*



**Change Ideas.** There are several ways that the CDM pre-referral process can be improved. As noted earlier, during the CDM process, classroom teachers must collect various classroom assessments and other data to indicate whether the specific interventions recommended by the CDM team have been effective. The data must be tracked for 8-10 weeks and presented to the CDM team at its second meeting. The data determines whether the student's academic skills are deficient enough to move forward with the academic assessment phase of the CDM process.

The referring teacher is expected to provide classroom data that has demonstrated a history of academic weaknesses, while the interventionist/special educator provides Tier 2, student progress to indicate the prevalence of trend data to identify the presence of a learning disability. When analyzing studies, research suggested evaluating the effects of instructional

adjustment to determine the student's responsiveness to Tier 1 and Tier 2 interventions. When students require more intensive support, Tier 3 interventions are implemented with increased frequency and extended time that students participate in such interventions. Progress is measured more frequently, and data is analyzed and reviewed among the CDM team to refer the student for special education testing if the student is unresponsive to Tier 3 interventions.

To make changes to the general classroom teacher's role in the CDM process, I have identified three change ideas: 1- ensure classroom teachers' understanding of their role in the CDM process to reduce disproportionality; 2- provide supports and resources to enable classroom teachers to implement CDM interventions; and 3- increase accountability for classroom teachers' implementation of CDM processes. All of these changes are consistent with the goals of the CDM policy which is to increase classroom teachers' ability to implement effective strategies designed by the CDM team to address a student's academic or behavioral concerns. and decrease the number of Black students who are formally referred, evaluated and identified as having a disability due to lack of appropriate and intensive instruction (Coutinho, et. al., 2002; Donovan & Cross, 2002; O'Connor, Yasik, & Horner, 2016; Raj, 2016; Scott & Nelson, 1999); Sullivan, et. al., 2019).

Given the importance of the general classroom teacher, focusing on how to improve their knowledge and skill in implementing pre-referral practice has shown to have a great impact in improving the current problem. Figure 6 below presents my theory of action for improving discrepancies and inconsistencies in the special education identification system that contribute to disproportionality.

## Figure 6

### *Theory of Action*

**If** teachers increase their understanding and access of pre-referral strategies, **Then** the number of students who are referred for special education evaluation will decrease

**Resulting in** a decrease in the number of Black students who are over-identified as needing special education

### *Purpose Statement and Rationale*

As shown in my driver diagram, the three change ideas for improving general education teachers' implementation of CDM processes with fidelity are interrelated. Change idea 1 involves developing and piloting specific professional learning activities for classroom teachers focused on policies and practices related to the CDM process. Change idea 2 is related to the first change and it involves identifying the current level of knowledge of CDM among classroom teachers and the support that classroom teachers report needing to allow them to implement the CDM process with fidelity. Change idea 3 involves an accountability process that monitors classroom teachers' implementation of all parts of the pre-referral CDM process in order to provide feedback to the teachers and the school about where more assistance might be needed. In considering the three change ideas, it appeared to me that the first and third change ideas cannot be developed until there is some assessment of current level of knowledge, perceptions and support needed among classroom teachers. Therefore, the purpose of the study is to obtain Elementary level classroom teachers' knowledge of the pre-referral CDM process and to determine how likely they are to use specific pre-referral interventions, included those recommended by the district when teachers encounter a student who is struggling in reading or math or exhibiting a behavioral problem in their classroom. A related purpose was to determine

what resources the selected elementary level teachers report they need to implement pre-referral interventions and the CDM pre-referral process and the extent to which those resources are reported by IEP chairs to be available in their school.

### **Summary of Section I**

The disproportionate representation of Black students identified as having a disability and requiring special education is a decades old problem. A number of factors have been identified that have led to the overrepresentation of Black students. The general consensus among researchers and policy makers is that race and poverty together create challenges for schools and that the root cause of overrepresentation rests in providing general education classroom teachers with strategies to address the needs of diverse students.

The CDM process developed by WCSD is based on a tiered approach called MTSS and is intended to focus on both improving general classroom instruction and providing more targeted Tier 2 interventions for a student exhibiting learning or behavior problems. For example, the CDM team collaborates with a reading intervention teacher or district-level supervisor to design specific interventions for a student struggling to read. If behavioral concerns are the focus, the CDM team can request strategies from the behavioral-support-staff through the use of tiered behavior interventions (e.g., PBIS).

However, in my observations, the CDM process can be implemented inconsistently across teachers, perhaps due to lack of teacher knowledge and accessing specific resources related to the process or other factors. The WCSD CDM model has been developed to better serve struggling learners by identifying and providing classroom support needed to meet academic success. Therefore, it is vital that classroom teachers follow the CDM process and understand the framework and use the interventions designed to address learning or behavioral problems prior to

requesting a formal evaluation for special education eligibility, until there is evidence that the student cannot benefit from the intensive evidence-based support offered in the classroom.

## **Section II: Study Methods**

The purpose of my proposed research was to assess, among a group of general education elementary level teachers, their knowledge of and how likely they are to use specific pre-referral interventions, included those recommended by the district CDM process, and what specific actions they are likely to take when they have a student who is struggling in reading or math or exhibiting a behavioral problem in their classroom. A related purpose was to also determine what resources the selected teachers reported needing in order to implement pre-referral interventions and the CDM pre-referral process and the extent to which IEP Chairs report those resources to be available in their school. The research questions that addressed participants, as well as the methods that were used are described in the following sections.

### **Research Questions**

The following questions guided my research study.

RQ 1: How knowledgeable do general education teachers (who teach grades 3-5) and reading/math interventionists in a selected elementary school report being about CDM and how likely are they to report using specific pre-referral interventions, including the components of the CDM pre-referral process, and/or to take other specific actions when a student begins to struggle academically or behaviorally in their class?

RQ 2: What supports and resources do general education classroom teachers in grades 3-5 and reading/math interventionists in a selected elementary school report they need to support the pre-referral CDM process in their school?

RQ 3: What resources that support the CDM pre-referral process does the special education IEP chair in a selected elementary school report are available and how do these supports and resources compare to what grade 3-5 teachers in the building report as being available?

### ***Design***

My research design was descriptive and quantitative using a survey questionnaire. I conducted an anonymous, web-based, Google forms survey of grades 3-5 general education classroom teachers and grades 3-5 reading/math intervention teachers in one WCSD elementary school. In addition to the teacher survey, an inventory checklist of available supports and resources for implementing the CDM was completed by the school's IEP chair. This study was intended to provide a picture of how some elementary general education teachers respond to students in their classrooms who are struggling academically and/or behaviorally and the extent to which they report that they implement specific district approved pre-referral and CDM practices. This information was unavailable in WCSD at the time the study was begun, and results will provide the first step to further targeting professional learning activities for classroom teachers and encourage implementation of the CDM.

I selected a descriptive quantitative survey design to address Research Questions 1 and 2 to obtain information about classroom teachers' knowledge and use of pre-referral interventions because, "a survey is a good way to collect basic information from a group of similar individuals, particularly using standard questions" (Rea & Parker, 2014, Pg. 12). According to Rea and Parker (2014), to ensure surveys produce useful results, a survey must have a purpose and should be aligned to the research questions, "to convey that the researcher understands the full scope of the problem, as well as the intended research design" (Rea & Parker, 2014, pg. 43). Rea & Parker (2014) further elaborate that a good survey is also considerate of the time

constraints faced by the participants; particularly closed-ended survey questions that include a fixed-list of selected-response choices, a condensed number of response questions, and questions that are easily understood. A closed-ended survey limits response options for questions that can be more efficient and may receive higher response rates due to the minimal time it takes to complete (Rea & Parker, 2014, pg. 12).

When developing the survey instrument, I designed the questions with input from Dr. McLaughlin, University of MD-College Park, Doctoral Program Advisor and my dissertation committee as well as the UMD Institutional Review Board to ensure all research guidelines were followed and the confidentiality of all human subjects were protected during the survey administration process. In order to ensure the functionality of the survey, as well as the understanding of all questions being asked in the survey, a pre-test was conducted prior to formally administering the survey to the selected groups of research participants which is further explained below.

As noted earlier, the survey was developed to address research questions 1 & 2, and the survey components are further discussed later in this section.

To address research question 3, an inventory checklist was developed to identify resources and materials that are known to be available across the E.R. Walker County School District to assist with the learning deficits of struggling learners, as well as to support the CDM process. The checklist was designed and administered to the IEP chair at the study site (school B) to determine the available resources that are used in school B and how often they are being used in the school building. The checklist also asked the IEP chair to identify what supports she believes are necessary in school B to better implement the CDM pre-referral practices. The Inventory checklist is discussed further below in this section.

**Participants.** Survey participants were eight, grade 3-5 general education classroom teachers and reading and math interventionists assigned to one elementary school in the E.R. Walker County School District in SY 2023-2024. The inventory checklist was distributed to the one designated IEP chair in the same elementary school. The selection process for participants and the study site is discussed below.

**School and Participant Selection Process.** Grades 3-5 classroom teachers and the IEP chair in one E.R. Walker County elementary school were the core informants and the following school staff were excluded from participating in the survey: School Administrators, Special Educators, School Psychologists, Speech-Language Pathologists, School Counselors, and/or Encore (Cultural Arts) Staff Members, Encore (Cultural Arts) staff members are teachers of Physical Education, Art, Music, Foreign Language and Technology. In the sections below I describe the criteria for selecting the specific elementary school and then the numbers and definitions of classroom teachers, reading and math interventionists and the IEP chair.

**Selection of Schools.** Participant selection began with selecting the elementary school. Originally the plan was to recruit grade 3-5 teachers from three different elementary schools within the E.R. Walker County School District. I selected the initial three schools based on the criteria described below.

**Selecting the Elementary School.** Criteria for choosing an elementary school were as follows:

- The 2022-2023 Title 1 status of the school. Each of the potential elementary school sites had 50% or above of its students receiving Free and Reduced Meals (FARMS). I selected these schools with higher poverty because research has indicated that high poverty schools require more support and services to meet the needs of their students and also

because these students can be at greater risk of identification for special education (Lee, 2015). Of the 78 comprehensive elementary schools in the E.R. Walker County School District, only 10 met this criterion.

- The percentage of special education students enrolled in the 10 schools. I chose schools with an enrollment of 9% or higher of students with IEPs (9% was the district average for enrollment of students with IEPs in SY 2022-2023).
- FARMS rates of 50% or higher and schools with higher enrollments of Black students compared to other races. Four of the 10 elementary schools met this criterion.
- The SY 2022-2023 risk ratios for special education identification for each of the four schools. I calculated the risk ratios to identify which of the schools had met the 3.0 MSDE benchmark to be considered having a significantly disproportionate number of Black students identified with IEPs in comparison to other student groups enrolled. As discussed in Section 1, MSDE (Office of Special Education and Rehabilitative Services- Department of Education) governs the assistance to States for the Education of Children with Disabilities program (IDEA regulations section under Part B of the Individuals with Disabilities Education Act -IDEA) and designates schools as having “significant disproportionality” in special education identification based on risk ratios for identification of Black students. As discussed in Section 1, the IDEA regulations in 2016 required that each state develop a standard method for determining if significant disproportionality for any racial or ethnic group exists in special education identification, LRE and discipline. IDEA requires each state to use a risk ratio and to set a “threshold” for what is considered significant. There are consequences for districts and schools identified as having significant disproportionality (see Salmon Memo, December 5,

2017). Based on the risk ratios, one of the four elementary schools did not meet the 3.0 benchmark which resulted in the initial selection of 3 elementary schools (A, B and C).

**Final School Site Selection.** Data was initially collected for all three schools for SY 2022-2023 to determine the staffing population prior to submitting my Human Subjects Research application followed by submission to the district office of the E. R. Walker County Schools approval process. After receiving approvals from the UMD Institutional Review Board and the E.R. Walker County School District Instructional Data Division, I began recruiting schools by contacting the principal of each of the three schools. While I had intended to recruit participants from the three schools, I was unable to obtain a response to my initial email request from the principals of two of the three schools. Therefore, I had to amend my research proposal to include only one elementary school, (which was limited to school B). Prior to amending my proposal, I verified the SY 2023-2024 data for school B to ensure that staffing has not changed in terms of positions being increased or decreased. Since I only received approval to conduct research in one elementary school, the number of teachers eligible to participate in the study was reduced from 46 to 13 and the number of IEP chairs from three to one; indicating a total number of 14 participants (including the IEP chair) included in the study at school B. I describe school B below. (Appendix I provides the descriptions of schools A and C.)

**School B: Study Site.** School B was an elementary school serving Grades Pre-K through 5 that enrolled 306 students in the 2022-2023 school year. The FARMS rate at this school during that school year was 80.4% and Black students represented 20% (n=60) of total enrollment. White students represented 35% (n=108) of total enrollment, and Hispanic students represented 30% (n= 96) of the total student enrollment. Compared to schools A and C, this school had the fewest number of Black students enrolled compared to other races but had the highest Risk

Ratios for identification of Black students as having a disability when compared to other races in SY 2022-2023 and in SY 2021-22. Of the 306 total students enrolled at school B, 34 students (11%) were identified with a disability and received special education services. Among the 34 students identified with a disability, 15 (44%) students identified with a disability were Black, 9 (26%) students with a disability were white, and 7 (20%) students with a disability were Hispanic, 2 (5%) students with a disability identified as 2+ races, and 1 (3%) student with a disability identified as Asian (MSDE, 2022)

***School B Risk and Risk Ratio.*** A risk is the likelihood that an event will occur while a Risk ratio (Rr) is a comparison of the likeness of the occurrence of an event in an exposed group, to the likeness of the occurrence of an event in an unexposed group. To determine the risk ratio (Rr) for school B, I disaggregated school B's special education and enrollment data by race to calculate the risk and (Rr). Of the 60 Black students enrolled at this school, 15 students (25%) received special education services. Out of a total of 34 total students with disabilities who were enrolled in school B, 15 Black students accounted for 0.4 or 40% of students identified with a disability. Therefore, the risk, or likelihood that a Black student would have been identified with a disability is 4/10 or 40%. Nine white students represented 0.2 (20%) of the 34 total students with disabilities enrolled at school B. Seven Hispanic students at school B represented 0.2 (20%) of the 34 total students with a disability, two students (2+ races) represented 0.05 out of the 34 total students with a disability, and one Asian student represented 0.02 of the 34 students with a disability enrolled at school B. Therefore, Black students were twice as likely than white students to receive placement in special education at school B.

**Selecting Participants.** According to the 2023-2024 staffing data, school B had 8 classroom teachers in grades 3-5 (three 3rd grade teachers, three 4th grade teachers and two 5th

grade teachers), 5 reading/math interventionists, (four reading and 1 math interventionist), 1 Special Education IEP chair, 2 special educator teachers (who were not included in the study), 1 school psychologist, 1 social worker, 1 behavioral specialist, and 1 school counselor. This school did not have an Assistant Principal due to the low student enrollment numbers at this school (NCES, 2022).

Classroom teachers are defined as professionals who are responsible for providing content-based, academic instruction inside the general education setting. Classroom teachers provide Reading, Writing, Math, Science, and/or Social Studies instruction to a whole group of students, as well as providing academic support to small groups of students who remain inside the regular classroom during the entire course of instructional blocks. Reading and math interventionists are also classroom teachers who work with small groups of students to provide academic support in reading or math. In addition, reading and math Intervention teachers have a selected group of students that they are responsible for supporting academically. These students have been identified as struggling learners or have been screened into reading and/or math interventions to receive additional reading decoding, comprehension, and/or mathematical support. The Intervention teachers may provide student support inside the general education setting if a student requires tiered support. Support can also be provided in a separate environment outside of the general education setting if the student qualifies for a research-based reading intervention. Student intervention progress data is monitored and tracked by the Interventionists and is utilized to make instructional decisions. These intervention teachers provide vital input to the pre-referral process because of the level of knowledge they possess regarding the CDM process and Tiered Interventions and can identify inconsistencies in how specific interventions were being implemented. In SY 2023-2024 there were 5 intervention teachers at school B. All 13 classroom

teachers and interventionists in this participant group had access to the survey link, which was sent to them via email by the school principal.

***IEP Chairs.*** The checklist inventory was designed to be distributed to the IEP chair at the elementary school. IEP chairs are identified as classroom teachers who have acquired a special education background and oversee the special education department. IEP chairs implement all the procedures for determining eligibility and developing and monitoring the Individualized Education Plans. IEP chairs are part of the leadership team, who monitor and collect data, as well as report educational needs and data to the principal. Special Educators are responsible for managing, instructing, and monitoring the progress of an assigned caseload of students inside or outside of the general education setting, who are also responsible for implementing services as indicated on the IEP, monitoring student progress on IEP goals/objectives, remaining in compliance of the IEP timeframes, holding Annual Review IEP meetings with parents, writing and revising IEP goals/objectives based on academic progress, participating in the CDM pre-referral, decision making process, and formally assessing students during the referral process of CDM or during reevaluation time frames. School B had one IEP chair in SY 2022-23 when data was originally collected, as well as when school staffing data was confirmed in 2023-2024. Data retrieved from: School B Faculty/Staff (SY 2023-2024).

## **Instruments and Procedures**

This section describes the two instruments that were used to collect information for the study as well as a detailed explanation of the data collection process.

## *Survey*

An anonymous online survey was created using Google forms. (The full survey is available in Appendix E ([Survey Link](#)). The first page of the survey was the consent form. Some survey items were close-ended questions requiring participants to select from a fixed-set of responses (Items 1, 1b, 2, 3,3b, 4, 5 and 6). Some items were closed-ended multi-part questions (Items 1, 1b, and 3a and 3b), and one was an open-ended question (Item 7). Items 1 and 2 asked participants to indicate the total number of years of experience they had as a grade k-5 teacher and Item 1b asked them to indicate the number of years of teaching experience they had teaching grades k-5, specifically in E.R Walker County School District. Survey Item 3 aligned with Research Question 1 and asked participants to indicate their level of familiarity with the Collaborative Decision Making (CDM) Process. (extremely familiar; somewhat of an understanding of the process; have heard of the process but have never been a participant, have never heard of the process, or “other”). Survey items 4 and 5 related to Research Questions 1 and 2 that asked participants to think about their experiences during the Fall 2023 semester and identify which of the following strategies: (Re-teach content in small groups, Provide individual differentiated instruction, Seek assistance from general education colleagues, Seek assistance from Administration, Seek assistance from special education teacher or IEP chair, Refer student directly to the CDM team, Contact student's parent/guardian, and “Other”) were they most likely to use when a student was consistently struggling in math and/or reading. Participants were permitted to select only one response choice from the fixed set of response items available to them on the survey. If none of the response items offered to participants were aligned with their experience, then the choice marked, “other” was available to select. Survey item 6 also asked participants to think about their experiences during the Fall semester and identify which of the

following response items: (Contact Parent or Guardian, Seek assistance from general education colleagues, Seek assistance from Administration, Seek assistance from the Special Education Teacher or School Counselors, Directly Refer Student to the CDM Team, Use incentives to reinforce positive behaviors/ PBIS Strategies, or “Other”) participants would most likely do when a student was consistently exhibiting behavior problems. Participants were required to choose only one item from the fixed set of response choices for this question.

Survey item 7 asked participants to identify how likely (Very Likely Somewhat Likely, Not at all Likely or I do not know this intervention) they were to use each of the 8 interventions: (Wilson Reading System, Failure Free, Soar to Success, First In Math, Visualizing and Verbalizing, Orton Gillingham, Voyager, FASTT Math, Wilson Foundations, LLI- Leveled Literacy Intervention, SIPPS (Sight Word/Phonics Based) they have used when a student consistently struggles in math or reading, Question 8 also asked participants to indicate how likely (Very Likely, Somewhat Likely, Not at all Likely, I do not know this intervention) to use one of 6 interventions (Contact Administration, Write a behavioral referral and send student to the office, Use PBIS Strategies, Refer the Student to CDM team, Contact Parent) with a student who exhibited behavioral problems. Survey item 9 aligned with Research Question 2 and asked participants to identify which of six types of supports they feel are essential to effectively implement in the E.R. Walker County School District, special education pre-referral process. The options were: Professional development about the CDM steps and process, Professional development about available classroom supports and interventions and how to use them, more support from Math and Reading Intervention Teachers, more support with differentiating instruction in the classroom, more support with data collection requirements, and “Other”. The final survey item, 9, was open-ended and aligned with Research Questions 1 and 2. It asked

participants to provide their opinion of the top three actions that classroom teachers could take to reduce the number of students being referred to special education. Once participants have responded to the final open-ended survey question for the final survey item, they were asked to submit the survey where the researcher would immediately receive the return.

**Survey pre-Test.** The survey was pre-tested in December 2022, prior to the research approval process to ensure that all questions were accessible to and understood by the participant and to ensure that the survey was functioning properly through the use of technology. A Survey pretest is vital and has allowed the researcher to identify any errors that could occur with the instrument before administering it to participants. Pretesting allows the researcher to correct errors in advance, to prevent any unforeseen circumstances prior to distributing the surveys. Pretesting ensures that the survey questions will collect the information that it was designed to do and that the results match all survey items (NCES, 2015). Pretesting often provides the information on how long the survey will take participants to complete, how individuals understand the survey items, and also allows the researcher to confirm that the platform works smoothly prior to administering the survey to participants.

The survey pre-test was administered to a former colleague to also ensure that the settings in Google forms prevented confidentiality from being breached in any way. The pre-test also ensured that the toggles were appropriately set to “opt out” of collecting extraneous information that could unintentionally pose risks to the confidentiality of any participant (i.e: setting the toggle to the off position when provided with the option of asking for participant’s first or last names or collecting participant email addresses). These options are available in the google forms settings options if not set to the private/anonymous mode. The pre-test also ensured that each question was visible to a participant as well as understood so the survey could be completed and

submitted without any errors/concerns. Based on the pre-test, the survey was estimated to take approximately 10 minutes to complete.

**IEP Chair Inventory.** Because I originally intended to match teachers' responses to the question about available resources and supports to those of their IEP chair (Research Questions 2 and 3), an inventory checklist was created using a web-based Google form and contained two sections. This 5–6-minute inventory checklist is similar to the teacher survey in asking the IEP chair to identify specific interventions used in the school building. The inventory also asked the chair what supports teachers have reported needing to implement the CDM Process as well as what supports the IEP chair believes are necessary for teachers to better implement the CDM Process.

The inventory checklist (See Appendix F) contained three questions, one selected- response question and two open-ended questions. The first question on the inventory checklist listed thirteen supports and resources that are typically available or known to be available in elementary schools in the district. The IEP chair was asked to indicate which of the 13 resources: (Corrective Reading B1 or B2, Failure Free Reading, Tier 1- Differentiated Instruction/UDL, Tier 1- Pre-teaching/ Re-teaching, Linda-mood Phoneme Sequencing (LIPS), Orton-Gillingham Intervention, Voyager Reading Intervention, Soar to Success, Accelerated Math, First in Math, Fastt Math, Supplemental- Lexia, I have never used any of the listed interventions, or Other) are available and being used regularly by teachers and Interventionists who support struggling learners at school B. The IEP chair was also asked to identify the frequency of use/availability of each intervention (Available, used regularly in my school, Available but not used to my knowledge, not available). The second item on the inventory checklist aligned with research question 3, and consisted of an open-ended question that asked the IEP chair to identify what

additional supports and resources teachers report needing to implement CDM/ pre-referral practices in school B. The third, and final question was aligned to research question 3 and was also open-ended. It asked the IEP chair to identify supports that they believe are necessary in their school building to better implement the CDM/pre-referral process. The IEP chair's responses from the inventory checklist allowed the researcher to identify specific needs at the school, as well as comparing the IEP chair's responses to what the teachers report needing in school B, to identify impacts related to the implementation of the CDM process and inappropriate identification of Black students.

**Data Collection.** The collection of data began following the approval of the study by the University of Maryland IRB and the Executive Director of the Instructional Data Division-Research Office in WCSD. The principal of school B was contacted through email to briefly introduce myself and inform her that research was being conducted as part of the requirements of my Doctor of Education program at UMD and that all research has been approved by both, the University of Maryland IRB and WCSD Instructional Data Division. The email also described the purpose of the study and informed the School Principal that the research would be conducted through an anonymous, voluntary, web-based survey of all grades 3-5 classroom teachers and interventionists. The email further explained that the survey required approximately 10 minutes to complete, and no individual teacher would be identified. The email contained an attachment that the principal was requested to forward to the grade 3-5 teachers and interventionists in the school. The email attachment included a link to the survey with instructions to the teacher recipient. The link also took a participant to an informed consent form where a participant could provide consent by clicking, "agree," before accessing the survey.

Finally, the email also informed the principal that a separate email including the checklist inventory would be sent directly to the IEP chair asking her to indicate which resources were available and used and what supports teachers report needing to better implement the CDM process. A second email, serving as a reminder of the closure of the survey window was sent to the principal after one week asking her to inform teachers that the survey window closes at the end of week two. See Appendix C for the emails.

A separate email for the IEP chair was sent at the same time as the principal's email. The email provided information about the study and requested that she complete a brief inventory of resources and supports pertaining to the CDM process which are available in her school. The email contained a link to the inventory and the first page contained an informed consent form where the IEP chair would have the option to click "agree" prior to accessing the Checklist. (See Appendix F) The inventory checklist window remained open for two weeks and a reminder email was sent after one week of sending the initial email (because the checklist had not yet been completed). (See Appendix D for the reminder email). (See Appendix C for all three emails). Survey and inventory checklist returns were monitored by checking the google forms platform every two days. The platform allowed me to access survey responses by first opening the school B survey from the google forms platform, and then clicking on the response tab to view the response-count as surveys were being received. The survey window was open for two weeks for the teacher survey as well as for the inventory checklist.

**Return rate.** I received eight completed surveys from the grade 3-5 teachers and Reading/Math Interventionists. This represented a return rate of 62% as the survey was sent to thirteen participants from this group. I received the completed inventory checklist from the one IEP chair (100%). (See Appendix F).

## **Data Analysis**

Responses from the web-based survey and Inventory Checklist were collected electronically through Google forms and uploaded onto a secured flash drive. Responses to the survey items were analyzed using basic descriptive statistics (frequencies and percentages). Results were originally intended to be analyzed by grade level, but given the small number of participants, the lack of confidentiality would have been a concern. Results are presented in Section 3 using simple visuals such as pie charts and bar graphs.

Results from the inventory are reported as frequencies and compared to teachers' responses in school B. Data acquired through the inventory checklist addresses Research Question 3 and contributes to Research Question 2, whether teachers have knowledge and understanding of the steps involved in the pre-referral process according to E.R. Walker County School District policy and Federal IDEA mandates. Additional items on the checklist asked the IEP chair to list any resources or supports that she believes would impact the pre-referral process in her school and these are reported in Section 3 and are compared to teachers' responses to a similar survey question. This has determined which/if any available resources or supports are less well known by teachers. In addition, teachers' reported knowledge of the CDM pre-referral process was compared to the inventory checklist to determine whether there were resources lacking that may be preventing consistency with the CDM process.

## **Human Subject Review and Confidentiality**

A waiver of active informed consent was obtained from the University of Maryland Office of Human Subject Review and Confidentiality for the following reasons:

- The research involved no more than minimal risk to subjects. Responses to the teacher survey were anonymous and no individual was identified, and all results are reported in the aggregate.
- All participation in this study was voluntary.
- Both the survey and Inventory Checklist contain common educational terms or resources.
- The research could not have been conducted without the waiver given that it was not feasible to obtain direct consent from teachers who have individual class schedules and assignments and could only participate after normal school hours.
- The waiver or alteration did not adversely affect the rights and welfare of any of the participants; and,
- Any participant was able to be provided with additional information about the purpose of the study, confidentiality, their rights, and informed consent (Appendix F contains the Informed Consent page from the Survey and Inventory).

In addition, the following procedures were integrated into the study design:

- All participants were provided information about the study, including the background of the researcher, the purpose and goal of the study, and the expectations of their participation and time commitments prior to committing to participation.
- Mandatory guidelines set by the IRB and IDD (Instructional Data Division) of the school system were followed during data collection.
- Data collected from this study will be retained electronically by the researcher and secured on an encrypted flash drive to protect the confidentiality of all participants.

## **Summary**

I selected the descriptive quantitative method for this study to obtain information from teachers, IEP chair and Reading/Math Interventionists in one elementary school in the WCSD to identify the knowledge, understanding and perceptions of the CDM pre-referral process and to identify what supports and resources are needed among classroom teachers. This section provided a description as to how this study was conducted. The next section will discuss the results of this study.

Quantitative data collected through survey analysis and an inventory checklist allowed me to gain more insight into the problem of the continuing disproportionate identification of Black students as eligible for special education. The inventory also provided insight into available supports and resources that are available and regularly utilized to support the pre-referral stage of the CDM process in one elementary school. The quantitative design allowed me to achieve the purpose of my study which is to improve consistency of the CDM process. The results will inform future professional development in schools across the E.R. Walker School District to support teachers' understanding of the special education identification system, as well as improving teachers' knowledge of the pre-referral process and structures that must be in place to reduce the number of Black students who are unjustly placed in special education settings at disproportionate rates.

## **Section III: Results and Conclusions**

The previous sections of this dissertation examined a significant problem of practice in one school system including the most prevalent causal factors of the disproportionate representation of Black students as having a disability and unjustly placed into special education settings within their schools. Also described in the prior sections are a theory of improvement and several

changes that can address the problem and a study that can inform next steps for the district in addressing the problem of practice. This section presents the results of my study that used a teacher survey and an inventory checklist of resources supporting the CDM process in one school. The survey explored the level of knowledge of the Collaborative Decision-Making Process among a small sample of elementary teachers in one and how frequently they use specific interventions to support struggling learners in their classes. The inventory checklist completed by one school's IEP chair provided information about available and utilized supports and resources within the school building to reduce student identification as having a disability. The following research questions were used to guide my research and report my findings.

Research Question 1: How often are general education teachers (who teach grades 3-5) and reading/math interventionists in a selected elementary school to report using specific pre-referral interventions, including the components of the CDM pre-referral process, and/or to take other specific actions when a student begins to struggle academically or behaviorally in their class?

Research Question 2: What supports and resources do general education classroom teachers in grades 3-5 and reading/math hat support the CDM pre-referral process do special education IEP chairs, in a selected elementary school, report are available and how do these supports and resources compare to what teachers in each building report as available?

## **Results of the Teacher Survey**

The study was conducted in one elementary school in the E.R. Walker County School District. A total of 13 teachers were invited to participate in the survey: 8 (Grade 3-5) classroom teachers and 5 intervention teachers (1 Math and 4 Reading), however the participation rate consisted of a 61.5% survey participant/return rate from 8 out of 13 survey responses (from Grades 3-5 teachers and Math/Reading Interventionists) who participated in the survey. The

purpose of the survey was to obtain information from teachers and Reading/Math Interventionists in the WCSD school district to identify the knowledge, understanding and perceptions of the CDM pre-referral process, as well as identifying how likely teachers and interventionists were to use specific pre-referral interventions prior to referring struggling learners or students who exhibit behaviorally difficulty to the CDM process. Results from the survey were compared to results of an inventory checklist (completed by the school's IEP chair) to identify which supports in school B were available and were used regularly when students began to struggle academically and /or behaviorally in the classroom. Results from this survey and checklist were compared to determine what resources teachers reported as needing in order to implement pre-referral interventions related to the CDM process according to policy, and to identify what supports the IEP chair report are available in the school as well as necessary to better implement the CDM/pre-referral process.

### ***Survey Return Rate***

A total of 13 Grades 3-5 teachers and reading/math interventionist participants were provided with the Survey link, however, only 8 surveys were returned within the two-week survey window. This resulted in a 61.5% survey return rate. I estimated 100% return rate of the inventory checklist since an IEP chair has greater involvement with tiered interventions, a vested interest in supporting struggling learners, and direct responsibility for implementing the CDM process. Survey Item Results. Following are survey results by survey item. Items 1 and 1B

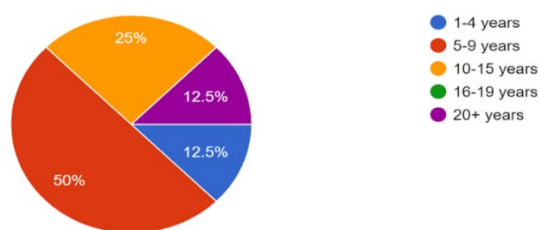
Indicate the years of experience Grade 3-5 classroom teachers and Interventionist participants report having, as well as their years of experience teaching Grade 3-5 in the E.R. Walker School District. Results indicate that one (12.5%) of survey participants reported having 1-4 years of total teaching experience and 4 (50%) reported having 5-9 years of teaching experience, 2 (25%)

survey participants reported having 10-15 years of teaching experience and one (12.5%) reported having 20 or more total years of teaching experience (See Figure 7 below).

**Figure 7**

*Grades 3-5 Classroom Teachers and Reading/Math Interventionist Participants' Total Years of Teaching Experience*

1. Please indicate below how many total years of teaching experience in grades K-5 you have:  
8 responses

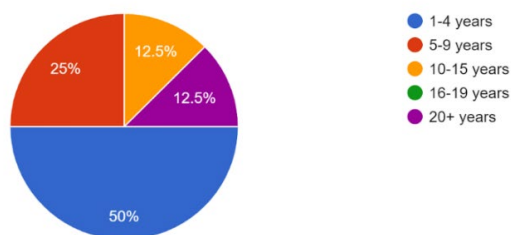


Survey item 2 (Question 1B) data reveals that out of the same eight, Grade 3-5, classroom teacher/Interventionist participants, 4 (50%) report having 1-4 years of experience teaching in the district, 2(25%) report having 5-9 years' experience teaching in the district, 1 (12.5%) report having 10-15 years' experience in the district, and 1 (12.5%) report having 20+ years of teaching experience in the E.R. Walker County School District (See Figure 8 below).

**Figure 8**

*Grades 3-5 Classroom Teachers and Reading Interventionists' years of teaching experience in E.R. Walker County School District.*

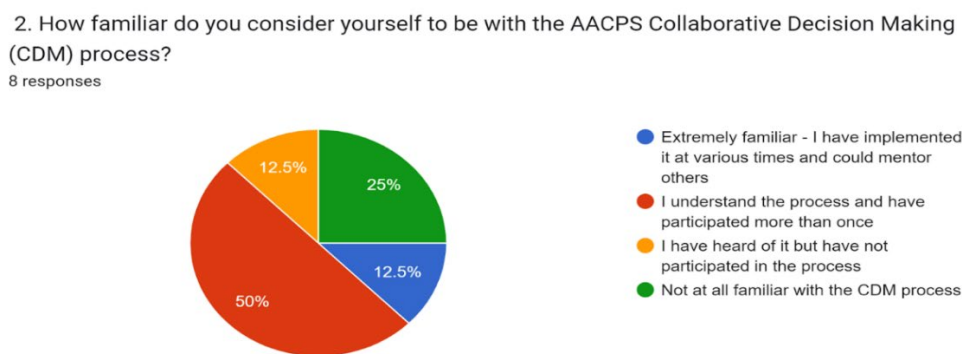
1B. How many years have you taught K-5 in AACPS?  
8 responses



Survey item 3 (Question 2) aligned with Research Question 2 and asked participants to indicate their level of familiarity with the CDM Process. Based on survey results reported, one (12.5%) participant reported that they are extremely familiar with the process and have implemented it at various times and could mentor others. 4 (50%) of the participants reported that they understand the process and have participated more than once. 1 (12.5%) of the participants reported that they have heard of the CDM process but have not implemented the process, and 2 (25%) of participants reported that they are not at all familiar with the CDM process. (See Figure 9 below).

**Figure 9**

*Grade 3-5 Classroom Teacher and Interventionist Participants' indicated level of familiarity with the CDM Process.*



Survey item 4 (Question 3A) asked participants to identify which strategies they were most likely to utilize when a student was consistently struggling in math and/or reading when asked to choose any of the eight choices presented on the survey. Participant 1 reported using the following 5 out of 8 strategies: Re-teach content in small groups, provide individual

differentiated instruction, seek assistance from general education colleagues, seek assistance from Administration, Contact student's parent/guardian.

Participant 2 reported using the following 4 out of 8 strategies: Re-teach content in small groups, provide individual differentiated instruction, seek assistance from special education teacher or IEP chair, Contact student's parent/guardian.

Participant 3 reported using the following 4 out of 8 strategies: Re-teach content in small groups, provide individual differentiated instruction, seek assistance from general education colleagues, seek assistance from special education teacher or IEP chair.

Participant 4 reported using the following 1 out of 8 strategies: Provide individual differentiated instruction.

Participant 5 reported using the following 5 out of 8 strategies: Re-teach content in small groups, provide individual differentiated instruction, seek assistance from general education colleagues, seek assistance from special education teacher or IEP chair, Contact student's parent/guardian.

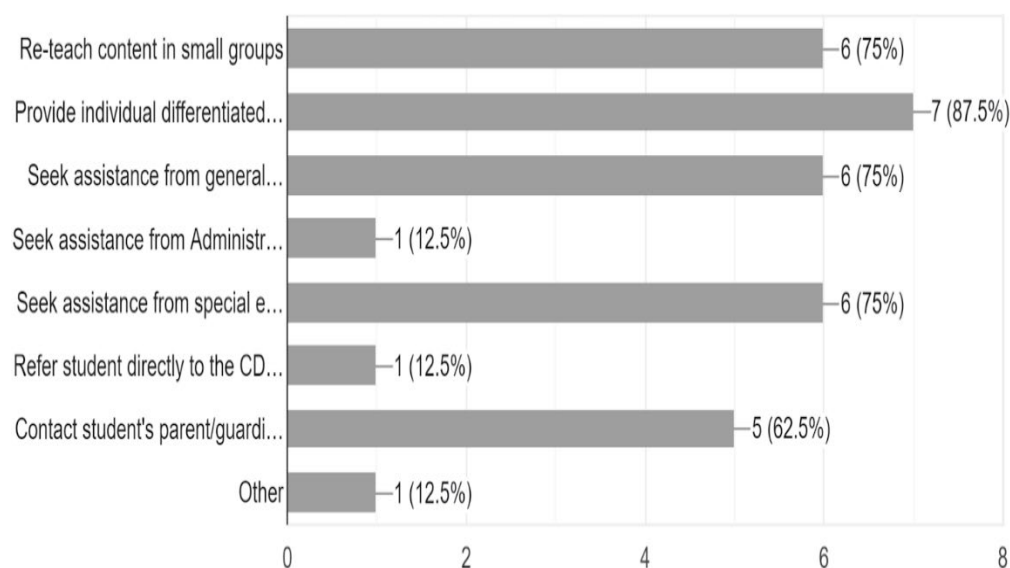
Participant 6 reported using the following 5 out of 8 strategies: Re-teach content in small groups, seek assistance from general education colleagues, seek assistance from special education teacher or IEP chair, contact student's parent/guardian, Other; this participant selected “other” due to identifying a strategy that was not listed in the response choices provided on the survey.

Participant 7 reported using the following 6 out of 8 strategies: Re-teach content in small groups, Provide individual differentiated instruction, seek assistance from general education colleagues, seek assistance from special education teacher or IEP chair, Refer student directly to the CDM team, Contact student's parent/guardian; and Participant 8 reported using the following 3 out of 8 strategies for assisting struggling learners in reading or math: Provide individual differentiated

instruction, seek assistance from general education colleagues, seek assistance from special education teacher or IEP chair (See Figure 10 below).

**Figure 10**

*Strategies that Grades 3-5 teachers and reading/math interventionists report using for students who struggle with reading and/or math.*



Survey item 5, (Question 3B) asked participants to identify what strategy they are most likely to implement when a student constantly exhibits behavioral problems. Two (25%) participants reported that they would utilize PBIS incentives to reinforce positive behaviors/PBIS strategies, Two (25%) of participants would contact the parent to address behavioral concerns; Two (25%) of participants reported they would seek assistance from Administration; and Two (2%) participants (25%) reported that they would seek assistance from the special education teachers or school counselors; Results from this question indicated that none of the 8 participants in this group reported that they would Seek assistance from general education colleagues; and/or Directly refer the student to the CDM Process (See figure 11 below).

**Figure 11**

*Strategies Grades 3-5 teachers and reading/math interventionists' report implementing when a student exhibits a behavioral problem.*



Survey item 6 (Question 4) provided participants with a list of 11 commonly utilized interventions within the WCSD that are available to support reading/math academic difficulties, and asked participants to choose how likely they were to use one of the following interventions when a student is struggling in reading and/or math.

Intervention 1- Wilson Reading System: Data reveals that 3 out of 8 (37.5%) of participants were “very likely” to use the Wilson Reading Intervention, where 4 out of 8 (50%) of participants were “somewhat likely” to use this Intervention, and one (12.5%) of the participants reported that they “did not know what this intervention was.” none of the participants from this group reported that they were “not at all likely” to use this intervention.

Intervention 2- Failure Free: Three out of eight (37.5%) of the participants were “not likely” to use this intervention and five out of 8 (62.5%) of participants “did not know what this intervention was.” None of the participants reported that they were “very likely” or “somewhat likely” to use the Failure Free Reading Intervention.

Intervention 3- Soar to Success: Four out of eight (50%) of participants reported that they were “not likely” to use this intervention and (50%) of participants reported that they “did not know

what this intervention was.” None of the participants reported that they were “very likely” or “somewhat likely” to use Soar to Success, research-based Reading Intervention.

Intervention 4- First in Math: Three out of eight (37.5%) of participants reported that they were “very likely” to use this particular intervention, while 25% of participants reported that they were “somewhat likely” to use this intervention, where 37.5% of respondents reported that they were “not likely” to use this intervention, and none of the participants reported they “did not know what this intervention was.”

Intervention 5- Visualizing and Verbalizing: Two out of 8 (25%) of participants were “very likely” to use this intervention, while one (12.5%) out of eight participants reported that they are “somewhat likely” to use this intervention, 25% of participants reported that they are “not likely” to use this intervention, and three (37.5%) of participants reported that “they do not know what this intervention is.”

Intervention 6- Orton Gillingham: Three (37.5%) out of eight participants reported that they were “very likely” to use this reading intervention. While two (25%) participants reported that they were “not at all likely” to use this intervention, and three (37.5%) participants reported that “they do not know what this intervention is.” None of the participants reported that they were “somewhat likely” to use the Orton Gillingham reading intervention.

Intervention 7- Voyager: One (12.5%) out of eight participants surveyed reported that they are “somewhat likely” to use this intervention, while (25%) of participants reported that they were “not at all likely” to use this intervention, and five (62.5%) reported that “they do not know what this intervention is.” None of the participants surveyed reported that they were “very likely” to use the Voyager Reading Intervention.

Intervention 8- Fastt Math: Out of the 8 participants surveyed, one (12.5%) reported that they were “somewhat likely” to use this intervention, three (37.5%) reported that they are “not at all likely” to use this intervention, and four (50%) reported that “they do not know what this intervention is.” None of the participants reported that they were “very likely” to use this supplemental math fact-fluency intervention.

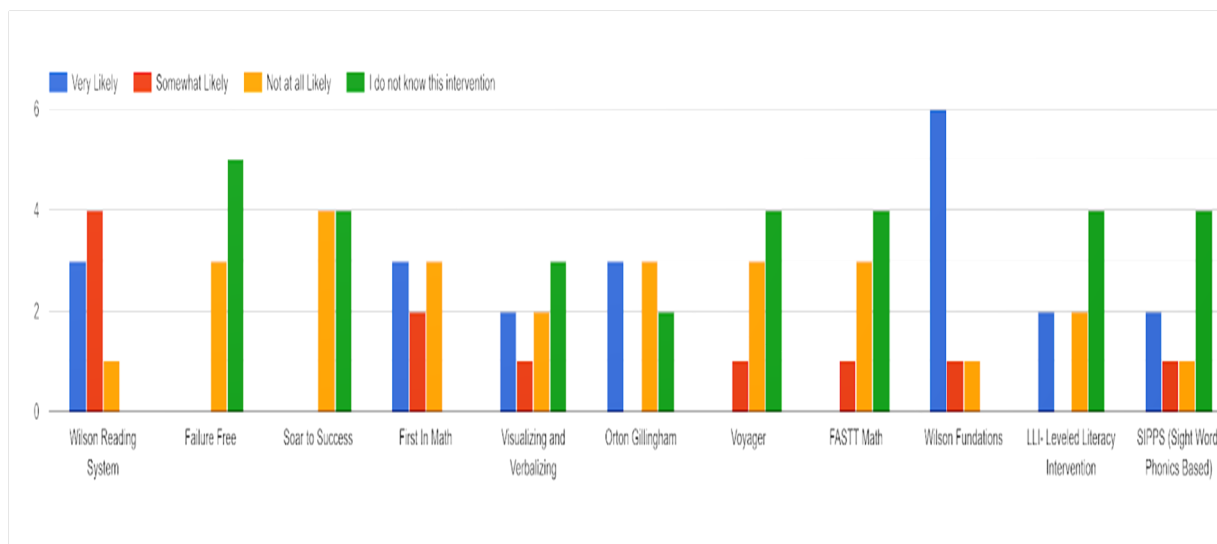
Intervention 9-Wilson Foundations: Out of the eight total participants who were surveyed, six (75%) reported that they were “very likely” to use this intervention, while 12.5% of participants reported that they were “somewhat likely” to use this intervention, 12.5% reported that they were “not at all likely” to use this intervention; whereas none of the participants reported that they “did not know what this intervention was.”

Intervention 10- Leveled Literacy Intervention (LLI): Two (25%) out of eight participants surveyed reported that they were “very likely” to use this intervention, whereas, two (25%) of the participants reported that they were “not at all likely” to use this intervention; and 50% of participants reported that “they do not know what this intervention was” None of participants reported that they were “somewhat likely” to use this particular reading intervention.

Intervention 11-Systematic Instruction and Phonological Awareness, Phonics, and Sight Words (SIPPS): Out of the eight participants surveyed, 25% reported that they were “very likely” to use this intervention, whereas, 12.5% of respondents reported that they were “somewhat likely” to utilize this intervention; 12.5% also reported that they “not at all likely” to use this intervention; whereas, 50% of participants reported that they “did not know what this intervention was” (See Figure 12 below).

**Figure 12**

*Grade 3-5 teachers and reading/math interventionists' likeliness of using research-based interventions for students who struggle with reading/math.*



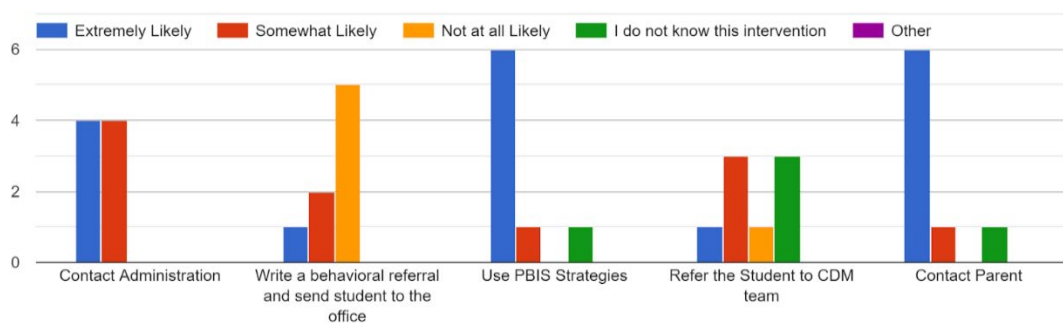
Survey item 7 (Question 5) asked participants to choose how likely they were to implement interventions when students begin to exhibit behavioral concerns (when provided with 5 choices of interventions); survey results conclude that out of the eight participants surveyed, 62.5% of participants were “Extremely Likely” to Contact Administration, and 37.5% reported that they were “Somewhat Likely” to Contact Administration.

Two (25%) out of eight participants reported that they were “Extremely Likely” to write a Behavioral Referral and send the student to the office, which 25% of participants reported that they were “Somewhat Likely” to write a Behavioral Referral and send the student to the office, 50% of participants reported that they were “Not At All Likely” to write a Behavioral Referral and send the student to the office. Six (75%) out of eight participants reported that they were “Extremely Likely” to use PBIS Strategies when students exhibited behavioral concerns, whereas 12.5% of participants reported that they were “Somewhat Likely” and 12.5% of participants reported that they were “Not at all Likely” to use this intervention.

One (12.5%) out of eight participants surveyed reported that when students exhibit behavioral concerns, they were “Extremely Likely” to refer the student to the CDM team, where four (50%) participants reported that they were “Somewhat Likely” to refer students to the CDM team, 12.5% of participants reported that they were “Not at all Likely” to refer students to the CDM team, and two (25%) of participants reported that “they do not know this intervention”. Six (75%) participants reported that when students exhibit behavioral concerns, participants were “Extremely Likely” to contact the parent/guardian, and 25% of participants reported that they were “Somewhat Likely” to contact the parent/guardian when students exhibit behavioral concerns.” (See Figure 13 below).

**Figure 13**

*Interventions that Grades 3-5 Teachers and Interventionists Report Using When Students Exhibit Behavioral Concerns*



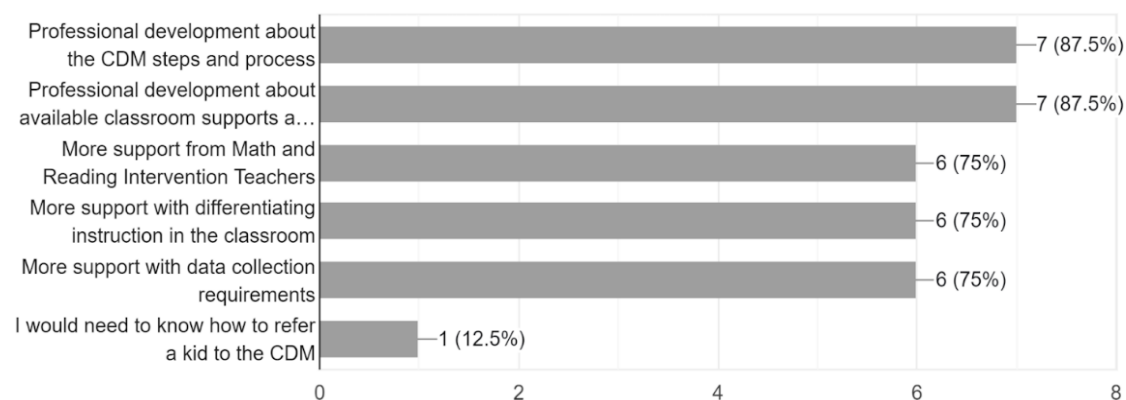
Survey item 8 (Question 6) asks participants to identify all supports (from the six choices provided) that they feel are essential in effectively implementing the E.R. Walker County School District special education pre-referral process.

Data indicates that out of the 8 participants surveyed, seven (87.5%) participants reported “Professional Development about the CDM steps and Process” was essential to effectively implement the CDM in WCSD, whereas seven (87.5%) participants also reported that they felt as

though “Professional Development relevant to available classroom supports and interventions and how to use them” would be effective to the implement the pre-referral process, five (62.5%) participants reported needing “more support from Math and Reading Intervention Teachers.” Six (75%) of participants reported requiring “more support with differentiating instruction in the classroom.” Six (75%) participants reported requiring “more support with data collection requirements” to effectively implement the E.R. Walker County School District special education pre-referral process, and one (12.5%) participant chose “other” and reported “I would need to know how to refer a kid to CDM.” (See Figure 14 below).

**Figure 14**

*Supports reported by Grades 3-5 Classroom Teachers/Interventionists that are needed to implement the E.R. Walker County School District special education pre-referral process.*



The final Survey item, (Question 7) asked participants to identify the top 3 actions classroom teachers could take to reduce the number of students being referred to special education; participant responses to Action Step 1 included the following reported items by participants: 1- taking correct data to show students do not qualify/need special education services, 2- have smaller classes, 3-Adequate planning time to include Universal Design for Learning, 4- seek support (general education teachers and support staff) to implement interventions, particularly at

the small group level, 5-Work with students in the classroom (DI, Small group, offer extra help sessions) 6-communication/collaboration with special educators and interventionists to support writing STIPS, 7-support with effective data collection and tracking, and 8-implementing the reteaching of standards.

Participant responses to Action Step 2 included the following items that teachers/interventionists reported that they could take to reduce the number of students being referred to special education: 1- request and review previous years' data to indicate trends to show students are capable without support, 2--request parent support from home, 3-frequent assessments to monitor progress, 4-effective staffing of schools so teachers can follow best practices, 5-seek developmentally appropriate curriculum and resources to create differentiation, 6-intentional small groups with a focus on needed skills, 7-implement small groups for skill mastery, and 8-Building a relationship with students so they trust adults, reduce problematic behaviors and are inclined to work with trusted adults in the building.

Participant responses to Action Step 3 included the following items reported by teachers and interventionists: 1- Require teacher's assistants to work with struggling learners, 2-Differentiating Instruction, 3- Collaboration with families 4- Collaboration with support staff, 5-Implementing interventions with fidelity by qualified staff members, 6-Collaboration with grade level team and content partners, 7-Collaboration with PBIS team and Behavioral specialist about classroom management and supporting behaviors, 8-Allowing more time to plan with Special Education Co-Teacher. (See Table 15 below).

**Table 15**

*Top Three Actions classroom teachers could take to reduce the number of students being referred to special education.*

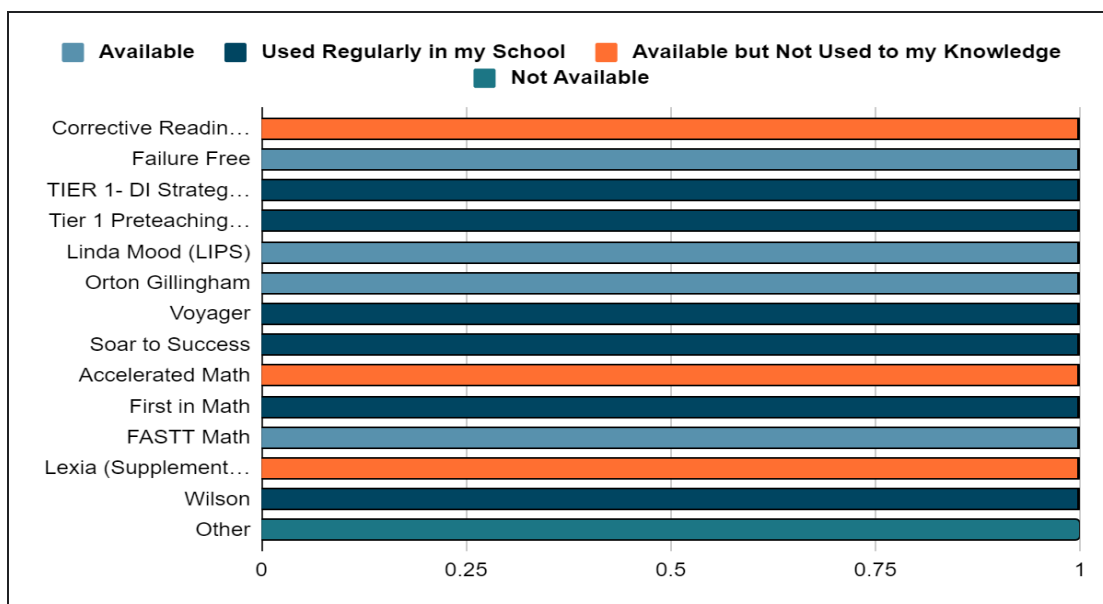
| Question                                                                                                                                        | Participant | Action 1                                                                                                                        | Action 2                                                                                                        | Action 3                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| In your opinion, what are the top 3 actions classroom teachers could take to reduce the number of students being referred to special education? | 1           | “Taking correct data to show students do not qualify/need special education services”                                           | “Ask for data from previous year leading up to them asking for services, to show they are capable without them” | “Require Teacher’s Assistant to collaborate with struggling learners”                                        |
|                                                                                                                                                 | 2           | “Have smaller class sizes”                                                                                                      | “Not teachers but parents help at home”                                                                         | “Differentiating Instruction”                                                                                |
|                                                                                                                                                 | 3           | “Adequate planning time to include Universal Design for Learning”                                                               | “Frequent assessments to progress monitor”                                                                      | “Collaboration with family and other support staff”                                                          |
|                                                                                                                                                 | 4           | “Seek support to implement interventions at small group level by gen ed teacher & support staff”                                | “LEAs/admin need to staff schools so that we can actually follow best practices”                                | “Meet with support staff,                                                                                    |
|                                                                                                                                                 | 5           | “Work with them in the classroom (DI, Small group, offer extra help sessions)”                                                  | “Seek developmentally appropriate curriculum and resources to create differentiation”                           | “Implementing interventions with fidelity by qualified staff members                                         |
|                                                                                                                                                 | 6           | “More communication with intervention teachers and special education teachers for writing “STIPS” with effective data tracking” | “Intentional small groups with focus on skills students need”                                                   | “Collaboration with grade level team and content partners”                                                   |
|                                                                                                                                                 | 7           | “Support with effective data collection and tracking”                                                                           | “Implement small groups for skill mastery”                                                                      | “Collaboration with PBIS team and Behavioral Specialist about classroom management and supporting behaviors” |
|                                                                                                                                                 | 8           | “Implementing the reteaching of standards.”                                                                                     | “Building a relationship with students so they trust adults and are inclined to collaborate with them”          | “Allowing more time to plan with Special Education Co-Teacher”                                               |

## Inventory Checklist

The IEP chair was asked to indicate which interventions are available in their school, and to identify which interventions are regularly being used by grades 3-5 classroom teachers, including reading and math interventionists when learners begin to display academic difficulty. The IEP chair reported that Failure Free, LIPS. Orton Gillingham, and FASTT Math interventions are “available” in the school building. whereas Tier 1- DI/UDL strategies, Tier 1- Reteaching and Pre-Teaching strategies, Voyager, Soar to Success, First in Math, and Wilson interventions are “used regularly in my school.” Findings further conclude that Corrective Reading B1 and B2, Accelerated Math, and Lexia, were reported by the IEP chair as “Available but not used to my knowledge” (See Figure 15 below).

**Figure 15**

*Available Interventions Reported by Elementary School IEP chair in the E.R. Walker County School District at School B.*



Item 2 on the Inventory Checklist is aligned with Research Question 3 which asked the IEP chair to identify the additional supports and resources teachers report needing in order to implement CDM/ pre-referral practices at the elementary school.

Inventory Checklist results reported by the IEP chair specified that teachers often do not understand the IEP process, as well as strategies that should be used in the classrooms to differentiate instruction for struggling learners. The IEP chair also reported that general education classroom teachers have limited knowledge of available interventions within the school building as well as enrolling students into interventions. It was also reported by the IEP chair that teachers struggle to identify who to contact when students are suspected of requiring interventions, especially pertaining to the intervention screening process to determine which particular intervention the student needs. It was also reported by the IEP chair that teachers are not always familiar with data tracking/data collection and progress monitoring of interventions and/or where to receive support with this.

Question 3 of the Inventory Checklist asked the IEP chair to identify necessary supports needed to better implement the CDM/pre-referral process in school B; The IEP chair concluded that she feels that the following supports are needed: 1-Frequent discussions or data talks among teachers to identify what skills students are struggling with most. 2- Updates from the reading office personnel (during the quarterly meetings that are already scheduled) to inform staff about all reading interventions that are available in the elementary school. It may be necessary for the Math Office to provide updates to inform teachers about available Math interventions/ updated protocols, 3- PD for teachers to inform them of strategies that stretch beyond Universal Design for Learning so all teachers are differentiating instruction in their classrooms-including how to flexibly group students according to need/skill deficit; 4- Ensuring that teachers are

familiar with utilizing evidence-based Interventions on a frequent basis inside the general education classroom or outside of the classroom for Tier 2 or Tier 3 interventions; 5- Teachers may need more knowledge on accommodating/modifying instruction for struggling learners (i.e. tailoring learning that stretches beyond UDL)- such as meeting with the Special Education teacher or Reading/Math Interventionists to support them; 6- Teachers who are not already doing so, should be administering frequent formative assessments to show student growth and/or lack of progress and using the data to assist struggling learners.7- Teachers require a school-wide PD to understand what is needed before a student is recommended for Special Education. 8- Many teachers in the building are not familiar with implementing interventions when the reading/math interventionists are not available and may need training in this area; 9-the last component reported by the IEP chair in the inventory for (question 3) was that she felt as though a school-based PD or training session would be beneficial for teachers to better understand the Special Ed. process as well as how interventions are related to the process could help teachers better implement the pre-referral process at this school.

### **Summary and Conclusions**

The focus of this research was to determine the root causes of the disproportionate representation of Black students who are unjustly referred to special education in E.R. Walker County School District. While considering factors that have led to the disproportionate numbers of Black males being identified for special education in the school system, I reviewed the data from the survey and inventory checklist administered in one elementary school. I also reviewed relevant literature and documents. This research, as well as my 18 years of experience in the field of special education, has led me to identify two substantial causes; (1) the lack of consistency with the

special education pre-referral identification process and (2) teachers' limited knowledge of effective interventions and how to implement them to support struggling learners.

Research Question 1 asked teachers about their knowledge of the CDM process as well as knowledge and use of specific interventions with students who exhibit learning or behavior problems. With respect to knowledge of CDM, it appears that teachers in this one elementary school are not particularly familiar with either the CDM or the process and expectations of implementing the process. The teachers that responded to the survey are considered experienced. Only one teacher reported having 1-4 years of total teaching experience while all others had 5 or more, including one teacher with over 20 years of experience (see Figure 7 above). However, half (n=4 teachers) reported having only 1-4 years' experience teaching in the district (see Figure 8). Among these same teachers, only one reported being extremely familiar with the CDM process and having implemented it at various times and could mentor others. Another four reported that they understood the process and had implemented it more than once, and two teachers indicated either only having heard of but not implemented it or one teacher reported as not at all familiar with the CDM process (See Figure 9). Results from the study lead to the following conclusions: 1). CDM may not be utilized in all schools across the WCSD, 2). Another model may be utilized in schools- leading to inconsistencies in following or understanding the identification framework for special education, 3). Teachers are new to the process and may require training and/or coaching to assist with proper implementation of the framework, IDEA, RtI model, and/or available resources/supports located within the school.

The lack of familiarity with the CDM process was also reported by the IEP chair on the Inventory Checklist. She reported that teachers often do not understand the IEP process, or the strategies that should be used in the classrooms to differentiate instruction for struggling learners.

The IEP chair also reported that the general education classroom teachers have limited knowledge of who to contact when a student is suspected of requiring interventions, especially pertaining to the intervention screening process to determine which intervention the student needs. The IEP chair also noted that not all teachers are familiar with data tracking/data collection and progress monitoring of interventions required as part of the CDM process.

Research question 1 also focused on how often the general education teachers and reading/math interventionists report using specific pre-referral interventions, including those that are part of the CDM pre-referral process, and/or take other actions when a student begins to struggle academically or behaviorally in their class. Teachers were provided with a list of 11 commonly utilized interventions within the school system that are available to support reading/math academic difficulties and were asked to choose how likely they were to use an intervention when a student is struggling in reading and/or math. Figure 12 shows that only two programs, Wilson Foundations and another Wilson Reading program, were most likely to be used, followed by one math intervention. All of the teachers were most familiar with the Wilson programs. The IEP chair confirmed that the two Wilson programs were more frequently utilized in the school than any others. She also reported four other programs that were frequently utilized; however, none of the teachers surveyed indicated that they would be likely to use these.

Figure 13 showed which interventions classroom teachers were most likely to use when a student exhibits a behavior problem. Two interventions, PBIS and contacting the parent, were both rated as extremely likely followed by contacting the administration. Making a referral to the CDM team was not particularly likely nor was writing a behavioral referral to the principal's office, presumably a disciplinary referral. The IEP chair also reported very few behavioral supports were used by teachers in the school building. PBIS was mentioned as a support in the building,

but teachers did not report using it frequently. Another support teachers reported needing to address behavioral concerns was more data discussions to allow them to identify trends (both positive and negative). Finally, as part of research question 1, teachers were asked to list the top three actions they could take to reduce the number of students being referred to special education. Analysis of the responses by frequency showed that they would need to do such things as, taking correct data to show which students do not qualify/need special education services, review data from previous years to identify support needs, provide frequent assessments to monitor student learning and track progress. Providing more options for “intentional small group instruction” including working with students in small groups to differentiate instruction in the classroom were also mentioned. Teachers also noted the need to communicate and collaborate with grade level colleagues, intervention teachers and special educators. d other qualified staff members. One teacher listed the need to build relationships with students to build trust, reduce problematic behaviors and motivate learners to meet success. Several teachers listed needs for smaller classes and “effective staffing” so teachers can follow best practices. One teacher added requiring teachers’ assistants to collaborate with struggling learners while another mentioned having qualified staff members implement interventions. Collaboration with families was also noted.

In response to Research Questions 2 and 3 asked teachers about supports and resources they needed to support the CDM process in their school. Teachers were given six supports and asked to identify any of the supports they considered essential to effectively implement the school district’s special education pre-referral process. The teachers overwhelmingly indicated the need for professional development about the CDM process as essential along with professional development relevant to available classroom supports and interventions and how to use them to

differentiate instruction. Related to knowledge about the CDM process were items such as having more support with data reporting requirements and more support from reading/math intervention teachers. (See Figure 14).

The support needs of teachers were confirmed by the IEP chair who provided several specific areas requiring more professional development for teachers as well as support needs. Overall, the IEP chair cited the need for schoolwide professional development to ensure that all teachers understand what is needed prior to recommending a student for Special Education. This includes understanding all parts of the CDM process, beginning with how to refer a student to the team. Teachers also need to know how to implement key strategies. For example, the IEP chair recommended that teachers have discussions or data talks to identify what skills students are struggling with the most. To support more differentiated instruction, the IEP chair recommends that district office reading, and math personnel communicate with schools to inform staff about all the reading and math interventions that are available across schools in the district. Teachers also need to know about evidence-based instructional strategies beyond universal design to differentiate instruction for all students, and not just Tier 2 or Tier 3 interventions. Strategies such as how to flexibly group students according to need/skill deficit, frequent formative assessments and using data to track learning progress are important for all teachers. Teachers may also need more specific knowledge about what to do when a student is struggling, such as acquiring more knowledge on accommodating/modifying instruction for struggling learners as well as meeting with the special education teacher or reading/math interventionists for information and support.

## **Summary**

The results tell us that there is a high need among participants for professional learning initiatives to better understand the CDM process as well as specific interventions and supports, however not all schools are categorized as “CDM Schools” in the district. Therefore, “county-wide professional learning” would not be beneficial to professionals as a whole. Although the teachers requested professional development to be able to effectively implement the CDM process, it would be in the district’s best interest for the IEP Chair to collaborate with other IEP Chairs and CDM facilitators within the district to assist in identifying gaps related to the CDM process. The teachers and IEP chair not only indicated a need for further professional development about CDM but also indicated a need for “more support from Math and Reading Intervention Teachers, particularly more support with differentiating instruction in the classroom, as well as more support with data collection requirements” and learning how to refer students to the CDM process. Differentiating instruction also requires discussions about the use of specific programs or interventions to support student learning. However, throughout the responses were the “calls for more support” and collaboration with colleagues, as well as with instructional leaders, more time to engage with other professionals in the building, and a request for more coaching from instructional leaders to support these areas of need.

## **Recommendations**

Due to my experience in special education, as well as reflecting on the limitations encountered in the research, such as time constraints and the limited sample size that led to only sampling one school, it is recommended that the research expands to at least 5-7 schools (in different areas of the district) which would provide more information leading to decision-making and best practices within the district.

Based on the outcomes of this study, data supports the need for a school-wide implementation Framework on how to improve instructional practices, or barriers that teachers report as impediments to meeting success. This includes the lack of understanding of classroom practices, unfamiliarity with evidence-based resources and insufficient knowledge of policy/procedures that are mandated before referring a student to special education. By establishing routine Professional Practice sessions in schools (particularly related to the CDM process), data findings indicate that expanding knowledge and building teacher capacity would lead to a reduction of students who are (prematurely/unjustly) being referred to special education at disproportionate rates, particularly our Black students. Furthermore, findings also allude to the need for PD to support teacher knowledge and understanding of evidence-based resources which have the greatest impact on assisting academic/behavioral challenged students when we focus on closing student achievement gaps. Both are indicators of the level of need teachers report having where they would benefit from mandatory PD sessions to learn and apply strategies to implement the Collaborative Decision-Making Process. To address the lack of knowledge that teachers reported having (ranging from fairly newer teachers through teachers who reported to have 20+ years teaching in the E.R. Walker County School District), It is recommended that a PD/ training is developed and implemented (county-wide) to increase teachers' understanding of the special education, pre-referral/CDM process to reduce disproportionate rates of special education referrals of Black students.

Based on the findings of this study, in order for teachers to better understand the Pre-referral/ CDM Process, it is recommended that a mandatory checklist be developed that illustrates each required step of the pre-referral process (see next steps section below). The checklist would indicate each intervention that is used in the district and would specify the timeline where

interventions are required to be monitored/tracked prior to moving to the next step. This checklist would outline each step of the pre-referral/CDM process from beginning to end, and would serve as a visual handout that is used to assist teachers who are unfamiliar with the pre-referral process, improving the knowledge of teachers to assist them in better understanding the crucial steps that must be taken prior to referring students to special education.

Since all teachers do not have the same level of knowledge/understanding of implementing interventions, and/or are familiar with all of the interventions that are utilized in their school buildings, it is also recommended that the district develops a teaching and learning framework to support teachers' knowledge and understanding of implementing evidence-based interventions to best support struggling learners.

According to Pillar 5 of the MD Blueprint (Governance and Accountability section) requires collaboration between district and school level staff members to indicate why students are not making progress and to move forward with the development of recommendations or strategies. Recommendations are supported under the Maryland Blueprint (Pillar 4- More Resources for Students to be Successful), data from this plan recommends best practices across schools and districts, as well as supporting schools that are struggling and need assistance" (MSDE, MD Blueprint, 2024),

To advance the knowledge of school staff members I am recommending the distribution of a checklist which indicates a list of available supports and interventions that are available in the district. The checklist would include a list of multi-tiered systems of support and would identify how these interventions are used to support student learning deficits, as well as expanding teacher knowledge in the areas that have been identified as needs in the study (see next steps section below).

It is recommended that schools designate a liaison(s) in each building (as school-based liaisons or instructional coaches) to better support teachers with implementing UDL strategies, following the CDM process, tracking intervention data, and monitoring student progress after the PD has been delivered. This final recommendation focuses on accountability; Professional Learning is recommended to provide a framework of knowledge to teachers/interventionists to help with understanding the process. Instructional coaches are recommended to provide a variety of tier 1 strategies such as: differentiating instruction and providing support at the classroom level. Feedback received from school-based liaisons or instructional coaches as a form of “follow-up” will build teacher capacity by coaching and guiding our teachers to develop in the areas of need. For example, when teachers are unaware of the availability and/or lack the understanding of how to implement specific interventions that are known to support academic or behavioral challenges, data indicates that teachers are not systematically addressing the academic needs of students according to policy. This not only results in an increase in student learning gaps, but emphasizes educational disparity among student groups, particularly in groups where more students (such as Black students) are being inappropriately identified for special education. As stated in my Theory of Action, if teachers increase their understanding and access to pre-referral strategies, then the number of students who are referred for special education evaluation will decrease; resulting in a decrease in the number of Black students who are over-identified as needing special education.

These recommendations are suggested district wide to build the capacity of teachers in terms of understanding policy, implementing county-based practices, and holding educators accountable with a focus on reducing the number of students, particularly Black students who are inappropriately identified for special education.

## **Limitations**

There were potential limitations which impacted the results of my study. For example, one known limitation was sample size. This was a methodological impact which restricted participant enrollment numbers due to unforeseen circumstances. The study was amended and documented in an Amendment of Research form. This amendment showed a decrease in the total enrollment numbers in my study as well as a reduction of school locations (reducing from 3 potential school sites to only one) in which the research was conducted. This added an additional 45 days to the research approval process which slightly delayed my research timeline as well as my anticipated completion date of the Doctoral Program.

## **Next Steps/ Future work**

Research findings show that the development and piloting of specific professional learning activities for classroom teachers that specifically focus on policies and practices related to the CDM process is necessary. After a professional development session has been delivered to schools across the district, a reflection piece is recommended to identify learning gaps that teachers may still encounter after the PD has been implemented. After successfully completing the oral defense of this dissertation, a reflection sheet will be designed that coordinates with the PD session. In addition to any accountability piece required by presenters of his PD, I will create a school-based reflection sheet that instructional coaches will use to build teacher capacity in this area. The reflection sheet will have three areas of focus where instructional coaches/school-based liaisons will be paired with teachers to review/reflect bi-weekly. (Coaches/liaisons can be Right Start Advisors, MTSS Coaches, School Performance Coaches, Special Ed Department Chair, or Administration). The 3 Reflection Questions are: 1). What are the learning gaps related to skills and knowledge that still present as a barrier to implementing the CDM process? 2). What have I

learned from the PD and how can I incorporate/apply specific strategies to my classroom? (Identify each strategy and explain how they will be used), 3). What supports are still needed in order to apply strategies in this professional learning into my daily teaching practices? The forms are required to be submitted upon completion of the coaching check-in session for accountability purposes. The forms can be submitted electronically, by way of a Google form, or through a paper/pencil-based option. Components from this PD (Particularly UDL strategies) are permitted to be added to the Administrator's observational walkthrough tool to identify differentiated instructional strategies observed routinely in the classroom, as well as how the teacher is meeting student needs based on the use of UDL strategies.

I will create a guide that serves as a visual handout to correlate with the professional-development training. The visual guide will present each step of the CDM process from beginning to end and indicate strategies for each stage of the process. This visual tool will serve as a reference guide to assist with teacher knowledge and understanding of the CDM process.

I will also create a checklist to inform teachers of all necessary steps that are required to be taken prior to referring students to special education. It is recommended that the checklist is easily accessible to the teacher.

In conclusion, this research was conducted to not only improve the effectiveness of teacher capacity, or to refine teaching practices in order to apply more efficient instructional strategies that improve student learning, but to reduce the disproportionate number of Black students being referred to special education through a systematic and equitable approach to learning.

## **Appendix A: List of Terms**

IDEA- Individuals with Disabilities Education Act, a federally mandated law that ensures students with disabilities are entitled to a free and appropriate education. IDEA also ensures that students with disabilities have the same opportunity for education as other students who do not have a disability. IDEA was previously known as the Education for All Handicapped Children Act (EHA) from 1975-1990. In 1990, congress reauthorized EHA and changed the title to IDEA (Public Law 94-142).IDEA was originally enacted by US Congress in 1975 to ensure that children with disabilities have the same opportunity as non-disabled students to receive a free and public education (FAPE) and currently requires public school systems to provide special education services to children who are ages 3-21 who meet specific criteria.

Least Restrictive Environment- (LRE)- Under federal law, IDEA, students with disabilities can receive a free and appropriate public education and have the right to be educated in a general education environment with non-disabled students to the maximum extent appropriate (Rozalski, Miller & Stewart, 2011).

Collaborative Decision-Making Process- (CDM)- Provides a framework for stakeholders to solve problems and support student achievement and success. It is a proactive approach that emphasizes early intervention, evidence-based practices, collaborative teaming, and ongoing progress monitoring. CDM fosters best practices in adult and student learning, collaboration, and problem solving to achieve the desired results.

IFSP- Individualized Family Service Plan is a plan that guides and supports efforts to boost a child's development up to age 3.

IEP- An Individualized Education Program is a plan for special education and related services for children ages 3 to 21.

PBIS-Positive Behavioral Interventions and Supports- (PBIS). PBIS supports schools, districts and states to build systems capacity for implementing a multi-tiered approach to social, emotional, and behavioral support.

Risk Ratios- (RR). Also identified in research as relative risk. In this study, a risk ratio indicates the degree to which students in one racial group are more or less likely to receive special education services when compared to other racial groups. The calculation is- the number of students in a particular ethnic/racial group (Group 1) having a disability divided by the total number of students in that ethnic/racial group. E.g.: (n= the number of Black students with a disability at a school, divided by the total enrolled number of Black students at that school this is Group 1. Then n=the total number of non-Black students with a disability at the same school, divided by the total number of non-Black students who are enrolled at that school. This is Group 2. Then, divide the quotient from Group 1 into Group 2, this calculates the risk ratio for Black students).

## Appendix B: Maryland RtI Model

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There are three levels of support on the RtI Model.

- Tier 1 (core instruction) focuses on the core curriculum and differentiation; this model occurs within the general classroom and is universally designed for all students. This level entails differentiating curriculum standards to meet the needs of all students. I will later address how the lack of implementing the RtI model, specifically Tier 1 classroom supports leads to the disproportionate representation of Black students in special education.
- Tier 2 (Supplemental Interventions) is adopted when students are not mastering curriculum standards when provided with the universal level of support offered to all students in the general education setting.
- Tier 3 support is implemented when a student does not adequately respond to Tier 2 interventions or supports. These supports may include providing more time with interventions or implementing different interventions, including one-to-one instruction. If a student does not respond to enhanced Tier 3 interventions, a formal request for special education evaluation may be made.

## **Appendix C: Initial Recruitment Emails**

Letter to School Leader

Date:

Dear School Leaders,

My name is Ericka Steckel, and I am a Special Educator in Anne Arundel County Public Schools. In completion of the requirements for the doctoral degree in Educational Leadership, through University of Maryland College Park, I am now at the research stage of the process regarding my problem of practice. I am reaching out to provide information about my research and ask for permission to recruit participants from your school buildings (Reading and Math Interventionists, classroom teachers in grades 3-5 and IEP Chairs) in order to begin collecting information towards my study.

My problem of practice focuses on the misidentification of students who are placed into special education and my study involves collecting information from teachers of grades 3-5, Interventionists, and IEP Chairs to gather further information about the supports that are needed, and to identify the knowledge, understanding and perceptions that staff members have that relate to the special education identifying system that takes place during the pre-referral stage of the CDM Process. I have been approved to conduct research through the University of Maryland, College Park Institutional Review Board and through the Anne Arundel County Public School Instructional Data Division-Research Office where I am made aware of all guidelines and mandates that pertain to confidentiality and security of participants and of the collected data.

My goal is to recruit approximately 13 general education teacher participants at the elementary school level who teach grades 3-5 and reading and Math Interventionists to engage in a research study by completing an anonymous, on-line, web-based survey that will take less than

10 minutes. I will also reach out separately to the IEP Chair to administer a second on-line, web-based Inventory Checklist, which will take approximately 5-6 minutes to complete.

All research will be anonymous, consent forms will be signed by participants prior to engaging in research, and all data collected during the qualitative study will be confidential. The results of the study will assist AACPS in providing appropriate resources to schools that will lead to a reduction of the disproportionate representation of students who are placed into special education settings. Attached is the link to the web-based Survey that can be sent to participants who wish to participate in this study. Please reach out if you have any questions, and I look forward to collaborating with your team of teachers.

Sincerely,

Ericka Steckel

Doctoral Candidate, towards a Doctor of Education, UMD-College Park

erickasteckel@umd.edu

## **Letter to IEP Chair**

Date:

Dear IEP Chair,

My name is Ericka Steckel, and I am a Special Educator in Anne Arundel County Public Schools. In completion of the requirements for the doctoral degree in Educational Leadership, through University of Maryland College Park, I am now at the research stage of the process regarding my problem of practice. I am reaching out to provide information about my research to recruit IEP Chair participants in order to begin collecting information towards my study.

My problem of practice focuses on the misidentification of students who are placed into special education and my study involves collecting information from teachers of grades 3-5, Interventionists, and IEP Chairs to gather further information about the supports that are needed, and to identify the knowledge, understanding and perceptions that staff members have that relate to the special education identifying system that takes place during the pre-referral stage of the CDM Process. I have been approved to conduct research through the University of Maryland, College Park Institutional Review Board and through the Anne Arundel County Public School Instructional Data Division-Research Office where I am made aware of all guidelines and mandates that pertain to confidentiality and security of participants and of the collected data.

My goal is to recruit IEP Chair participants at the elementary school level to engage in a research study by completing an anonymous, on-line, web-based Inventory Checklist that will take approximately 5-6 minutes to complete.

All research will be anonymous, consent forms will be signed by participants prior to engaging in research, and all data collected during the qualitative study will be confidential. The

results of the study will assist AACPS in providing appropriate resources to schools that will lead to a reduction of the misidentification of Black students placed into special education settings. Attached is the link to the [Inventory Checklist](#) Please reach out if you have any questions.

Sincerely,

Ericka Steckel

Doctoral Candidate, towards a Doctor of Education, UMD-College Park

[esteckel@umd.edu](mailto:esteckel@umd.edu)

## **Appendix D- Participant Reminder Emails**

Date:

Dear Research Participants,

Thank you for your interest in participating in the study that focuses on the misidentification of students who are placed into special education. My study involves collecting information from teachers and reading/ math Interventionists to gather further information about the supports that are needed in your school buildings, and to identify the knowledge, understanding and perceptions that staff members have that relate to the special education identifying system, that takes place during the pre-referral stage of the CDM Process.

My goal is to recruit participants from the elementary school who teach grades 3-5. In order to participate in this study, teachers and interventionists will be asked to complete an on-line survey that will take less than 10 minutes of your time. If you are interested in participating, please see the survey link below. The survey window will close in approximately one week, so please complete the [Survey](#) to express your interest in this study.

Thank you,

Ericka Steckel

University of Maryland Doctoral Candidate, Pursuing a Doctor of Education [esteckel@umd.edu](mailto:esteckel@umd.edu)

### **Reminder email to IEP Chair**

Date:

Dear IEP Chair,

Thank you for your continued support toward my next level of research. As mentioned in my previous email, in completion of the requirements for the doctoral degree in Educational Leadership, through University of Maryland College Park, I am reaching out to provide additional information about my second stage of the research process, and I am asking for your interest as a participant in the inventory checklist in order to begin collecting data toward my study,

For this Interest, I am seeking IEP Chair participants to participate in a web-based Inventory Checklist that will take place through an electronic google form and may be completed within 5-6 minutes. All research will be anonymous, consent will be granted prior to engaging in research, and all data collected during the study will be confidential. The results of the study will assist AACPS in providing appropriate resources to schools that will lead to a reduction of the misidentification of Black students placed into special education settings. Attached is an Inventory Checklist which has been sent to IEP Chair participants who wish to participate in this study which will be closing in approximately one week. Please reach out if you have any questions, and I look forward to collaborating with you.

Sincerely,

Ericka Steckel

Doctoral Candidate, towards a Doctor of Education, UMD-College Park

[esteckel@umd.edu](mailto:esteckel@umd.edu)

## Appendix E- Survey

### Grade 3-5 Teacher and Math/Reading Interventionist Survey:

#### Survey

[- Link to Consent Form](#)

\* Indicates required question

*As part of the study, teachers and interventionist participants will be asked to participate in a confidential, online, web-based, google forms survey that should take up to 10-minutes to complete. The survey will contain a series of questions in order to gain information about the research-based interventions used in your school buildings and the level of knowledge, understanding and perceptions you have as they relate to the CDM process. Your responses will also allow the researcher to identify supports/resources that are and are not used in school buildings-to successfully implement the CDM process.* \*

***There is a link to the consent form which is located at the top of this survey, please read the consent form prior to agreeing to participate in the study.***

*Please respond "yes" below to the following consent statements if you choose to participate in the study.*

*By clicking, "yes" you are:*

- 1). At least 18 years of age*
- 2). You have read this consent form or have had it read to you,*
- 3). Your questions have been answered to your satisfaction and you voluntarily agree to participate in this research study.*

*Mark only one oval.*

☐ Yes

☐ No

Thank you for agreeing to participate in the survey.

There are 9 questions.

1. Please indicate below how many total years of teaching experience in grades K-5 you have: \*

Mark only one oval.

- ☐ 1-4 years
- ☐ 5-9 years
- ☐ 10-15 years
- ☐ 16-19 years
- ☐ 20+ years

1B. How many years have you taught K-5 in AACPS? \*

Mark only one oval.

- ☐ 1-4 years
- ☐ 5-9 years
- ☐ 10-15 years
- ☐ 16-19 years
- ☐ 20+ years

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2. How familiar do you consider yourself to be with the AACPS Collaborative Decision Making (CDM) process? \*

Mark only one oval.

- ☐ Extremely familiar - I have implemented it at various times and could mentor others
- ☐ I understand the process and have participated more than once
- ☐ I have heard of it but have not participated in the process
- ☐ Not at all familiar with the CDM process
- ☐ Other: \_\_\_\_\_

3A. Thinking about your experiences during the Fall semester, which of the following were you most likely to do when a student was consistently struggling in math and/or reading? \*

Check all that apply.

- ☐ Re-teach content in small groups
- ☐ Provide individual differentiated instruction
- ☐ Seek assistance from general education colleagues
- ☐ Seek assistance from Administration
- ☐ Seek assistance from special education teacher or IEP Chair
- ☐ Refer student directly to the CDM team
- ☐ Contact student's parent/guardian
- ☐ Other

3B. Thinking about your experiences during the Fall semester, which of the following were you most likely to do when a student was consistently exhibiting behavior problems? (choose only one)

Mark only one oval.

- ☐ Contact Parent/Guardian
- ☐ Seek assistance from general education colleagues
- ☐ Seek assistance from Administration
- ☐ Seek assistance from the Special Education Teacher or School Counselors
- ☐ Directly Refer Student to the CDM Team
- ☐ Use incentives to reinforce positive behaviors/ PBIS Strategies
- ☐ Other: \_\_\_\_\_

4. When a student who is struggling in reading and/or math, how likely are you to use one of the following interventions? \*

Mark only one oval per row.

|                                          | Very<br>Likely        | Somewhat<br>Likely    | Not at<br>all<br>Likely | I do not<br>know this<br>intervention |
|------------------------------------------|-----------------------|-----------------------|-------------------------|---------------------------------------|
| Wilson<br>Reading<br>System              | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 |
| Failure Free                             | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 |
| Soar to<br>Success                       | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 |
| First In Math                            | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 |
| Visualizing<br>and<br>Verbalizing        | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 |
| Orton<br>Gillingham                      | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 |
| Voyager                                  | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 |
| FASTT Math                               | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 |
| Wilson<br>Foundations                    | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 |
| LLI- Leveled<br>Literacy<br>Intervention | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 |
| SIPPS (Sight<br>Word/Phonics<br>Based)   | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 |

5. When you think about a student who exhibits behavioral problems, how likely are <sup>\*</sup> you to implement the following?

Mark only one oval per row.

|                                                                                   | Extremely<br>Likely   | Somewhat<br>Likely    | Not at<br>all<br>Likely | I do not<br>know this<br>intervention | Other                 |
|-----------------------------------------------------------------------------------|-----------------------|-----------------------|-------------------------|---------------------------------------|-----------------------|
| <b>Contact<br/>Administration</b>                                                 | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 | <input type="radio"/> |
| <b>Write a<br/>behavioral<br/>referral and<br/>send student<br/>to the office</b> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 | <input type="radio"/> |
| <b>Use PBIS<br/>Strategies</b>                                                    | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 | <input type="radio"/> |
| <b>Refer the<br/>Student to<br/>CDM team</b>                                      | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 | <input type="radio"/> |
| <b>Contact<br/>Parent</b>                                                         | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/>                 | <input type="radio"/> |

6. Which of the following supports do you feel are essential to effectively <sup>\*</sup> implementing the AACPS special education pre-referral process? (Check all that apply)

Check all that apply.

- ☐ Professional development about the CDM steps and process
- ☐ Professional development about available classroom supports and interventions and how to use them
- ☐ More support from Math and Reading Intervention Teachers
- ☐ More support with differentiating instruction in the classroom
- ☐ More support with data collection requirements
- ☐ Other: \_\_\_\_\_

7. *In your opinion, what are the top 3 actions classroom teachers could take to reduce the number of students being referred to special education?*  
(Type responses in the reason area below).

Action 1 \*

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Action 2 \*

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Action 3 \*

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## Appendix F -Inventory Checklist

### Inventory Checklist

As part of the study, IEP Chair participants will be asked to participate in a confidential, Inventory checklist that should take up to 10-minutes to complete. The survey will contain a series of questions in order to gain information about the research-based interventions used in your school buildings and the level of knowledge, understanding and perceptions you have as they relate to the CDM process. Your responses will also allow the researcher to identify supports/resources that are and are not used in school buildings-to successfully implement the CDM process. **Please read the consent form (Linked Below) prior to beginning the survey.**

\* Indicates required question

[Link to Consent Form](#) \*

After reading the consent form, linked above,

Please respond "yes" below to the following consent statements if you choose to participate in the study.

By clicking, "yes" you are:

- 1). At least 18 years of age
- 2). You have read this consent form, or have had it read to you
- 3). Your questions have been answered to your satisfaction and you voluntarily agree to participate in this research study.

Mark only one oval.

☐ Yes

☐ No

1).For each of the following items, indicate if it is available in your school AND if it is regularly utilized by grade 3-5 classroom teachers including reading and math interventionists with struggling learners at your school.

Mark only one oval per row.

| Available | Used<br>regularly<br>in my<br>school | Available<br>but not<br>used to<br>my<br>knowledge | Not<br>available |
|-----------|--------------------------------------|----------------------------------------------------|------------------|
|-----------|--------------------------------------|----------------------------------------------------|------------------|

|                                                   |                       |                       |                       |                       |
|---------------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Corrective Reading B1 or B2                       | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Failure Free Reading                              | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Tier 1- Differentiated Instruction/UDL            | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Tier 1- Pre-teaching/ Re-teaching                 | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Linda-mood Phoneme Sequencing (LIPS)              | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Orton-Gillingham Intervention                     | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Voyager Reading Intervention                      | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Soar to Success                                   | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Accelerated Math                                  | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| First in Math                                     | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Fastt Math                                        | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Supplemental-Lexia                                | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Wilson                                            | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| I have never used any of the listed interventions | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other                                             | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

2). What additional supports and resources do your teachers report needing in order to implement CDM/ pre-referral practices at your school? \*

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|                                                   |                       |                       |                       |                       |
|---------------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Supplemental-Lexia                                | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Wilson                                            | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| I have never used any of the listed interventions | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other                                             | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

2). What additional supports and resources do your teachers report needing in order to implement CDM/ pre-referral practices at your school? \*

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3). What supports do you believe are necessary in your school building to better implement the CDM/pre-referral process? \*

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### Appendix G: IRB

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Title        | Misidentification of Black Students in Special Education                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Purpose of the Study | <p>This research is being conducted by Ericka Steckel, University of Maryland, College Park. All research is managed by Dr. Margaret McLaughlin, academic advisor. The purpose of my research is to identify the understanding and obtain the perceptions of classroom teachers in grades 3-5 of the CDM pre-referral process and to identify the supports and resources classroom teachers identify as a “need” in order to implement the CDM pre-referral process according to policy. This will also ensure the level of support IEP Chairs and Interventions can provide according to district procedures and policy.</p> |

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Procedures                      | <p>As part of the study, participants will take a confidential, online, web-based, google forms survey that will require approximately 10 minutes to complete. Requests to participate have been sent to General education teachers, IEP Chairs, and Interventionists through an email sent by the facilitator.</p> <p>The facilitator will ask a series of questions in order to gain information about the research-based interventions used in your school buildings and the level of knowledge, understanding and perceptions that individuals have as they relate to the CDM process. This will also allow the researcher to identify support that are and are not used in school buildings in order to successfully implement the CDM process.</p> <p>Results will be uploaded to a secure flash drive in order to confidentially analyze participant data.</p> |
| Potential Risks and Discomforts | <p>There may be some risks from participating in this research study.</p> <p>However, there are no known risks that could occur during this interview.</p> <p>If you feel uncomfortable with any question, you may choose to refrain from answering that question or partaking that part of the discussion for that part of the interview.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Potential Benefits              | <p>There are no direct benefits from participating in this research. However, possible benefits include making improvements to the AACPS pre-referral process by providing information and resources that could support teachers and enhance their knowledge of the CDM process.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Confidentiality                 | <p>Any potential loss of confidentiality will be minimized by asking participants to respect the privacy of all other participants in this focus group. Participants are asked not to disclose any of the participant information (such as names of others, or work locations) or any of the content that will be discussed in the study. The researcher will analyze the data collected from this interview and include this in a research summary, but participant names and your work locations will not be linked to the research.</p>                                                                                                                                                                                          |
| Right to Withdraw and Questions | <p>Your participation in this research is completely voluntary. You may choose not to take part at all. 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.</p> <p>If you decide to stop taking part in the study, if you have questions, concerns, or complaints, or if you need to report an injury related to the research, please contact the investigator:</p> <p>Ericka Steckel</p> <p>University of MD College Park</p> <p>erickasteckel@umd.edu</p> <p>410-382-5516</p> <p>or</p> <p>Dr. Margaret McLaughlin</p> |

|  |                                                                                                         |
|--|---------------------------------------------------------------------------------------------------------|
|  | <p>University of Maryland, College of Education</p> <p><a href="mailto:mjm@umd.edu">mjm@umd.edu</a></p> |
|--|---------------------------------------------------------------------------------------------------------|

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Participant Rights   | <p>If you have questions about your rights as a research participant or wish to report a research-related injury, please contact:</p> <p>University of Maryland College Park</p> <p>Institutional Review Board Office</p> <p>1204 Marie Mount Hall</p> <p>College Park, Maryland, 20742</p> <p>E-mail: <a href="mailto:irb@umd.edu">irb@umd.edu</a></p> <p>Telephone: 301-405-0678</p> <p>For more information regarding participant rights, please visit:</p> <p><a href="https://research.umd.edu/research-resources/research-compliance/institutional-review-board-irb/research-participants">https://research.umd.edu/research-resources/research-compliance/institutional-review-board-irb/research-participants</a></p> <p>This research has been reviewed according to the University of Maryland, College Park IRB procedures for research involving human subjects.</p> |
| Statement of Consent | <p><i>By choosing “yes” you indicate 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 may save a copy of this signed consent form.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## Appendix H: Research Approval

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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: March 15, 2024

TO: Ericka Steckel  
FROM: University of Maryland College Park (UMCP) IRB

PROJECT TITLE: [2117547-2] Misidentification of Black Students in Special Education

SUBMISSION TYPE: Amendment/Modification

ACTION: DETERMINATION OF EXEMPT STATUS

DECISION DATE: March 15, 2024

REVIEW CATEGORY: Exemption category #45 CFR 46.104(d)(2)(ii).

Thank you for your submission of Amendment/Modification materials for this project. The University of Maryland College Park (UMCP) IRB has determined this project is EXEMPT FROM IRB REVIEW according to federal regulations.

We will retain a copy of this correspondence within our records.

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

This letter has been electronically signed in accordance with all applicable regulations, and a copy is retained within University of Maryland College Park (UMCP) IRB's records.



ANNE ARUNDEL  
COUNTY PUBLIC SCHOOLS

2644 Riva Road, Annapolis, MD 21401 | 410-222-5000 · 410-222-5500 (TDD) | [www.aacps.org](http://www.aacps.org)

March 19, 2024

Ericka Steckel  
Lindale Middle School  
[esteckel@aacps.org](mailto:esteckel@aacps.org)

Re: Research Application

Dear Ms. Steckel:

Thank you for your interest in conducting **Collaborative Decision-Making Pre-Referral Process**. The Research Review Committee reviewed your request.

All requests to conduct research in Anne Arundel County Public Schools are reviewed in regard to three major criteria. First, does the research have a potential positive contribution towards improving the delivery of instruction to students attending Anne Arundel County Public Schools? Second, does the research have procedures and processes in place to insure the confidentiality of all participants in the study? Third, does the research obtain its data in such a way that it will have a minimal impact upon the instructional time of students and/or staff?

The proposed study investigates the collaborative decision making pre-referral process used in AACPS to evaluate its knowledge and use among general education teachers. At this time, your application to conduct research in Anne Arundel County Public Schools with elementary teachers, interventionist, and IEP chairs is conditionally approved with the following conditions:

- Deidentify all AACPS information from your research.
- Teachers, Interventionists, and IEP chairs must agree to participate in your study.
- All consent forms must be signed and collected for documentation.

I have also reviewed the study to determine how well it ensures the confidentiality of all respondents. There is nothing that would suggest that personal identifying information will be divulged outside of the research team.

In closing, I would like to ask that you consider this letter as formal approval of your request to conduct your research project in Anne Arundel County Public Schools. Please ensure that all school, administrator, teacher, or student identifying information is removed from any prepared documents, either paper or electronic, that may be a part of any final drafts of documents relating to your study. We look forward to the information that our district can gain from your research. As such, please forward a final draft of your completed report to our office.

On behalf of the Research Office, I wish you success in the conduct of your study.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Adley".

Amanda Adley, Ed.D.  
Research Specialist  
Instructional Data Division

cc: Dr. Kellie Katzenberger, Senior Manager of Research  
Keri Allen, Principal – Belle Grove Elementary

— ELEVATING ALL STUDENTS... ELIMINATING ALL GAPS —

## **Appendix I: School A, B, C**

School A-

<https://reportcard.msde.maryland.gov/Graphs/#/Demographics/Enrollment/3/17/10/02/1202/2023>

School B-

<https://reportcard.msde.maryland.gov/Graphs/#/Demographics/Enrollment/3/17/13/02/1082/2022>

School C-

<https://reportcard.msde.maryland.gov/Graphs/#/Demographics/StudentPopulation/2/1/02/3172/2023>

## References

- Averill, O. H., Rinaldi, C., & Collaborative, U. S. E. L. (2011). Multi-tier system of supports (MTSS). *District Administration*, 48(8), 91-95.
- Blanchett, W. J. (2006). Disproportionate Representation of African American Students in Special Education: Acknowledging the Role of White Privilege and Racism. *Educational Researcher*, 35(6), 24–28. <https://doi.org/10.3102/0013189x035006024>
- Boone Blanchard, S., Ryan Newton, J., Didericksen, K. W., Daniels, M., & Glosson, K. (2021). Confronting Racism and Bias Within Early Intervention: The Responsibility of Systems and Individuals to Influence Change and Advance Equity. *Topics in Early Childhood Special Education*, 41(1), 6–17. <https://doi.org/10.1177/0271121421992470>
- Brandon, R., & Brown, M. (2009). African American families in the special education process. *Intervention in School and Clinic*, 45(2), 85–90.
- Campbell, F., & Ramey, C. (1994). Effects of early intervention on intellectual and academic achievement: A follow-up study of children from low-income families. *Child Development*. 65(2 Spec No), 684-98.
- Carla, O., & Sonia, D. (2006). Race, class, and disproportionality: Reevaluating the relationship between poverty and special education placement. *Educational Researcher*, 35(6), 6–11. Doi:10.3102/0013189X035006006
- Cathy D. Kea, Gloria D. Campbell-Whatley, & Kenya Bratton. (2003). Culturally responsive assessment for African American students with learning and behavioral challenges. *Assessment for Effective Intervention*, 29(1), 27–38. <https://doi.org/10.1177/073724770302900104>
- Connor D., Cavendish W., Gonzalez T., Jean-Pierre P. (2019). Is a bridge even possible over troubled water? The field of special education negates the overrepresentation of minority students: A DisCrit analysis. *Race Ethnicity and Education*, 22(6), 723–745.
- Courey, S. J., Tappe, P., Siker, J., & LePage, P. (2013). Improved Lesson Planning with Universal Design for Learning (UDL). *Teacher Education and Special Education*, 36(1), 7–27. <https://doi.org/10.1177/0888406412446178>
- Coutinho, M., Oswald, D., and Best, A. (2002). The influence of sociodemographic and gender on the disproportionate identification of minority students as having learning disabilities. *Remedial and Special Education*, 23(1), 49-59.
- Coyne, M. D., Oldham, A., Dougherty, S. M., Leonard, K., Koriakin, T., Gage, N. A., Burns, D., & Gillis, M. (2018). Evaluating the Effects of Supplemental Reading Intervention Within an MTSS

- or RTI Reading Reform Initiative Using a Regression Discontinuity Design. *Exceptional Children*, 84(4), 350-367. <https://doi.org/10.1177/0014402918772791>
- DeMatthews, D., Edwards, D., Nelson, T. (2014). Identification problems: US special education eligibility for English language learners. *International Journal of Educational Research*. Vol 68, 27-34.
- Dunn, L. M. (1968). Special Education for the Mildly Retarded—Is Much of it Justifiable? *Exceptional Children*, 35(1), 5–22. <https://doi.org/10.1177/001440296803500101>
- Elder, T.E., Figlio, D.N., Imberman, S.A., and Persico, C.L. (2021). Segregation and Racial Gaps in Special Education: New evidence on the debate over disproportionality. *Education Next*, 21(2), 62-68.
- Gaviria-Soto, J., & Castro-Morera, M. (2005). Beyond over-representation: The problem of bias in the inclusion of minority group students in special education programs. *Quality and Quantity: International Journal of Methodology*, 39(5), 537-558. Doi: 1007/s11135-005-1606-3
- Gay, G. (2010). *Culturally responsive teaching: Theory, research, and practice* (2nd ed., Multicultural education series). New York: Teachers College.
- Gay, G. (2013). Teaching To and Through Cultural Diversity. *Curriculum Inquiry*, 43(1), 48-70. Retrieved August 17, 2021, from <http://www.jstor.org/stable/23524357>
- Gay, G. (2018). *Culturally Responsive Teaching: Theory, Research, and Practice: Vol. Third edition*. Teachers College Press.
- Greene, J., P. (2007). Fixing special education. *Peabody Journal of Education*, 82(4), 703-723.
- Guetzloe, E. (1993). The special education initiative: Responding to challenging problems, populations, and paradigms. *Behavioral Disorders*, 18(4), 303–307.
- Guiberson, M. (2009). Hispanic representation in special education: Patterns and implications. *Preventing School Failure: Alternative Education for Children and Youth*, 53(3), 167-176. DOI: 10.3200/PSFL.53.3
- Haft, S. L., Greiner de Magalhães, C., & Hoeft, F. (2023). A Systematic Review of the Consequences of Stigma and Stereotype Threat for Individuals with Specific Learning Disabilities. *Journal of Learning Disabilities*, 56(3), 193-209. <https://doi.org/10.1177/00222194221087383>
- Harry, B., & Anderson, M. (1994). The disproportionate placement of African American males in special education programs: A critique of the process. *The Journal of Negro Education*, 63(4), 602-619. DOI: 10.2307/2967298
- Harry, B., and Fenton, P. (2016). Risk in schooling: The contribution of qualitative research to our understanding of the overrepresentation of minorities in special education. *Multiple Voices for Ethnically Diverse Exceptional Learners*, 16(1), 17-28.

- Heller, K. , Holtzman, W. , & Messick, S. (Eds). (1982). Placement of children in special education: A strategy for equity. Washington, DC: National Academy Press Retrieved from:  
<http://www.nap.edu/catalog/9440.htm>
- Hoover, J. (2010). Special education eligibility decision making in response to intervention models. *Theory into Practice*, 49(4), 289–296. <https://doi.org/DOI: 10.1080/00405841.2010.510752>
- Hosp, J. L., & Reschly, D. J. (2004). Disproportionate Representation of Minority Students in Special Education: Academic, Demographic, and Economic Predictors. *Exceptional Children*, 70(2), 185-199. <https://doi.org/10.1177/001440290407000204>
- Hu, X., & Hancock, A.-M. (2024, May). *State of the science: Implicit bias in education 2018-2020*. Kirwan Institute. <https://kirwaninstitute.osu.edu/research/state-science-implicit-bias-education-2018-2020>
- Hughey, J. (2011). Meeting the needs of diverse students: Enhancing school counselors’ experiences. *Educational Considerations*, 38(2), 20-27.
- Jackson, D. (2021). Leveraging MTSS to Ensure Equitable Outcomes. Center on Multi-Tiered System of Supports at American Institute for Research. MTSS  
[https://mtss4success.org/sites/default/files/2021-07/MTSS\\_Equity\\_Brief.pdf](https://mtss4success.org/sites/default/files/2021-07/MTSS_Equity_Brief.pdf)
- Kramarczuk Voulgarides, C., Cioè-Peña, M., & Fish, R. (2024). Moving towards justice and equity: Interdisciplinary dismantling of ableism and racism in special education. *Theory into Practice*, 63(4), 335–339. <https://doi.org/10.1080/00405841.2024.2355820>
- Kulkarni, S. S. (2020). Racial and ethnic disproportionality in special education programs. *Oxford Research Encyclopedia of Education*.  
<https://doi.org/10.1093/acrefore/9780190264093.013.1242>
- Lee B. (2015). Were concerns with misidentification in special education overlooked? *Psychiatric Services* (Washington, D.C.), 66(10), 1121. <https://doi.org/10.1176/appi.ps.661003>
- Levey, S. (2023). Universal Design for Learning. *Journal of Education*, 203(2), 479-487.  
<https://doi.org/10.1177/00220574211031954>
- Lewis, T., Jones, S., Horner, R., & Sugai, G. (2010). School-wide positive behavior support and students with emotional/behavioral disorders: Implications for prevention, identification and intervention, *Exceptionality*, 18(2), 82–93.
- Margai, F., & Henry, N. (2003). A community-based assessment of learning disabilities using environmental and contextual risk factors. *Social Science & Medicine*. 56(5), 1073-1085.  
Doi:10.1016/S0277-9536(02)00104-1
- Maryland State Department of Education, [Marylandpublicschools.org](http://Marylandpublicschools.org), 2018-2019.

- Mandell, D., Davis, J., Bevans, K., and Guevara, J. (2008). Ethnic disparities in special education labeling among children with attention-deficit/hyperactivity disorder. *Journal of Emotional and Behavioral Disorders*, 16(1), 42-51.
- Meadows, N. B., Neel, R., Scott, C., & Parker, G. (1994). Academic Performance, Social Competence, and Mainstream Accommodations: A Look at Mainstreamed and Non-Mainstreamed Students with Serious Behavioral Disorders. *Behavioral Disorders*, 19(3), 170–180.
- Maryland State Department of Education. (2022). MSDE: *Website of State Performance Plan Results*. Retrieved [October 2022], from <https://mdideareport.org/SupportingDocuments/Archive20212022/PartB-10-2022.pdf>  
<https://mdideareport.org/SupportingDocuments/Indicator10Table.pdf>,
- Maryland State Department of Education, (2023). MSDE: *Maryland Early Intervention and Special Education Services Census Data*, Retried from <https://marylandpublicschools.org/about/Documents/DCAA/SSP/20232024Student/2023-Census-Publication-Formatted-A.pdf>
- Morgan, H., (2020). Misunderstood and mistreated: Students of color in special education. *Voices of Reform*, 3(2), 71–81. <https://doi-org.proxy-um.researchport.umd.edu/10.32623/3.100005>
- Mueller, C., (2021). I Didn't Know People with Disabilities Could Grow Up to Be Adults: Disability History, Curriculum, and Identity in Special Education. *Teacher Education and Special Education*, 44(3), 189-205. <https://doi-org.proxy-um.researchport.umd.edu/10.1177/0888406421996069>
- Gomez-Najarro, J. (2020). An Empty Seat at the Table: Examining General and Special Education Teacher Collaboration in Response to Intervention. *Teacher Education and Special Education*, 43(2), 109-126. <https://doi-org.proxy-um.researchport.umd.edu/10.1177/0888406419850894>
- National Center for Education Statistics. (2024). Students With Disabilities. *Condition of Education*. U.S. Department of Education, Institute of Education Sciences. Retrieved [May 2024], from <https://nces.ed.gov/programs/coe/indicator/cgg>.
- National Center for Educational Research, 2018 retrieved from [www.nces.ed.gov](http://www.nces.ed.gov)
- US Department of Education, Office for Civil Rights (2024) Retrieved [November 2024] from <https://ocreas.ed.gov/officeforcivilrights/open-investigations.org>
- Office of Special Education Programs, US Department of Education, April 2021, retrieved from: <https://www2.ed.gov/about/offices/list/osep/index.html>
- Orosco, M., & O'Connor, R. (2014). Culturally responsive instruction for English language learners with learning disabilities. *Journal of Learning Disabilities*, 47(6), 515-531. Doi: 10.1177/00222194134716553

- Oswald, D., Coutinho, M., Best, A., & Singh, N. (1999). Ethnic representation in special education. *The Journal of Special Education*, 32(4), 194-206.
- Patton, J., (1998). The disproportionate representation of African Americans in special education: Looking behind the curtain for understanding and solutions. *The Journal of Special Education*. 32(1), 25-31.
- Podell, D., and Soodak, L. (2010). Teacher efficacy and bias in special education referrals. *The Journal of Education Research*. 86(4), 247-253. Doi: 10.1080/00220671.19939941836
- Pozas, M., Letzel, V., & Schneider, C. (2020). Teachers and differentiated instruction: exploring differentiation practices to address student diversity. *Journal of Research in Special Educational Needs*, 20(3), 217–230. <https://doi.org/10.1111/1471-3802.12481>
- Rock, M., Madeleine Gregg, Edwin Ellis & Robert A. Gable (2008) REACH: A Framework for Differentiating Classroom Instruction, Preventing School Failure: Alternative Education for Children and Youth, 52(2), 31-47, DOI: [10.3200/PSFL.52.2.31-47](https://doi.org/10.3200/PSFL.52.2.31-47)
- Shaffer, L. (2022, February 7). *Confronting special education's race problem*. Dearborn. <https://umdearborn.edu/news/confronting-special-educations-race-problem>
- Shifrer, D., Muller, C., & Callahan, R. (2011). Disproportionality and learning disabilities: Parsing apart race, socioeconomic status, and language. *Journal of Learning Disabilities*, 44(3), 246-257. doi: 10.1177/0022219410374236
- Skiba, R., Poloni-Staudinger, L., Simmons, A., Renae Feggins-Azziz, L., & Chung, C. (2005). Unproven links. *The Journal of Special Education*, 39(3), 130-144.
- Sleeter, C., E. (2017). Critical race theory and the whiteness of teacher education. *Urban Education*, 52(2), 155–169. <https://doi.org/10.1177/0042085916668957>
- Stanton-Chapman, T., Chapman, D., & Scott, K. (2001). Identification of early risk factors for learning disabilities. *Journal of Early Intervention*, 24(3), 193-206.
- Stewart, M. (2020, October 9). Disadvantaging Black students with a demand for “linguistic justice.” The James G. Martin Center for Academic Renewal. <https://www.jamesgmartin.center/2020/10/disadvantaging-black-students-with-a-demand-for-linguistic-justice/>
- Sullivan, A., & Artiles, A. (2011). Theorizing racial inequality in special education: Applying structural inequality theory to disproportionality. *Urban Education*, 46(6), 1526-1552.
- Sullivan, J., R., & Castro-Villarreal, F. (2013). Special education policy, response to intervention, and the socialization of youth. *Theory into Practice*, 52(3), 180–189. <https://doi.org/10.1080/00405841.2013.804309>

- Sullivan A. L., Sadeh S., Hourri A. K. (2019). Are school psychologists' special education eligibility decisions reliable and unbiased? A multi-study experimental investigation. *Journal of School Psychology*, 77, 90–109.
- Suprayogi, N., Valcke., & Godwin, R. (2017). Teachers and their implementation of differentiated instruction in the classroom. *Teaching and Teacher Education*, 67, 291-301, <https://doi.org/10.1016/j.tate.2017.06.020>.
- Tillery, A., Varjas, K., Meyers, J., & Collins, A. (2010). General education teachers' perceptions of behavior management and intervention strategies. *Journal of Positive Behavior Interventions*, 12(2), 86-102. Doi: 10.1177/1098300708330879
- U.S. Department of Education (2014). retrieved from [www2.ed.gov](http://www2.ed.gov)
- Val'as, Harald, (1999). Students with learning disabilities and low achieving students: Peer acceptance, loneliness, self-esteem, and depression. *Social Psychology of Education*, 3, 173-192. DOI:10.1023/A:1009626828789
- 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. *Diagnostic*, 23(1), 193-201. <https://doi.org/10.1177/153450849702300102>
- Zhang, D., & Katsiyannis, A. (2002). Minority representation in special education: A persistent challenge. *Remedial and Special Education: Rase*, 23(3), 180-187.





