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An investigation of practices to address the disproportionate representation of African American students in special education programs in Virginia

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**AN INVESTIGATION OF PRACTICES TO ADDRESS THE
DISPROPORTIONATE REPRESENTATION OF AFRICAN AMERICAN
STUDENTS IN SPECIAL EDUCATION PROGRAMS IN VIRGINIA**

A Dissertation

Presented to

The Faculty of the School of Education

In Partial Fulfillment

Of the Requirements for the Degree of

Doctor of Education

By

Stacia M. Barreau

April 2008

**AN INVESTIGATION OF PRACTICES TO ADDRESS THE
DISPROPORTIONATE REPRESENTATION OF AFRICAN AMERICAN
STUDENTS IN SPECIAL EDUCATION PROGRAMS IN VIRGINIA**

By

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Dedication

This dissertation is dedicated to all the individuals who supported me in attaining this milestone in my professional development. To each of you, I owe you many thanks. To my parents, James and Mary Bethea, thank you for instilling in me a love of reading and learning. I always knew that having my nose stuck in a book rather than cleaning the house or raking the yard would pay off one day in a grand fashion! This work is especially dedicated to my husband, Pascal, who seems to have waited on me so that we could celebrate this endeavor together. We spent many days talking about what we were going to do after we accomplished this goal. Now that we have conquered this quest, I feel certain that the sky is the limit for us both. I hope you know how very proud I am of you! And last but most certainly not least, this work is dedicated to my son, Jean-Michel Pierre, for it is my fondest dream for you and others like you to be acknowledged, accepted, and celebrated for the unique individual that God made you to be.

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AN INVESTIGATION OF PRACTICES TO ADDRESS THE DISPROPORTIONATE REPRESENTATION OF AFRICAN AMERICAN STUDENTS IN SPECIAL EDUCATION PROGRAMS IN VIRGINIA

ABSTRACT

The purpose of this study was to determine the extent to which practices to address disproportionality suggested by the professional literature are being implemented in Virginia public schools. It also sought to understand the perceptions of special education directors regarding the effectiveness of these practices in addressing disproportionality. Mixed methods were employed through the use of a survey instrument which was developed for this study and a content analysis of school division action plans.

There were two overarching research focus questions as well as six corresponding sub-questions investigated in this study. This study included 111 directors of special education who represent each of the eight regional study groups.

The findings from this study indicate that practices suggested in the professional literature are being widely used in Virginia public schools. As well, all of the practices stated in the survey are largely perceived to be effective in addressing the issue of disproportionality.

Through the content analysis of eleven school division actions plans and the analysis of the open-ended survey question, additional practices being used to address disproportionality emerged. The results of the study also indicated a significant positive relationship between division size, proportion of African American students enrolled, and proportion of African American students with disabilities and implementation of the

practices and perceived effectiveness. Recommendations for future research as well as implications for general and special education leaders are discussed.

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CHAPTER 1: THE PROBLEM

Introduction

Prior to the passage of the Education for All Handicapped Children Act (EAHCA)- now known as the Individuals with Disabilities Education Improvement Act (IDEIA)- the vast majority of students with disabilities across the nation were blatantly denied access to public education and opportunities to learn (Murdick, Gartin, & Crabtree, 2006). Of the small proportion of students with disabilities who were receiving a public education, the conditions under which they received their education were relegated to isolated, run-down classrooms in the least desirable places within the school building, or in entirely separate facilities. However, since the inception of the law in 1975 entitling students with disabilities to a federally protected right to a free, appropriate, public education, tremendous school-related and postsecondary outcomes have been realized. Some of these positive benefits include access to quality teachers and curriculum, increased graduation rates, increased rates of matriculation into institutions of higher education, and increased rates of postsecondary employment, to name just a few. Consequently, the continued reauthorization of the Act has been the catalyst for significant progress towards meeting major national goals for developing and implementing effective programs and services for intervention, special education, and related services (Haynes & Price, 2000; Luft, 1995; Murdick et al., 2006).

Despite these improvements, the benefits of special education have not been equitably distributed to all students with disabilities. Minority children with special needs, in particular, have been on the receiving end of many of the injustices that develop as a result of questionable practices in general and special education (Losen & Orfield,

2002). As a case in point, it is commonplace for this specific group of students to be limited educationally by inadequate services, low-quality curriculum and instruction, and unnecessary isolation from their nondisabled peers (Hosp & Reschly, 2002; MacMillan & Reschly, 1998; Patton, 1998). As a result of the lack of equal access to quality education, these students do not experience positive educational opportunities and postsecondary outcomes to the same degree as their non-minority disabled peers. Since minority students are disproportionately represented in special education programs, the likelihood that they will experience diminished educational opportunities as well as disappointing postsecondary outcomes are magnified even further.

Statement of the Problem

The disproportionate representation of minority students in special education has been a constant and consistent concern for nearly four decades (Klingner, Artiles, Kozleski, Harry, Zion, Tate, Duran, & Riley, 2005; Patton, 1998; Salend, Duhaney, & Montgomery, 2002; Zhang & Katsiyannis, 2002). Currently, there are disproportionate numbers of minority students who are referred, assessed, identified, classified, and placed in programs for students with disabilities. The issue of disproportionate representation for minority students has been and continues to be an incessant dilemma that has detrimental effects on the educational opportunities and outcomes for this specific group of students. Concerns about disproportionate representation are focused on the “judgmental” categories of special education (learning disabilities, emotional disturbance, and mental retardation), those disabilities usually identified after the child starts school and by school personnel rather than a medical professional. Children identified with these disabilities

usually do not exhibit any obvious discernible features, yet they are still considered to have internal deficits that affect their learning and/ or behavior (Klingner, et al., 2005).

One of the earlier discussions on disproportionality (Heller, Holtzman, & Messick, 1982) noted that it cannot be assumed that ethnic disproportionality in special education is a problem, since it could be that certain groups of students require special education services in greater amounts than those from other ethnic categories. The panel declared that “the adequacy and appropriateness” of all phases of the special education process as well as the outcome had to be determined before recognizing disproportionality as a problem. The existence of bias or inappropriate practice at any phase of the process was the feature that would determine that disproportionality was indeed problematic.

It is critical to note that the existence of this problem has been repeatedly documented by the U.S. Department of Education’s Office for Civil Rights (OCR), in that it has confirmed the overrepresentation of minority students in special education programs with data for the past thirty years. While there are several ethnic minority groups who are disproportionately represented in special education programs, none have been so as persistently and pervasively as African American students.

Historical Overview of the Problem

Attention was first directed to this issue in a seminal article by Dunn (1968) which pointed out the phenomenal increase in special day classes for retarded students. That data illustrated that approximately one third of all special educators in the nation were teachers of students with mental retardation. Further, it revealed that sixty to eighty percent of students taught by these teachers were minority children including African-

Americans, American Indians, Mexicans, and Puerto Rican Americans, and they were all from low socioeconomic backgrounds which were characterized by the lack of nonstandard English spoken in the home as well as those that appeared to be broken, disorganized or inadequate in some capacity. This article sparked serious inquiry into the extensive proliferation of special classes and led to concern regarding educational and civil rights issues. Dunn's assertions also prompted several investigations by Mercer in 1973 and Finn in 1982 that both documented the overrepresentation of Mexican American students in classes for mental retardation, Native American students in classes for learning disabilities, and African American students in classes for mental retardation, emotional disturbance, and learning disabilities (as cited by Hosp & Reschly, 2002).

Federal Response and Litigation

The issue of minority overrepresentation in special education programs is so pervasive that it has triggered a number of legal challenges, educational reforms, and legislative actions (Hosp & Reschly, 2002; Oswald, Coutinho, Best, & Singh, 1999; Patton, 1998; Salend et al., 2002; Zhang & Katsiyannis, 2002). Federal enforcement under IDEA has been criticized as weak; therefore, it is not surprising that federal enforcement of what IDEA once required of states in terms of racial disproportionality has been minimal and indirect (Losen & Orfield, 2002). Although concerns regarding this dilemma pre-date federal special education legislation of 1975, the 1997 reauthorization of IDEA required school districts to implement nondiscriminatory assessment practices to ensure that children are not mislabeled due to their ethnic or cultural differences (IDEA, 1997). It further required states to collect and report race/ethnicity data in order to document and address the issue. The 1997 amendments to IDEA addressed both the

discretionary grant programs and the Part B program. Specifically, the intent of the statute was to devote greater efforts to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities (IDEA, 1997). Given such, each state had a duty to monitor and intervene when overrepresentation occurred to avoid the risk of losing eligibility to receive funds under the IDEA.

The enforcement of federal antidiscrimination provisions that protect the civil rights of students with disabilities and students who are racial minorities is conducted by the Office of Civil Rights (OCR) of the U.S. Department of Education and by the U.S. Department of Justice (DOJ). The OCR has jurisdiction to review complaints on matters such as racial disproportionality and has a variety of ways it can intervene. This Office can initiate its own investigation, which is called a compliance review, or as an ultimate measure, it can withhold all federal education funding from a district with schools in violation. Another form of sanctioning can include a referral to DOJ for further adjudication (Losen & Orfield, 2002). OCR has jurisdiction to enforce antidiscrimination laws, including disability-based claims under Section 504 of the Rehabilitation Act of 1973 as well as claims of racial discrimination under Title VI of the Civil Rights Act of 1964. Moreover, OCR has designated the inquiry of minorities in special education as one of its priority areas of investigation and enforcement (MacMillan & Reschly, 1998).

The disproportionality issue has also been at the center of landmark litigation. The *Larry P. v. Riles* (1972) case accused the San Francisco school district of discrimination against African American children who had been placed in classes for the “educably mentally retarded” (Reschly & Bersoff, 1999). This was the first of a series of cases

alleging cultural bias in the assessment process. Despite the awareness of this issue as a national concern requiring inspection and responsive action via federal mandates, minority representation in special education programs continues to be a dilemma that plagues the educational system even after more than four decades.

Historical Trends of Disproportionate Representation

A review of the historical data pertaining to minority representation in special education programs reveals a disturbing trend. In 1975, the school population of African Americans was 16%, yet 35% of those students were identified as mentally disabled (as cited by Patton, 1998). Chinn and Hughes (1987) analyzed data from 1978- 1984 and found that Hispanic students were overrepresented in programs for learning disabilities, American Indians were overrepresented in programs for mental retardation and learning disabilities, and African Americans were overrepresented in programs for mental retardation and serious emotional disturbance. During this period of analysis, the representation in special education programs for White students remained unusually low, even though they constituted the majority of the school population. In 1991, the same pattern of disproportionate representation was evident for African American students: they constituted 15% of the school population and 35% of the population of students with mental retardation (Patton, 1998). According to 1997 data from the U.S. Department of Education, African Americans accounted for 16% of the total student population, yet they represented 32% of the students in programs for students with mental retardation, 24% of the students in programs for students with serious emotional disturbance or behavioral disorders, and 18% of the students with specific learning disabilities (U.S. Department of Education, 2002b). Data compiled in the 24th through the 26th Annual Report to Congress

(2004) shows that the percentages of American Indian/ Alaska Native and Hispanic students with disabilities who receive special education for specific learning disabilities are relatively higher when compared with the percentage for all students with disabilities. Moreover, the percentage of African American students with disabilities who receive special education services for mental retardation and emotional disturbance is substantially higher than the percentage for any other racial/ ethnic group. Further, risk indices indicate that African American students are 2.99 times more likely to be classified as having mental retardation and 2.21 times more likely to be classified as having emotional disturbance than all other groups combined. The data revealed that American Indian/ Alaska Native students are 1.5 times more likely to be served for specific learning disabilities than all other groups combined.

More recent statistics reported in the 27th Annual Report to Congress revealed similar patterns. Across all disability types, Black students were more likely (based on a risk ratio of 1.46) to be served in school-aged special education programs than all other racial/ ethnic groups combined. It further stated that Black students were 3.04 times likely to receive special education and related services for mental retardation and 2.25 times more likely to receive these services for serious emotional disturbance than all other ethnic groups combined (U.S. Department of Education, 2005).

Although data clearly indicate that several minority groups suffer with being disproportionately overrepresented in special education programs, none have done so to the marked degree of African Americans students. Since the initial inquiry and awareness of this issue to present day, African American students have been the segment of the school-aged population in which this problem seems to consistently impact the most

(Losen & Orfield, 2002). To this end, the focus of this study will concentrate specifically on the disproportionate representation of African American students in special education programs.

Lack of Access to General Education Curriculum

The concern with the disproportionate representation of African American students in special education programs would be mitigated if the evidence suggested that they reaped benefits from more frequent identification and eligibility for special education services. However, as the data demonstrate, such is not the case. From an ethical perspective, it is difficult to ignore the consequences that have resulted from mislabeling and misplacing African American students in special education programs. Patton (1998) contends that the reality of the overrepresentation of African American students in special education programs originates from the sociohistorical pattern of unjust treatment of Africans in America. As such, he asserts that special education entities create “programmatically and classroom arrangements that jeopardize the life chances of large numbers of African American youth” (p. 25). When African American students are disproportionately represented in special education programs, there are concerns raised about these students being placed on separate and unequal tracks that essentially deny them access to the quality, life-enhancing general education curriculum that they are not only ethically, but legally, entitled to receive on equal par with their nondisabled peers (Nolet & McLaughlin, 2000; Oswald et al., 1999; Patton, 1998; Salend et al., 2002).

Restrictive Educational Placements

Federal law requires specific stipulations regarding where students with disabilities receive their education. To the maximum extent appropriate, students with disabilities are educated with their same-aged nondisabled peers. Ideally, special classes, separate schooling or other removal of children with disabilities from the regular classroom occurs only when the nature or severity of the disabling condition is such that education in the general education arena cannot be achieved satisfactorily even with the use of supplementary aids and services. Also, each child with a disability participates with his or her nondisabled peers in nonacademic and extracurricular services and activities as much as appropriate. These requirements demonstrate clearly the preference for educating students with disabilities in the regular classroom. However, the IDEA also requires that a full continuum of services be available to meet the needs of students with disabilities who cannot be educated in the regular classroom for part or all of the school day. Additional rules regarding placement require that each student with disabilities be educated as close to home as possible, and that each student be educated in the same school he or she would attend if not disabled.

As previously stated, students with disabilities are entitled to receive supports and services in the educational setting best suited to their individual needs. As such, this requirement can lead to the assumption that the most appropriate educational setting for these students is in a separate environment which only includes those with disabilities. This separate place, which has traditionally been subjected to low expectations, limits and sometimes even totally excludes students with disabilities from the various educational opportunities, experiences, and the standard curriculum that their general education

counterparts students are exposed to on a regular basis. While it is important to note that separate educational environments may be ideal and even necessary for some students with disabling conditions, it has been well-documented in the literature that most students with disabilities benefit most when they are educated with their general education peers (Losen & Orfield, 2002, Patton, 1998). In fact, Rea, McLaughlin, and Walther-Thomas (2002) have found that students with disabilities, namely specific learning disabilities, served in the inclusive classrooms earned higher grades, achieved higher or comparable scores on standardized tests, committed no more behavioral infractions, and attended more days of school than students in segregated educational settings.

In light of this fact, however, studies still reveal that once identified as eligible for special education services, both Latino and African American students are far less likely than whites to be educated in a fully inclusive general education classroom and far more likely to be educated in a substantially separate setting (Fierros & Conroy, 2002). The data explored show a consistent trend toward less inclusion for minority children at the national, state, and district levels. A study conducted by Serwatka, Deering, and Grant (1995) further substantiates this point by offering additional evidence which confirms that African American students are placed more frequently in more segregated settings than are Caucasian students. Similarly, Serwatka, Dove, and Hodge (1986) highlight that the disproportionate placement of African Americans in more segregated settings also occurs in lower incidence categories such as physical impairment and visual impairment, even though identification rates are not disproportionate in these areas. Consequently, this limited exposure with the core academic curriculum has a negative effect on their

academic performance, self-esteem, classroom behavior and interactions, educational and career goals, and motivation (Artiles & Trent, 1994; Patton, 1998; Salend et al., 2002).

The lack of connection to pertinent academic content coupled with lowered expectations for academic and/or behavioral performance leads to a spiral of decreased likelihood for postsecondary education and significant limitations on their employment opportunities. Given such, the postsecondary outcomes for African American students with disabilities are severely diminished.

Data on Postsecondary Outcomes

Albeit there are desirable characteristics of special education programs such as lower pupil-teacher ratio, higher per-pupil expenditure, individualized educational program tailored to meet their specific needs, and services delivered by a teacher with specialized training, they have proven to be ineffective for many students with disabilities because the unintended outcomes greatly offset the apparently desirable features for these students. Unfortunately, there are some negative consequences that can result for any student with a disability after exiting the special education system. According to the President's Commission on Excellence in Special Education (2002), a large percentage of students with disabilities are unemployed and underemployed upon leaving school compared to their peers who do not have disabilities. Moreover, these students leave school without successfully earning any type of diploma. Unfortunately, the consequences experienced by African American students are much more pronounced than those of other ethnic groups in terms of their exposure to the criminal justice system and unemployment. Data from the U.S. Department of Education (2000) revealed that 75 percent of African American students, as compared to 47 percent of white students, are

not employed two years out of high school. Alarming, 52 percent of African Americans, compared to 39 percent of white young adults, are still not employed three to five years out of high school. Data further reveal that the arrest rate for African Americans with disabilities is 40 percent, as compared to 27 percent for whites.

These realities serve to illustrate that race does indeed play a role in the educational process for African American students. The persistent state of African American students in special education programs appears to suggest that even in a system intended to serve the most marginalized students in the educational system, the White privilege and racism that are ingrained in the fabric of American history and society are still prevalent (Shealey, Lue, Brooks, & McCray, 2005).

Disproportionate representation is a complex phenomenon without a definite etiology or solution. As a result of this complexity, consensus has yet to be reached regarding the actual causes of this persistent dilemma. What is clear is that a variety of educational, sociocultural, socioeconomic, and teacher and school-related factors appear to contribute to the disproportionate representation of African American students in special education programs.

The professional literature offers various recourses that could potentially alleviate the issue of disproportionality. As well, several professional organizations have identified viable solutions, or “promising practices” that can be used to prevent and/ or reduce the problem. Chapter 2 expands on these practices in greater detail.

Statement of the Purpose

In light of the many and varied concerns that stem from the disproportionate representation of African American students in special education programs, the purpose

of this investigation is to examine the extent to which the practices suggested by the professional literature and national special education organizations to address the problem are being implemented in school districts in Virginia. Given the historical prevalence of this issue coupled with the magnitude of impact it has on the lives of African American students in the public school arena and beyond, this study is of major significance. Specifically, the No Child Left Behind Act of 2001 (NCLB), with its overriding emphasis on accountability, testing, sanctions, rewards, and public school choice, raises fears of educators concerned with the impact of the legislation on minority groups and on equity issues within public education. As Eugene Hickok Undersecretary for Education, aptly phrased it, “the goal of the law’s [NCLB] accountability provisions are to make it easier to determine how well students and schools are doing, make it more difficult to close one’s eyes to persistent underperformance by students and schools, and to close the achievement gap among students from various ethnic, socioeconomic, and learning groups” (p.22, as cited in Fusarelli, 2004). Because this federal mandate requires schools to look at the performance of all students, no longer is it acceptable for the concomitant characteristics affecting a vast majority of African American students (economically disadvantaged, ethnically diverse, and student with disabilities) to be used as excuses for low performance. Implementation of the promising practices may offer a viable way to meet the needs of diverse learners without the placement in special education programs.

As there is a robust literature base and a great deal of public interest on this topic, this study examined two critical questions and three corresponding sub-questions

regarding the disproportionate representation of African American students in special education programs. They are as follows:

- 1) What practices are currently being implemented to address the disproportionate representation of African American students in special education programs in Virginia public schools?
 - 1a. What is the relationship of division size to extent of implementation?
 - 1b. What is the relationship of proportion of African American students enrolled to extent of implementation?
 - 1c. What is the relationship of proportion of African American students with disabilities to extent of implementation?
- 2) How effective do special education leaders perceive the practices to be in addressing disproportionality?
 - 2a. What is the relationship of division size to perceived effectiveness?
 - 2b. What is the relationship of proportion of African American students enrolled to perceived effectiveness?
 - 2c. What is the relationship of African American students with disabilities to perceived effectiveness?

These research questions were answered using a mixed methods approach.

Quantitatively, data were obtained from a survey administered to 111 directors of special education in Virginia. Qualitatively, a content analysis of local school district action plans was conducted. The results of this study will be used to inform and guide the practices of school practitioners and other stakeholders such as administrators, central office personnel, and community leaders. Given that the reauthorization of IDEIA (2004)

requires states to design policies and procedures to prevent the disproportionate representation by race and ethnicity of children as children with disabilities, the results of this study may prove to be critical and informative in assisting with this process for school divisions in Virginia.

Limitations

Limitations are defined by Rudestam and Newton (2001) as “restrictions in the study over which you have no control” (p. 90). Accordingly, there are four limitations that the researcher has chosen to address in this study. As stated earlier, a survey will be used to collect data from the directors of special education in Virginia. The use of surveys raises the concern that this complex issue may likely be oversimplified if there are parameters attached to the number of questions and response options (Mertens & McLaughlin, 2002). To address this limitation, a content analysis of school division action plans was done in addition to the administration of the survey. Given such, the content analysis will help corroborate the findings from the quantitative methodology (U. S. General Accounting Office [GAO], 1996).

Another limitation in this study is related to the exploration of special education directors’ perceptions of effectiveness. There can be multiple interpretations and meanings of the word effective, and it is understood that there are likely to be variations in how each director defines the word. Therefore, the researcher has included some parameters in the survey instrument that allow the participants a range in which to quantify their responses regarding the level of effectiveness they believe each practice makes in terms of addressing the issue of disproportionality.

An important limitation identified in this study refers to a factor that can cause invalid responses on self-report instruments. The response set, which is the extent to which an individual's responses reflect a general predisposition rather than a careful response to the content of each item, identified in this study is social desirability. Social desirability is defined as the inclination to present oneself in a manner that will be viewed favorably by others (Gall, Gall, & Borg, 2003). Since a significant portion of the data collected will be self-reported by the participants, it is possible that some of the responses given may not accurately reflect the current views of the participant, but rather, be the response that the participant believes will cause others to view them in a positive fashion.

The final limitation outlined in this study pertains to the researcher's personal assumptions regarding the intent of special education in the nation's public schools. From a historical perspective, special education services were enacted to provide an education to groups of people who had been previously disenfranchised and banned from accessing the public education system. Since its inception as a federally mandated right, it has provided a quality education to those who may likely not have received any education at all. To this end, it is perceived to be a societal good. However, the paradigm shift central to this study does not conceptualize special education as a good. Rather, it decries the act of placing large numbers of students, particularly those of color, into special education programs because doing so is often deemed to be discriminatory in nature. Given such, this limitation impacts the study because the perception of the issue of disproportionality held by the study's participants is unknown. Since the context of this study is formed on the basis that the participants' share a similar view of the issue at hand, the findings will be significantly affected should this not be the case.

Delimitations

Delimitations are purposefully imposed limitations on the research design in a study (Rudestam & Newton, 2001). Although the data indicate that various other ethnic groups are disproportionately represented in special education programs, for the context of this study, African American students are the only group of the student population that will be examined.

Another delimitation in this study is the explicit reliance on school district's directors of special education as the only stakeholder group involved. While it is fully acknowledged that there are various stakeholders in the public school arena that can speak directly to the issue of disproportionate representation of African American students in special education programs, the researcher has specifically chosen this key leadership position because of the level of impact the person in this position has in the school district.

Directors of special education face significant leadership challenges in today's educational climate. Not only are they forced to interpret policy and oversee services for students with special needs, they are also the person in the school district who sets the tone and provides the leadership for principals, teachers, and related services staff who serves students with disabilities. Under these leaders, staff and related personnel have a myriad of responsibilities, some of which include curriculum development, program evaluation, and supervision of the work force to ensure that services are provided in an appropriate and efficient manner that also remains in compliance with existing laws and policies.

The duties and responsibilities of the director of special education are increasingly complex and will become even more challenging as student populations, accountability, educational reform, litigation and legislation continue to impact services to students with disabilities. Further, with particular regard to the issue of disproportionality, the director of special education bears the responsibility of facilitating the development and implementation of action plans to address the issue for their school districts, per the federal requirements of the IDEIA. To this end, the researcher believes that the district director of special education is the stakeholder who is best equipped to serve as the informant for the context of this study.

Definition of Terms

Action Plans. For the context of this study, an action plan is defined as the document completed by eleven local school divisions in Virginia who have African American student overrepresented in special education programs. The content of this plan outlines the actions and/or tasks special education leaders indicate they will use to address disproportionality in their divisions.

Alternative assessment practices. For the context of this study, alternative assessment practices refer to a variety of student-centered measures which include but are not limited to performance-based and portfolio assessment, curriculum-based assessment, rubrics, dynamic assessment, student journals and learning logs, and self-evaluation techniques (Artiles & Trent, 1994; Meyer & Patton, 2001; Rueda, 1997; Salend et al., 2002).

Categories of disabilities. There are thirteen categories of disabilities as defined by the IDEA. These categories are: mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, specific learning disabilities, multiple disabilities, deaf-blindness and developmental delay (IDEA, 1997).

Culturally responsive instruction. Instruction that specifically acknowledges the presence of culturally and linguistically diverse students in the classroom as well as the need for these students to find relevant connections among themselves, the subject matter, and the task they are asked to perform (Bynoe, 1998; Dekker et al., 2002; Gay, 1993; Ladson-Billings, 1994; Salend et al., 2002).

Director of Special Education. For the purpose of this study, director of special education refers to the central office-level administrator responsible for and/ or who has been assigned the duty of overseeing and supervising special education services in a given school division.

Disproportionality. Unequal proportion of group membership, either overrepresentation or underrepresentation (Smith, 2007).

District. Public institution and/ or agency that has administrative control over an area's elementary and secondary schools, referred to in Virginia as *divisions*.

Disproportionate representation. For the context of this study, it is the presence of students from a specific group in an educational program being higher or lower than one would expect based on their representation in the general population of students (Salend, Duhaney, and Montgomery, 2002). Likewise, Oswald, Coutinho, Best, and Signh (1999) define disproportionate representation as the extent to which membership in a given ethnic group affects the probability of being placed in a specific special education disability category. Both definitions are used interchangeably to refer to any variance between a group's representation in the general population and in one of the subgroups of special education or gifted education (Smith, 2007).

Early intervention services. Supports and services that are provided to children and their families at the onset of the identification of an academic and/ or behavioral problem.

Extent of implementation. For the context of this study, extent of implementation refers to the degree to which the practices are being used in school divisions to address

disproportionality. Extent of implementation can be identified as *never*, *sometimes*, or *very frequently*.

Free appropriate public education (FAPE). Students with disabilities receive FAPE when their special education and related services are provided at public expense, are supervised by appropriate public personnel, meet the school district's standards for education, and conform with the student's IEP (IDEA, 2004).

General education curriculum. The content that is aligned to state standards and taught by a certified teacher to students without disabilities.

Overrepresentation. Overrepresentation in special education occurs when the percentage of students in special education exceeds the percentage of children in the general school population (Smith, 2007).

Parental involvement. For the context of this study, parental involvement pertains to the role and level of engagement that parents/ guardians assume with their children, particularly in the educational arena.

Perceived effectiveness. For the context of this study, perceived effectiveness is the degree to which the practices being used are working to alleviate the disproportionate representation of African American students in special education. Practices can be determined to be *not applicable*, *not effective*, *somewhat effective*, or *very effective*.

Postsecondary outcomes. Any outcome that results when students leave the confines of K-12 education. This term includes employment and involvement in higher education.

Pre-referral intervention strategies. A preventive, a team-based problem-solving approach designed to help teachers gather information about students and devise and

implement interventions to address students' needs prior to referral for special education services (Artiles & Trent, 1994; Hosp & Reschly, 2002; Oswald et al., 1999; Salend et al., 2002).

Practice. For the purpose of this study, this term refers to any strategy or method that has a strong likelihood, based on evidence-based research, of leading to a decrease in the number of African American students referred to and ultimately placed in a special education program.

Region. School divisions in Virginia are organized by superintendent "study groups" called Regions. There are eight regions in Virginia. For the context of this study, school divisions representing all eight regions will be involved.

Separate educational setting. Any educational environment that solely includes students with disabilities.

Staff development. For the context of this study, staff development refers to both pre-service and in-service activities specifically designed to enhance educators' attitudes, perceptions, beliefs, and actions to help students from culturally diverse backgrounds achieve academic success. It is also referred to as professional development.

Underrepresentation. Underrepresentation in special education occurs when the percentage of students in special education is less than the percentage of children in the general school population (specific to ethnicity and categories of disability).

CHAPTER 2: REVIEW OF THE LITERATURE

Exclusion of African American Students from Public Education

It should come as no surprise that there are likely more commonalities among the various societies of the world than there are differences. One overarching commonality that transcends world cultures is the existence of a classification system for humans. In fact, Blanchett, Brantlinger, and Shealey (2005) reviewed a study conducted by Donald Brown in 1991, and highlighted that his findings indicate the most common universal across world societies is the existence of a hierarchial arrangement for judging the status and value of citizens. This system of rank and order has permeated practically every fiber of American society and is especially true in the educational arena.

Historically, the American educational system considered it to be an appropriate practice to exclude certain students. For example, during the Civil War era, it was against the law for Blacks to receive an education. After this period, however, they were not completely exempted from the educational process, but it clearly was not on equal par to that afforded to others. Most education received by African American students during this time was relegated to segregated environments which were in no way comparable to the education received by their non-white counterparts (Blanchett, Mumford, & Beachum, 2005). In many cases, these students were forced to walk several miles to school, bypassing their neighborhood schools that were reserved for white students only. In no case was this more true than in Topeka, Kansas in the 1950s. Tired of the blatant discrimination faced by their daughter, Linda, the Brown family sought the help of the National Association for the Advancement of Colored People (NAACP) to assist them in their challenge of segregated public schools. The issue of segregated schools, coupled

with the poor physical condition of the school and scarcity of resources available prompted other African American families to join the Brown family in their challenge. Ultimately, the exclusion of African American students from public schools led to the landmark Supreme Court decision of the *Brown v. Board of Education* in 1954.

The Board of Education argued that segregated schools simply prepared Black children for the segregation they would face during adulthood, as segregation in Topeka and in most other southern states permeated most other aspects of life for Blacks. The board also viewed segregated schools as unharmed to Black children. To support this position, they used the success of great African Americans who were all products of segregated schools and other racial and class obstacles such as Frederick Douglass, Booker T. Washington, and George Washington Carver as the basis of their argument (Blanchett, Mumford, et al., 2005). The NAACP's counter argument, however, stated that Black schools were, in fact, inferior to White schools because of their poor physical conditions and the limited resources provided to them. Given these conditions, their children were deprived of their most basic civil right: an equal opportunity to learn.

On May 17, 1954, a landmark decision was rendered in this case overturning 60 years of legalized, de facto discrimination in public education. Blanchett, Mumford, et al. (2005) noted what was said in Chief Justice Earl Warren's decision for the Court:

“We come to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other “tangible” factors may be equal, deprive the children of the minority group of educational opportunities? We believe that it does. We conclude that in the field of public education the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.” (p.2)

Revered as the single most important court decision in American educational history, this case overturned the “separate but equal” clause of a previous case, *Plessy v. Ferguson* of 1896 and established that segregated schools denied African American students of their constitutional rights guaranteed to them in the 14th amendment (Blanchett, et al., 2005). This decision made a promise that every child would have access to the same quality public education afforded to Whites and that the desegregation of schools across the nation would end with “all deliberate speed.” However, it was not specific with regard to a time frame for this action. Consequently, it took 2 decades to break down the walls of segregation and move toward physical integration (Blanchett et al., 2005). Getting to this point was not without the blood, sweat, and tears of civil rights activists and other societal figures who believed that integration would lead to a quality education and ultimately, a better quality of life, for Black children. Suffice it to say, more than fifty years after this ruling, access to a quality, fully integrated education continues to be an uphill battle for African American students. Undeniably, public schools, especially in urban inner cities, are as segregated as they ever were and factors other than race are being used to justify the continuation of segregated classrooms and placements for this group of students (Losen & Orfield, 2002).

Post-Brown Federal Involvement in Public Education

Ten years after the *Brown* decision, Congress increased its involvement in the educational arena by promulgating several legislative mandates. One of the initial pieces of legislation that was enacted is the Civil Rights Act of 1964. The purpose of this Act was to serve as a voice of authority due to the widespread resistance to court-ordered desegregation, as many school districts across the nation were accused of using special

education and tracking as a diversionary means of segregation (Daniels, 1998).

Essentially, this Act's stated purpose was "to the end that no person in the United States shall; on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Education (U.S. Dept. of Education, Office of Civil Rights, 2003). The Civil Rights Act was the first piece of federal legislation that required school districts receiving federal financial assistance to ensure nondiscrimination on the basis of race, color, or national origin (Artiles, 1998). The threat to withhold financial assistance to schools in instances of discriminatory practices was used to force many school districts into compliance with the ruling of Brown and the law.

In 1965, the Elementary and Secondary Education Act (ESEA) was passed. This Act was the original federal commitment to improving education for elementary and secondary-aged students identified as "educationally disadvantaged", or in other words, students with diverse education needs (Murdick et al., 2006). Children with disabilities were included in this category. The ESEA came with a financial incentive that provided programs to assist disadvantaged children, instructional materials, centers for educational innovation and research, and state educational agencies. Because of this Act, school districts had assistance in educating groups of children who had previously been denied access to an education.

Public Law 94-142, the Education for All Handicapped Children Act (EAHCA) was enacted in 1975. Public Law 94-142 guaranteed a free, appropriate public education to each child with a disability in every state and locality across the country. Accordingly,

this Act attached a bill of rights for children with disabilities to federal funding. Additionally, the Act placed the educational responsibility of students with disabilities on the states and mandated that these entities fully educate these children. Murdick et al. noted that the purpose of this Act was: (a) to ensure that all children with disabilities have available to them a free, appropriate public education that includes special education and related services designed to meet their individual needs; (b) to ensure the rights of children with disabilities and their parents are protected; (c) to assist States and localities to provide for the education of all children with disabilities; and (d) to assess and ensure the effectiveness of efforts to educate those children.

Additionally, P.L. 94-142 has delineated six basic principles that are related to the core meaning of the Act. States receiving federal funds are required to comply with the federal mandates. According to Murdick et al., these include:

1. *Zero Reject/FAPE*. This mandate specified that all children, regardless of ability, are guaranteed a free and appropriate public education (FAPE). Local school systems were mandated to serve children ages 6-17 (and ages 3-5 and 18-21 if the state also educated nondisabled children in those age groups).
2. *Nondiscriminatory Identification and Evaluation*. In order to address inequitable practices resulting in misidentification and placement of individuals into special education (such as culturally and linguistically diverse children) this mandate identified several essential safeguards. These included assessments which were: (a) administered in a child's primary language, (b) given by qualified personnel, (c) tailored to assess specific areas of need, (d) comprised of more than one procedure, (e) selected so as not to discriminate against the child's disability, and (f)

administered by a multidisciplinary team in all areas related to the suspected disability.

3. *Individualized Education Program (IEP)*. An IEP must be written for each student with an identified disability. Each IEP is uniquely designed to meet the individual needs of a particular student. A team of individuals known as the IEP team meet annually to develop or up-date the IEP for all students receiving special education or related services. The IEP team consists of professionals, parents, and child, as appropriate. IEPs must include the following statements or information: (a) present levels of educational performance, (b) measurable annual goals including benchmark or short term objectives, (c) objective criteria and evaluation procedures, (d) specific special education and related services, (e) extent of participation in general education and an explanation of non-participation, (f) modifications to the general education environment, (g) projected dates for initiation and duration of services, and (h) annual evaluation of progress made on the IEP. IEP teams can convene at any time, but must meet at least annually.

4. *Least Restrictive Environment (LRE)*. PL 94-142 mandates that "To the maximum extent appropriate, children with disabilities, including children in public or private institution or other care facilities, are to be educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occur only when the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." The concept of LRE necessitates that children with and without disabilities should be educated

together unless it does not meet the child's needs. The philosophy is to move as close to the normal setting (regular classroom) as feasible for each child.

There is a reemergence of Least Restrictive Environment (LRE) discussion in federal case law as it pertains to the implementation of the No Child Left Behind (NCLB) policy, particularly as a result of the requirement for all students to achieve the Adequate Yearly Progress (AYP). Given this mandate, educators are facing increased pressure to work together in helping disabled students gain access to the general education curriculum (Armeta & Beckers, 2006; Grant, 2005; Kraft, 2007). This has implications for how schools make placement decision for students with disabilities. Accordingly, the focus has shifted from looking at the child's socialization skills when determining LRE to what they are learning in the general education curriculum and their academic instruction.

Much of the literature has examined the degree of inclusion of students with disabilities in general education classes, or the LRE. One such study, which focused on four elementary and four secondary schools, reviewed the similarities and differences in how special education services were offered and the ways in which students with disabilities were supported in the LRE. Staff perceptions of special education services were examined by conducting personal interviews with a large majority of the classroom teachers, special education teachers, instructional assistants, and principals in each school. The findings include descriptions of how far along each school was with inclusion, the amount of time students spent in general education, the roles of the special education teachers, the rates of student referrals for special education consideration, the attitudes of all staff toward inclusion and toward collaboration, and the skills of the teachers related to the inclusion of special education students. The findings also include

descriptions of the impact of inclusion on other students, the performance of all students on a statewide test, and the qualitative responses of educators toward inclusion. Overall, educators were positive about educating students with disabilities in general education settings. They were conservative about how to best do this, with many of them preferring to have the included students accompanied by a special education teacher or instructional assistant or continuing to have resource room services. Nearly everyone favored using instructional assistants to help all students, not just the students with disabilities. Most educators reported feeling positive about working collaboratively and felt they had administrative support to offer inclusive education programs (Idol, 2006). The state of Missouri investigated the cost of educating students with disabilities in the least restrictive environment in 2006 and deemed it not only an accepted best practice, but also cheaper one (Walton, 2006).

5. *Due Process*. Due Process is a system of checks and balances to ensure accountability and fairness for students with disabilities and their families. Families and school districts can exercise their Fourteenth Amendment rights to due process. These procedures include the following: (a) written parental permission for evaluation for special education, (b) written parental permission prior to placement in special education program, (c) parent right to review and question any of their child's records, (d) parental right to an independent educational evaluation for their child, (e) parents (and school officials) have a right to a hearing, to present evidence, to have a lawyer present, and to call and confront witnesses, (f) parents and school officials have the right to appeal, and (g) confidentiality concerning students and their families must be maintained.

6. *Parental Participation.* Parents have the right to be included in placement decision, IEP development, and evaluation. Schools should collaborate and communicate consistently with family members. Parents also have the right to access their child's educational records.

Even in the midst of well-intentioned legislative action designed to level the playing field for all of the nation's children, African American children continue to lag behind their white peers in terms of access to a quality education. As a result of this lag, their presence in special education programs has reached insurmountable proportions (Hosp & Reschly, 2002; Patton, 1998). The unintended outcomes experienced due to this plight include lack of access to a quality educational curriculum, restrictive educational placements, diminished postsecondary employment rates, increased drop-out rates, and pronounced exposure to the criminal justice system.

Definition and Calculation Methods of Disproportionate Representation

Disproportionate representation is defined by Salend, Duhaney, and Montgomery (2002) as the presence of students from a specific group in an educational program being higher or lower than one would expect based on their representation in the general population of students. Oswald et al., (1999) define disproportionate representation as the extent to which membership in a given ethnic group affects the probability of being placed in a specific special education disability category. Both definitions are used interchangeably to refer primarily to students who are either overrepresented or underrepresented in educational programs. The context of this study refers solely to the overrepresentation of African American students in special education programs.

There is consensus that disproportionality is problematic and thus, determining the extent of its existence is critical in establishing how large-scale the problem truly is. It is important to note that as yet, there is no one method agreed upon by all for calculating disproportionate representation; thus, a variety of calculation methods are used. Accordingly, it should be expected that different methods of calculation provide a different picture of the nature and severity of the same issue. The four calculation methods found in the literature are discussed in the following sections.

The composite index (CI) compares the percentage of students from different racial groups within a certain category or placement. It is calculated by dividing the number of students from a given racial group enrolled in a program or category by the total number of students enrolled in the same program or category (Macmillan & Reschly, 1998). It is important to note that this calculation method has been criticized for inflating the appearance of disproportionality.

Another method is the risk index (RI), which uses data to determine the percentage of a student subgroup in a given category or placement (Hosp & Reschly, 2002). It is calculated by dividing the number of students from a certain group (e.g., African American) in a certain group or placement (e.g., MR) by the total number of students in that group.

The odds ratio (OR) was used by Finn (1982) to explore another approach to compare groups of students. It allows researchers to determine the probability that a student belonging to a specified racial group will be identified in a particular category or program. It is calculated by taking the number of students of a particular group in a particular category and dividing that number by the number of students in that group not

in that category. The resulting number is then divided by the odds of students of all other groups being identified for the same category. This method provides a consistent measure of the likelihood of a certain event occurring.

The relative risk is another calculation method that has been proposed (Hosp & Reschly, 2002). It compares the risk index for one group to the risk index for another group. As well, this method allows for the use of quantitative analysis and interpretation in lieu of the others, which have previously relied on more qualitative perspectives. Regardless of the calculation method utilized, similar trends have been observed for the past three decades and continue to illustrate that African American students are disproportionately represented in special education programs.

Despite the fact that there is a wealth of literature that confirms that African American students are disproportionately represented in special education programs, it has been suggested that this issue is not truly problematic. MacMillan & Reschly (1998) argue that when different calculation methods are used, they each provide a different perspective on the problem. Furthermore, since OCR efforts of monitoring disproportionality only focuses on four of the thirteen disability areas (mental retardation, serious emotional disturbance, specific learning disabilities, and speech and language impairments), this clearly illustrates that the problem of overrepresentation in special education only exists in the areas deemed “judgmental” disability categories. Therefore, they posit that OCR’s lack of scrutiny into the other nine disability areas serves as proof that disproportionate representation is not a valid problem in the field of special education. Regardless of this counter position, however, the literature is sufficiently laden

with documented evidence that disproportionality not only exists, but that it also creates educational inequity and jeopardizes the opportunities for African American students.

Historical Prevalence of Disproportionality

Lloyd Dunn (1968) brought the issue of segregation to public awareness by documenting disproportionate numbers of African Americans, Mexican, Puerto Rican, and American Indian students placed in classes for students with mental retardation. Dunn's paper included 1968 statistics from the U.S. Office of Education that demonstrated that 80% of the students with mental retardation were from ethnic/ racial minority groups and low socioeconomic backgrounds. In general, serious doubts were cast about the benefits of special education for struggling students of any race or ethnicity.

Dunn (1968) challenged the field of education to eliminate segregation and labeling practices, which made the profusion of self-contained classes in schools a civil rights issue. According to Dunn, the "expensive proliferation of self-contained special education schools and classes raise serious educational and civil rights issues which must be squarely faced" (p. 6). He continued, "We must stop segregating by placing them into our allegedly special programs" (p. 6). Specifically, Dunn noted that such action likely contributes to feelings of inferiority and problems with acceptance on behalf of these students, and he called the public's attention to the negative impact of labeling and removing students from the general education environment. Subsequently, Dunn called for a blueprint of change, including a concerted effort to keep more students in general education classes and to modify the role of special educators into more prescriptive teaching. Thus, because of the Civil Rights Movement, the Coleman Report (1966), and

the subsequent public indictment during a time of great concern for the disadvantaged, including a majority of African American students, Dunn's report was seen as timely and relevant (Artiles & Trent, 1994).

This issue was further studied by other researchers and their findings are documented. In 1979, a National Academy of Sciences (NAS) panel was formed to determine the factors that account for the disproportionate representation of minority students and boys in special education and to identify placement criteria and practices that do not affect minority students and male students disproportionately (Heller et al., 1982). The study explored the recurring dimensions of the problem, common to a variety of causes as the researchers attempted to understand "under what circumstances does disproportion constitute a problem?" (p. 18). The central focus of the Heller et al. study, which culminated in a report released in 1982, was on validity of the referral process, procedures used in assessing students and quality of the instructional programs and services administered to students in special education programs. It was concluded that disproportionality becomes a problem when (a) students are being tracked; (b) students are placed in "dead-end" situations, never to reenter the regular education classroom; (c) students with disabilities are isolated from their non-disabled peers; and (d) educational placements offer few valid educational services.

As a result of these conclusions, the panel made several suggestions in their 1982 report. They include the following:

1. Regular education teachers are responsible for engaging in multiple educational

interventions and for noting the effects of such interventions on a student experiencing academic failure before referring the student for special education assessment;

2. Administrators, district leaders, and school boards are responsible for ensuring that alternative instructional resources are made available;
3. The assessment specialists are responsible for demonstrating that the measures employed validly assess the referred student's potential ability to function in the regular classroom;
4. The placement team that labels and places a student in a special program is responsible for demonstrating that any differential label used is related to a distinctive prescription for the educational practices and that these practices are likely to improve outcomes not achievable in the regular classroom;
5. The special education evaluation staff is responsible for systematically demonstrating that high-quality, effective special education services are provided and that the goals could not be achieved as effectively within the regular classroom;
6. The special education staff is responsible for demonstrating on an annual basis whether a student should remain in the special education class or exit into a regular education class; and
7. In accordance with the law, a student should be retained in special education only after assessors adequately demonstrate that the student was able to meet specified educational objectives and ensure that all efforts were made to achieve these objectives.

Similarly, Deno (1994) contended, “Change in educational practice is imperative if true equality of educational opportunity for all children is to be achieved” (p. 233). Deno attended to the pathological model being used to identify and serve children in special education programs and services. Her 1970 article urged less segregation and more socially inclusive support for students at risk for school failure in the educational system. This “cascade of services” redesigned special education. It called for resource teachers to act as consultants to regular education teachers in designing individualized instruction to meet the needs of all children. This would mean that special education students would remain in regular classrooms. Deno pointed out that the reassignment of special education teachers into general education classrooms would accomplish two desired outcomes. First, it would increase the regular education teachers’ ability to meet special needs as part of the responsibility of a teacher. Second, this model would help the struggling student feel less incompetent.

Some 20 years later, the issue of disproportionate representation of minority students in special education continues to plague the nation. In 2002, Congress asked the National Research Council to reexamine the issue. The 2002 National Research Council study (Donovan & Cross, 2002) documented at both the national and state levels a consistent pattern of disproportionality across disability categories and ethnic classifications. The committee did not view the problem of disproportionate representation in special education as one of simply eliminating racial/ ethnic differences in assignment. Rather, the report concluded that the entire process has sufficient conceptual and procedural deficiencies rendering it unable to ensure that appropriate students are being identified. Additionally, the study concluded that the entire process is

influenced toward referral and placement only after a student had experienced failure, therefore ensuring that the student's problems will become relatively overwhelming by the time the student is placed in special education (Donovan & Cross; Heller et al., 1982). Therefore, the National Research Council's 2002 study recommended that schools provide earlier intervention strategies and advised that no student be determined eligible for special education without evidence of deficient response to high-quality interventions. This practice is referred to as "Response to Intervention" (RTI) and it will be discussed in greater detail in a later section.

Demographic Trends

From a national perspective, the disproportionate representation of African American students has been consistently documented at the national level. According to the Annual Reports to Congress on the Implementation of the Individuals with Disabilities Education Act, the following trends have been noted in three consecutive reports, namely the 25th through the 27th:

- Black students with disabilities exceed their representation among the resident population;
- The percentages of Black students receiving services for mental retardation or emotional disturbance are higher when compared with the average percentages for all students with disabilities;
- While 16.6 percent of children between the ages of 6 and 21 in the general population are Hispanic and 15.1 percent are Black, Black students make up a larger portion of students served under IDEA than do Hispanic students;

- Black students are 2.99 times more likely to be classified as having mental retardation and 2.21 times more likely to be classified as having emotional disturbance than all other group combined; and
- The percentage of Black students with disabilities who received special education services for mental retardation is substantially higher than the percentage for any other racial/ ethnic group.

Likewise, from a state level, the Commonwealth of Virginia is not exempt from association with this dilemma. The 25th Annual Report to Congress highlighted national data from 2001 to 2003. This report showed that Black students aged 6-21 accounted for 24.1 percent of national school-aged population. However, 25.7 percent of Black students comprised the special education population in the nation. This statistic shows that black students' representation in the special education programs exceeded their overall representation in the general population. In the Commonwealth of Virginia during the 2004- 2005 school year, fall membership data indicated that 321,361 Black students (26.7 %) were enrolled in Virginia public schools. However, 53,254 of these students (30.5 %) were also included in special education programs in the state. More recent data from the 2006- 2007 school year depicts the same grim statistics. Black students comprised 26.1% of the school-aged population in Virginia public schools, yet they comprised 30.7 % of the special education population. Stated another way, 5,624 African American students were over-identified and placed in special education programs (see Appendix A). Clearly, this illustrates the essence of the problem of disproportionate representation of African American students in special education programs at both the national and state level.

More importantly, it confirms that the issue of disproportionality is persistently problematic for Virginia public school divisions.

In order to examine the probable causes as to why the statistics regarding disproportionality remain stagnant in Virginia, it is critical to discuss how it is calculated by the VDOE. One unique feature that the Virginia Department of Education has employed in previous years is the use of tolerance levels. When calculating the level of disproportionality in special education programs among racial/ ethnic groups, the state calculated what would be expected based upon each racial/ ethnic group's existence in the overall school population compared to their existence in special education programs. It then added twenty percent to this expected number and called it an adjusted expected number. The tolerance percentage allows for variability and unique circumstances within school divisions. Essentially, it allows school divisions to have more students in special education programs because of the various contributing factors that some experience more so than others (personal communication with P. R., May 26, 2006). For example, school divisions with higher minority populations from low-socioeconomic backgrounds typically had African American students disproportionately represented in special education programs simply because of these factors. This calculation method has been recognized by the U.S. Department of Education's Office of Special Education Programs (OSEP) as appropriate for states to use (VDOE Supt's Memo No. 166, 2002). However, even in the midst of this variability, the Fall Membership data from 2004- 2006 school years indicate that several school divisions in Virginia still exceeded the adjusted expected number in overwhelming proportions.

As mentioned previously, there has been an increased level of scrutiny to the issue of disproportionality due to the federal mandates of The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) and NCLB. Given such, the VDOE found it necessary to decrease the tolerance levels used to calculate disproportionality from twenty percent to five percent. The new five percent tolerance level was used to determine which school divisions were disproportionate for the 2006- 2007 school year. According to Dr. Vivian Stith-Williams who serves as the state specialist in the area of disproportionality, this change marks a greater effort to identify the school divisions who were able to avoid being considered disproportionate in previous years based on such a high tolerance level (personal communication, October 11, 2007). As a result of this change, eighty-three school divisions across the state of Virginia were found to be disproportionate. This is an increase of approximately thirty school divisions from the 2004- 2005 and 2005- 2006 school years.

In response to having African American students disproportionately represented in special education programs based on the VDOE's analysis of their data, school divisions were required to reexamine their data to determine if their disproportionality was due to inappropriate identification. This mandate stems from the IDEIA since it requires states to submit a State Performance Plan (SPP) in which they report publicly on various indicators. Indicators 9 and 10 relate specifically to disproportionality. Indicator 9 requires reporting on the percent of divisions with disproportionate representation in special education and related services that is the result of inappropriate identification. Indicator 10 requires reporting on the percentage of divisions with disproportionate representation of racial and ethnic groups that is the result of inappropriate identification

in the six specific disability categories. In order to facilitate this process, the VDOE developed a record review procedure that school divisions had to use in their review of the initial referral and/ or eligibility records of those students (aged 6-21) found eligible for special education services during the 2006- 2007 school year. The established criteria assisted school divisions with determining when their referral and/ or eligibility decisions led to inappropriate identification of students for special education services. For example, this criteria recommends that students should be considered inappropriately identified for special education services when a referral: a) lacks an established process to review records and other performance evidence of any student referred for learning, behavior, communication or developmental concerns; b) lacks documentation of the general education intervention strategies for a reasonable period of time for the area of concern and timelines of implementation used with the student; c) lacks a written summary review of the student's records- health, attendance, discipline, school transfers, previous diagnostic evaluations, anecdotal records; assessment data such as standard or achievement test scores and grades; d) lacks consideration of cultural/linguistic (i.e. English Language Learners) and environmental factors that might be contributing to school difficulties; e) lacks family information/ input (as appropriate); and f) lacks data/ documentation from a variety of sources. This criteria also outlines when inappropriate identification may occur during the eligibility process. Specifically, when the eligibility decision making process lacks a) comprehensive data across all areas including academic, cognitive, adaptive, emotional/ behavioral, language, social and motor; b) consideration of all data sources, including intervention data, in determining eligibility and planning for a more intensive level of service; c) evidence of appropriate instruction in reading,

including the essential components of reading instruction (explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency, including oral reading skills, and reading comprehension strategies) as defined in section 1208 of the Elementary and Secondary Act (ESEA) of 1965; and; d) evidence as appropriate instruction in math (i.e. number/ number sense, computation/ estimation, measurement, geometry, probability/ statistics, and patterns, functions and algebra).

School divisions were required to send the data from the record reviews to the VDOE by September 3, 2007. The VDOE will review the data and send written documentation of their results to the school divisions. If the results of the record reviews indicate inappropriate identification in initial referrals and/ or eligibility determinations, the VDOE will provide school divisions with guidance to develop an Action Plan to address these concerns.

Factors Contributing to Disproportionality

As an area of research, disproportionality is complex without a definite etiology or solution. As a result of this complexity, consensus has yet to be reached regarding the actual causes of this persistent dilemma. What is clear is that a myriad of factors appear to contribute to the disproportionate representation of African American students in special education programs. The scope of the empirical research reviewed offers evidence that a variety of factors significantly impact the likelihood that African American students end up in these programs. These can best be described under the broad categories of school, teacher, and family factors.

School Factors

There are numerous aspects of the school environment that contribute to the disproportionate representation of African American students in special education programs. The following section will discuss the school-based factors of referral and assessment, including the pertinent litigation and sociocultural concerns surrounding the issues of assessment, eligibility, and school climate.

Referral patterns

Teachers must make decisions regarding what to do when students are difficult to teach. Lack of achievement and/ or behavioral concerns are the most typical causes teachers have to make decisions about individual students in this manner. A teacher's belief in his or her effectiveness, or efficacy, is an important factor relating to decision making in the classroom. Teacher self-efficacy has been defined as the conviction that one can successfully bring about the desired outcome in one's students (Gibson & Dembo, 1984). When this sense of teacher self-efficacy is absent, teachers more easily subscribe to the belief that their classroom is not the correct place for these students, and thus, generate a referral to special education. As such, referral for assessment has been cited as one of the most important predictors of special education eligibility (Algozzine, Christenson, & Ysseldyke, 1982).

Meijer and Foster (1988) conducted one of the first studies that examined the relationship between teacher efficacy and referral to special education. They found that teachers who had high personal efficacy were less likely to refer students. The study was further explored by Soodak and Podell (1993) by which regular education teachers were given case studies of hypothetical regular education students of varying socioeconomic

status with reading difficulties. The teachers were asked to rate the appropriateness of the student's current placement as well as how likely they would be to refer such a student to special education. Results from the Teacher Efficacy Scale (Gibson & Dembo, 1984) indicated a relationship between teacher efficacy and student SES. More specifically, teachers with higher degrees of teacher efficacy were found to refer fewer students to special education. Hence, when teachers feel that they can have an effect on a student's learning and/ or behavior, they are more likely to believe that atypical students belong in their classes.

Referrals are a rich source of information regarding why teachers decide to seek assistance for certain students. As well, they provide a great deal of insight into the teacher's perception of that student academic or behavior performance. For African American students, there is a strong correlation between being referred for an assessment for special education and ultimately being placed in special education programs. In a study investigating the referral for special education evaluation to placement in special education programs, Algozzine et al. (1982) found that there is a 92% probability that if a student is referred for a psychoeducational evaluation, he or she will be tested. Likewise, once the student has been tested, there is a 73% probability that the student will be found eligible for special education services. Similarly, Foster, Ysseldyke, Casey, and Thurlow (1984) conducted a study to examine the relationship between referral and special education outcomes. Specifically, the researchers investigated the extent to which referrals indicating specific disabilities were verified by placement teams. It is important to note that the state in which this study was conducted required the referring source to indicate the category of special education for which it was believed that the student was

eligible. The findings indicate that the majority of the students were placed in the special education category for which they had been referred. Following in this vein is the study by Hosp & Reschly (2002), wherein these researchers conducted a meta-analysis in which they hypothesized that the referral rates for African American students are consistent with their eligibility rates for special education. Noteworthy findings from this study indicate that when compared with their Caucasian peers, African American students were 1.32 times more likely to be referred. Since African American students are referred to and subsequently placed in special education at rates that are inconsistent with their presence in the total school population, it is critical to examine the reasons for the referrals. Ultimately, all of the studies support that the referral process itself actually influences the outcomes for special education services.

The literature continues to be steady and robust with data that confirms that culturally diverse learners' ways of knowing may not be compatible with the policies and procedures of school. For this very reason, these students may be viewed as lacking motivation and academic potential (Gay, 1993; Meyer & Patton, 2001; Neal, McCray, Webb-Johnson, & Bridgest, 2003; Patton, 1998). As a result, these students, who are more often than not, African American males, end up being referred for consideration for special education services. Oswald et al. (1999) contend that teachers often incorrectly refer African American students who are not disabled but who behave, attend or learn differently than their White, middle class peers. In such instances, variations in their behavior and/ or learning styles are often misclassified as a disability rather than acknowledgement of their cultural difference (Oswald et al., 1999; Patton, 1998; Salend

et al., 2002). These cultural differences not only impact the referral practices, but have significant implications for the assessment process as well.

Assessment methods

Once students are referred for special education, they must undergo a battery of assessments. Assessment instruments used in multidisciplinary evaluations fall into three general categories: (1) aptitude tests, also known as intelligence tests, I.Q. tests, or tests of ability; (2) achievement tests; and (3) other instruments that are similar to but are not tests. Aptitude tests, which are designed to measure one's cognitive ability or intelligence, have been at the center of controversy in the disproportionality dilemma. From a historical perspective, these tests have received widespread criticism over their validity and other claims the scores purport to measure.

The first intelligence test, called the Binet-Simon Test of Intelligence, was developed by Binet and Simon during the beginning of the 20th century as a method of identifying children whose lack of school success indicated a need for specialized instruction (Green, McIntosh, Cook-Morales, & Robinson-Zanartu, 2005). Even though the focus was on intelligence, the creators of the test were reluctant to specifically claim that the purpose of the test was to measure intelligence. Furthermore, they refrained from suggesting any causal factors of poor performance on the test itself or school performance. In fact, Binet and Simon fully believed that intelligence is "highly teachable and modifiable", not as a "fixed, innate quality" (as cited in Green, et al.). Despite their original belief about this test, its appearance in the United States came with a drastically transformed interpretation, namely that it was a proven measure of innate intelligence. It

was at this point that this test began to be used as a means to rank-order members of society.

According to Green et al., (2005), Terman was the primary facilitator of the use of I.Q. tests in the United States for this purpose during the 1900s. Moreover, his goal was to create a rational society that would allocate professions based on I.Q. scores. As well, he wanted to establish a “gradation of innate ability that could sort all children into their proper stations in life” (p.83). He further suggested that, because of their poor test performance, Indians, Mexicans, and Negroes should be educated in segregated, special classes focusing on making them efficient workers. This notion was widely accepted and thus, used as justification for segregated schools for African Americans and other disenfranchised groups deemed innately incapable of becoming educated.

This same assumption was recently reiterated in a book called *The Bell Curve* (Herrnstein & Murray, 1994). The authors of this book posit three basic points about the nature and meaning of intelligence. They are: 1) Intelligence is largely inherited, fixed, and distributed equally across groups; 2) It is represented by a single measure of cognitive ability that is predictive of life success; and 3) It is not substantially affected by education, health care, or other environmental factors (as cited in Darling-Hammond, 1995). Darling-Hammond (1995) points out flaws in these arguments based on a substantial body of current data and counters with the following: 1) Education makes a profound difference in attainment; 2) Educational opportunities are more equally distributed in this society than in nearly another other; and 3) When students have equal access to high-quality curriculums, teachers, and school resources, disparities in achievement narrow sharply (p. 341). Unfortunately, however, despite this valid counter

argument, the original premise regarding intelligence continues to prevail and has implications for assessment practices today.

A major problem with assessment practices today is the abuse and misuse of standardized tests as a means to judge intelligence, to inappropriately categorize and label students, and to determine student placement in special education programs based on results of their test performance (Hosp & Reschly, 2002). The content of an I.Q. test is based on norms and values of the dominant culture and is ultimately biased against students of color (Harry, 1994; Patton, 1998). Because I.Q. tests are typically the primary criterion that eligibility teams use to determine if a student is eligible for special education services, culturally and linguistically diverse learners are at the disadvantage of being eligible more often for these services because these assessments do not accurately reflect their abilities or potential (Donovan & Cross, 2002; Patton, 1998; Salend et al., 2002). As such, a dilemma exists in the psychoeducational assessment of minority group children. A large percentage of African American students have been victimized and inappropriately placed in special educational programs due to standardized test scores that continually reflect racial bias (Patton, 1998). Steele and Aronson (1995) offer a unique parallel to this perspective via a phenomenon they have coined "stereotype threat". They hypothesized that when a person enters a situation in which a stereotype of a group to which the person belongs becomes salient, concerns about being judged according to that stereotype arise and inhibit performance. Although this phenomenon can affect performance in many domains, one area that has been the focus of much research is the applicability of stereotype threat to the context of cognitive ability testing. According to the theory, when members of racial minority groups encounter tests, their

awareness of the common finding that members of some minority groups tend to score lower on average on tests leads to concern that they may do poorly on the test and thus confirm the stereotype. This concern detracts from their ability to focus all of their attention on the test and results in poorer test performance. These researchers initially obtained support for this theory through a series of laboratory experiments. The basic paradigm was used with high-achieving majority and minority students as research participants and the study compared test performance when stereotype threat was induced and when it was not. One mechanism for inducing threat was via an instructional set. In the stereotype threat condition, participants were told that they would be given a test of intelligence; in the non-threat condition, they were told they would be given a problem-solving task that the researchers had developed. All participants received the same test. The researchers reported a larger majority–minority difference in the threat condition than in the non-threat condition, a finding supportive of the idea that the presence of stereotype threat inhibits minority group performance.

Based on the discussions above, it is clear that the assessment process bears a large part of the blame for the disproportionate representation of African American students in special education programs due to the alleged bias associated with these tests. Significant litigation has stemmed from this very issue.

Relevant litigation. Since the 1960s, several federal courts have examined the issue of disproportionate classification and placement of minority students in special education classes. The litigation investigating the appropriateness of laws used to place students in special education focused primarily on assessment, the rights of students to a free and appropriate public education, and the disproportionate representation of ethnic

minority individuals in classes for students with mild mental retardation (Hoy & Gregg, 1994; Sattler, 1988). One case in particular, the *Hobson v. Hansen* case of 1967, set a precedent for cultural fairness in testing (Luftwig, 1989). This litigation confirmed the disproportionate placement of African American students in special education classes. It also addressed the issue of using the results of standardized tests, which the court found to be biased and culturally unfair, as the sole basis for determining placement in special education classes.

Along these same lines, plaintiffs in the *Diana v. State Board of Education* case of 1970, alleged that Mexican American children were placed inappropriately in a class for students with mental retardation on the basis of biased intellectual tests (Reschly & Bersoff, 1999). These plaintiffs, along with those in the *Guadalupe Organization v. Tempe Elementary School District* case, presented data showing that minority students were overrepresented in special education classes at a rate of 2 to 3 times their numbers in the general population (Reschly, 1991). A variety of poor and sometimes clearly unethical practices was identified: (a) the English administration of general I.Q. tests to Spanish-speaking students, (b) the omission of information on adaptive behavior when diagnosing mental retardation, (c) poorly administered programs, and (d) the hiring of inadequate and poorly trained personnel and teachers. As a result of these cases, students now must be evaluated in their primary language, using test instruments that are not language based (Macmillan, Hendrick, & Watkins, 1998). The defendants did not dispute these ineffective, unethical practices, and the cases were decided by consent decrees, which delineated reforms aimed at eliminating such practices (Reschly, 1988).

Several important and controversial decisions addressing the issue of bias in assessment in the identification of African American students with mental retardation came from the Larry P. v. Riles case of 1979 (Reschly & Bersoff, 1999). The plaintiff alleged that the I.Q. tests used were unfair to African American students because of cultural bias. In this landmark case, Judge Robert R. Peckham of the Federal District Court of California found that standardized IQ tests were culturally biased because they did not account for the cultural background and experiences of African American children, and therefore, the California State Department of Education had intentionally discriminated against African American students (Reschly, 1998). Due to these findings, California school districts were prohibited from administering IQ tests to African American students to determine placement in special education classes for the educable mentally retarded (McLoughlin & Lewis, 1994). The judge banned the use of IQ tests for the purpose of classification and ordered that the disproportionate representation of African American students in programs for the mentally retarded be eliminated (Reschly, 1998). This ruling also included the mandatory reevaluation of African American students who were previously identified as mentally retarded.

Despite these litigative efforts, there continue to be concerns with assessment practices due to the sociocultural barriers that surface when African American students are engaged in this process. These obstacles further exacerbate African American students' existence in special education programs.

Sociocultural Factors

A plethora of sociocultural influences have an effect on school success for African American children. In his dissertation study, Brown (2001) highlighted several

sociocultural factors based on the work of Collier (1988) that impact the classroom as well as standardized assessment performance of African American learners and thus, contributes to their disproportionate placement in special education programs. They are (a) experiential background, (b) cultural and linguistic background, (c) acculturation, (d) sociolinguistic development, and (e) cognitive learning styles. These factors are briefly summarized in the following sections.

Experiential background. Experiential background is a highly complex sociocultural factor. African American and other non-white students are likely not to have had equitable life and educational experiences that are up to par with those of whites. Commonly, the life experiences of African American children are dissimilar from those of white students. When schools do not take into account these differential experiences and yet hold all students accountable for the same level of background knowledge, it appears that those students whose upbringings differ from the majority group are viewed as atypical and deficient.

Cultural and linguistic background. The cultural and linguistic backgrounds of African American students is a significant factor that influences their performance in assessment. The majority of educational programs in America's public schools are mostly based upon white middle-class cultural assumptions about what should be learned, how it should be learned and why it is important to learn. These may be in stark contrast with those of African American students who arrive at school with different bodies of knowledge, learned in different ways, as a result of different experiences, and will undoubtedly influence the way that African American students react to assessment

procedures. It is essential that these factors are considered when interpreting test performance and test results.

Acculturation. Acculturation is another important factor that has major influences on the assessment process. Acculturation is defined as an individual's adaptation to a new cultural environment. For African American students, acculturation is something that usually does occur, but at different rates for different individuals. African American students in U.S. public schools go through an acculturation process in an attempt to survive in the European American school culture. As well, assessment is an extension of the Eurocentric educational process.

Sociolinguistic development. Sociolinguistic development is defined as the general development in the knowledge and use of language. When an African American child is experiencing difficulty with sociolinguistic development, he or she is experiencing difficulty in an essential life skill, the ability to use language to effectively communicate in a social context. The development of effective communication skills is essential for school success. However, Baugh (1998) reported, "There is little likelihood that the type of information required to enhance prospects for academic success among language minority students is available in schools" (p. 290).

Cognitive learning styles. Cognitive learning styles are essentially the different patterns that individuals utilize to acquire knowledge. Individuals employ personal characteristics in acquiring knowledge and approach the learning experience in ways that are different for another individual. Cognitive learning style refers to the unique strategies that a learner employs when acquiring new information. An individual's preference towards a particular cognitive style is thought to be guided by sociocultural

influences. This has important implications in the testing environment when information presented to a student, as well as the mode of presentation is unfamiliar to them.

Eligibility Decisions

Special education evaluation data are often presented as a set of discrete decisions. However, even test-driven decisions are inescapably subjective in nature. Subjective decisions creep into all elements of the evaluation process, including whom to test, what test to use, when to use alternative tests, how to interpret student responses, and what weight to give results from specific tests (Donovan & Cross, 2002; Overton, Fielding, & Simonson, 2004, Losen & Orfield, 2002). In fact, Harry and Klingner (2006) argue that the process of determining eligibility for special education services is “anything but a science” (p. 9). They assert that students are found eligible for special education services as a result of social factors that combine to create the existence of disability for children deemed difficult to serve in the regular education environment (Harry & Klingner, 2006). When asked about what happens to students who are failing in school yet not found eligible for special education services, many professionals adamantly pointed out that the child would “fall between the cracks” (Harry & Klingner, 2006, p. 14). This example bears witness to the fact that eligibility teams take a more sympathetic stance in determining who is eligible when special education is viewed as the “saving grace” to a student’s academic future. The exclusionary clause, which states that students whose learning problems are products of environmental, cultural, or economic disadvantage be excluded from consideration for eligibility for special education services, is overlooked because of such justification. As a result, students from culturally diverse and/ or low socioeconomic backgrounds whose academic difficulty

stems from these barriers often find themselves identified with a disability.

Cultural and linguistic diversity in our schools plays a significant role in the misdiagnosis and misplacement of students from diverse backgrounds in special education (Hoover, Klingner, Baca, & Patton, 2008). These researchers suggest that this dilemma continues to exist because there are ineffective language assessment practices in the schools. Since there continues to be a difference of opinion regarding the ability to discern low achievement from potential learning disabilities, the impact of eligibility decisions as a factor that contributes to the disproportionate representation of African American and other culturally and linguistically diverse learners must continue to be addressed.

School Climate

The climate of a school has been deemed a factor that can markedly affect the disproportionate representation of African American students in special education programs (NABSE & ILIAD Project, 2002). School personnel undoubtedly bring to the classroom a variety of agendas, many of which are hidden and/ or unknown, that has a profound impact on educational decisionmaking. As a result, some of these life experiences that accompany them into the educational setting likely manifest themselves in the form of unfounded biases regarding their perceptions about student achievement, low expectations, and student intelligence as they apply to race and discriminatory systems and practices that have been created, supported, and maintained over time (Larson & Ovando, 2001). When such is the case, students are forced to enter into environments where the authority figures hold feelings, expectations, and perceptions that are unfair to them from the start.

Discipline is one of the areas largely impacted by the climate of the school. Disproportionality in school disciplinary decisions is not a new issue, and one of the earliest investigations of school disciplinary practices by the Children's Defense Fund (1975) found that suspension rates for African American students were between two and three times higher than those for White students. Data also suggests that African American students are frequently exposed to harsher disciplinary measures and are less likely to receive mild disciplinary alternatives when referred for an infraction (Drakeford, 2004; Skiba, Michael, Narando, & Peterson, 2002; Skiba, Simmons, Ritter, Kohler, Henderson, & Wu, 2006). One explanation for this pattern is offered by Townsend (2000). Her work has shown that the school climate may be inconsistent with the environmental factors found in the homes of African American students. As such, this discontinuity may cause behaviors that alienate students from the school. Townsend's research, which is based on OCR data, confirms the revealed that a disproportionate number of African American students were suspended and expelled from school. Excessive time spent out of the classroom has detrimental effects for all students, and African American students who are already facing academic difficulty can find themselves on a downward spiral for the duration of their school careers. Upon reaching these academic lows, it is likely that teachers feel compelled to refer these students for special education consideration so that they can receive the academic and/ or behavioral instruction they appear to need to meet their deficits. Referral and placement also serves another purpose. It removes the behavior problem from the classroom setting.

Teacher Factors

In addition to the various school-based factors that play a role in the disproportionate representation of African American students in special education programs, there are numerous teacher factors that influence this discourse as well. In the following sections, the cultural mismatch between the teaching and student populations, as well as the theories of cultural deficit, cultural difference, and teacher expectancy will be addressed to reveal their direct connection as factors that contribute to disproportionality.

Cultural Mismatch Between Students and Teachers

School achievement for African American students increases when they experience education with teachers who understand their sociocultural knowledge and take into account cultural factors when designing, implementing, and evaluating instruction (Boykin & Bailey, 2000, as cited in Neal et al., 2003). This is undoubtedly not the case in most public schools today, and the future of African American students lies in the hands of White female teachers. These teachers do not usually possess an understanding of African American students' backgrounds or their unique culture. The unbalanced nature of the student population and the teaching force is another contributing factor to the disproportionality discourse. The percentage of students of color in public schools has increased steadily; accordingly, a study conducted by Singh indicated that at least 50% of school children in the United States will be those of color by the year 2025 (as cited by Gay, 1993). The study also revealed that nearly 95% of all educators will be middle-class, white females. Clearly, the ethnic, racial, and cultural diversity among educators does not reflect that of the student population.

Research suggests that the cultural incongruence between the teaching force and student population can, and likely does, lead to unconscious bias on behalf of school personnel and, thus, inappropriate practices in the referral, assessment, and ultimately, the placement procedures stem from these roots (Gay, 1993; Meyer & Patton, 2001; Patton, 1998; Weinstein, Tomlinson-Clarke, & Curran, 2004). In fact, Irvine (1990) noted, “cultural misunderstandings between teachers and students result in conflict, distrust, hostility, and possible school failure for black students” (p. 26).

In an analysis of African American students labeled with serious emotional disturbance, Serwatka et al. (1995) examined the influence of school related variables and observed a significant relationship between disproportionate representation and the percentage of African American teachers, which was very low, employed in the district. Given the fact that culturally diverse learners’ ways of knowing are many times not compatible with the policies and procedures of school, these students may be viewed as lacking motivation and academic potential (Gay, 1993; Meyer & Patton, 2001; Neal et al., 2003; Patton, 1998). Along this same line, in an investigation of the disproportionate representation of culturally and linguistically diverse students in special education in one of the nation’s largest school districts, Harry and Klinger (in press) noted that teachers in inner-city schools with predominately Black populations had fewer qualifications and degrees and were more likely to exhibit ineffective instructional and classroom management skills than teachers in other schools.

Cultural Deficit Theory

The existence of different human abilities are culturally grounded, largely uncorrelated with one another, and developed with practice and opportunity (Darling-

Hammond, 1995). In spite of this fact, African American students are typically perceived as lacking ability. Many teachers who view cultural differences as deficiencies assume that African American students cannot meet educational and cultural expectations of European Americans (van Keulen, 1995). They are also characterized in ways that clearly communicate a lack of belief in their abilities and potential, for example, “at-risk”, “disadvantaged”, “culturally deprived”. Teachers often form opinions about academic abilities of African American students with no regard for their actual academic potential (Gay & Gilbert, 1985). These deficits have been associated with various factors such as inadequate parenting, innate below average intelligence, and poor socioeconomic conditions and other out-of-school factors that lead to academic underachievement. The focus of this model is that something is inherently wrong with the student. This perception is described in the theory called “deficit thinking”. “Deficit thinking” refers to the notion that students, particularly those of low-income, racial/ethnic minority backgrounds, fail in school because such students and their families have internal defects (deficits) that thwart the learning process (Valencia, 1997). Deficit thinking, an endogenous theory, “blames the victim” rather than examining how the schools are structured to prevent certain students from learning. As such, the theory contends that poor schooling performance is rooted in the students’ alleged cognitive and motivational deficits, whilst institutional structures and inequitable schooling arrangements that exclude students from learning are held blameless. The deficit thinking model has been advanced to explain school failure, particularly among economically disadvantaged racial/ethnic minority students and these students have been and continue to be

substantially over-represented among those who experience academic problems and school failure.

To further illustrate this perspective, a study was conducted to assess the influence of White prospective teachers' racial consciousness attitudes and identity on their perceptions of the teachability of students from four racial/ ethnic backgrounds (African American, Asian American, Latino, and White). The findings illustrate that African American students received the lowest ratings in the cognitive-autonomous-motivational category as well as in the area of institutionally appropriate behaviors (Tettegah, 1997). Sample items on the cognitive-autonomous-motivational domain are "Is the student bright?," "Is the student clear thinking?," and "Does the student have high verbal ability?," whereas sample items on the institutionally appropriate domain are "Is the student able to begin and complete classroom tasks?" and "Is the student's academic achievement appropriate for age and gender?" Unfortunately, the results of this study clearly indicate that future teachers will enter the classrooms with the same negative beliefs about African American students' given abilities as those veteran teachers who are currently there.

Cultural Difference Model

The cause of underachievement in school by African American students is believed to stem from cultural conflicts between home and school. McAdoo (1988) suggested that African Americans possess a distinctly different culture, which has its own language and child-rearing practices through which African American children learn. The most profound cultural differences are seen in patterns of communication and language and behaviors. In addition, van Kuelen (1995) purports that "overrepresentation of

African Americans in special education classes is undoubtedly related to cultural differences between teachers and students, home and school environments, and curriculum and learning” (p. 79). Many students are unjustly placed in special education programs because of cultural differences that have been inappropriately identified as disabilities. Teachers are likely to mistake cultural differences for cognitive or behavioral disabilities, and their ways of knowing are often incongruent with the educational realities and possibilities of African American students. When teachers are not aware of or do not understand the educational needs of African American students, or more importantly, when they fail to implement instructional practices that are more aligned with the culture of these students, the consequences are likely to result in inaccurate and inappropriate referrals to special education for these students.

Teacher Expectancy Theory

Student performance and achievement is closely related to teacher expectations. Irvine (1990) explained the teacher expectancy theory as, “teachers form expectations for student achievement and thus treat students differentially because of these expectations.” Over time, students begin to behave in ways that are consistent and reinforcing of the teacher’s expectations, behavior that results in either positive or negative outcomes related to academic achievement, self-concept, motivation, aspirations, conduct, and teacher-student interactions” (p. xix). Poor student performance and low student motivation is often the result of negative expectations that teachers may have of students. This is referred to as “self-fulfilling prophecy” or “Pygmalion Theory”, which is defined as a false expectation that comes true simply because it was expected to come true. Students tend to perform at low levels of achievement when teachers display low student

expectations. The teacher's mode of communicating these low expectations can be blatant and direct or subtle and indirect. Regardless of the communication method used, achievement and motivation are the same the devastating results for student.

Case in point, Neal and her colleagues (2003) conducted a study in which they examined teachers' perceptions of African American males' aggression and achievement and the need for special education services based on this group of students' cultural movement styles. The instruments used to conduct the study were videotapes depicting students walking and questionnaires with adjectives to indicate the teachers' perceptions of the students' aggression and achievement based on their movement style. Findings indicate that teachers perceived African American students with a stroll to be lower in achievement, higher in aggression, and more likely to need special education services than those who exhibited a standard movement style. Interestingly, European students who portrayed the same stroll as African American males were perceived to be lower in achievement, higher in aggression, and more in need of special education services than the African American males who exhibited this movement style. Given such, it is clear that teachers' expectations for students may be informed by what they understand as appropriate behavior and whom they expect to engage in particular types of behavior (Neal et al., 2003). In other words, when non-African American students "act black", they are in jeopardy of low teacher expectations and underachievement in school.

Family Factors

A family's involvement as well as their financial status play very important roles in the context of education. Parental involvement is often cited as a primary factor that contributes to the academic success of children (NABSE & ILIAD Project, 2002).

However, African American parents, especially those from low socioeconomic backgrounds, are typically not actively involved in the educational process. When a family has access to resources, it is unlikely that their children will lack the basic necessities required to prepare them for school. In contrast, when these resources do not exist, the basic needs for the family without are usually not met, thus creating a situation where these youngsters are at a disadvantage when they enter school. Accordingly, the family factors that contribute to the disproportionate representation of African American students in special education programs are poverty and lack of parental involvement in the educational process.

Poverty

From a socioeconomic perspective, it is well-noted in the literature that poverty is a contributing factor to the disproportionate representation of minority students in special education programs. It has been suggested that poverty may be the main reason minority students, specifically African Americans, are overrepresented in special education, since ethnicity and poverty appear are strongly correlated (Chinn & Hughes, 1987; MacMillan & Reschly, 1998; Oswald et al., 1999; Wagner, 1995). It has been acknowledged that poverty, in extreme forms, may preclude adequate pre- and postnatal care, nutrition, and other environmental advantages, which in their absence, may place a child at greater risk for poor school performance (Chinn & Hughes, 1987; Oswald et al., 1999). The U.S. Census Bureau determined that the poverty rate for African American families is estimated to be about three times that of the rate for all families (as cited by Oswald et al., 1999). Based on these statistics, it logically follows that African American children will be represented in special education programs in high proportions. This trend has been

illustrated in the continuous disproportionate representation of African American students in the category of mental retardation, as placement in this category has been empirically linked to low socioeconomic status (Harry, 1994; MacMillan & Reschly, 1998; Oswald et al., 1999). However, the effects of poverty alone do not account for the persistent problem of the disproportionate representation of minority students in special education programs. Oswald et al. (1999) found that African American students who attended schools in the wealthiest communities were more likely to be identified as being emotionally disturbed than African American students residing in poor communities. Similarly, Hartcollis' review of data from the U.S. Department of Education claimed that school districts with similar rates of students living in poverty show a significant variation in terms of their special education placement rates, which appear to be related to race or ethnicity (as cited in Salend et al., 2002).

Lack of Parental Involvement

Parents play a critical role throughout the educational process. Because parents serve as the first teachers in a child's life, they are considered to be the primary educators of their child. Parents can also serve as decision-makers and advocates and can collaborate with school teachers in an effort to aid in the smoothness of their child's educational career. It has been confirmed that children whose parents are involved in their schooling can significantly increase their academic achievement and cognitive development. Additionally, parental school involvement can positively impact parent-child relationships through the parents' participation in their child's activities. Like other ethnic groups, African American parents want their children to achieve academically. However, some of these parents may lack the knowledge and resources to assist their

child with academic success (Trotman, 2001). It has become common to point to the lack of African-American parental involvement as one of the sources of many African-American children's failure to thrive in schools.

Student behavior is also positively affected when parents are involved. A study conducted by Nweze (2001) revealed that students' appropriate school behavior increased when parents were involved in the discipline process, were made aware of their roles activities in the educational process, and were encouraged to participate in their child's educational process. Frazier (1997) also found a significant inverse correlation between parent involvement and suspension levels-namely, when the level of parental involvement increased, the number of student suspensions decreased. This is particularly important for African American students who are more likely to be suspended, expelled, or placed in serious emotionally disturbances (SED) special education classrooms than any other ethnic group (Townsend, 2000).

Several factors affect low parental involvement. These include family structure/socioeconomic status, parents' schedule, educational level, and the expectations of administrators and teachers. An increasing number of families are headed by a single parent especially in urban settings (Trotman, 2001). This phenomenon has occurred as a result of surges in the number of divorces, separation, and unwed and/or teenage parents. Fewer school-aged children come from two parents, single-wage-earner families (Swick & Graves, 1993). In fact, most low-income urban children live in a growing number of single parent, female-headed households (U.S. Bureau of the Census, 1994, as cited by Trotman, 2001). Consequently, many teachers believe that parents with low incomes do not value education highly and have little to contribute to the education of their children

(Davies, 1988). These parents have been described as difficult to reach and that phones, if present in these homes, were often disconnected. They may also be unable to attend meetings, conferences, plays, and other school activities because they do not own an automobile or may face difficulties with securing transportation. Their absence may lead teachers to make the erroneous conclusion that the parent does not care about their children's education. However, this may not be the case. Contrary to popular belief, many African American parents are just as interested in their children's education as parents from other ethnic groups. Unfortunately, African American parents are often alienated from the schools and see no opportunity to be included in their child's educational process. Often they feel as if they lack the knowledge and ability to work effectively with school faculty who are sometimes viewed as unapproachable, hostile entities (Harris & Heid, 1989). Despairingly, some teachers and school administrators equate the parents' level of education to the amount of time parents will invest in their child's educational career and do not give low-income and less educated parents the opportunity to participate. Unfortunately, this lack of parental involvement on behalf of African American parents has unintended consequences on the educational outcomes for their children.

Practices to Address Disproportionality

As previously stated, there are a variety of causal agents that contribute to the dilemma of disproportionate representation. When disproportionate representation of African American students is found to exist, it is imperative, both legally and ethically, that steps be taken to prevent and reduce it. Accordingly, in their efforts to identify factors that contribute and compound this persistent problem, researchers and scholars

have been equally vigilant in discussing ways to address the issue. The following sections discuss the most frequently cited practices that have emerged in the literature to address the issue.

Professional Development: Pre-Service and In-Service

The educator's role is key in resolving the plight of the disproportionate representation of African American students in special education programs. As such, their initial preparation and ongoing training must be a prime target of reform (Dekker et al., 2002; Gay, 1993).

Although the student population is becoming increasingly diverse, the majority of teachers and those in teacher education programs continue to be predominantly Caucasian and middle class (Sleeter, 2001). Despite the steadily increasing numbers of culturally and linguistically diverse student populations in schools, teacher education programs have reluctantly embraced multicultural education or culturally responsive teacher education pedagogy (Gay, 2002; Kea, Campbell-Whatley, & Richards, 2004). Further, many of those entering the field of teaching have a lack of knowledge of the experiences, needs, and resources of children from culturally and linguistically diverse backgrounds. To address the issue of overrepresentation of African American students in special education programs at this level, it is imperative that those involved in teacher education programs incorporate measures that prepare them to teach in significantly diverse settings.

For new teachers entering the profession, it has been suggested that improving their capacity to provide culturally responsive instruction to African American students is likely to have a positive impact on student learning (Gay, 2000, Kea, Campbell-Whatley,

& Richards, 2004). If quality instruction is received in the general education setting, it will likely decrease the likelihood of the students being referred to and eventually placed in a special education program (Harry & Klingner, 2006). Prior to this, however, pre-service teachers should examine and consider their own views and beliefs as they relate to issues of cultural diversity (Delpit, 1995; Gay, 2000; Kea & Utley, 1998).

Unfortunately, even in the midst of the diversity standards prescribed by teacher accreditation boards, teacher preparation programs continue to graduate and credential educators who are ill-prepared to teach African American students in an effective capacity (Blanchett, 2006; Harry & Klingner, 2006). As well, these programs continue to utilize pedagogy of past decades. Given such, prospective teachers leave their training grounds with many of their prior negative perceptions about African Americans and continue to exhibit a sense of entitlement due to their “whiteness”.

“White privilege” is defined as any phenomena, whether individualized (e.g., biased teacher attitudes/ perceptions), structural (e.g., curricular and pedagogical practices geared toward White middle class students), political (e.g., biased educational policies), economic (e.g., school funding formulas that contribute to inequity), or social (e.g., social constructions of race and disability), that serve to privilege Whites while oppressing people of color and promoting White supremacy (McIntosh, 1990). When present in the educational environment, white privilege among inadequately prepared teachers contributes to disproportionality (Blanchett, 2006).

Staff development on cultural diversity in the form of pre-service teacher preparation programs as well as in-service programs is necessary to address the issue of disproportionality (Blanchett, 2006; Bynoe, 1998; Dekker et al., 2002; Salend et al.,

2002). There is a critical need for teacher education programs to not only offer, but require teacher candidates to experience cross-cultural opportunities. Research suggests that when teacher candidates have had the benefit of multicultural teacher education preparation, they are less likely to embrace cultural deficit attitudes and views (Gay, 2002; Kea & Utley, 1998; Villegas & Lucas, 2002). For example, Cho & DeCastro-Ambrosetti (2005) explored the effect of a multicultural education course on pre-service teachers' attitudes about the experiences, needs, and resources of culturally and linguistically diverse (CLD) student populations, as well as the value that pre-service teachers place on multicultural education. Specifically, the researchers examined the initial attitudes of pre-service teachers as an experimental group, prior to their taking a multicultural education course. The participants in this study were 25 secondary education pre-service teachers enrolled in a multicultural education course. They completed a pre-and-post test as well as an anonymous survey, which consisted of 17 demographic questions and 25 items pertaining to multiculturalism, cultural pluralism, and social structural equality). The findings showed that the majority of pre-service teachers indicated that their attitudes toward working with diverse student populations were positively influenced by taking the multicultural class. Many of the participants indicated an increased awareness, understanding, and appreciation of other cultures after completing the course. Participants illustrated through both quantitative and qualitative data the following sentiments: "I have gained a better vision about multicultural setting in the classroom," "I'll be able to deal flexibly with many different cultural issues within a classroom with students from different cultural backgrounds," "I have a better understanding of what minority students may be going through and have realized you

must treat each child as an individual.” These statements were especially profound because they touch the pulse of where disproportionality begins, which is in the belief that something is inherently wrong with the child. By acknowledging their culture and being willing to accept students for who they are as well as treat them as individuals, this small-scale study adds credibility to pre-service programs as a viable means to address disproportionality.

Since educators are required to work in classrooms with culturally and linguistically diverse students, it stands to reason that providing this type of training during teacher preparation programs and continuously afterwards will enable them to gain knowledge about the cultural backgrounds of the students they serve as well as provide educators with the opportunity to examine and reflect on their own cultural perspectives (Kea & Utley, 1998; Salend et al., 2002). These training opportunities can aid educators in understanding how their cultural assumptions and values affect their expectations, beliefs, and behaviors as well as those of their students, other professionals, families, and community members, and can help them develop their cross-cultural competence and intercultural communication skills (Dekker et al., 2002; Patton, 1998).

Culturally Responsive Instruction

There has been considerable focus given not only to the providers of instruction, but to the type of instruction provided as well. Effective instruction has been generally endorsed as a crucial element in combating underachievement and subsequent potential eligibility for special education services (Dekker et al., 2002; Hoover et al., 2008; Serna, Forness, & Nielsen, 1998; Valles, 1998). Moreover, meaningful instruction further adds to the academic success of students because it involves a process of shared experiences,

relationship to prior knowledge, and connections to real life. The utilization of culturally responsive instruction has been identified as a valid practice to address the problem of African American students being disproportionality represented in special education programs (Gay, 1993; Kea & Utley, 1998; Klinger, et al., 2005; Patton, 1998; Villegas & Lucas, 2002).

Culturally responsive instruction specifically acknowledges the presence of culturally and linguistically diverse students in the classroom and the need for these students to find relevant connections among themselves, the subject matter, and the task they are asked to perform (Bynoe, 1998; Dekker et al., 2002; Gay, 1993; Hoover et al., 2008; Ladson-Billings, 1994; Salend et al., 2002). With such instruction, educators employ a multicultural curriculum and instructional strategies and materials that recognize and address the different cultural, linguistic, and experiential backgrounds and learning styles of their students (as cited in Salend et al., 2002). This type of instruction allows teachers to build upon, instead of tear down, what students bring to school (Kea & Utley, 1998). They additionally have noted that one of the most significant things that teachers can do to make a difference in the educational progress of students is to make a firm personal commitment to use effective instructional procedures coupled with a culturally affirming and responsive curriculum. Gay (2000) contends that teaching is a contextual and situational process that must include ecological factors such as prior experiences, community settings, cultural backgrounds, and the ethnic identities of teachers and students (p. 21). This premise has been echoed by Haynes and Price (2000), Patton (1998), Oswald (2002), and Zhang & Katsiyannis (2002). Hoover et al. asserts that cultural competence occurs when educators grow beyond cultural awareness/ sensitivity

to become more competent in their abilities to implement culturally relevant curriculum and instruction (p.18).

Interested in improving the academic achievement of African American students, the Kanawha County School district in West Virginia participated in a three-year study designed to research instructional practices that would be useful meeting this goal in four of their pilot schools. Culturally responsive teaching was the intervention used in the schools involved in the project led by Burns, Keyes, and Kusimo (2005). The full treatment group consisted of pilot team (PT) teachers at the pilot schools. PT teachers participated in professional development sessions and bimonthly meetings and received ongoing technical assistance. Some of the PT teachers taught culturally responsive curriculum units whereas others did not. The partial-treatment group consisted of the remaining, non-pilot team (NPT) teachers from each of the pilot schools. As well, some of the NPT teachers taught a culturally responsive unit whereas others did not. The comparison group (Comp.) consisted of two elementary schools, one middle school, and one high school within Kanawha County that were selected because of the close match in their demographics with the pilot schools.

The research design consisted of three quasi-experiments with two composed of only treatment and non-treatment groups and with one design. Additionally, focus groups and interviews with project participants provided context for quantitative findings and added richness and depth to the quasi-experimental designs. Data was collected through the use of various pencil-and-paper instruments. The AEL Continuous School Improvement Questionnaire (AEL CSIQ) measured the faculty's commitment to continuous learning and improvement and the AEL Measure of School Capacity for

Improvement (AEL MSCI) assessed the degree to which school possess the potential to become high-performing learning communities. Lastly, the AEL Measure of Academic Supportiveness and Climate (AEL MASC) assessed student perceptions of themselves as students and their school experiences and also asks students about their families' awareness of and involvement in their children's school lives.

AEL staff used the Specific Strategies Observation System (SSOS) to collect classroom behavior data for the pilot and comparison schools at three times during the 2003- 2004 school year. These three time periods coincided with before, during, and after the culturally responsive units were taught in the pilot schools. A total of 315 observations were completed in the pilot and comparison schools. Findings indicate that the pilot and comparison schools were overall comparable in terms of their perceptions on the AEL questionnaires. However, observation data showed the following in favor of the pilot schools: a) teachers who were trained in culturally responsive teaching methods and who taught a culturally responsive unit created a more positive classroom learning environment and demonstrated better use of class time, as well as a significantly higher quality of instruction, than teachers in other classrooms studied; b) trained teachers who taught a culturally responsive unit had the greatest percentage of students on task (exceeding 90%) of all classroom groupings studied and they also had the most success engaging students in interactive instruction; c) students of trained teachers who taught a culturally responsive unit had greater opportunities to learn, were receiving more appropriate instruction, and were more engaged in learning tasks than their peers in other classrooms studied (Burns et al., 2005).

This study is indicative of the critical need for both pre- and in-service practitioners to critically examine their programs and implement six salient characteristics throughout the coursework, learning experiences, fieldwork, and school-based teaching assignments to better prepare culturally responsive teachers to work successfully in diverse classrooms (Villegas & Lucas, 2002). The six characteristics are briefly described in the following paragraphs.

Sociocultural consciousness means understanding that one's way of thinking, behaving, and being is influenced by race, ethnicity, social class, and language. Prospective teachers should critically examine their own identities and the inequalities between schools and society that support the level of discrimination that maintains a societal divide based on social class and skin color. Additionally, teacher candidates are encouraged to identify and confront any negative attitudes they may harbor towards cultural groups.

An affirming attitude toward students from culturally diverse backgrounds significantly impacts learning, belief in one's self, and academic performance. Programs evolve into inclusive microcosms when respect is given to cultural differences and education is culturally relevant.

Commitment and skills to act as agents of change enable the prospective teacher to confront barriers to change and develop skills for collaboration and dealing with chaos. As agents of change, teachers play a vital role in assisting schools in becoming equitable.

Constructivist views of learning contend that all students are capable of learning and teachers must provide a balance between what students know based on prior learning

experiences and what they still need to learn. Constructivist teaching promotes critical thinking, problem solving, collaboration, and the recognition of multiple perspectives.

Learning about students' past experiences, home and community culture, and world both in and outside of school helps foster relationships and increase the prospective teachers' use of these experiences in the educational context.

Culturally responsive teaching strategies support the constructivist view of knowledge, teaching, and learning. An inclusive classroom is created as teachers assist students with constructing knowledge and building on their personal and cultural strengths, all while examining the curriculum from multiple perspectives.

Prereferral Intervention Strategies

Inappropriate referrals to and placements in special education can cause unnecessary separation and stigmatization to students. Research evidence suggests that general education teachers who make the most referrals to special education can be arbitrary in their referrals and typically make few, if any, modifications to their instruction prior to making referrals (Fuchs & Fuchs, 1989). A mechanism to prevent the disproportionality that is a cause of inappropriate referrals to and placements in special education programs is the use of pre-referral intervention strategies (Artiles, Harry, Reschly, & Chinn, 2001; Garcia & Ortiz, 2004; Harry, 1994; NABSE & ILIAD Project, 2002). Since pre-referral systems allow schools to intervene prior to referring students for special education consideration, providing equal access to high quality pre-referral services can decrease the representation of minority students in special education programs (Hoover et al., 2008).

Pre-referral intervention programs operate under a myriad of titles (Teacher Assistance Teams, Child Study Teams, Instructional Support Teams, to name a few) but they all basically have the same composition and purpose. The defining features of pre-referral interventions include a preventive process, a team-based problem-solving approach, action-research orientation and an intervention process that is centered on the enhanced success of students and teachers within the general education setting (Artiles et al., 2001; Buck, Polloway, Smith-Thomas, & Cook, 2003; Fuchs & Fuchs, 1989). Pre-referral services help teachers gather information about students and devise and implement interventions to address students' needs prior to referral for special education services (Artiles & Trent, 1994; Hosp & Reschly, 2002; Oswald et al., 1999; Salend et al., 2002). They are individually determined based on students' strengths and needs, students' educational, social, and medical histories, and their experiential, cultural, and language backgrounds.

Maheady, Towne, Algozzine, Mercer, & Ysseldyke (1983) published one of the earliest opinions which focused on responding to the problem of disproportionality from a preventive realm. They reviewed five approaches and summarized positive approaches for them all, thus leading to the recommendation that they be used in conjunction with other pre-referral and assessment strategies. Another study that investigated the pre-referral intervention approach was completed in 1989 by Fuchs & Fuchs. Focused on the effectiveness of Mainstream Assistance Teams (MATs), this 3-year study involved a consultant (psychologist, guidance counselor, or, special education teacher), teachers, and students and took place in inner-city elementary and middle schools in the Nashville, Tennessee area. The task was to work on changing behaviors the student exhibited that

interfered with learning. The study utilized experimental and control groups, with students being selected through teacher identification of their most difficult-to-teach students. The students were described as most difficult-to-teach because of off-task or inattentive behavior, poor academic work, lack of academic skills, poor interpersonal skills, or poor motivation.

The MAT Model was implemented in four stages. Stage 1 was problem identification and involved a meeting between the consultant and teacher where they selected a target behavior for intervention. The consultant then observed the student in class for two days to validate the seriousness of the problem and establish a baseline frequency. Stage 2, called intervention planning, required the consultant to report the observation data to the teacher and together formulate an intervention plan in which an overall goal for behavior change was set. The teacher and the student then discussed the problem behavior and the corresponding desirable behavior and intervention. The interventions included a monitoring plan as well as a feedback and reward system. Stage 3, implementation, was where the student and teacher agreed on a goal. The teacher monitored the student's behavior for the first two days and then the student self-monitored for five days or until the goal was met for three consecutive days. At the end of the day, the teacher and student agreed on a global rating for the day, the teacher provided verbal feedback, and if the goal was met, provided a reward. At the end of this stage, the consultant conducted a post-intervention observation. In Stage 4, evaluation, the teacher and consultant compared pre- and post-intervention observation data to determine whether the overall goal was achieved. If so, a slow fade of intervention

procedures was begun. If not, however, the teacher and consultant either continue or change the goal or intervention.

Findings from this study revealed that the interventions dramatically reduced the frequency of students' problem behaviors and caused most teachers to become more positive towards these students. Students in the experimental groups were significantly less likely to be referred for special education than those in the control groups.

Another empirical study that corroborates these same findings is one based out of the Commonwealth of Pennsylvania. The Instructional Support Team (IST) initiative was adopted by this state in 1990 to identify those students who experience academic, behavioral, social/ emotional, and/ or communication difficulties, and to provide the needed support to help them succeed (Kovaleski, Tucker, & Stevens, 1996; Whitfield, 1996). This action research, conducted by Whitfield (1996), evaluated the effectiveness of middle school ISTs in Allegheny, Pennsylvania with respect to "quality point average" (QPA) changes after a student had gone through the IST process. Questionnaires were mailed to the thirteen school districts in the county who had IST in place in a middle school building. Completed questionnaires were received from eleven districts representing forty-seven students who were at-risk for school failure. Results indicated a significant improvement in QPA scores for the academically at-risk students who went through the IST process during the 1995- 1996 school year.

Along this same line of support, there is scholarly consensus in the professional literature regarding the pre-referral intervention process as a deterrent to the special education system. In fact, the National Alliance of Black School Educators (NABSE) has collaborated with the IDEA Local Implementation by Local Administrators Project

(ILIAD) at the Council for Exceptional Children (CEC) to develop an administrative guide entitled *Addressing Over-Representation of African American Students in Special Education: The Pre-referral Intervention Process*. This guide, developed as a result of focus groups of experienced practitioners and researchers armed with knowledge of both special education and culturally diverse students, is designed to assist administrators in assuming a leadership role in addressing over-representation in their district. It also focuses on preventive strategies, specifically how administrators may use the pre-referral intervention process to prevent and/ or reduce the over-representation of African American students in special education, as well as ensure that students receive an appropriate education that maximizes their learning potential (NABSE & ILIAD Project, 2002).

Perhaps the most poignant work that highlights the effectiveness of prereferral intervention strategies is that which is captured in a study of high performing high poverty schools. Ragland, Clubine, Constable, & Smith (2002) identified and described the practices that support the achievement of students enrolled in five high elementary schools. Findings from this study indicate that despite the variations, the schools shared many similarities in terms of the strategies they employed to strengthen academic performance. The most striking strategies they found were that educators persist in addressing academic barriers to learning, collaborate with colleagues in identifying solutions to barriers, and while special education services are valued and supported, educators consider a referral for such services as a last resort; and educators share a view of special education as a means to fully integrate students into the regular education program (Ragland et al.). This lends tremendous support to the use of pre-referral

intervention systems as a practice to utilize to address the disproportionate representation of African American students in special education programs.

Furthermore, the revisions to IDEA 2004 call for the implementation of a Response to Intervention (RTI) model. This method has emerged as a pre-referral mechanism and uses the quality of the student responses to research-based interventions as the basis for decisions about the need for special education services (Barnett, Daly, Jones, & Lentz, 2004). This model holds much promise, as it builds upon the foundation of legislative intents such as IDEA and the No Child Left Behind Act (NCLB) of 2002. Essentially, this process requires not only effective, scientifically based instruction but it requires progress monitoring to establish a “starting place for educational accountability (Barnett et al., p. 66). Given the comprehensive nature of what ideal pre-referral interventions encompass, the results of these interventions are likely to shed greater light on students who truly needs to be referred for special education services and those who do not (Artiles & Trent, 1994; Hosp & Reschly, 2002; Maheady et al., 1983). This topic will be elaborated upon in an upcoming section.

Alternative Assessment Practices

Assessment is an integral part of special education practice and service delivery. Given such, concerns about the appropriate uses of assessment continue to represent an important issue for the field of special education, as assessments are the primary vehicle through which access to services is provided and through which progress based on those services is evaluated for a variety of purposes in the educational arena. In spite of its importance to the field of special education, assessment has often been problematic, particularly for culturally and linguistically diverse students (Rueda, 1997). The revision

of assessment practices has been deemed a viable strategy to employ to prevent students from culturally and linguistically diverse backgrounds from being overrepresented in special education (MacMillan & Reschly, 1998; Rueda, 1997; Salend et al., 2002).

Rather than relying solely on potentially biased standardized assessments, a variety of student-centered, alternative assessment procedures to assess the educational needs of minority students more accurately should be utilized (Artiles & Trent, 1994; Meyer & Patton, 2001; Salend et al., 2002). These alternative assessment measures include performance-based and portfolio assessment, curriculum-based assessment, rubrics, dynamic assessment, student journals and learning logs, and self-evaluation techniques (Rueda, 1997; Salend et al., 2002). These assessment alternatives can provide evaluation teams with more complete profiles of students' strengths, weaknesses, characteristics, behaviors, learning styles, and the impact of the school environment on their learning.

Action research on authentic assessment and student performance in inclusive school settings conducted by King, Schroeder, & Chawszczewski (2001) indicate that students with disabilities who were given more authentic tasks performed considerably better than students with disabilities who were given less demanding tasks. Findings from this study also illustrate that special education students who received tasks with higher intellectual challenge outperformed students without disabilities who received tasks with less challenge. Further, 62% of the students with disabilities produced work that was at the same, or higher, in authenticity than that produced by students without disabilities. The overarching premise of this study suggests that teachers who use more authentic

assessments elicit more authentic work from students with and without disabilities (King et al., 2001).

Scholars have touted portfolio assessments as a more valid mechanism to identify student learning (Rueda, 1997; Salend et al., 2002; Serna et al., 1998). Portfolio assessments provide benefits to children, especially young children who are at risk for developmental delays (Smith, Brewer, & Heffner, 2003). An obvious benefit of this type of assessment is that portfolios do not compare children to other children. Instead, they illustrate the student's best work, which in turn builds the child's confidence and self-esteem. Moreover, the use of portfolio assessment supports the evaluation of students in a holistic and meaningful way (Engel, Pulley, & Rybinski, 2003; Rueda, 1997; Serna et al., 1998; Smith et al., 2003). This method of evaluation more accurately represents the student's strengths and abilities in a much broader way than the single use of a standardized test.

Another alternative assessment practice involves the use of culture-free testing. Culture-free tests are designed to provide scores that accurately reflect the ability or achievement of students from a variety of cultural backgrounds through the use of content that is nonbiased towards all cultural groups (Zurcher, 1998). Two examples of ability tests that were developed to be as culture free as possible are the Naglieri Nonverbal Ability Test (NNAT) and the Comprehensive Test of Nonverbal Intelligence (CTONI). The NNAT was standardized on English-speaking students in the United States as well as on a similarly-sized Spanish-speaking sample of Hispanic American students. Furthermore, a review of the CTONI revealed that Whites, African Americans, Hispanic Americans, Native Americans, and Asian Americans all scored well within the normal

range. Both the NNAT and the CTONI have standardization samples that closely approximate the ethnicity characteristics of the U.S. Census (Zurcher, 1998).

The dynamic models of assessment discussed here are but a few of the models that can be used in lieu of or in addition to traditional I.Q. testing for special education placement decisions. Since these approaches reflect a more holistic view of the student's intelligence and ability to learn, the notion of using alternative assessment practices bodes well as a strategy to reducing the disproportionate number of African American students in special education programs.

Increased Parental Involvement

Involving parents in the educational process is not a new phenomenon. In fact, the requirement for parental participation is one of the most important assurances of IDEA. This provision mandates that parent participation in the educational decisionmaking process for their children is protected. Nevertheless, parents generally have minimal influence on the decisionmaking process and participation levels among minority parents are notably low (Burnette, 1998; Harry, 1994; Warger & Burnette, 2000). Some scholars suggest that school personnel contribute to this pattern through their differential treatment of parents (Dekker et al., 2002; Meyer & Patton, 2001). Harry, Klingner, and Hart (2005) confirm this position in their ethnographic study of parents who have children in special education programs. They found that there was a negative stereotype that portrayed African American parents as "neglectful and incompetent." Even more disturbing was the consistent misuse of the term "dysfunctional" to describe these families based on little, if any at all, valid evidence. Thus, professional perspectives that do not recognize the

importance of family involvement increase the likelihood that the disproportionate representation of African American students will occur.

The literature continues to point to family involvement as a major factor in improving student achievement. Warger and Burnette (2000) indicate that an apparent respect for the cultural background of the family must be established before successful collaborations between the school and the family can occur. Once this mutual respect is established, families from culturally diverse backgrounds will become comfortable playing active roles in the academic process and will ultimately view themselves as partners in planning for their children's academic needs. A study by Kalyanpur & Rao (1991) offers support to this argument. This study investigated professional interaction with low-income African American mothers and found that a respectful and collaborative approach coupled with parents identifying their own areas of need was more effective than one in which professionals presumed to know what would be best for them (as cited in Harry, 1994).

Early Intervention Services

The educational system has typically used an antiquated model that waited until the child failed instead of one based on prevention and intervention. However, there is evidence that supports the use early intervention services as an effective and reliable way of reaching those youngsters who are most at risk for achievement and behavioral problems at some point in their school careers. Two decades of research has indicated that high quality early intervention services can have positive impacts on various types of students, including those living in poverty and those with disabilities. Given this evidence, there is no longer much controversy about the effectiveness of early

intervention services as a practice that holds promise for eliminating the need for students to be referred and subsequently placed in special education programs (OSERS, 2002).

Two significant reviews of research, the National Research Council's report *Neurons to Neighborhoods* (Shonkoff & Phillips, 2002) and RAND's analysis of early childhood interventions, *Investing in Our Children* (Karoely, Greenwood, Everingham, Hoube, Kilburn, Rydell, Sanders, & Chiesa, 1998) indicate that high quality early intervention programs can have very positive effects for those children who receive services. Those results can include benefits such as increases in both short and long term academic achievement, reductions in grade retentions, reductions in special education referrals, and even reductions in such risks as teen-age pregnancy.

Recommendations have also been documented in the President's Commission on Excellence in Special Education regarding the need to intervene early to reduce the number of students who ultimately end up in special education programs (p.21). According to this report, children and youth with learning and behavioral problems are better served when research-based, early identification and intervention programs are introduced at an early age. Further, the Commission found that universal screenings of young children produced better outcomes for all students, and that effective screenings can identify those most at risk for later achievement and behavior problems, including those most likely to be referred to and ultimately placed in special education programs (p.22). The recommendation for early intervention services is supported by a report by the National Research Council on minority students in special education which found that early screening followed by effective interventions prevented many disabilities (NRC,

2002, as cited in President's Commission on Excellence in Special Education, 2002; Serna, Forness, & Nielsen, 1998). Moreover, clinical trials indicated that early intervention of reading skills coupled with positive behavioral programs delivered improvement in academic achievement as well as a reduction in behavioral difficulties in high at-risk minority children (as cited in President's Commission on Excellence in Special Education, 2002).

Another compelling piece of evidence that captures the positive impact of early intervention programs is the Delaware Early Childhood Longitudinal Study (DeCLS). The primary question in this study examined how children with disabilities or those living in poverty who received early intervention services compare to children in similar situations who did not receive early intervention services. Beginning in the fall of 1997, the DeCLS followed 717 children who were selected via a stratified random sampling process from eight school districts from their kindergarten experience through their third grade year, coinciding with their participation in the Delaware State Testing Program (DSTP). The sample was stratified according to socioeconomic level and presence of disability. The randomized sample included 217 kindergarten students with active Individualized Education Plans (IEPs), 250 students who qualified for free lunch at the start of kindergarten, and 250 students from the general education population who did not have a disability nor qualified for free lunch. Within the randomized sample were kindergarten students who had received early intervention services during their preschool years, either through Early Childhood Assistance Programs (ECAP) or Head Start (n= 49), the local school district preschool special education program (n= 89), or from the Birth to Three Early Intervention System called Child development watch (n= 5).

The study utilized a two-group, post-test only design, in that it ensured that there was no bias in the sampling process and that there was a group of children to whom the intervention group could be compared. The outcomes collected and measured included annual year-end grades, annual grade promotion/ retention decisions, formal behavioral reports, referrals to and enrollment in special education services, referrals to and enrollment in other school services, and the third grade DSTP results in reading and math. The findings revealed that at the conclusion of third grade after four years of public education, students who received early intervention services through the state funded ECAPs, the federally funded Head Start programs, or the state and federally funded Preschool Children with Disabilities programs showed significantly better academic outcomes in comparison to comparable students who did not receive these early intervention services (Gamel-McCormick & Amsden, 2002). Clearly, early intervention services provide instruction and support that has a positive impact on the children's academic performance and can effectively address the achievement gap and ultimately alleviate the need for continued placement in special education programs for students living in poverty and students with early onset disabilities.

Current Federal Responses to Address Disproportionality

The disproportionate representation of African American students in special education programs is clearly an enigma in terms of concrete reasons for its perpetual existence as well as proven solutions to extinguish it. Action via federal mandates has, and is likely to continue, to follow as it has in previous years to address the stubborn existence of this dilemma. Federal involvement to date consists of monitoring of school districts by the Office of Civil Rights and amendments to the Individuals with Disabilities

Education Act and the Elementary and Secondary Education Act, currently entitled the No Child Left Behind Act of 2002. The following sections elaborate on these efforts.

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights (U.S. Dept. of Education, Office of Civil Rights, 2003). OCR serves student populations facing discrimination as well as advocates for the promotion of systemic solutions to civil rights problems. An important responsibility is resolving complaints of discrimination. OCR also provides technical assistance to help institutions achieve voluntary compliance with the civil rights laws that OCR enforces. OCR has been actively involved in collecting data pertaining to racial representation in special education programs from school districts to determine the presence of disproportionate representation of racial groups. Once this problem is identified, an important part of OCR's technical assistance is engage in partnerships designed to develop creative approaches to preventing and addressing discrimination.

A substantial piece of legislation enacted to level the playing field for all students is the No Child Left Behind Act (NCLB). This law was enacted in January 2002 by President Bush and serves as force to ensure that “all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments” (U.S. Department of Education, 2002a). Specific goals have been established to accomplish this objective and they are as follows:

1. Ensuring that high-quality academic assessments, accountability systems, teacher preparation and training, curriculum, and instructional materials are

aligned with challenging State academic standards so that students, teachers, parents, and administrators can measure progress against common expectations for student academic achievement;

2. Meeting the educational needs of low-achieving children in our Nation's highest-poverty schools, limited English proficient children, migratory children, children with disabilities, Indian children, neglected or delinquent children, and young children in need of reading assistance;

3. Closing the achievement gap between high- and low-performing children, especially the achievement gaps between minority and non-minority students, and between disadvantaged children and their more advantaged peers;

4. Holding schools, local educational agencies, and States accountable for improving the academic achievement of all students, and identifying and turning around low-performing schools that have failed to provide a high-quality education to their students, while providing alternatives to students in such schools to enable the students to receive a high-quality education;

5. Distributing and targeting resources sufficiently to make a difference to local educational agencies and schools where needs are greatest;

6. Improving and strengthening accountability, teaching, and learning by using State assessment systems designed to ensure that students are meeting challenging State academic achievement and content standards and increasing achievement overall, but especially for the disadvantaged;

7. Providing greater decision-making authority and flexibility to schools and teachers in exchange for greater responsibility for student performance;

8. Providing children an enriched and accelerated educational program, including the use of school-wide programs or additional services that increase the amount and quality of instructional time;
9. Promoting school-wide reform and ensuring the access of children to effective, scientifically based instructional strategies and challenging academic content;
10. Significantly elevating the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;
11. Coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with other agencies providing services to youth, children, and families; and
12. Affording parents' substantial and meaningful opportunities to participate in the education of their children (U.S. Department of Education, 2002a).

This Act addresses disproportionality at the pre-referral level by holding schools responsible for engaging all students in a high-quality curriculum that is standards-driven and utilizes scientifically-based instructional practices to meet diverse academic needs that may exist in the classroom. More importantly, it alleviates the reliance on cultural barriers as justification for African American students' lack of academic success and mandates equity in the educational arena.

The reauthorized *Individuals with Disabilities Education Improvement Act (IDEIA)* was signed into law on December 3, 2004 by President George W. Bush. The provisions of the Act became effective on July 1, 2005 and the final regulations were published on August 14, 2006 (IDEIA, 2004). The law addresses regulatory requirements regarding disproportionality and overidentification. Specifically, state education agencies

(SEA) are required to develop policies and procedures to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of students with disabilities, including students with disabilities in particular areas (Gamm, 2007). Another provision of this Act requires SEAs to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the state and the local educational agencies (LEAs) of the state with regard to 1) the identification of students with disabilities, including particular disability areas; 2) the placement in particular educational settings; and 3) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions (Gamm, 2007). It is important to note that each state has the discretion to define “significant disproportionality” by its own standards. It was determined that the establishment of a national standard for significant disproportionality is not appropriate due to the multiple factors to be considered when making such a determination.

If it is determined that significant disproportionality exists with respect to the identification of students with disabilities or the placement in particular educational settings of these students, SEAs must provide for the review and, as deemed appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with the requirements of the Act. A fiscal consequence attached to this provision is that LEAs are required to reserve the maximum amount of funds to provide comprehensive coordinated early intervening services to serve children in the LEA (Gamm, 2007). These early intervening services are designed for students in kindergarten through 12th grade, with a particular emphasis on kindergarten through grade three. Also, they are not required to solely benefit those

students in the racial/ ethnic groups that are significantly overidentified. In fact, they are designed to assist students who currently are not identified with a disabling condition, but rather in need of additional academic and behavioral support to be successful in the general education setting. These services include a myriad of options, such as professional development for teachers and other school stakeholders on research-based instructional strategies and behavioral interventions.

Once significant disproportionality is determined to exist in the LEA, SEAs must initiate a monitoring process to determine the extent to which disproportionate representation is the result of inappropriate identification (Gamm, 2007). The Office of Special Education Programs (OSEP) has developed a protocol called the State Performance Plan (SPP) that SEAs must use to inform the public of the manner in which the disproportionality issue will be monitored. Three of the twenty indicators in the SPP focus specifically on disproportionate representation. These particular indicators will be addressed in the following section.

Indicator 4 requires the SEA to identify the percentage of districts identified by the state as having significant discrepancy in the rates of suspensions and expulsions greater than 10 days in a school year of students with disabilities by race and ethnicity. Indicator 9 requires states to identify the percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. Likewise, Indicator 10 requires states to report the percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification (Gamm, 2007). As stated earlier, in addition to defining disproportionality in their own manner,

States must also identify how it determined that the disproportionate representation is a result of inappropriate identification.

With regard to discipline, the Act requires SEAs to examine data, particularly data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring. Close scrutiny is afforded to the rate of long-term suspensions and expulsions of children with disabilities. These rates are then compared among LEAs in the state as well as to the rates for nondisabled students within those agencies (Gamm, 2007).

This Act is intended to help children with disabilities achieve to high standards by promoting accountability for results, enhancing parental involvement, and using proven practices and materials; and, also, by providing more flexibility and reducing paperwork burdens for teachers, States, and local school districts. This law is closely intertwined with NCLB, as it aims to ensure every child with a disability has available a free appropriate public education that is of high quality, and designed to achieve the high standards reflected in NCLB's accountability requirements.

Additionally, IDEIA calls for a major change that will likely impact the issue of disproportionality through the use of RTI procedures. NCLB also includes a policy framework in which RTI methods are expected to be an essential feature of educational practice throughout this country (Brown-Chidsey & Steege, 2005). Although RTI models are not fully defined or established, the IDEIA allows local education agencies to utilize a process that determines if a child responds to a scientific, research based intervention as part of its evaluation procedures in lieu of the discrepancy formula that was originally used. The specific language in IDEIA 2004 includes three elements that integrate evidence-based practices, including (1) a requirement for the use of scientifically-based

reading instruction, (2) evaluation of how well a student responds to intervention, and (3) emphasis on the role of data for decision making. These three requirements are essentially the core components of RTI. IDEIA 2004 also includes language allowing school districts to make determinations about learning disabilities without using I.Q. scores. The second RTI component found in IDEIA 2004 relates to data. The law states that the procedures for determining whether a student has a disability must take into consideration how a student responds to quality instruction. The third element specifies that decisions about a student's response to intervention must be data-based. RTI is a general education-based mechanism for monitoring student progress that can also be used as a part of special education decision making.

RTI has received widespread support as a mechanism for determining if a student truly presents with a disabling condition. Lyon (1998, 2001), in his leadership role at the National Institute of Child Health and Human Development, argued against the "wait-to-fail" model and postulated that nearly half of the students would not need to be receiving special education services if they had simply been taught to read. It is important to note that RTI is not about reducing the number of students eligible for special education services; it is about pairing students with effective interventions and documenting student progress. If RTI results in fewer students receiving special education services, then it illustrates that the interventions achieve the goal of improving student outcomes. Furthermore, the Learning Disabilities Summit held in 2001 advocated for an "intervention-oriented" approach to learning disabilities, specifically based on a student's RTI. These proponents offered the following advantages for using RTI rather than an IQ discrepancy model:

1. Increased accountability for student learning in general and special education;
2. Decreased numbers of students placed in high-incidence special education categories;
3. Potential reduction of disproportionate referrals of minority students for special education evaluation;
4. Reduced number of evaluations that do not result in either special education classification or improved learning outcomes for students who are experiencing school failure;
5. Improved problem-solving efforts by regular education personnel;
6. Positive reactions of participants and stakeholders;
7. Increased time for collaboration among regular and special education teachers, administrators, and related services provider;
8. Increased opportunities for related service providers (e.g., psychologists, speech language pathologists (SLPs)) to engage in activities that relate directly to students' lack of success and that support efforts to provide targeted instruction and monitor ongoing progress (U.S. Department of Education, 2002, p. 20).

RTI is often discussed in the context of a tiered approach to identifying students who need special education (Kovaleski, 2003; Reschly, 2003). This approach typically involves a model in which Tier 1 represents general education classroom intervention. Tier 2 involves some sort of secondary intervention, usually either a problem-solving approach or an intense treatment protocol. Tier 3 may be special education assessment or another level of prereferral intervention, in which case, Tier 4 would be special education assessment and services (Berninger, 2002; Reschly, 2003).

RTI activities are designed to assess whether a student may be underachieving because of a variety of conditions other than a within-child problem (such as a disability), namely either poor instruction or need for additional time and systematic instruction. The critical component is that through a secondary intervention, a student has an opportunity to respond to the intervention, demonstrating that he or she does not have a disability. Conversely, if a student does not respond to the intervention, then the multidisciplinary assessment team can proceed with their eligibility determination process and feel assured that the student is not underachieving because of poor schooling or other lack of experience. The implementation and utilization of RTI models may prove useful in holding educators accountable for using valid means for considering students' needs for special education consideration.

Virginia's Response to Disproportionality

Reducing the disproportionate representation of African American students in special education programs is a high priority for the Virginia Department of Education (VDOE). For the past several years, the VDOE Division of Special Education and Student Services has provided ongoing support to local school districts via technical assistance workshops, trainings, and other venues to address the issue of disproportionality. For example, in April 2006, a statewide conference on the topic was held with 245 school district representatives in attendance. The focus of the conference was on increasing teachers' cultural competence. As well, promising practices utilized by five local school districts in Virginia were showcased in this forum. In addition to this statewide conference, the VDOE has sponsored a series of regional meetings on disproportionality. Some of the topics include "A Conceptual Framework for

Disproportionality,” “Legal Requirements, Role of OCR, and Strategies for Addressing Disproportionality,” “Culturally Proficient Strategies and Considerations,” and “Developing a Division-Wide Action Plan” (Stith-Williams, 2007).

In efforts to continue expanding the knowledge base, the VDOE has partnered with the National Center for Culturally Responsive Educational Systems (NCCREST). NCCREST is designed to “coalesce students, families, practitioners, policy makers, and researchers around interventions and strategic improvements in practice and policy that are culturally responsive in order to close the achievement gap between culturally and linguistically diverse students and their peers” (The NCCREST 3+2 Briefing Book, 2004). The targeted outcome of the work of NCCREST is to (a) increase the use of prevention and early intervention strategies, (b) improve the context for educational systems improvement, and (c) enhance the teaching and learning of practitioners and students alike. This initiative was designed to support and expand upon the provisions set forth in NCLB which speak to stronger accountability for results, increased flexibility and local control, expanded options for parents, and an emphasis on scientifically-based instructional methods (The NCCREST 3+2 Briefing Book, 2004). NCCREST is a valuable resource to states as they work to improve their ability to educate culturally and linguistically diverse students.

The VDOE received a grant to develop a cultural competence curriculum, created by James Patton and Norma Day-Vines from The College of William and Mary in 2002, and resource manual for teachers and school staff to enhance their knowledge base. This curriculum has been updated during the summer of 2007 to reflect current best practices and approaches in this area.

This chapter reviewed the historical prevalence of the issue of disproportionality. As well, it highlighted the various factors that contribute to the problem. It further discussed the practices suggested in the professional literature to address the concern. Data from Virginia public schools for the past 3 years was revealed to show the persistent trend and existence of the issue in the state and their response to the problem was also shared. The next chapter focuses on the methodology used to investigate the key issues in the study.

CHAPTER 3: METHODOLOGY

The purpose of this study was to determine the extent to which practices to address disproportionality suggested by the professional literature are being implemented in Virginia public schools. It also sought to understand the perceptions of special education directors regarding the effectiveness of these practices in addressing disproportionality. This study is important because it was conducted during a period where federal legislative mandates required school districts to acknowledge the existence of the issue as well as develop policies, procedures, and practices to alleviate it. Mixed methods were employed through the use of a survey instrument and a content analysis of school division action plans. The overarching research focus questions as well as the corresponding sub-questions investigated in this study were:

1. What practices are currently being implemented to address the disproportionate representation of African American students in Virginia public schools?
 - 1a. What is the relationship of division size to extent of implementation?
 - 1b. What is the relationship of proportion of African American students enrolled to extent of implementation?
 - 1c. What is the relationship of proportion of African American students with disabilities to extent of implementation?
2. How effective do special education leaders perceive the practices to be in addressing disproportionality?
 - 2a. What is the relationship of division size to perceived effectiveness?

- 2b. What is the relationship of proportion of African American students enrolled to perceived effectiveness?
- 2c. What is the relationship of proportion of African American students with disabilities to perceived effectiveness?

It is believed that the results of this study will inform district-level practice as directors of special education review their own practices as well as those of their peers in other school divisions to address the problem of disproportionality. Quantitative data in the form of survey results and qualitative data in the form of a content analysis of school division action plans were used to provide evidence of the extent to which the practices identified in the professional literature are being used in school divisions to address the issue of overrepresentation of African American students in special education programs. Additionally, the survey results revealed whether or not the practices were perceived as being effective in addressing the problem of disproportionality.

Sample

There are 132 school divisions in the Commonwealth of Virginia and they are organized by Superintendents' "regional study groups." This study included 111 of the 132 directors of special education who represent each of the eight regional study groups, as 21 directors opted not to participate. Out of the 132 school divisions, 83 have been identified by the VDOE as having African American students disproportionately represented in special education programs based on fall membership data from December 1, 2006. During this period of analysis, the remaining 49 school divisions had not been identified as having this problem. However, it was critical for this study to include all school divisions so that insight could be gathered from schools divisions experiencing the

issue and those who are not. Therefore, all school divisions are believed to be “information-rich” and applicable to the context of the study.

Instrument Design

A survey instrument was developed for this study since a review of the literature and other available instruments did not reveal an appropriate one to use (Appendix D). This two-part 16 question self-assessment was developed based on an extensive review of the literature on the topic of disproportionality. Additionally, it incorporated content from a professional resource entitled *Addressing Over-Representation of African American Students in Special Education: The Prereferral Intervention Process- An Administrator's Guide* (2002). This resource, developed by the National Alliance of Black School Educators (NABSE) in conjunction with IDEA Local Implementation by Local Administrators Partnership (ILIAD) through the Council for Exceptional Children (CEC), was created to assist school administrators and other stakeholders with implementing, reviewing, and/ or revising their pre-referral intervention efforts to reduce the number of African American students referred to special education.

The first part of the survey related specifically to the practices. It asked special education directors to indicate the extent to which each of the practices occurs in their particular school divisions. The survey responses ranged from “Never” to “Very Frequently.” The next column asked each participant to indicate how effective they think each statement is in addressing issues of disproportionality. The responses for this column ranged from “Not Effective” to “Very Effective.” There were also two open-ended questions. The first open-ended question asked participants to list any other practice being used to address disproportionality. The intent was to generate input on any

practice absent on the survey. The next open-ended question asked participants to add any other comments or suggestions.

Part Two of the survey pertained to the demographic nature of the participants. When it asked participants the name of their school division, it also included a note which explained to the participant why this information was requested and ensured that it would be treated confidentially by only being observed by the researcher. It further asked respondents to briefly describe their role in addressing disproportionality in their school division. Further questions sought input on the participants years' of experience as a director of special education, their ethnic background, gender, and the percentage of students in their school division receiving free and reduced lunch. This information was summarized and used to describe the study's sample.

Piloting the Instrument: Determination of Content Validity and Reliability

The survey instrument was validated through a pilot study before being utilized in the dissertation study. The purpose of the pilot study was to test procedures, wording, and clarity of the survey instrument. An expert panel consisting of seven former special education directors and/or district-level special education administrators participated in the pilot study and provided feedback. The pilot study participants were asked to review the survey, complete the survey, and also answer the following questions about the survey: (1) "Were the instructions clear?"; (2) "Were the questions clear?"; (3) "Were there any problems understanding what kind of answers were expected?" (Gall, Gall, & Borg, 2003). Feedback on these questions was collected from the expert panel of pilot study participants and the dissertation committee members. As a result, the instrument was strengthened as adjustments and modifications were made. The final version of the

survey instrument is what was administered to the participants in this study. Table 3 captures the results of the content validation process which was conducted by calculating the clarity frequencies from pilot participants' feedback.

Table 3 *Content Validation through Reported Clarity Frequencies*

Item	Frequencies	
	Yes	No
1. Hire teachers from teacher education programs...	86%	14%
2. Provide on-going professional development...	100%	0%
3. Monitor and support the use of culturally ...	57%	43%
4. Institute a district-based pre-referral...	100%	0%
5. Identify and use multiple assessment tools...	86%	14%
6. Cooperate with families in finding effective...	100%	0%
7. Collaborate with local agencies to identify...	100%	0%
8. Provide professional development to child...	86%	14%
9. Please list any other practices in use ...	100%	0%
10. Please add any other comments...	100%	0%

- *Questions 1 and 3 were altered based on the feedback from pilot study participants.*

In order to test the reliability of the instrument, the Cronbach's coefficient alpha was calculated. Gall et al. (2003) posit that Cronbach's alpha is a widely used method for calculating reliability, particularly when instruments utilize multiple-choice formats wherein the responses are given a different weight. To calculate this coefficient, the researcher administered the survey to the sample of 7 special education administrators

who participated in the piloting of the instrument. The survey results were then analyzed using SPSS and yielded an alpha coefficient measure of .907. Since the score was very close to 1.00, the instrument was determined to have a high level of internal consistency (Gall, et al).

Data Collection Procedures

Two sources of data were collected for this study. The first was through the use of a survey. The second was through a content analysis of written artifacts called action plans, which are collected and maintained by the Virginia Department of Education. Both data collection procedures will be discussed in the following sections.

Survey Procedures

The data collection process was initiated by submitting a request to conduct the study using human subjects to the Human Subjects Committee at The College of William and Mary. In order to protect participants' rights to confidentiality and to protect subjects from harm, an approval of human subjects was obtained by an institutional review board (Gall, Gall, & Borg, 2003). Once permission to conduct the study was granted from the university, a letter was sent via electronic mail to the possible research participants. Gall et al. suggest that pre-contacting the research participant increases the rate of participation and response. The information on each director of special education (Superintendents' regional study group, school district, and contact information) was retrieved online from the Special Education Contact Persons in Local School Divisions on the Virginia Department of Education's website. The email included pertinent information identifying the researcher as well as the purpose of the study. It further asked the participants if they would agree to participate in the study. The email also asked

participants to indicate their preference for how they would participate in the study (Appendix B). The options were: a) have the survey mailed; b) complete survey online via surveymonkey.com; or c) call the researcher and complete the survey over the telephone. The researcher also contacted each of the regional special education director chairs via email and/ or telephone to request their assistance in garnering participation in the study. In addition to asking the regional director chairs to remind the special education directors in their particular region to participate, when possible, the researcher also requested permission to attend the regional special education directors' meetings to administer the survey in person. This step was taken as a proactive measure to get as high a response rate as possible; however, given the large response rate from the participants (84%, n =111), this step was not necessary to utilize.

Once the research participants had agreed to be involved in the study and indicated their preference for participation, the survey instrument with an attached cover letter was sent via electronic mail to the participants who had selected that method. For the participant who indicated a preference to complete a paper-based version of the survey (n = 1), the cover letter as well as a hard copy of the survey was mailed to the participant with a self-addressed stamped envelope for it to be returned to the researcher. The last option, which was for participants to complete the survey via telephone, was not selected as a method of participation.

As previously stated, the cover letter was included as a part of the survey. It explained the purpose of the study, directions for completing the survey, ethical safeguards, and the researcher's contact information. The cover letter specifically

requested a response within two weeks from the date it was electronically distributed. Sixty-four participants responded after the initial request.

A follow-up request was made electronically to the participants who had not responded to the survey after 14 days. Non-respondents after this time were sent another email requesting participation. This request yielded a response rate of the remaining forty-seven participants after approximately three weeks. The mailed survey was included in this return rate, as it was received by the researcher during this time frame.

Data Analysis

Statistical procedures were used to answer the research questions germane to the present study. Table 3.1 illustrates the research question and the corresponding data analyses for each question. Specifically, the data analyses involved calculating descriptive statistics for the survey items 1-8. For each survey item, the frequencies, mean, percentages, and standard deviation of participants' responses were calculated. For the open-ended survey item 9, a frequency count was utilized.

Research Question One: *What practices are currently being implemented to address the disproportionate representation of African American students in special education programs in Virginia public schools?* This question was answered through survey data and a content analysis of local district action plans. The survey data included forced-choice responses to items 1-8 and a frequency count of the open-ended responses to question 9.

Table 3.1 *Data Analysis Matrix*

Research Questions	Data Collection	Data Analysis
1. What practices are currently being implemented to address the disproportionate representation of African American students in special education programs in Virginia public schools?	<ul style="list-style-type: none"> • Survey responses (1-8, column 1) • Survey response, item 9 • Action plans 	<ul style="list-style-type: none"> • Descriptive analysis to yield frequencies, means, percentages and standard deviations • Frequency count • Content analysis of local district action plans
1a. What is the relationship of division size to extent of implementation?	<ul style="list-style-type: none"> • Data from the VDOE on each school division's size 	<ul style="list-style-type: none"> • Pearson's Product Moment Correlation Coefficient
1b. What is the relationship of proportion of African American students enrolled to extent of implementation?	<ul style="list-style-type: none"> • Data from VDOE on African American student enrollment for each school division 	<ul style="list-style-type: none"> • Pearson's Product Moment Correlation Coefficient
1c. What is the relationship of proportion of African American students with disabilities to extent of implementation?	<ul style="list-style-type: none"> • Data from VDOE of African American students with disabilities for each school division 	<ul style="list-style-type: none"> • Pearson's Product Moment Correlation Coefficient
2. How effective do special education leaders perceive the practices to be in addressing disproportionality?	<ul style="list-style-type: none"> • Survey responses (1-8, column 2) 	<ul style="list-style-type: none"> • Descriptive analysis to yield frequencies, means, percentages and standard deviations
2a. What is the relationship of division size to perceived effectiveness?	<ul style="list-style-type: none"> • Data from the VDOE on each school division's size 	<ul style="list-style-type: none"> • Pearson's Product Moment Correlation Coefficient
2b. What is the relationship of proportion of African American students enrolled to perceived effectiveness?	<ul style="list-style-type: none"> • Data from VDOE on African American student enrollment for each school division 	<ul style="list-style-type: none"> • Pearson's Product Moment Correlation Coefficient
2c. What is the relationship of proportion of African American students with disabilities to perceived effectiveness?	<ul style="list-style-type: none"> • Data from VDOE of African American students with disabilities for each school division 	<ul style="list-style-type: none"> • Pearson's Product Moment Correlation Coefficient

Content Analysis of School Division Action Plans

The researcher was granted access to the action plans by the state-level representative at the Virginia Department of Education who oversees disproportionality for the state. In addition to survey data, the 11 local school division action plans that were

completed optionally based on disproportionality data from the 2006- 2007 school year were reviewed. A content analysis of these plans was conducted.

The researcher followed the following process for conducting the content analysis for this proposed study: a) determine a coding unit for the content of the action plans, b) determine categories for each code, c) separate the codes into emergent categories, and d) calculate frequencies. According to the U. S. General Accounting Office (1990), category labels are applied to the basic unit that is the part of text. The researcher chose to use the theme as the basic unit of text to be classified in this content analysis. Themes were appropriate for this study because they describe a single idea and are the unit best suited to code open-ended questionnaires. Since coder judgment is required with the use of themes, test coding was conducted to alleviate problems of reliability (Gall, Gall, & Borg, 2003). A second person knowledgeable in the area of special education and particularly on the topic of disproportionality served as a second coder for this analysis.

The next step in the content analysis involved coding the text of the action plans into categories. The categories used were derived specifically from the literature-based survey instrument developed for this study. This instrument represented eight different practices to address disproportionality found in the literature. Any additional categories that developed through the content analysis were added under a new heading (See Appendix C).

The researcher ensured that the category definitions were clear by coding the text of the action plans. A second person knowledgeable of the literature on disproportionality was asked to apply the established codes to the categories of text to uncover any problems with the coding scheme (Gall et al). Specifically, the test coding process was

comprised of four steps: (a) selection of a qualified second coder, (b) training the second coder in the coding process, (c) testing coding a small sample of documents with a goal of 70% consistency between coders, and (d) coding additional documents if the 70% consistency rate was not achieved. It should be noted that the following percent agreement coefficient was used to determine the reliability between the scorers:

$$Pao = A/n$$

Where Pao= proportion agreement, A= the number of agreements between coders, and n = the total number of items the two coders have coded, the percent agreement coefficient was determined to be .80, or 80%, therefore coding additional documents was not necessary.

Drawing inferences from the frequency of codes is the simplest and most useful way to analyze data in a content analysis (GAO, 1996). Accordingly, a frequency count of the occurrence of each category in each document sampled was the next step in this content analysis (Gall, Gall, & Borg, 2003). These frequency counts were used to interpret the results and determine which practices are being used in school divisions to address disproportionality.

There are three sub-questions connected to Research Question One. They are as follows:

- 1a. What is the relationship of division size to extent of implementation?
- 1b. What is the relationship of proportion of African American students enrolled to extent of implementation?
- 1c. What is the relationship of proportion of African American students with disabilities to extent of implementation?

These questions were analyzed using Pearson Product Moment Correlation Coefficient (Pearson's r) to determine the relationship between the predictor variables (the practices indicated in survey items 1-8) and the criterion variables (division size, proportion of African American students enrolled, and proportion of African American students with disabilities). This was the most appropriate statistical analysis to use since the researcher was interested in the direction of the relationship among the variable. These statistical calculations were performed using a Statistical Package for the Social Sciences (SPSS) program.

Research Question Two: *How effective do special education leaders perceive the practices to be in addressing disproportionality?* This was answered using survey data. Additionally, there are three sub-questions under this overarching research question, which include:

- 2a. What is the relationship of division size to perceived effectiveness?
- 2b. What is the relationship of proportion of African American students enrolled to perceived effectiveness?
- 2c. What is the relationship of proportion of African American students with disabilities to perceived effectiveness?

These sub-questions were analyzed using the Pearson Product Moment Correlation Coefficient (Pearson's r) to reveal the degree of the relationship between the variables using the same statistical calculation procedure (SPSS).

Ethical Safeguards

Since human subjects were in this study, a request was submitted to the Human Subjects Committee at The College of William and Mary. All participants' rights to

confidentiality and freedom from harm were protected (Gall, Gall and Borg, 2003) with approval of human subjects, which must be obtained by an institutional review board (IRB).

The risk-benefit ratio is likely to reflect greatly on the side of benefit for this research study. The benefits to the target audience are believed to be substantial. This study will contribute to the literature on disproportionality for research and practice in the areas of special education leadership and school reform.

CHAPTER 4: ANALYSIS OF RESULTS

This study investigated the practices being used to address the disproportionate representation of African American students in special education programs in Virginia. Additionally, the study investigated special education directors' perception of the effectiveness of these practices.

Quantitative and qualitative data were collected through surveys and a content analysis of written documents. The survey used for this study was Practices Addressing Disproportionality (Appendix D). The researcher developed the survey instrument based on an extensive review of the literature on the topic of disproportionality. The researcher also used a guide developed jointly by national general and special education organizations. The organizations, NABSE and ILIAD, created this guide to serve school divisions who need to review and/or revise their policies, practices, and procedures related to pre-referral intervention strategies.

The survey results and the findings of the content analysis are reported in this chapter. The first section describes the demographics of the study's participants. The next section reveals the answers to the two overarching questions and the corresponding sub-questions posed in this study.

The Study

An email announcing the study was sent to all 132 special education directors in Virginia on January 14, 2008. Twelve emails were returned as "undeliverable." The researcher contacted each of these twelve school divisions and requested the correct email address for the directors. The initial email was then forwarded to these twelve participants.

The initial email asked participants to indicate their preference for completing the survey in an electronic or non-electronic format. The researcher received one email stating that this participant preferred to complete a paper copy of the survey. The survey along with the cover letter was sent to the directors on January 18, 2008. A hard copy of the survey along with a self-addressed stamped envelope was sent to the director who requested a paper copy. The cover letter (See appendix E) requested that the surveys be completed by February 1, 2008, which was approximately a two-week time frame. The return rate for the first round of surveys yielded 64 responses (47.7% response rate). A second email was sent to the nonrespondents. The second distribution yielded 46 additional responses. Also during this time frame, the paper-based copy of the survey was returned to the researcher, thereby raising the response rate to 84.1%. A third and final mailing was sent out on February 6, 2008 to nonrespondents; yet since no other responses were received. The final response rate was 84.1%. All 111 surveys were usable and included in the final analysis for this study.

Demographic Information: Description of Survey Sample

Out of 132 directors of special education in the Commonwealth of Virginia, 111 participated in this study (84.1%). They represented school divisions that range in size from 300 to over 150,000. Moreover, analysis of the open-ended survey item which pertains to the participants' role in addressing disproportionality in their school division varies in wording, yet is similar with regard to the function of their role.

Part B on the survey (items 3-6) was used to collect general demographic information on the individual respondents. Specifically, it revealed information regarding the following variables: (a) years of experience as a special education director, (b) ethnic

background, (c) gender, and (d) the percentage of students receiving free and reduced lunch in their school division. Frequency distributions were computed for each of the demographic items.

Table 4 *Participants' Demographics*

Item #	Demographics	Responses	Frequency	Percent
3	Years of experience	Less than 1 year	9	8.1
		1- 5 years	34	30.6
		6-10 years	45	40.5
		Over 10 years	23	20.7
4	Ethnic background	African Am./ Black	17	15.3
		Asian/ Pac. Islander	0	0
		Hispanic/ Latino	0	0
		Native American	0	0
		White/ European	67	60.4
		Other	27	24.3
5	Gender	Male	24	21.6
		Female	87	78.4
6	% of Free/ Reduced Lunch	0 – 20%	27	24.3
		21 – 40%	40	36.0
		41 – 60%	31	27.9
		61 – 80%	12	10.8
		81 – 100%	1	.9

Years of experience as a director of special education. Participants were asked to provide information regarding the number of years of experience they have served as a director of special education. Analysis of responses showed that 8.1% (n = 9) of the participants have been in this role for less than one year. Seventy-one percent of the participants have been a director of special education between one and ten years (n = 79).

Twenty percent of the participants indicated they have been in this role for over ten years (n = 23).

Ethnic background. When asked to describe their ethnic background, 15.3% (n = 17) indicated that they are African American/ Black, where as 60.4% (n = 67) revealed that they are White/ European. Twenty-seven participants (24.3%) selected the response of “other” for this item. It is unclear to the researcher if this response was chosen because the participants’ ethnic background was not included as a response or simply because the participant preferred not to indicate their ethnicity.

Gender. The majority of the participants, 78.4%, were females (n = 87). Conversely, males comprised 21.6% of the participants (n = 24).

Percentage of students receiving free and reduced lunch. Of the 111 participants, 24.3% (n = 27) indicated that they represented school divisions that have 0-20% of their students receiving free and reduced lunch. To a larger degree, 63.9% of the participants (n = 71) shared that they represented school divisions where 21-60% of their students received free and reduced lunch. Likewise, 11.7% (n = 13) of the participants indicated that they represented school divisions where 61-80% of their students received free and reduced lunch.

An analysis of the responses to the survey item which asked participants to describe their role in addressing disproportionality in their school division revealed several themes. The themes that emerged were categorized as the following: professional development, pre-referral intervention, addressing the issue, data collection and reporting, hiring, budgeting, eligibility, and monitoring. Table 4.1 depicts the themes,

further elaboration of responses included in each theme, and a frequency count of the responses of each theme.

Table 4.1 *Emerging Themes Regarding Participants' Role in Addressing Disproportionality*

Themes/ Frequencies	Elaboration of Responses
1. Professional development/ 19	Provide in-services, learning opportunities for teachers, principals Provide annual speakers to address the issue Work with general and special education staff to create strategies for all children
2. Pre-referral intervention/ 17	Direct the actions of the school division in the areas of child study and RTI Implement pre-referral interventions Frequent review of interventions for all at-risk students Provide leadership, personnel, and funds for a county-wide pre-referral program
3. Eligibility/ 9	Developed operational definitions for Finding students eligible/ ineligible for special education Eligibility meetings are centralized to ensure that criteria is followed and decisions are sound Attend all eligibility meetings Totally responsible for overseeing the eligibility role- serve as eligibility chair
4. Monitoring/ 6	Monitor identification of students with disabilities from various ethnic groups
5. Data collection & reporting/ 5	Gather data and complete State Performance Plan Data collection in conjunction with VDOE Disaggregate data and identify trends
6. Hiring/ 4	Hiring of staff to assist with program planning Support role in hiring competent staff
7. Addressing the issue/ 4	Responsible for addressing the issue of disproportionality
8. Budgeting/ 2	Set aside the funds to use to address the issue

These responses suggest that in addition to implementing the practices referred to in the survey (hiring, instituting pre-referral intervention, and professional development), directors of special education are also addressing the issue in a variety of ways, such as collecting data and preparing reports and plans, facilitating the eligibility process by creating processes, procedures, and guidelines to ensure consistency in decision-making, and monitoring the students from ethnically diverse backgrounds who end up in special education programs. These detailed, specific responses confirm the researcher's confidence that the directors of special education were appropriate informants for this study.

Findings for the Research Questions

Research Question 1: What practices are currently being used to address the disproportionate representation of African American students in special education programs in Virginia public schools?

Survey data was used in conjunction with a content analysis of school division action plans to respond to this question. In column 1 of the survey, participants were asked to indicate the extent to which each practice occurs in their school division. Response options ranged from "Never" to "Very Frequently". Table 4.2 illustrates the descriptive statistics analyses of the survey items germane to this research question.

Table 4.2 *Descriptive Statistics of the Practices Being Used to Address Disproportionality*

<i>Survey Item Summary</i>	<i>Responses</i>	<i>f</i>	<i>%</i>	<i>Mean</i>	<i>SD</i>
1. Hire personnel trained in cultural diversity	Never	24	21.6	1.98	.646
	Sometimes	65	58.6		
	Very Frequently	22	19.8		
2. On-going professional development	Never	9	8.1	2.18	.559
	Sometimes	73	65.8		
	Very Frequently	29	26.1		
3. Support educators in using pedagogy	Never	8	7.2	2.26	.583
	Sometimes	66	59.5		
	Very Frequently	37	33.3		
4. Pre-referral intervention program	Never	8	7.3	2.45	.629
	Sometimes	45	40.5		
	Very Frequently	58	52.3		
5. Culturally-sensitive assessment tools	Never	16	14.4	2.37	.725
	Sometimes	38	34.2		
	Very Frequently	57	51.4		
6. Collaborate w/ parents	Never	3	2.7	2.65	.533
	Sometimes	33	29.7		
	Very Frequently	75	67.6		
7. Collaborate w/ local agencies	Never	4	3.6	2.82	.490
	Sometimes	13	11.7		
	Very Frequently	93	83.8		
8. Professional development on disproportionality	Never	13	11.7	2.32	.676
	Sometimes	49	44.1		
	Very Frequently	49	44.1		

An analysis of the survey responses revealed that the following practices occur in school divisions in Virginia: collaborate with agencies (total: 95.5%; very frequently: 83.8%; sometimes: 11.7%), collaborate with parents (total: 95.5%; very frequently: 67.6%; sometimes: 29.7%), pre-referral intervention program (total: 92.8%; very

frequently: 52.3%; sometimes: 40.5%), culturally sensitive assessment tools (total: 85.6%; very frequently: 51.4%; sometimes: 34.2%), professional development on disproportionality (total: 88.2%; very frequently: 44.1%; sometimes: 44.1%), support educators in using pedagogy (total: 92.8%; very frequently: 33.3%; sometimes: 59.5%), and hire personnel trained in cultural diversity (total: 78.4%; very frequently: 19.8%; sometimes: 58.6%). Figure 1 illustrates the responses to this question.

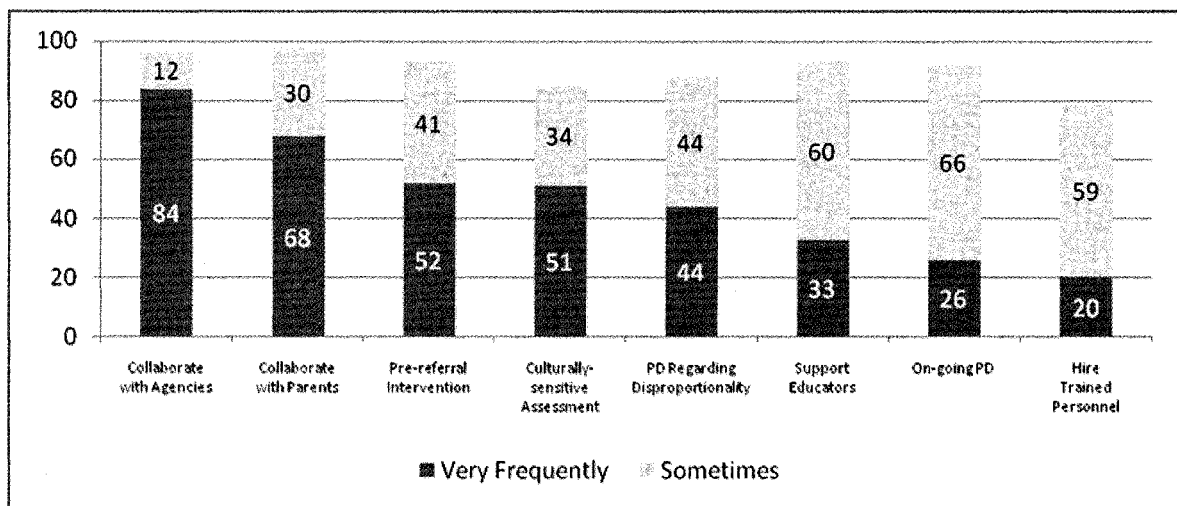


Figure 1. Frequency of Practices to Address Disproportionality

The survey allowed for open-ended responses from participants regarding any other practices in use in their school division as well as the perceived effectiveness of the practice in addressing the issue of disproportionality. Twenty-five responses were generated for this question. While most of them ($n = 17$) only elaborated on the practices already included in survey items 1-8, some of the responses shared practices beyond what was included in the survey. Table 4.3 captures the responses to this survey question.

Table 4.3 *Participants' Responses of Other Practices Used to Address Disproportionality and Frequency of Occurrence*

-
- Provide opportunities for teachers to attend professional development through symposiums, workshops, etc. (3)
 - Leadership team members - principals and directors - are provided and often required to read recent publications regarding issues addressing disproportionality in education (1)
 - Action plan developed by Special Education Department to address needs (4)
 - Offer day treatment programming in the school for children who are behaviorally challenged (1)
 - Provide training to paraprofessionals on remediation and other instructional strategies as implementers/assistants for RTI efforts (3)
 - Provide training to all staff on understanding poverty as a means to reduce the achievement gap (1)
 - Institution of a central eligibility process (3)
 - We have hired an ombudsman to assist in all special education process meetings to represent culturally diverse families (1)
-

Content Analysis Results

Eleven school divisions submitted optional action plans to the VDOE as a result of having African-American students disproportionately represented in special education programs based on data from the 2006- 2007 school year. When conducting the content analysis, the improvement strategy and the tasks/ action steps listed in the action plans were either given a number of 1-8 to correspond with the categories delineated in the survey instrument or they were listed marked "N" to indicate it was a new category not previously mentioned. Each action plan listed approximately 7 tasks/ action steps the school division would employ to address the issue of disproportionality. It should be noted that there was no requirement for the number of tasks to be listed. Following is a

table that illustrates the frequency of each theme as it was revealed through the content analysis.

Table 4.4 *Content Analysis Frequency Count*

Category	Frequency
1. Hire personnel trained in cultural diversity	0
2. Professional development for improving achievement for diverse students	6
3. Supporting educators in using pedagogy that addresses diverse backgrounds	4
4. District-wide pre-referral program prior to consideration for special education	8
5. Identify and use research-based culturally sensitive assessment tools	4
6. Collaborate with parents in finding ways for them to help their children	2
7. Collaborate with local agencies to identify those who may require intervention	0
8. Professional development to CST regarding cultural competence and disproportionality	9
** denotes new categories that emerged through the content analysis	
** Review individual schools' disproportionality data	5
** Create criteria checklist for each disability category	3
** Review initial eligibility decisions of Black students with ED and MR labels	2
** Attend outside trainings by VDOE on disproportionality	1
** Implement revised PK-12 curriculum	1
** Meet with general education supervisors	1
** Have Office of Special Education representative present at eligibility meetings	1
** Provide trainings for parents and staff on eligibility criteria	1
** Develop intervention checklist	1

The practices recommended in professional literature regarding ways to address disproportionality appear to be manifesting themselves in reality in school divisions in Virginia. To a large degree, several of the practices indicated in the literature and subsequently on the survey were also frequently listed as strategies/ tasks/ action steps in the action plans. The only practices indicated on the survey not found in the action plans were hiring personnel trained in cultural diversity and collaborating with local agencies on behalf of infants and toddlers in need of early intervention services. The most frequently listed practices of providing professional development to schools and instituting a pre-referral intervention process were observed in at least 4 action plans reviewed. It was surprising, however, that the practice of collaborating with agencies did not appear in the action plans, given its prominence on the surveys. Perhaps this is because the action plans targeted practices that school divisions have the option of doing, whereas collaborating with agencies is typically required due to interagency agreements between school divisions and local agencies.

There were several new categories of practices that emerged as a result of the content analysis. These categories include reviewing individual school's disproportionality data, creating a checklist for each disability category, reviewing initial eligibility decisions of African American students with ED and MR labels, attending trainings by the VDOE on disproportionality, implementing a revised PK-12 grade curriculum, meeting with general education supervisors, having central-office level special education leaders present at eligibility meetings, providing trainings for parents and staff on eligibility criteria, and developing an intervention checklist.

Research Question 1a: What is the relationship of division size to extent of implementation?

Analysis of the data indicated significant positive relationships between division size and implementation of the following individual practices: hire personnel trained in cultural diversity ($r = .367, p < .001$), ongoing professional development ($r = .361, p < .001$), support educators in using pedagogy ($r = .286, p < .01$), pre-referral intervention program ($r = .218, p < .05$), culturally sensitive assessment tools ($r = .234, p < .05$), collaborate with parents ($r = .204, p < .05$), and professional development on disproportionality ($r = .275, p < .01$). A moderately strong relationship was found to exist between the divisions' size and overall implementation of the practices ($r = .386, p < .001$). This indicates that the larger the size of the school division, the more the practices are likely to be implemented.

Table 4.5 Correlation between Division Size and Implementation of the Practices

Predictor Variable	r	Significance
1) Hire personnel trained in cultural diversity...	.367***	Yes
2) On-going professional development ...	.361***	Yes
3) Support educators in using pedagogy...	.286**	Yes
4) Pre-referral intervention program...	.218*	Yes
5) Culturally sensitive assessment tools ...	.234*	Yes
6) Collaborate with parents ...	.204*	Yes
7) Collaborate with agencies...	.096	No
8) Professional development on disproportionality...	.275**	Yes
Correlation between division size and implementation of practices	.386***	Yes

* $p < .05$, ** $p < .01$, *** $p < .001$

Research Question 1b:

What is the relationship of proportion of African American students enrolled to extent of implementation?

Analysis of data indicated significant positive relationships between proportion of African-American students enrolled and implementation of the following practices: hire personnel trained in cultural diversity ($r = .393$, $p < .001$), on-going professional development ($r = .410$, $p < .001$), support educators in using pedagogy ($r = .358$, $p < .001$), pre-referral intervention program ($r = .221$, $p < .05$), culturally sensitive assessment tools ($r = .284$, $p < .01$), collaborate with parents ($r = .195$, $p < .05$), and professional development on disproportionality ($r = .357$, $p < .001$). A moderately strong relationship was found to exist between the proportion of African American students enrolled and overall implementation of the practices ($r = .429$, $p < .001$). This relationship indicates that as African American students enrollment increased, so did the likelihood of implementation of the practices.

Table 4.6 *Correlation between Proportion of African American Students Enrolled and Implementation of the Practices*

Predictor Variable	r	Significance
1) Hire personnel trained in cultural diversity...	.393***	Yes
2) On-going professional development ...	.410***	Yes
3) Support educators in using pedagogy...	.358***	Yes
4) Pre-referral intervention program...	.221*	Yes
5) Culturally sensitive assessment tools ...	.284**	Yes
6) Collaborate with parents ...	.195*	Yes
7) Collaborate with agencies ...	.022	No
8) Professional development on disproportionality...	.357***	Yes
Correlation between proportion of AA students enrolled and implementation of practices...	.429***	Yes

* $p < .05$, ** $p < .01$, *** $p < .001$

AA= African American

Research Question 1c:

What is the relationship of proportion of African American students with disabilities to extent of implementation?

Analysis of data indicated significant positive relationships between proportion of African American students with disabilities and implementation of the following practices: hire personnel trained in cultural diversity ($r = .301, p < .001$), on-going professional development ($r = .401, p < .001$), support educators in using pedagogy ($r = .356, p < .001$), pre-referral intervention program ($r = .223, p < .05$), culturally-sensitive assessment tools ($r = .282, p < .01$), collaborate with parents ($r = .192, p < .05$), and professional development on disproportionality ($r = .340, p < .001$). A moderately strong relationship was found to exist between the proportion of African American students with disabilities and overall implementation of the practices ($r = .425, p < .001$). This relationship suggests that as the proportion of African American students with disabilities increased, so did the likelihood of implementation of the practices.

Table 4.7 *Correlation between Proportion of African American Students with Disabilities and Implementation of the Practices*

Predictor Variable	r	Significance
1) Hire personnel trained in cultural diversity...	.301***	Yes
2) On-going professional development ...	.401***	Yes
3) Support educators in using pedagogy...	.356***	Yes
4) Pre-referral intervention program...	.223*	Yes
5) Culturally sensitive assessment tools ...	.282**	Yes
6) Collaborate with parents ...	.192*	Yes
7) Collaborate with agencies...	.028	No
8) Professional development regarding disproportionality...	.340***	Yes
Correlation between proportion of AA SWD and implementation of practices	.425***	Yes

* $p < .05$, ** $p < .01$, *** $p < .001$

AA = African American, SWD = Students with Disabilities

Research Question 2:

How effective do special education directors perceive the practices to be in addressing disproportionality?

Descriptive statistics of survey responses were calculated to answer this research question. Precisely, survey items 1-8 from column 2 were analyzed to respond to this question, since this portion of the survey asked participants to indicate how effective they believed each practice was in addressing disproportionality. Responses options range from “Not Applicable” to “Very Effective.” Table 4.8 illustrates the descriptive statistics analyses of the survey items germane to this research question.

Table 4.8 *Descriptive Statistics of the Perception of Effectiveness of the Practices*

<i>Survey Item #</i>	<i>Responses</i>	<i>f</i>	<i>%</i>	<i>Mean</i>	<i>SD</i>
1) Hire personnel trained in cultural diversity	Not Applicable	23	20.7	2.61	1.00
	Not Effective	16	14.4		
	Somewhat Effective	53	47.7		
	Very Effective	19	17.1		
2) On-going professional development	Not Applicable	12	10.8	2.18	.559
	Not Effective	1	.9		
	Somewhat Effective	65	58.6		
	Very Effective	33	29.7		
3) Support educators in using pedagogy	Not Applicable	7	6.3	3.15	.765
	Not Effective	4	3.6		
	Somewhat Effective	65	58.6		
	Very Effective	35	31.5		
4) Pre- referral intervention program	Not Applicable	7	6.3	3.23	.806
	Not Effective	5	4.5		
	Somewhat Effective	55	49.5		
	Very Effective	44	39.6		

<i>Survey Item #</i>	<i>Responses</i>	<i>f</i>	<i>%</i>	<i>Mean</i>	<i>SD</i>
5) Culturally-sensitive assessment tools	Not Applicable	15	13.5	3.11	1.00
	Not Effective	5	4.5		
	Somewhat Effective	44	39.6		
	Very Effective	47	42.3		
6) Collaborate w/ parents	Not Applicable	3	2.7	3.34	.720
	Not Effective	7	6.3		
	Somewhat Effective	50	45.0		
	Very Effective	51	45.9		
7) Collaborate w/ agencies	Not Applicable	4	3.6	3.59	.680
	Not Effective	0	0		
	Somewhat Effective	34	30.6		
	Very Effective	73	65.8		
8) Professional development on disproportionality	Not Applicable	12	10.8	3.09	.880
	Not Effective	2	1.8		
	Somewhat Effective	61	55.0		
	Very Effective	36	32.4		

An analysis of the survey responses revealed that participants perceived the all of the practices to be widely effective, as indicated by the following responses: collaborate with agencies (total: 96.4%; very effective: 65.8%; somewhat effective: 30.6%), collaborate with parents (total: 90.9%; very effective: 45.9%; somewhat effective: 45%), support educators in using pedagogy (total: 90.1%; very effective: 31.5%; somewhat effective: 58.6%), pre-referral intervention program (total: 89%; very effective: 39.6%; somewhat effective: 49.5%), on-going professional development (total: 88.3%; very effective: 29.7%; somewhat effective: 58.6%), professional development regarding disproportionality (total: 87.4%; very effective: 32.4%; somewhat effective: 55%), culturally sensitive assessment tools (total: 81.9%; very effective: 42.3%; somewhat effective: 39.6%), and hire personnel trained in cultural diversity (total: 64.8%; very effective: 17.1%; somewhat effective: 47.7%). Figure 2 illustrates these data.

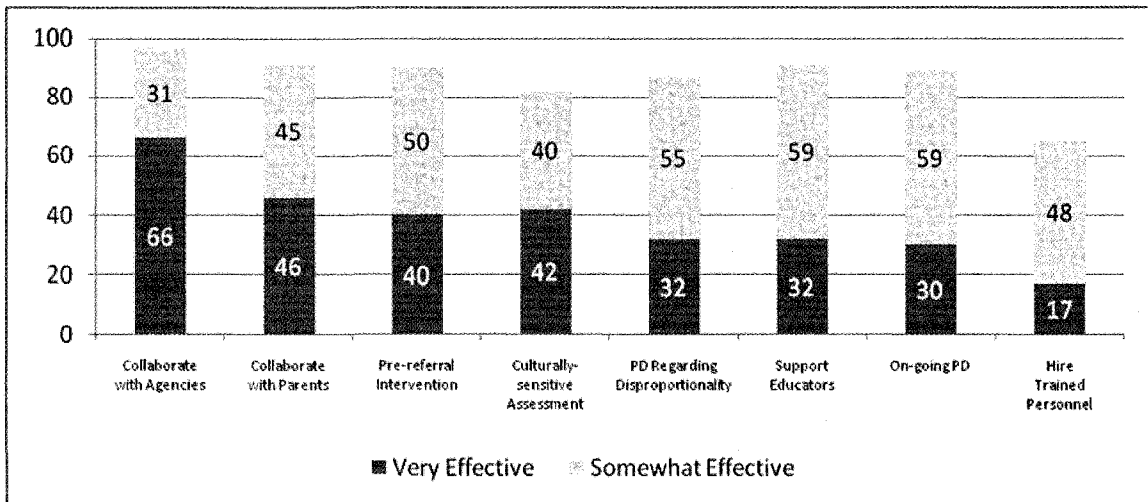


Figure 2. Perceived Effectiveness of Practices to Address Disproportionality

Research Question 2a:

What is the relationship of division size to perceived effectiveness?

Analysis of data indicated significant positive relationships between division size and perceived effectiveness with the following practices: hire personnel trained in cultural diversity ($r = .254$, $p < .05$), support educators in using pedagogy ($r = .286$, $p < .01$), and professional development regarding disproportionality ($r = .247$, $p < .05$). A significant yet small relationship was found to exist between division size and perceived effectiveness ($r = .259$, $p < .01$). This relationship suggests that as school division size increased, so, too, did the perception of effectiveness regarding the practices.

Table 4.9 *Correlation between Division Size and Perceived Effectiveness*

Predictor Variable	r	Significance
1) Hire personnel trained in cultural diversity...	.254*	Yes
2) On-going professional development ...	.178	No
3) Support educators in using pedagogy...	.286**	Yes
4) Pre-referral intervention program...	.153	No
5) Culturally sensitive assessment tools...	.082	No
6) Collaborate with parents ...	.182	No
7) Collaborate with agencies ...	.153	No
8) Professional development on disproportionality...	.247*	Yes
Correlation between division size and perceived effectiveness	.259**	Yes

* $p < .05$, ** $p < .01$, *** $p < .001$

Research Question 2b:

What is the relationship of proportion of African American students enrolled to perceived effectiveness?

Analysis of data indicated significant positive relationships between proportion of African American students enrolled and perception of effectiveness with the following practices: hire personnel trained in cultural diversity ($r = .260$, $p < .05$), support educators in using pedagogy ($r = .299$, $p < .01$), collaborate with parents ($r = .213$, $p < .05$), and professional development on disproportionality ($r = .231$, $p < .05$). A significant but small relationship was found to exist between the proportion of African American students enrolled and perceived effectiveness of the practices ($r = .276$, $p < .01$). This relationship suggests that as the enrollment of African American students increased, so did the overall perceived effectiveness of the practices.

Table 4.10 *Correlation between Proportion of African American Students Enrolled and Perceived Effectiveness*

Predictor Variable	r	Significance
1) Hire personnel trained in cultural diversity...	.260*	Yes
2) On-going professional development ...	.111	No
3) Support educators in using pedagogy...	.299**	Yes
4) Pre-referral intervention program...	.160	No
5) Culturally sensitive assessment tools ...	.036	No
6) Collaborate with parents ...	.213*	Yes
7) Collaborate with agencies...	.134	No
8) Professional development regarding disproportionality...	.231*	Yes
Correlation between proportion of AA students enrolled and implementation of practices...	.276**	Yes

* $p < .05$, ** $p < .01$, *** $p < .001$

Research Question 2c:

What is the relationship of proportion of African American students with disabilities to perceived effectiveness?

Analysis of data indicated significant positive relationships between proportion of African American students with disabilities and perceived effectiveness of the following practices: hire personnel trained in cultural diversity ($r = .254$, $p < .05$), support educators in using pedagogy ($r = .297$, $p < .01$), collaborate with parents ($r = .195$, $p < .05$), and professional development on disproportionality ($r = .233$, $p < .05$). A small yet significant relationship was found to exist between the proportion of African American students with disabilities and overall perceived effectiveness of the practices ($r = .277$, $p < .05$). This relationship suggests that as the proportion of African American students with disabilities increased, it was likely the perceived effectiveness of the practices would increase as well.

Table 4.11 *Correlation between Proportion of African American Students with Disabilities and Perceived Effectiveness*

Predictor Variable	r	Significance
1) Hire personnel trained in cultural diversity...	.254*	Yes
2) On-going professional development ...	.121	No
3) Support educators in using pedagogy...	.297**	Yes
4) Pre-referral intervention program...	.165	No
5) Culturally sensitive assessment tools ...	.052	No
6) Collaborate with parents ...	.195*	Yes
7) Collaborate with agencies...	.118	No
8) Professional development regarding disproportionality...	.233*	Yes
Correlation between proportion of AA SWD and perceived effectiveness	.277*	Yes

* $p < .05$, ** $p < .01$, *** $p < .001$,

AA= African American, SWD= Students with Disabilities

This chapter presented the findings from the study. The following chapter will elaborate on the findings, discuss how the findings relate to associated issues, research, and work in the field of special education. Implications for practice will also be the discussed.

CHAPTER 5

DISCUSSIONS, IMPLICATIONS, AND RECOMMENDATIONS

The public education system has not always been the great equalizer that it is hailed to be today. Sadly, there was a time in our nation's history when persons from disenfranchised groups were blatantly denied access to an education. Even when educational opportunities were opened up to these individuals, they were often below standard compared to that received by members of the entitled group.

Today, American citizens are entitled to a quality education. They can exercise their right to attend public school, private schools, or even participate in home-schooling situations. Due to the efforts of many, persons with disabilities now also have at their disposal an arsenal of rights and entitlements that facilitate their access to a free, appropriate public education. They, too, have options in terms of various schooling arrangements that exist on the continuum of service delivery options. When taking a general view of these statements into account, it would appear that the public education system does, in fact, offer a fair, equitable realm of opportunities.

Closer examination, however, of the special education programs in place in public schools across the country draws much attention to the underlying rationale for whom is present in those programs and why they are there. Data on public school divisions in Virginia indicate that African American students are present in special education programs in proportions significantly greater than the presence in the overall school population. Since this is not a new trend, but rather, one that dates back over 30 years, one has to question why this trend continues to persist.

The disproportionate representation of African American students in special education programs was first brought to light over three decades ago. Dunn (1968) was credited for pointing out that the population of special education programs for the mentally deficient represented sixty to eighty percent minority children . After various investigations, legislations, and litigations pertaining to the issue, it stubbornly persists.

This study specifically investigated the practices being used in Virginia public schools to address the problem of overrepresentation of African American students in special education programs. Moreover, it examined how effective special education leaders perceived these practices to be in addressing the issue. This study is timely in that it was conducted when multiple stakeholders in the school community are addressing this issue.

A mixed methodology was employed in this study. Quantitative and qualitative data were collected through surveys and a content analysis of written documents. The survey used for this study was developed by the researcher. The instrument underwent a validation and reliability process in the form of a pilot study to strengthen it for use in this study. It is based on an extensive review of the literature on the topic of disproportionality and included information from a resource that was developed jointly by national general and special education organizations. The guide serves school divisions who need to review and/or revise their policies, practices, and procedures related to pre-referral intervention strategies.

Summary of Findings on the Practices

The findings from this study indicate that practices suggested in the professional literature are being widely used in Virginia public schools. As well, all of the practices

stated in the survey are largely perceived to be effective in addressing the issue of disproportionality. Through the content analysis of the eleven school division actions plans and the analysis of the open-ended survey question, additional practices being used to address disproportionality emerged. This section will focus on each practice in terms of its use and perception of effectiveness as a means for addressing the issue of disproportionality.

Hire personnel trained in cultural diversity

The literature suggests that the student population in public schools is becoming increasingly diverse and as such, there is and will likely continue to be, a “cultural mismatch” between teachers and the students they serve. This “mismatch” creates concerns when the students’ cultural ways of knowing are exhibited in the classroom environment and perceived to be areas of deficit within the student that are in need of special education services.

The findings from this study show that the practice of hiring personnel trained in cultural diversity is not only used the least but also perceived to be the least effective when compared to the other practices. What comes into question here is the role that the respondents in this study play in the hiring process in their school divisions. It may very well be that they recognize the importance of hiring personnel who have the ability through their previous training experiences to differentiate between the cultural experiences of African American students and disability, but they are not directly involved in human resource efforts. Should this be the case, there may be implications for practice that will be addressed in a later section.

Culturally-Sensitive Assessment Tools

Biases have been found to exist in the assessment process. More specifically, these biases are present in the assessment tools used to identify students for educational programs (i.e., gifted, special education). When assessment tools normed on the dominant culture are used with students from culturally and linguistically diverse backgrounds, the results of such assessments present an atypical profile of that student. Experts in the field of education have recognized this serious flaw with the assessment process and much debate has been sparked over the use of these biased assessment tools. The practice of using assessment tools that are culturally sensitive and research based is being used and perceived to be effective because it leads to the appropriate identification of students with disabilities and not just those who are least familiar with the culture of the dominant group from whom the test is normed.

Support Educators in Using Culturally Responsive Pedagogy

There is a plethora of research in the field of education that has critically examined strategies that work to increase student achievement. In fact, NCLB promotes the use of scientifically-based instructional strategies to enhance student success. In addition to the strategies that focus on academic instruction, the literature also offers specific strategies to help teach students from culturally diverse backgrounds. Given the “cultural mismatch” mentioned earlier, this practice appears to hold strong promise for being viable in terms of addressing the issue of disproportionality, as the findings from this study suggest that this practice is often used and perceived to be effective.

On-going Professional Development

Educators are in a unique position, one that essentially requires them to become lifelong learners so that they are better equipped to deal with the demands of their jobs. Because there are various cultures represented in many of today's schools, it is their role to stay abreast of the current trends regarding what works to best meet the unique needs of the students they serve. Continuous, on-going professional development for educators, then, is a critical practice that must take place in order to assist with the achievement of students from culturally-diverse backgrounds. Participants in this study rated this practice as one that is often used and perceived to be effective in addressing the issue of disproportionality. The special education directors who participated in this study perceived that these professional development efforts help educators become more culturally aware of themselves in their own practice as well as the gifts and challenges that are associated with various cultures represented in the school environment.

Pre-referral Intervention Program

The establishment of a pre-referral intervention program is touted by the professional literature as a promising practice to utilize to address disproportionality. The findings from this study indicate that it is used (as shown by responses of "very frequently" and "sometimes") and perceived to be effective in Virginia school divisions. The premise behind this practice is that school teams implement interventions prior to referring a student for special education consideration. When those interventions lead to progress with the initial area of concern, then it is very likely that the student does not, in fact, present with a disability. In instances where this process is not used, the students'

challenges can easily be viewed as a disability. Therefore, the utilization of this practice decreases the misidentification of students.

Collaborate with Agencies

Karoly et al. (1998) indicated that high quality early intervention programs can have very positive effects for those children who receive services. Those results can include benefits such as increases in both short and long term academic achievement, reductions in grade retentions, reductions in special education referrals, and even reductions in such risks as teen-age pregnancy. The findings in this study indicate that this practice is the most highly used and rated the most highly effective relative of the practices. This seems to suggest that involvement from other agencies leads to greater use and effectiveness because there are multiple stakeholders working to achieve what is in the best interest of the child.

Collaborate with Parents

It may be difficult at best to find a school in this country that has not clearly articulated that they work in partnership with the families of the children they serve. To this end, collaboration with parents on finding ways to help their child be successful is not a new idea. Rather, it is one that is most pertinent to the success of the child in the educational environment. This practice was found to be one of the most highly used practices and was regarded as highly effective when compared with the others in the study. When schools and parents collaborate, there is consistency and carry over in terms of what is expected of that child. Likewise, should that child experience academic or behavioral difficulty, the relationship that has developed as a result of the school-parent

collaboration lends itself nicely to having a team approach to address that student's challenges.

Action Plans

School divisions in Virginia who have African-American students disproportionately represented in special education programs have the option of completing an action plan which outlines the tasks they feel are necessary to complete to address the issue. This action plan is not required by school divisions, but rather, an option they can utilize if they desire. These action plans serve as formal acknowledgement of the problem as well as a formal commitment to try to fix it. It is also a mechanism that school divisions can use to hold multiple stakeholders in the division accountable for taking the necessary action to address the issue.

Central Eligibility Process

A theme that emerged from the analysis of data was the use of a central eligibility process as a practice to use to address disproportionality. This practice seems to be a viable option to utilize because it would allow for the creation of an eligibility team that is knowledgeable of the regulations governing special education, is familiar with the disability categories and criteria as well as the issue of disproportionality, and is objective in terms of not having an established relationship with the students of concern. Given the subjective nature of eligibility decision making, particularly with regard to the socially constructed disability categories, having an objective team reviewing the data and making the decisions would alleviate inappropriate identification based on using special education as a saving grace for students experiencing academic difficulty. The participants in this study saw it a central focus of their role to develop criteria regarding

each disability category, participate in eligibility team meetings, centralize the eligibility process, and provide training to parents and staff on the process. These actions are quite likely to lead to consistency and uniformity with the decision-making involved with this process.

Summary of Relationships

District Size

As noted previously, there was a positive significant relationship between district size and implementation of the practices. One explanation for this relationship may be that as school districts increase in the size of the student population, this also leads to increase in personnel. Given the characteristics and needs of the students in these growing school divisions, there may very likely be a need to provide additional services and programs to meet the needs of these students. The more personnel and program delivery options available, the better school divisions may be able to implement practices and strategies that lead to increased student achievement for all students.

Another explanation for the positive significant relationship between division size and implementation of the practices could be due to fact that school populations are growing increasingly diverse with students from a plethora of ethnic backgrounds (Gay, 1993; Meyer & Patton, 2001; Patton, 1998; Weinstein, Tomlinson-Clarke, & Curran, 2004). Given such, it is plausible that the practices are being implemented to address the unique needs of all of these students, and not just the needs of African American students.

There was also a positive significant relationship between division size and perceived effectiveness. This perhaps could be due to the likely increase in personnel that

was addressed previously as a response to the relationship between division size and implementation of the practices. If this is the case, then merely having more personnel working on this issue by implementing the practices may possibly lead to the feeling of the practices being effective.

Proportion of African American Students Enrolled

Data in this study indicated that as the proportion of African American students enrolled increased, so did the overall implementation of the practice as well as overall perception of effectiveness of those practices. It is likely that the growing presence of African American students in a school's population brings out the cultural differences that are inherent in those students. Cultural differences can make African American students appear to be unable to meet the demands of a European-dominated academic setting (Irvine, 1990; Weinstein, Tomlinson-Clarke, & Curran, 2004). One way to counter the effects of cultural barriers negatively impacting the learning process is to implement practices that are specifically designed to deliver as equitable an education as possible. The frequency of implementation of these practices may possibly likely be positively impacting the perception of effectiveness.

Along this same line, it is important to discuss the ethnic background of the overwhelming majority of the participants given that cultural ramifications are closely linked to this topic. Sixty percent of the participants were White/ European. This illustrates a possible cultural disconnect between the respondents and the population being studied. The participants in this study used their cultural lenses to respond to the survey and it may be that the issue does not have the same meaning or level of gravity to all participants, given these cultural barriers.

Proportion of African American Students with Disabilities

Data analyzed in this study indicated that as the proportion of African American students with disabilities increases, so does the implementation of the practices. This is not surprising, in that the practices addressed were the ones from the research that were recommended to use to alleviate the problem of overrepresentation of minority students in special education programs.

Surprisingly, however, is the relationship that was found to exist between proportion of African American students with disabilities and perceived effectiveness. The data indicated that as the proportion of African American students with disabilities increased, so did the perceived effectiveness of these practices. Personal bias on behalf of the researcher led to the assumption that a decrease in the proportion of African American students with disabilities would lead to an increase in perceived effectiveness. Since this was not the case, perhaps this relationship suggests that the effectiveness of the practices is being measured in another way other than the enrollment numbers of African American students in special education programs.

Implications for Future Research

As stated previously, this study sought to contribute to the literature by investigating the extent to which the practices recommended in the literature were being used in school divisions in a state that facing this dilemma in overwhelming proportions. Additionally, it sought to examine the perception of effectiveness of these practices from the perspective of special education leaders who are tasked with this major responsibility of bringing about positive change with this issue. The findings answered the research questions central to this study. However, they also lead to a key question in this

examination of the issue of disproportionality. If the practices are being used and considered effective, why does the problem of disproportionality continue to exist?

Future research efforts are needed to examine this question. One such way to do so would be to critically review each of the practices individually. This could potentially reveal whether or not the practice is appropriate to address disproportionality or if it is simply a good practice to use with all students. For example, collaboration with parents is a practice that seems to be appropriate to meet the needs of all students. However, its direct impact on addressing the issue of disproportionality could be established with an in-depth analysis of the practice itself. Given that few of the practices have been examined quantitatively, it may lead to a stronger research base to empirically test the effectiveness of these practices with concrete data.

This study provided a bird's eye view of the extent of the implementation of the practices and the perceptions of effectiveness from one stakeholder group. While it was critical to tap into the perspective of special education leaders, it may be more insightful to investigate this issue at the building level. The data used in this study was based on school divisions as a whole, however, there may be individual schools in those same divisions who either do not have the problem or have made great strides in addressing the issue. Examining individual schools and their internal stakeholders may allow for a more in-depth qualitative analysis of the lived experiences and voices of the participants who are faced directly with the issue (Patton, 1998).

Implications for Practice: Educational Leaders

This study provides support for the utilization of research-based practices to address the issue of disproportionality. Findings indicated that the practices are being

widely used in school divisions in Virginia and to an overwhelming degree, they are perceived to be effective in addressing the issue. The findings further indicated that as the enrollment of African American students grew, the practices were implemented more frequently. Data indicated that even in cases where the proportion African American students with disabilities increased, special education leaders continued implementing the practices and still perceived them as being effective.

Unfortunately, the implementation of the practices have not produced reductions in the presence of African American students in special education programs in Virginia public schools as of yet based on review of state-level data from 2004 through 2006. In fact, data from the VDOE shows that there is an increase in the number of school divisions facing this dilemma from previous years. Many of the participants in this study indicated that they do not have a problem with disproportionality at this time. However, many of those same participants indicated that they are being proactive and implementing the practices so as to avoid it. This may suggest that the perception of effectiveness could be based solely on the fact that the practices are being implemented. In other words, the mere implementation of the practices at any level makes director of special education perceive them to be effective. It is important to note that one participant also shared that these practices are particularly effective for African American students, but they really are effective for all students. This statement reflects the accountability to meeting the needs of all students. Therefore, it very well could be that the participants' frame of reference regarding effectiveness of the practices was for the student population as a whole and not just for African American students.

As stated earlier, the researcher shared one such way she believed that perceived effectiveness could be measured. Since this may not be the method used by all participants in the study to measure effectiveness, it perhaps would be more helpful to identify objective measures to gauge effectiveness other than self-report from the participants, as ambiguity and inconsistency with this measure may have impacted their responses to this question. One suggestion would be to use the proportion of African American students enrolled in special education programs over time as a hallmark indicator for effectiveness of the practices. Social desirability also may have impacted the participants' responses, since it may have seemed more appropriate to indicate that practices being implemented most frequently are done so because they are also effective. This study targeted practices that are being implemented prior to students being placed in special education programs. As such, it is appropriate to say that there are some implications for general education leaders as well. As general education leaders are faced with increased ownership and accountability for the academic achievement of all students, these practices should become a routine part of the process that general education personnel follow. This increased accountability coupled with the implementation of Response to Intervention efforts will help lead to a unified system of service delivery for all students.

Conclusion

As the past thirty years have shown, there is no one perfect solution to address the disproportionate representation of African American students in special education programs. Rather, there are a myriad of practices that can be implemented to lead to a decrease in this problem. This study investigated the practices cited in the literature to determine the extent to which they are being used in school divisions in Virginia public

schools. It further examined the perception of effectiveness of these practices from the perspective of directors of special education. Key findings from this study showed that the practices are in fact being implemented consistently and they are perceived to be effective in terms of addressing the issue. Furthermore, statistically significant positive relationships were found between overall implementation of the practices and overall perceived effectiveness with division size, proportion of African American students enrolled, and proportion of African American students with disabilities. Despite this revelation, however, school divisions across Virginia continue to be presented with this problem, which is getting worse in terms of the growing numbers of school divisions facing this dilemma. Further investigations and extensive analyses will be necessary to efficiently derive at the practices that are truly effective in addressing this persistent concern.

APPENDIX A

School Membership and Disproportionality Data

As of December 1, 2006

Tolerance percentage used: 5%

Ethnicity	Fall Membership	%	Sped. Count	%	Expected #	Adjusted #	Departure
Unspecified	27,111	2.22	3,211	1.87	3,812	4,003	-792
American Indian	3,905	.32	516	.30	549	577	-61
Asian	63,188	5.18	4,218	2.46	8,885	9,330	-5,112
Black	319,063	26.14	52,733	30.72	44,866	47,109	5,623
Hispanic	98,699	8.09	12,386	7.22	13,879	14,573	-2,187
White	707,538	57.97	98,496	57.39	99,492	104,467	-5,971

APPENDIX B

Pre-Alert Letter

(Sent to participants via electronic mail)

Dear Special Education Directors:

My name is Stacia Barreau and I am a doctoral candidate in the Educational Policy, Planning, & Leadership program at The College of William & Mary. My area of emphasis is Special Education Administration. I am contacting you to request your participation in my dissertation study. The purpose of the study is to investigate the practices being used to address the disproportionate representation of African American students in special education programs in Virginia. Your participation will involve completing a 16 question survey that has been developed based on a review of the professional literature on the topic of disproportionality.

For your convenience, there are multiple ways in which you can complete the survey. They are: 1) paper-based; 2) electronically; or 3) via telephone. Unless you indicate otherwise, the survey will be sent to you electronically. However, if you prefer, I will gladly mail a hard copy of the survey to you to complete by hand along with a self-addressed stamped envelope for its return. Finally, the survey can be completed via telephone by scheduling a date and time for me to contact you to ask the questions on the survey and record your responses. Please let me know by Tuesday, January 15, 2008 your method of participation if it is not electronically. Surveys will be distributed on Wednesday, January 16, 2008.

Please know that I sincerely appreciate any time and effort you can put into this endeavor. I am certain that the summation of your input will lead to valuable insights into the topic of disproportionality and will make a valuable contribution to the field. I thank you in advance for your assistance with this matter.

Sincerely,

Stacia Barreau

Assistant Principal

Dare Elementary School

300 Dare Road

Yorktown, Virginia 23692

APPENDIX C

Content Analysis Categories and Codes

CATEGORIES	CODES
Hire personnel trained in cultural diversity	1
On-going professional development on student achievement for diverse students	2
Support to educators in pedagogy addressing diverse student backgrounds	3
Institute a pre-referral intervention program prior to consideration for special education	4
Identify and use of research-based, culturally sensitive assessment tools	5
Collaborate with parents to find ways to help their children in school	6
Collaborate with local agencies to identify students requiring early intervention services	7
Professional development on cultural competence and disproportionality	8
Special education leaders present at eligibility meetings	9
Attend outside training by VDOE on disproportionality	10
Create criteria for each disability category	11
Provide trainings for parents and staff on eligibility criteria	12
Implement revised curriculum	13
Meet with general education supervisors	14
Review initial eligibility decisions of Black students with ED and MR labels	15
Develop intervention checklist	16
Review individual schools' disproportionality data	17

APPENDIX D

Practices Addressing Disproportionality Survey

<p>PART A</p> <p>Directions: The following statements reflect what the literature has most frequently cited as practices to address disproportionality. In Column 1, please indicate the extent to which each occurs in your school division, from Never (1) to Very Frequently (3). Next, please indicate in Column 2 how effective you believe each practice is in addressing the issue of disproportionality, from Not Applicable (1) to Very Effective (4).</p> <p><i>Extent to which we do the following:</i></p>	Column 1			Column 2			
	Never	Sometimes	Very Frequently	Not Applicable	Not Effective	Somewhat Effective	Very Effective
<p>1. Hire personnel who have been trained in cultural diversity through college coursework, workshops, conferences, or some other capacity.</p>	①	②	③	①	②	③	④
<p>2. Provide on-going professional development for teachers and specialists on topics pertinent to improving student achievement for culturally diverse students.</p>	①	②	③	①	②	③	④
<p>3. Support educators in using pedagogy that addresses the diverse cultural backgrounds of students.</p>	①	②	③	①	②	③	④
<p>4. Institute a district-based pre-referral intervention program to be used prior to referring students for consideration of special education (e.g., Child Study, Instructional Support teams, or Student Assistance Teams).</p>	①	②	③	①	②	③	④
<p>5. Identify and use assessment tools that are research-based and culturally sensitive.</p>	①	②	③	①	②	③	④
<p>6. Collaborate with parents in finding effective ways for them to help their child in school.</p>	①	②	③	①	②	③	④

7. Collaborate with local agencies to identify infants and toddlers who may require early intervention services.	① ② ③	① ② ③ ④
8. Provide professional development to child study and eligibility teams regarding cultural competence and disproportionality in special education.	① ② ③	① ② ③ ④

9. Please list any other practices in use in your school division and describe how effective they are in addressing disproportionality. Use the back of this page if necessary.

10. Please add any other comments or suggestions. Use the back of this page if necessary.

PART B: DEMOGRAPHIC DATA:

Please fill in the blank or circle your response to each item. You may skip any items you do not feel comfortable answering.

1. Name of your school division. _____

(NOTE: This information will be viewed solely by the researcher used specifically to cross match other demographic data relative to the study.)

2. Briefly describe your role in addressing disproportionality in your school division.

3. Years of experience as a Director of Special Education
 Less than 1 year
 1-5 years
 6-10 years
 Over 10 years

4. Ethnic background
 African American/ Black
 Hispanic/ Latino
 Asian/ Pacific Islander
 White/ European
 Native American
 Other: _____

5. Gender
 Male
 Female

6. Percentage of students receiving free and reduced lunch
 0-20%
 21-40%
 41-60%
 61-80%
 81-100%

APPENDIX E

An Investigation of Practices to Address the Disproportionate Representation of African American Students in Special Education Programs

Cover Letter

January 18, 2008

Dear Special Education Director:

Thank you for agreeing to complete the survey entitled *Practices Addressing Disproportionality*. I appreciate your time, consideration, and responses to these questions as well as your valuable feedback.

This study examines the extent to which the practices are being implemented to address disproportionality in Virginia public schools. Further, it seeks to understand your perceptions of the effectiveness of these practices in addressing the issue of disproportionality. The survey questions are mostly closed-ended to assist in ease of response. It is estimated that it will take each respondent approximately 10- 15 minutes to complete the actual survey. Please complete all items as honestly and truthfully as possible and return all paperwork to me in the self-addressed stamped envelope provided by **February 1, 2008**.

All information gathered from the results of your survey will be kept strictly confidential and anonymous. Your participation in this study is voluntary and you may choose not to participate without penalty. Should you choose to participate, you may withdraw from the study at any time.

You may report any dissatisfaction with the study to the Chair of the Human Subjects Committee, Dr. Michael Deschenes at 757-221-2778, mrdes@wm.edu. A copy of the survey results will be available upon request. Please contact me via email or phone if you wish to have a summarized copy of the results.

Stacia Barreau
Doctoral Fellow, School of Education
The College of William and Mary
P.O. Box 8795 Williamsburg VA. 23187-8795
757-645-4870

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