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# An Examination of Referral and Eventual Placement of African American Students and English Language Learners in Special Education

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The University of Southern Mississippi

AN EXAMINATION OF REFERRAL AND EVENTUAL PLACEMENT OF  
AFRICAN AMERICAN STUDENTS AND ENGLISH LANGUAGE  
LEARNERS IN SPECIAL EDUCATION

by

Eneas Ruel Deveaux

Abstract of a Dissertation  
Submitted to the Graduate School  
of The University of Southern Mississippi  
in Partial Fulfillment of the Requirements  
for the Degree of Doctor of Philosophy

December 2013

## ABSTRACT

# AN EXAMINATION OF REFERRAL AND EVENTUAL PLACEMENT OF AFRICAN AMERICAN STUDENTS AND ENGLISH LANGUAGE LEARNERS IN SPECIAL EDUCATION

by Eneas Ruel Deveaux

December 2013

The purpose of this study was to investigate the factors that educators in a large, suburban, public school district in the southeastern United States believe contribute to African American and English Language Learners (ELL) being referred to special education at a higher rate than traditional students by exploring the attitudes and perceptions of teachers, administrators, and psychologists using surveys.

Data were analyzed to test for difference in perceptions by educator demographics (i.e., age, race, gender, experience, and educational level). The second purpose of this study was to investigate the effect of educator's perception of referral to Response to Intervention (RTI) eventual placement into special education programs for African American students and English Language Learners.

The study employed a mixed method design that combined quantitative and qualitative methods in order to determine the attitudes and perceptions of educators regarding the high referral rate of African American students and English Language Learners (ELLS) to the RTI process in a large suburban school district in the southeastern United States. Quantitative data were collected via surveys that were administered to teachers, school psychologist, and school counselors involved in the RTI process in their respective schools. In addition, demographic data reflecting age, gender, education level,

experience, and race were collected. Qualitative data were collected from general education teachers, special education teachers, school psychologist, and school administrators following a review of observational records, RTI meeting minutes, and open-ended survey questions. All research questions were addressed using a series of one-way ANOVAs with position (teachers, administrators, counselors, and psychologists) as the grouping variable and responses to the survey items as the dependent variables. All significant effects with independent variables having more than two levels were followed with Tukey's Honest Significant Difference (HSD) analyses. Results revealed that position differences related to differences in perceptions of classroom needs with regard to minority students. Special education teachers scored lower on these items with higher scores indicating agreement that "classroom teachers have the same learning/behavior expectations" for students in their classroom without regard for minority status. In addition, general education teachers scored lower than counselors on these items with administrators and psychologists not statistically different from either general education teachers or counselors. General education teachers scored highest on both items, while special education teachers scored the lowest on gender differences in lesson planning. The special education teacher, general education teacher, administrator, counselor, and psychologists scored within the same range with their responses to professional development about individual differences. There were no differences between counselors and psychologists regarding their response to the item regarding gender differences in lesson planning. Special education teachers scored the lowest of the other educators regarding the extent to which classroom observations are used to refer students to RTI.

A number of factors contribute to disproportionality, including test bias, socioeconomic status, special education processes, issues of behavior management, imbalance in general education, and inadequate teacher preparation. All children have the ability to learn and succeed, however, not in the same way or on the same day. More times than not educators develop an opinion about a student before they have had an opportunity to work with them. These perceptions are developed as a result of stereotypes, personal experiences, the media, inexperience working with a particular demographic, and influences from colleagues. Students have no control over these variables; however, they are subjected to the scrutiny of individuals that are responsible for providing them with a quality education. Educator's perception of the students they serve plays a vital role in their expectations, interactions, and relationships with students they work with. These perceptions tend to hinder an educator's ability to work with students in an unbiased manner in order to get the maximum effort out of their students. Ultimately, these variables contribute to differential rates of referral for minority students across the nation.

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December 2013

## DEDICATION

This work is dedicated to my late mother, Vivien Catherine Deveaux; my late grandmother, Mary Rose Watkins; my late aunt, Morrine Hanna a retired educator; my late mother in-law, Hermia Simmons; my late father in-law, Charles C. Simmons, and my late God Mother Dorothy Thomas.

A special thank you is extended to my father, Reverend Alfred Eneas Deveaux and mother Vivien Catherine Deveaux for providing a strong Christian upbringing and for instilling the value of an education in our family at a very early age.

I also dedicate this work to my wonderful wife, Dr. Hermia Simmons-Deveaux, who encouraged me along the way and provided wise counsel and motivation as she pursued her doctorate at the same time. This work is also dedicated to my loving daughter, Kennedy Deveaux; thanks for your love, encouragement, and patience. Thanks for understanding that Daddy had to complete assignments and work on his dissertation at times when you wanted to enjoy leisure pursuits.

Although my mother is not here, she was and continues to be a motivating factor in my pursuit of earning a doctoral degree. She and I constantly discussed the benefits of earning a doctoral degree. I was very excited to share with her that I completed all requirements for my doctorate with the exception of my dissertation. The last conversation that my Mom and I had centered around her health improving so that she can attend graduation in Hattiesburg, Mississippi at The University of Southern Mississippi. I am saddened that she is not physically here to experience this moment with me. However, she is always in my heart.



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## CHAPTER I

### INTRODUCTION

The disproportionate representation of racial and ethnic minorities in special education and the inequities in educational opportunities are among the most critical issues faced by public school systems throughout the United States (IDEA). In spite of the historic passage of the Education for All Handicapped Act (EAHCA) in 1975, also referred to as Public Law 94-142, the nation's first set of laws that delineated the rights of students with disabilities, overrepresentation of minorities in special education continues to be pervasive, persistent and unresolved (Artiles & Zamora-Durán, 1997). Rhodes, Ochoa, and Ortiz (2005) claimed that in spite of all the efforts being made to reduce the overrepresentation of African American students and Hispanic or Latino English as second language learners in special education, the trend still continues.

The disproportionate presence of pupils from minority groups in special education programs has been a pressing and volatile concern of educators for more than four decades (Blanchett, Munford, & Beachum, 2005). The fact that greater numbers of children from minority groups are placed in special education programs than would be anticipated based on their proportion of the general school population is commonly referred to as overrepresentation. At the heart of the discussion about disproportional representation is the issue of inappropriate placement in special education programs. The primary concern is with false positives—when a pupil from a cultural or linguistic minority is identified as disabled when, in fact, he or she is *not* disabled and is therefore inappropriately placed in a class for students with disabilities. In 2002, the Office of Special Education Programs (OSEP) asserted that the exponential growth in identification of learning-disabled students who are ultimately placed in special education programs

was another rationale for implementing Response to Intervention (RTI). Supporting this conjecture was the belief that many of these students were misdiagnosed as learning disabled (Hallahan, Keogh, & Cruickshank, 2001). In addition, proponents assumed that far more students could be helped by the implementation of the RTI program than by the traditional discrepancy model with the possibility that fewer students would be referred for special education services (Berninger, 2006). Through the traditional discrepancy model, a learning disability is determined through a combination of cognitive (intellectual) and academic (achievement) testing. When a severe discrepancy between ability and achievement is found, along with indication of underlying information processing issues, a learning disability can be identified and special education services may be provided. Each state establishes its own formula for determining when a discrepancy can be considered severe (Wright & Wright, 2005). Berninger explained that RTI exposed struggling students to the core curriculum and provided them with increasingly more intensive interventions until their learning gap could be closed. To proponents, this logical progression meant that far fewer students actually needed special education and that only those students with true disabilities would be placed in special education programs for Learning Disabilities (LD) services (Berninger, 2006). However, empirical research has not yet quantified the assumption that the traditional student support team (SST) process, which involved referral and special education placement, was not working. A pragmatic look at the efficacy of RTI is needed; a wholesale, lockstep dismantling of the traditional methodology would be irresponsible, no matter how attractive RTI appears (Berninger, 2006).

The purpose of this research is to examine the perceptions of educators regarding the disproportionate number of students referred to RTI and eventual placement in special

education in elementary and middle schools in a large, suburban, public school district in the southeastern United States. The goal of this study is to investigate the factors that educators in a large, suburban, public school district believe contribute to African American and English Language Learners (ELL) being referred to special education at a higher rate than traditional students by exploring the attitudes and perceptions of teachers, administrators (principals, assistant principals, and assistant administrators), counselors (RTI coordinators), and psychologists using surveys and interviews. While previous studies have indicated that African American students have been referred to the SST process at a higher rate than other ethnicities, few studies have attempted to understand the perceptions of educators regarding factors that may have intensified the disproportionate number of referrals that are made on behalf of African American students and English Language Learners (Berninger, 2006).

#### Statement of the Problem

Since the late 1960s, there have been serious concerns among policymakers and the general public regarding the overrepresentation of African American students in special education (Artiles & Trent, 1994). Disproportionate representation of minority students, especially African Americans, in a variety of school disciplinary procedures has been documented almost continuously for the past 25 years, yet there has been little study of the factors contributing to that disproportionality (Skiba, Michael, Nardo, & Peterson, 2000). In 1997, the reauthorization of the Individuals with Disabilities Education Act (IDEA) set forth provisions requiring states to address significant disproportionality when it occurs. States were instructed to collect and examine data to assess whether any racial/ethnic groups were disproportionately represented in special education programs in disability and educational environment categories (Ellingstad, 2001).



The state of Georgia is among several southeastern states that implemented the Response to Intervention (RTI) model (Georgia Department of Education, 2011). Prior to RTI, Georgia used the student support team (SST) an interdisciplinary group that uses a systematic process to address learning and or behavior problems of students for grades K-12, to address the needs of students. Wright (2007) explained the RTI model integrated assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems, (National Center on Response to Intervention, 2010). With RTI, schools were able to identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions, adjust the intensity and nature of those interventions depending on a student's responsiveness, and identify students with learning disabilities or other disabilities (Wright, 2007). Although state departments of education collected data about the ethnicity of students in special education, they typically did not accumulate information about student's language proficiency (Klingner & Artiles, 2003). Thus, little is known about the representation of English Language Learners (ELL) in special education programs.

The U.S. Census Bureau reported that Hispanics were the fastest growing ethnic group in U.S. schools surpassing African Americans as the largest minority group in the United States (Artiles, Klingner, & Tate, 2006). Furthermore, Hispanics are the second largest racial/ethnic group in the United States, comprising 16% of the nation's population in 2010. This was an increase of 43% compared to 2000, when Hispanics constituted 12.5% of the population (Humes, Jones, & Ramirez, 2011). As the ELL population continued to increase, educators became increasingly aware of some of the challenges this population may experience. Non-English speakers or ELLs, faced

challenges overcoming language barriers, but also overcoming low teacher expectations and low academic achievement (McCardle, Mele-McCarthy, Cutting, Leos, & D'Emilio, 2005).

Since the 1960s several court cases have been adjudicated where overrepresentation of African American students and English Language Learners in special education were the basis for the litigation. The case of *Larry P. v. Riles* (1972, 1979, 1984, and 1986) in California is renowned for its challenge to the disproportionate representation of African American students in programs for the educable mentally retarded (EMR). The outcome of this trial was a ruling that the disproportionate representation of African American students in special education programs was discriminatory; subsequently the use of IQ tests with African American students was banned and the court ordered the elimination of the overrepresentation of African American students in programs for the Educable Mentally Retarded (Balow & Macmillan, 1991; Reschly, 2000).

Overrepresentation of Hispanic or English Language Learners in special education programs has also been the basis for litigation in a number of cases. Two of the most widely known cases are *Diana* (1970) and *Guadalupe* (1972). For these cases the complaints revolved around the issues of the administration of IQ tests for students who were second language learners, due process procedural safeguards, and the specialized training of evaluators and special educators. The rulings in these cases required evaluators to test in the primary language of second language learners, to use a variety of assessment instruments (including nonverbal and adaptive behavior instruments), and to provide due process procedural safeguards (*Diana*, 1970; *Guadalupe*, 1972).

In an effort to address the issue of the overrepresentation of African American students and second language learners in special education, the Individuals with Disabilities Education Act of 1997 (IDEA) recommended that all schools utilize and implement procedures to ensure that all instruments used to determine eligibility for special education are nondiscriminatory. However, this has not stemmed the tide of the overrepresentation of African American students and Hispanic or Latino second language learners in special education. To show how acute the situation is, Kovach and Gordon (1997) shared that even when African American students have equal or higher scores than other groups they are often misplaced in lower level classrooms.

The question of whether disproportionality constitutes a true problem has been heavily debated. Some scholars have argued that because special education eligibility results in additional services and supports, special education identification is a benefit, while others assert that if bias or inappropriate practices are present at any stage in the general or special education processes that lead to labeling and placement, disproportionality must be considered problematic (Heller, Holtzman, & Messick, 1982; Klingner et al., 2005). For many, special education represents a double-edged sword as it both ensures access to special education services for children who were traditionally excluded from public education and served to marginalize students from the academic and social curricula of the general education environment (Sullivan, 2008). Others have contended a significant concern that the mere presence of over- or under-representation indicates that the educational needs of these students are unmet by the educational system (Bollmer, Bethel, Garrison-Mogren, & Brauen, 2007).

## Purpose of the Study

While previous studies have indicated that African Americans and ELL students have been referred to RTI at a higher rate than traditional students, few studies have attempted to understand the perceptions of educators regarding factors that may have intensified the disproportionate number of RTI referrals made for African American and ELL students, when compared to those made for traditional students. Advancing the knowledge base about educators' beliefs concerning the RTI referral process could be beneficial because the initial referral to the RTI model is what initiates the possibility of special education placement for students. Therefore, the purpose of this study is to investigate, analyze, and examine the factors that contribute to the higher referral rate of African American and ELL students, in comparison to traditional students, to the RTI process in a large suburban school district in the southeastern United States using perceptual data from educators.

Understanding the extent of disproportionality at the various levels of analysis (e.g., state and local education authority (LEA) is regarded as an important first step in uncovering the causative forces behind the issue, and potential approaches to correcting disparity (Skiba, Eckes, & Brown, 2009). The literature demonstrates the need to analyze disproportionality at multiple levels (Klingner et al., 2005). While national aggregates of identification data may suggest that disproportionality in special education is not an issue for certain populations, analyses at the state and LEA-levels present a different picture. In particular, state and LEA-level analyses have highlighted the need to examine variations in placement at the local level, as aggregated analyses can mask important patterns (Artiles et al., 2005; Skiba et al., 2009).

## Research Questions

This study was guided by the following research questions:

RQ1. What factors, according to teachers, administrators, RTI coordinators/counselor, and psychologist contribute to higher referral rates of African American students and English language learners in comparison to traditional students, to the Response to Intervention process?

H<sub>0</sub>1. There are no differences among teachers, administrators, RTI coordinators/counselors, and psychologist in determining what contributes to higher referral rates of African American students and English language learners in comparison to traditional students, to the Response to Intervention process?

RQ2. Do teachers, administrators, RTI coordinators/counselors, and psychologists differ in their perceptions of the extent to which minority disparities exist in the RTI referral process?

H<sub>0</sub>2. There is no difference among teachers, administrators, counselors, and psychologists in their perceptions of the extent to which minority disparities exist in the RTI referral process.

RQ3. Has the rate of special education placement of African American students been significantly reduced as a result of RTI implementation in the district in the study?

H<sub>0</sub>3. There is no difference between teachers, administrators, RTI coordinators/counselors, and psychologists in their opinions about the rate

of special education placement among African American students and English Language Learners.

RQ4. Has the rate of special education placement of English Language Learners been significantly reduced as a result of RTI implementation in the district in the study?

Ho4. There is no difference between teachers, administrators, RTI coordinators/counselors, and psychologists in their opinions about the rate of special education placement among African American students and English Language Learners.

This study employed a mixed method design that combined quantitative and qualitative methods in order to determine the attitudes and perceptions of educators regarding the high referral rate of African American students and English language learners (ELLS) to the response to intervention (RTI) process in a large suburban school district in the southeastern United States. Quantitative data were collected via surveys that were administered to teachers, school psychologist, and school counselors involved in the RTI process in their respective schools. Demographic data reflecting age, gender, education level, experience, and race. Qualitative data were collected from general education and special education teachers, school psychologists, and school administrators following a review of observational records, RTI meeting minutes, and open-ended survey questions.

To ensure that students with disabilities received a free and appropriate public education (FAPE) in the least restrictive environment (LRE), special interest groups lobbied for change. The change efforts were concurrent with the Civil Rights and Disability Rights movements. These endeavors culminated in Congress setting forth

federal requirements for the education of children with disabilities in P.L. 93-112, Section 504 of the Rehabilitation Act of 1973, and in the Family Educational Rights and Privacy Act of 1974. Disabilities included deaf/blind, deafness, hard of hearing, mental retardation, multi-handicapped, orthopedic impairment, other health impairment, seriously emotionally disturbed, specific learning disability, speech impairment, and visual handicap.

Special Education as we know it today began with the passage of the federal special education law in 1975 (P.L. 94-142), the Education of all Handicapped Children Act, which in 1990 became the Individuals with Disabilities Education Act (IDEA). This law made public schools responsible for the education of all individuals with disabilities. “School systems could no longer exclude students suffering physical or intellectual handicaps, nor could they doom students to inappropriate placements and inadequate curricula” (Stainback & Smith, 2005, p. 19). This law gave parents the authority to make decisions regarding their child’s education, the right to due process and confidentiality, and required that an IEP be implemented for any child identified with a disability. The law further mandated that education occur in the least restrictive environment and that testing is culturally fair, unbiased, and impartial. Since 1990, Congress has amended and reauthorized the law several times, most recently in 2004, in an attempt to improve results for students with disabilities. IDEA (1997) required schools to adhere to procedural and substantive requirements for referring students for special education consideration. Procedural requirements pertain to the involvement of the student’s parents or guardians during the assessment process and the completion of the assessment within the stipulated 60 day timeline. Substantive requirements relate to the manner in which the assessments were conducted (Drasgow & Yell, 2001).

Procedural requirements mandate that schools obtain parental consent and participation for any initial evaluation or reevaluation (Ellingstad, 2001). Schools are expected to use a variety of assessment tools to gather academic and functional data about the student when determining eligibility of special education services. Evaluators are required to use technically sound assessment instruments to evaluate students in all suspected areas of disabilities including cognitive, behavioral, physical, or developmental factors. Procedural requirements also stipulate that an assessment team should not use a single procedure as the sole criterion for determining eligibility for special education services (Ellingstad, 2001).

Additionally, procedural requirements include tests that are nondiscriminatory and administered in the student's native language or mode of communication, unless it is not feasible to do so. Assessment tests must be validated for the specific purpose for which they were intended and must be administered by trained personnel in accordance with the instruction provided by the producer of the test. There is also the expectation that someone on the individual education program (IEP) team be qualified to interpret the instructional implications of the assessment results (Ellingstad, 2001).

Substantive requirements make it necessary for schools to conduct a full individualized battery of assessments to determine whether a student had a disability under IDEA mandates and to determine the student's academic and behavioral needs (Reschly, 2000). Assessment results should then serve as a guide to facilitate the IEP team in planning the student's IEP, related services, supplementary aids and services. The IEP assessment team included professionals with expertise in the student's disability, the parents or guardians of the student, and an administrator or an administrative designee. The team makes decisions about the conduct of IEP meetings and the results of



the assessments. Additionally, the IEP team is required to allow the student's parents or guardian opportunities to participate in the IEP process and to approve the recommendation for services suggested for the student by the IEP team (Ellingstad, 2001; Reschly, 2000).

In accordance with substantive requirements, the results of the assessment must dictate the interventions to occur. The areas of needs identified as a result of the assessments must be addressed through IEP goals and benchmarks and/or related services. The student's individualized education program must include data collection methods to determine if the student is making progress toward the achievement of his/her goals and benchmarks (Drasgow, Yell, & Robinson, 2001). Parents should be kept abreast of their child's achievement of goals and benchmarks by way of progress reports on the same reporting measure as students in general education.

Despite these laws and supposed assurances against cultural bias, problems exist. Much of the research in the area of special education indicates that not all students with disabilities benefit equally even in the presence of the laws (Conroy & Fieros, 2002; Harry, Klingner, Sturges, & Moore, 2002; Parrish, 2002). Specifically, minority students have been found to be overrepresented in certain disability categories, misclassified in some cases, and placed in more restrictive environments (Artiles & Trent, 1994; Chinn & Hughes, 1987; Conroy & Fieros, 2002; Coutinho & Oswald, 2000; Dunn, 1968; Harry et al., 2002; MacMillan & Reschly, 1998; Parrish, 2002). Often, such disparities correlate with specific racial groups.

Although children from other ethnic groups are overrepresented to some extent, African American students outdistance the others. African American students in particular have been found to be significantly overrepresented in special education

programs for students with emotional disturbance and those with educable mental retardation (Eitle, 2002; Serwatka, Deering, & Grant, 1995). According to Harry et al. (2002), “To discover what lies behind disproportionality then, research must use methods that can document the school processes that lead to it” (p. 72).

Disproportionate representation of English language learners (ELLs) in special education is also a concern. Researchers and practitioners have expressed concern with the appropriateness of the referral, identification, and placement process of ELLs. In the hope of improving the academic success of English Language Learners, teachers often turn to special education for assistance when they are uncertain which English Language Learner curriculum to use and how to adapt this curriculum to help students reach proficient levels. It is apparent that with the increased focus on NCLB and the educational and demographic changes of the student population (Linn, Baker, & Betebenner, 2002); a tremendous demand is placed on school districts to educate all students to proficient levels. According to Rhodes et al. (2005), “Student behaviors that trigger teacher referrals suggest that English-language acquisition stages and interaction with English-only programs are being confused for handicapping conditions” (p. 31). In response to these phenomena, many educators may improperly refer an ELL student for special education. Gersten and Woodward (1994) called this practice a convenient way for educators to *do something* without truly understanding the students’ language needs or dealing with systemic problems such as pre-referral interventions and assessment. This imperfect practice may be a reason for the disproportionate number of referrals for special education.

Key issues are related to the disproportionate number of referrals for special education. Bias in the pre-referral and assessment process has been noted to influence

disproportionality (Artiles & Trent, 1994). This bias can be manifested in two ways: (1) lack of pre-referral interventions, and (2) assessment practices. In the first manifestation, there is evidence to suggest that a lack of pre-referral interventions exist (Rhodes et al., 2005). In addition to limited data on actual student outcomes, the pre-referral intervention process also suffers from lack of attention to treatment integrity data (Lane, Mahdavi, & Borthwick-Duffy, 2003). Treatment integrity refers to the extent to which the intervention is implemented by the treatment agent (e.g., teacher) as designed (Gresham, 1989). To accurately analyze the efficacy of the pre-referral intervention process, it is imperative that treatment integrity data be collected along with student outcome data. This data can be collected with the use of behavioral scripts, direct observation, rating scales, and component checklists (Lane & Beebe-Frankenberger, 2004). Unfortunately, the literature suggests low levels of implementation fidelity as evidenced by teachers' inability to explicitly describe the specific components of the interventions that were being implemented (Wilson, Gutkin, Hagen, & Oats, 1998). Evidence also suggests that the pre-referral intervention process achieved the desired student outcomes with the inclusion of behavioral script and treatment integrity checklists (Ehrhardt, Barnett, Lentz, Stollar, & Reifin, 1996) and when extensive follow-up procedures were employed to ensure proper intervention implementation (Bahr, Whitten, Dieker, Kocarek, & Manson, 1999). Additionally, pre-referral interventions in general education are rare; moreover, when pre-referral interventions were implemented, they were of *poor quality* (Donovan & Cross, 2002).

The second manifestation of bias is the use of culturally and linguistically inappropriate assessments. Testing practices used to assess ELL students have come under intense scrutiny and criticism (Rhodes et al., 2005). Questionable assessment

practices include the use of untrained interpreters, insufficient or inadequate language proficiency testing, and intellectual and academic assessments conducted only in English (Nuttall, 1987, as cited in Rhodes et al., 2005). Professional standards written by the Standards for Educational and Psychological Testing emphasize the importance of testing students in their language of proficiency (Powell & Rightmyer, 2011). However, these standards have not always been followed when ELLs have been assessed for special education services. A collective review of the research on the assessment process was summarized by the Civil Rights Project at Harvard University (Rhodes et al., 2005), “the special education evaluation process is often described as a set of discrete decisions based on scientific analysis and assessment. In reality, evaluation decisions are more subjective, with many interdependent variables such as cultural and language bias” (p. 2).

The widespread variability across school districts in representation of ELL students in special education highlights the inconsistency and lack of coherence in approaches to assessment and identification of children for special education services (Wagner, Francis, & Morris, 2005). This variability has led to a paradoxical existence in some communities of an overrepresentation of ELLs in disability categories of special education, and an under-representation in other categories. Specifically, the complex evolution of this paradox stems from research documenting over a 20-year period (1970-1991) a tendency to refer large numbers of ELL students inappropriately for special education (Mercer & Rueda, 1991). On the other hand, a fear of legal action as well as the lack of valid assessment tools has led to a tendency toward not referring these students for special support services (Gersten & Woodward, 1994). Since the disproportionate representation continues to be an unresolved problem, it is important for educators to understand factors that may be contributing to this problem. Researchers

and practitioners continue to express concern that ELLs are disproportionately represented in special education (Klingner & Artiles, 2003). This current research will examine issues, practices, and trends that have contributed to the disproportionate representation of racial, ethnic, and linguistic minorities in special education.

#### Justification

Theoretically, the intent of special education services has been to ensure that students with disabilities receive the same quality education as their non-disabled peers (Klingner & Artiles, 2003). However, if students in special education are not receiving the same quality education as other students if they are being identified for special education due to their race, language acquisition deficits or ethnicity, there is a problem with the system.

It should be noted that in 29 states, a regular education classroom teacher must refer a student to a pre-referral team (e.g., response to intervention team) before eligibility for special education services can be determined. Therefore, special education placement often begins with a referral from the regular education classroom teacher (Garcia & Ortiz, 2004). Since teachers and administrators are so directly involved in the RTI referral process, understanding their respective perceptions regarding the factors that lead to RTI referral should be helpful with meeting the academic needs of students.

Through the least restrictive environment (LRE) mandate of IDEA students with disabilities must be educated in settings with children without disabilities when it was appropriate to do so (Ellingstad, 2001). Specifically, the law stated that, this study is warranted because,

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are 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 occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (Ellingstad, 2001, p. 67)

Regardless of the name, the intervention team has generally been a problem-solving and decision-making process that involved a coordinated approach from families, teachers, counselors, administrators and other pertinent stakeholders to help students maximize their potential (Ellingstad, 2001). The purpose of the intervention team process is to build a network of support, implement a variety of academic and/or behavioral interventions, and monitor the results for modifications and/or accommodations or further recommendations (Rosenfield & Gravois, 1999). Intervention team process should not be considered as an avenue for special education services nor an obstacle to assessment for such services.

Welch, Brownell, and Sheridan (1999) noted that the intervention team process allowed the development of collaborative partnerships between the areas of special education and general education at school sites. It gives professionals from both fields the opportunity to work together as a team to assist teachers and also students who are experiencing academic and/or behavioral issues (Welch et al., 1999). Because of the stipulations of IDEA that a student has to be offered general education interventions before being referred for an evaluation for special education eligibility, the use of intervention teams has evolved and become widespread (Ysseldyke & Algozzine, 1983; Zins, Curtis, Graden, & Ponti, 1988).

The intention of this research was to provide educators, advocates, policymakers, and stakeholders in school districts with information on the approaches that are being used to identify, evaluate, and place students in special education programs. Information from this study may assist district policymakers and planner in developing strategies to find workable solutions that comply with state and federal mandates to address the problem of the over-identification of African American students and English Language Learners in special education programs.

#### Definition of Terms

For the purpose of this study the following key terms are defined:

*Children with disabilities.* The Individuals with Disabilities Education Act (IDEA) definition includes children with mental retardation, hearing impairments, deafness, speech or language impairments, visual impairments including blindness, emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments or specific learning disabilities, and who by reason thereof, need special education and related services (Turnbull, Huerta, & Stowe, 2008).

*Culturally and Linguistically Diverse (CLD) students* are students who have predominant language other than English. These students may have been born in or outside of the United States, but were raised in a home environment where a language other than English was dominant. CLD students generally exhibit difficulties speaking, reading, writing, or understanding English. Other terms used to identify these children include: English as a Second Language (ESL), Limited English Proficient (LEP), English Language Learner (ELL) and Second Language Learners (SLL). English speaking students who have dialectical differences are not considered CLD (Rhodes et al., 2005). For the purposes of this study the term English Language Learner (ELL) will be used.

*Disproportionality.* The overrepresentation and underrepresentation of a particular population or demographic group relative to the presence of this group in the overall population (National Association for Bilingual Education, 2002). For the purpose of this study, disproportionality refers to an overrepresentation of African American and English Language Learners.

*Emotional Behavior Disorder.* A condition with one or more of the following characteristics, displayed over a long period of time and to a marked degree that adversely affects a child's educational performance:

1. An inability to learn that cannot be explained by intellectual, sensory or health factors.
2. An inability to build or maintain satisfactory interpersonal relationships with peers or teachers.
3. Inappropriate types of behaviors or feelings under normal circumstances.
4. A general pervasive mood of unhappiness or depression, a tendency to develop physical symptoms or fears associated with personal or school problems (Rutherford, Quinn, & Mathur, 2004).

*Evaluation.* For the purpose of this study evaluation refers to an assessment of a child using various tests and measures to determine whether a child has a disability and the nature and extent of special and related services needed by the child for his/her educational benefit. These tests are administered by competent professionals and do not include the basic tests given to all children in the school setting (Mertens & McLaughlin, 2004).

*Individualized Education Program (IEP).* A written document developed in an individualized education program team meeting that outlines a specific program of



education and related services for a child in special education. At a minimum, an IEP includes the following: (a) the present levels of academic achievement and functional performance (b) annual goals and benchmarks (c) the specific special education instruction and related services required by the student (d) the extent to which the student will participate in the general educational program (e) the projected date for initiation and the frequency and duration of the program and services included in the individualized education program and (f) appropriate objective criteria, evaluation procedures, and schedules for determining on an least an annual basis, whether the goals and benchmarks are being achieved (Turnbull et al., 2008).

*Least Restrictive Environment (LRE).* A legal term referring to the fact that students with disabilities must be educated in as *normal* an environment as possible. The major goal is for students with disabilities to be educated with their non-disabled age-appropriate peers whenever appropriate (Turnbull et al., 2008).

*No Child Left Behind (NCLB).* The No Child Left Behind Act 2001 set demanding accountability standards for schools school districts and states including new testing requirements designed to improve education. States must categorize adequate yearly progress (AYP) objectives and disaggregate test results for all students and subgroups of students based on socioeconomic status, race and ethnicity, English Language proficiency and disability (Turnbull et al., 2008).

*Pre-referral intervention.* Procedure in which special education and regular education teachers develop strategies to help students exhibiting difficulty in learning to remain in the regular education classroom setting (National Center on Response to Intervention, 2010).

*Response-to-Intervention (RTI).* Response to intervention integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavioral problems. With RTI, schools use data to identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student's responsiveness, and identify students with learning disabilities or other disabilities (National Center on Response to Intervention, 2010).

*Special education.* Special education is a federally funded program designed to provide access to a free and appropriate education to children with disabilities up to age 21 in public school systems. According to the regulations set forth in the Individuals with Disabilities Act. All public schools in the U.S. are required by law to adhere to these regulations and provide direct and supportive services to assist children with disabilities (Turnbull et al., 2008).

*Student Support Team (SST).* The Student Support Team (SST) is an interdisciplinary group that uses a systematic process to address learning and/or behavior problems of students, K-12, in a school. The SST is a joint effort of regular education and special education to identify and plan alternative instructional strategies for children prior to or in lieu of a special education referral (Georgia Department of Education, 2011).

#### Delimitations

This study was limited to 20 general education teachers, 20 special education teachers, 20 administrators, 20 counselors, and 20 school psychologists in the district of study. The time allowed for the study, selection criteria of participants, external variables, and methodology were additional delimitations of this study.

### Assumptions

Assumptions were made in the research designs that were critical to the validity of this study. It is assumed that all respondents completed questionnaires and responded to interview questions openly, accurately, and honestly. It is assumed that the sample of teachers, administrators, and psychologists who will participate in the interview and respond to survey questions will be representative of the total population of teachers, administrators, and psychologists in the district being studied.

### Summary

This study explores how the perceptions of educators regarding the disproportionate number of African American students and English Language Learners referred to RTI and eventually placed in special education programs in elementary, middle, and high schools in a large suburban, public school district in the southeastern United States. The goal of this study was to investigate the factors that educators perceive to contribute to African American and ELL students being referred to special education at a higher rate than other students by exploring the attitudes and perceptions of teachers, administrators, and psychologists using surveys and interviews.

CHAPTER II  
LITERATURE REVIEW  
INTRODUCTION

This chapter examines the literature as it relates to the teaching and learning of African American students and second language learners and interventions for students at risk for developing academic and/or behavioral problems. It looks at the referral, evaluation, and placement of students in special education setting and its effect on the disproportionate representation of children of certain subgroups for special education services and supports. Research indicates that all children can learn regardless of their ethnicity, social class, culture, language, gender or race if they are taught well (Comer, 1988; Levin, 1987; Sizer, 1984; Slavin, 1990).

Special education, the education of students with disabilities, has a history that dates back to the early 1800s when schools were established in the United States for those who were blind, deaf and mentally retarded (Winzer, 1993). The predominant view of schooling for students with special needs was that they required “institutional isolation” (Winzer, 1993, p. 382). Children with special needs continued to be educated in institutions throughout the nineteenth century. The early twentieth century brought free, compulsory education for children who were deaf and blind. The philosophical outlook had changed. The institutions were now schools with educational goals.

The enactment of compulsory education laws brought children from all walks of life to the public schools. Up until this time, the disabilities that were addressed were the more obvious disabilities (blindness, deafness, and physical disabilities). This low incidence, less subjective, non-judgmental disabilities are the ones usually identified by a medical professional prior to the child coming to school. Students showing up at the

schools after the passage of compulsory education laws brought issues that provided a basis for school personnel to become subjective and judgmental. Students were unruly, low-functioning and often from households that had immigrated to the United States (Hosp & Reschly, 2004). These students would currently be classified in the high-incidence or *soft* categories of emotionally disturbed; specific learning disability; and mild mental retardation (Harry et al., 2002). “The determination of special education eligibility under these often *subtle* disability categories is judgmental because there is often no known organic cause and determination *rests on the art* of professional judgment” (O’Conner & Fernandez, 2006, p. 6).

Special classes for these students were developed in the school districts to respond to this newly created need. *Segregated* classes did not allow for interaction with and learning from peers who did not have disabilities. With this expansion of programs for children with special needs came inequalities in how educators identified and served students. Initially there were certain groups identified (or over-identified) as being disabled merely because of their race (e.g., Dunn, 1968; Mercer, 1973). Biases in testing procedures revealed that test instruments did not account for cultural differences and thereby increased the likelihood that non-whites would appear disabled. So, as all children began to access the educational system, unfair practices manifested, especially in relation to disabilities.

To ensure that students with disabilities received free and appropriate public education, special interest groups lobbied for change. The change efforts were concurrent with the Civil Rights and Disability Rights movements. These endeavors culminated in Congress setting forth federal requirements for the education of children with disabilities in P.L. 93-112, Section 504 of the Rehabilitation Act of 1973, and in the

Family Educational Rights and Privacy Act of 1974. Disabilities included deaf/blind, deafness, hard of hearing, mental retardation, multi-handicapped, orthopedic impairment, other health impairment, seriously emotionally disturbed, specific learning disability, speech impairment, and visual handicap.

Special Education as we know it today began with the passage of the federal special education law in 1975 (P.L. 94-142), the Education of all Handicapped Children Act, which in 1990 became the Individuals with Disabilities Education Act (IDEA). This law made public schools responsible for the education of all individuals with disabilities. Winzer (1993) reported that, "School systems could no longer exclude students suffering physical or intellectual handicaps, nor could they doom students to inappropriate placements and inadequate curricula" (p. 382). This law gave parents the authority to make decisions regarding their child's education, the right to due process and confidentiality, and required that an individual education plan be implemented for any child identified with a disability. The law further mandated that education occur in the least restrictive environment and that testing is culturally fair, unbiased, and impartial. Since 1990, Congress has amended and reauthorized the law several times, most recently in 2004, in an attempt to improve results for students with disabilities.

Despite these laws and supposed assurances against cultural bias, problems exist. Much of the research in the area of special education indicates that not all students with disabilities benefit equally even in the presence of the laws (Conroy & Fieros, 2002; Harry et al., 2002; Parrish, 2002). Specifically, minority students have been found to be overrepresented in certain disability categories, misclassified in some cases, and placed in more restrictive environments (Artiles & Trent, 1994; Chinn & Hughes, 1987; Conroy & Fieros, 2002; Coutinho & Oswald, 2000; Dunn, 1968; Harry et al., 2002; MacMillan &

Reschly, 1998; Oswald, Coutinho, Best, & Singh, 1999; Parrish, 2002). Often, such disparities correlate with specific racial groups.

African American students in particular have been found to be significantly overrepresented in special education programs for students with emotional disturbance (ED) and those with educable mental retardation (Eitle, 2002; Serwatka, Deering, & Grant, 1995). They are still exposed to inferior curricula and instructional practices and little or no inclusion in the regular education curriculum as required by the least restrictive environment mandate in IDEA. According to Harry et al. (2002), “to discover what lies behind disproportionality then, research must use methods that can document the school processes that lead to it” (p. 72).

Disproportionate representation of English language learners in special education has been a longstanding challenge and concern. Researchers and practitioners express concern with the appropriateness of the referral, identification, and placement process of ELLs. In the hope of improving the academic success of English language learners, teachers often times turn to special education for assistance when they are uncertain what English language curriculum to use and how to adapt this curriculum to help students reach proficient levels. It is apparent that with the increased focus on NCLB and the educational and demographic changes of the student population, a tremendous demand is now placed on school districts to educate all students to proficient levels. Rhodes et al. (2005) reported that, “Student behaviors that trigger teacher referrals suggest that English-language acquisition stages and interaction with English-only programs are being confused for handicapping conditions” (p. 31). In response to these phenomena, many educators may improperly refer an ELL student for special education. Gersten and Woodward (1994) called this practice a convenient way for educators to *do something*

without truly understanding the students' language needs or dealing with systemic problems such as pre-referral interventions and assessment. This imperfect practice may be a reason for the disproportionate number of referrals for special education.

Key issues are related to the disproportionate number of referrals for special education. Bias in the pre-referral and assessment process has been noted to influence disproportionality (Artiles & Trent, 1994). This bias can be manifested in two ways: (1) lack of pre-referral interventions, and (2) assessment practices. In the first manifestation, there is evidence to suggest that a lack of pre-referral interventions exist (Rhodes et al., 2005). In September of 1995, Jean Peelen from the Office of Civil Rights (OCR) (as cited in Markowitz, 1996) stated "there were problems related to interventions, particularly interventions implemented haphazardly and inconsistently across schools in the same district. When inconsistent interventions are combined with high referral rates to special education for minority students, this may be a violation of Title VI. "Sometimes we see school districts where the pre-referral programs are good in schools with a high concentration of non-minority students and poor in schools with a high concentration of minority students" (Markowitz, 1996, p. 4). Additionally, pre-referral interventions in general education are rare; moreover, when pre-referral interventions were implemented, they were of *poor quality* (Donovan & Cross, 2002).

The second manifestation of bias is the use of culturally and linguistically inappropriate assessments. Testing practices used to assess ELL students have come under intense scrutiny and criticism (Rhodes et al., 2005). Questionable assessment practices include the use of untrained interpreters, insufficient or inadequate language proficiency testing, and intellectual and academic assessments conducted only in English (Rhodes et al., 2005). Professional standards written by the Standards for Educational



and Psychological Testing emphasize the importance of testing students in their language of proficiency (American Educational Research Association et al., 1999). However, these standards have not always been followed when ELLs have been assessed for special education services. A collective review of the research on the assessment process was summarized by the Rhodes et al. (2005) at Harvard University, “The special education evaluation process is often described as a set of discrete decisions based on scientific analysis and assessment. In reality, evaluation decisions are more subjective, with many interdependent variables such as cultural and language bias” (p. 35).

The widespread variability across school districts in representation of ELL students in special education highlights the inconsistency and lack of coherence in approaches to assessment and identification of children for special education services (Wagner et al., 2005). This variability has led to an inconsistent existence in some communities of overrepresentation of ELLs in disability categories of special education, and the under-representation in other categories. Specifically, the complex evolution of this paradox stems from research documenting, over a 20-year period, a tendency to refer large numbers of ELL students inappropriately for special education (Mercer & Rueda, 1991). On the other hand, a fear of legal action as well as the lack of valid assessment tools, has led to a tendency toward not referring enough of these students for special support services (Gersten & Woodward, 1994). Since the disproportionate representation continues to be an unresolved problem, it is important for educators to understand factors that may be contributing to this problem. Researchers and practitioners continue to express concern that ELLs are disproportionately represented in special education (Klingner & Artiles, 2003). In this vein, the current research will examine issues,

practices, and trends that have contributed to the disproportionate representation of racial, ethnic, and linguistic minorities in special education.

Research indicates that all children can learn regardless of their ethnicity, social class, culture, language, gender or race if they are taught well (Comer, 1988; Levin, 1987; Sizer, 1984; Slavin, 1990). Dunn and Griggs (2000) claim that most students can learn but it all depends on whether their individual learning styles are addressed and accommodated when they are being instructed. Dunn, Dunn, and Price (1977) and Beaty (1986) agreed that teachers could not correctly identify all the elements of learning style because some aspects of style are not readily observable.

Theoretically, the intent of special education services is to ensure that students with disabilities receive the same quality education as their non-disabled peers. IDEA presumes that students with disabilities are most appropriately educated with their non-disabled peers and that removal of students with disabilities from the regular education environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. However, if students are not receiving the same quality education, or are identified more often due to their race, language acquisition deficits or ethnicity, there is a problem with the system.

#### Theoretical Framework

Since the late 1960s, there have been serious concerns among policymakers and the general public regarding the overrepresentation of African American students in special education (Griffin, Parsons, Burns, & VanDerHeyden, 2007). The disproportionate representation of minority students in special education has been an important and persistent topic almost since the inception of special education. The state

of Georgia is among several southeastern states that have begun state implementation of the RTI model. In 1997, the reauthorization of the Individuals with Disabilities Education Act (IDEA) set forth provisions requiring states to address significant disproportionality when it occurs. States have been instructed to collect and examine data to assess whether any racial/ethnic groups are disproportionately represented in special education disability and educational environment categories. Prior to RTI, Georgia used the student support team an interdisciplinary group that uses a systematic process to address learning and or behavior problems of students, K-12, in a school. The RTI model integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools are able to identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student's responsiveness, and identify students with learning disabilities or other disabilities (Wright, 2007). Although state departments of education collect data about the ethnicity of students in special education, they typically do not accumulate information about student's language proficiency (Klingner & Artiles, 2003). Thus, little is known about the representation of English language learners (ELL) in special education programs.

The U.S. Census Bureau reported Hispanics are the fastest growing ethnic group in U.S. schools having surpassed African Americans as the largest minority group in the United States (Cook & Schirmer, 2006). Furthermore, according to the U.S. Department of Education (2003), 9.6% of the Hispanic population is ELLs. As the ELL population continues to increase, educators are becoming increasingly aware of some of the challenges this population may experience. Non-English speakers or ELLs face

challenges overcoming language barriers, but also overcoming low expectations and academic achievement (McCardle et al., 2005).

No Child Left Behind and the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA 2004) which followed incorporated the use of RTI models in key components of their legislation. IDEIA 2004, the most recent reauthorization of the federal law that supports the education of children with disabilities, was a major shift in how a *learning disability* is determined. A learning disability is defined in IDEIA 2004 as, “The child does not achieve adequately for the child’s age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child’s age or State-approved grade-level standards” (2006 IDEIA Part B Regulations). No Child Left Behind and the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA 2004) which followed incorporated the use of RTI models in key components of their legislation. IDEIA 2004, the most recent reauthorization of the federal law that supports the education of children with disabilities, was a major shift in how a *learning disability* was determined. A learning disability is defined in IDEIA 2004 as, “The child does not achieve adequately for the child’s age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child’s age or state-approved grade-level standards” (2006 IDEIA Part B Regulations). Prior to IDEIA 2004 the LD definition rested on a discrepancy model between a child’s cognitive level (what we assess they are capable of learning) and their achievement level (what we measure they have learned assuming they have had appropriate instruction). IDEIA 2004 allowed a State Department of Education (SDE) to utilize an additional approach to LD determination criteria by integrating the

concept of RTI into the LD criteria. While the law fell short of requiring each SDE to use RTI in LD determination, it did prohibit each SDE from limiting LD criteria to only a discrepancy model. The regulation stated, “[SDEs]...Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in Sec. 300.8(c)(10)” (2006 IDEIA Part B Regulations).

In 2005, the National Joint Committee on Learning Disabilities (NJCLD) issued a report in which it encouraged the further study of the many issues influencing and resulting from RTI implementation “in order to guide its thoughtful implementation, advance the field of special education, and enhance the academic outcomes and life success of all students, including students with learning disabilities” (National Research Center on Learning Disabilities, 2005, p. 105). The importance of this researcher’s proposed study depends upon how well RTI has been implemented and whether it is used with fidelity. While RTI can be utilized as a part of the eligibility determination under RTI, each state has mandated a process facilitated in the general education setting by the curriculum departments of each Local Education Agency (LEA). Therefore, the special education eligibility determinations in a school district are consistently determined by the success or failure of strategies and interventions conducted via curriculum and instruction in a regular education setting.

The current national trend in today’s schools is to meet the needs of struggling and at-risk learners through the implementation of multi-tiered RTI models. When the IDEIA was reauthorized by Congress in 2004, the revised language changed the way that struggling students can be diagnosed as learning disabled (LD). Previously, the law

required educators to use a *discrepancy model* often depending on a 1.5 to 2.0 grade level difference between expected and actual student performance.

### Background

Since the late 1960s, there have been serious concerns among policymakers and the general public regarding the overrepresentation of African American students in special education (Reschly, 2002). The disproportionate representation of minority students in special education has been an important and persistent topic almost since the inception of special education. The state of Georgia is among several southeastern states that have begun state implementation of the RTI model. In 1997, the reauthorization of the Individuals with Disabilities Education Act (IDEA) set forth provisions requiring states to address significant disproportionality when it occurs. States have been instructed to collect and examine data to assess whether any racial/ethnic groups are disproportionately represented in special education disability and educational environment categories. Prior to RTI, Georgia used the Student Support Team (SST) an interdisciplinary group that uses a systematic process to address learning and or behavior problems of students, K-12, in a school. The RTI model integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools are able to identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student's responsiveness, and identify students with learning disabilities or other disabilities (Wright, 2007). Although state departments of education collect data about the ethnicity of students in special education, they typically do not accumulate information about

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#### Teacher Expectations

Weinstein (2002) defined teacher expectations as the inferences that teachers make about the future behavior or academic achievement of their students based on what they already know. Delpit (1995) and Kunjufu (2001) concluded that a teacher's expectations of his or her students might be the greatest determining factor in how students will perform in the classroom. This notion was supported by Alvidrez and Weinstein (1999) who asserted that teachers make judgments on a regular basis about the ability of students, and their appraisals can have critical implications for curricular and instructional opportunities and for the messages about ability conveyed to children.

The most widely regarded study on the effects of teacher expectations was Rosenthal and Jacobson's (1968) Pygmalion in the Classroom study. Their study showed that the expectations teachers have about their students' behavior could influence the teacher's behavior. Teachers' behavior could, in turn, impact students learning positively or negatively. In this study, Rosenthal and Jacobson (1968) first gave an intelligence test to all students at an elementary school in San Francisco at the beginning of the school

year. They then randomly selected 20% of the students and reported to the teachers that these students were showing unusual potential for intellectual growth, and could be expected to *bloom* in their academic performance by the end of the school year. At the end of the school year, Rosenthal and Jacobson retested all of the students. The students labeled *intelligent* showed a significant increase in their scores when compared to students who were not labeled intelligent by the researchers. These findings suggested that the change in the teacher's expectations led to a change in the children's academic performance.

Furthermore, the consequences of a teacher's low expectations can have lasting effects on students. Perry, Guidubaldi, and Kehle (1979) found that kindergarten teachers' ratings of student's social competence accurately predicted their third-grade spelling and math achievement as well as their IQ scores. In addition, Alexander, Entwisle, and Dauber (1993) maintained those first-grade teachers' ratings on interest participation and attention-span restlessness scales were correlated with student achievement test scores at the end of the year and with student grades over the next three years. In conclusion, research supports the notion that teacher expectations play a significant role in the success or failure of students.

Building on the notion that teacher expectations influence children's failure or success, Ferguson (2005) and Polite and Davis (1999) contended that a teacher's expectations of a student's abilities can be influenced greatly by the interplay among the gender, socio-economic status, and race of both the teacher and student. Most teachers know a little bit about the Pygmalion effect, or the idea that one's expectations about a person can eventually lead that person to behave and achieve in ways that confirm those

expectations (Brehm & Kassin, 1996). These interactions may produce even greater effects on children in high-poverty urban schools, especially African American students.

#### Pre-Referral Intervention Team

A variety of factors contributes to students having academic and/or behavioral problems in schools, especially African American students in urban schools. In many states, students who have academic and/or behavioral problems are referred to pre-referral intervention teams. Coincidentally, the use of pre-referral intervention teams began in the mid-1980s in response to the criticism against school district practices that often led to overrepresentation of minority students from culturally diverse backgrounds (Buck, Polloway, Smith-Thomas, & Cook, 2003). Therefore, the purpose of pre-referral teams was to reduce the number of inappropriate referrals to special education through an intervention process that promoted the success of students in the regular education classroom.

Buck et al. (2003) concluded that pre-referral intervention teams were put in place as a means of helping students be successful in the general education setting by providing specific interventions to help remediate students' difficulties. Once the presenting problem is identified by general education staff, it is necessary to conduct pre-referral interventions. Pre-referral interventions are planned, systematic efforts by the problem solving team to resolve apparent learning or behavioral problems. The design and outcome of these interventions must be documented. Such was the case in Georgia, where the student support team was put into place to reduce the number of inappropriate referrals to special education by meeting the needs of students experiencing academic and behavioral problems in the regular education classroom through the identification and implementation of interventions (Walls, 2005).

## Student Support Team

In the Georgia code, the student support team (SST) is defined as an interdisciplinary group that uses a systematic process to address learning and/or behavioral problems of K-12 students in a school Georgia Department of Education. (2011).The SST is a general education, problem-solving process established in every Georgia school in accordance with state law. The purpose of the SST is to improve student performance by providing support to both students and teachers. SSTs use collaborative, data-based problem solving to identify students' educational strengths and instructional needs, and to determine effective strategies for the general education classroom. The process begins with a request from a teacher, administrator, parent, or student. The SST analyzes student information and data from the classroom to determine the student's current level of academic and/or behavioral performance. The SST process is a preventative, problem-solving approach centered on enhancing the success of students and teachers in the general education setting (Buck et al., 2003).

### History of Student Support Team Process

In the state of Georgia, Student Support Teams were mandated in 1984 because of a lawsuit filed by Ollie Marshall against the state of Georgia. According to Delvin (1991), Marshall contended that some school systems in Georgia had violated regulations under Section 504 of the Rehabilitation Act of 1973 in that African American students were assigned to educable mentally retarded programs in a discriminatory manner because of racial bias and faulty special education placement practices. In response, the State adopted a new regulation requiring that student support teams be developed to "identify and plan alternative instructional strategies for students experiencing learning and/or behavior problems prior to or in lieu of referral to special education Georgia

Learning Resources System” (Georgia Learning Resources System, 1999, p. 21). As a result, the state of Georgia modified its special education placement regulations, which included the statewide placement of Student Support Teams.

#### Description of SST Process

Student support teams follow a six step process which includes (a) identification of needs, (b) assessment, (c) development of educational plan, (d) implementation, (e) follow-up and support, and (f) continuous monitoring and evaluation. Included in the process are several requirements that Student Support Teams must follow. The Georgia Department of Education (2011) lists five major requirements for Student Support Teams. First, each school must have at least one student support team and establish procedures for SST. Next, the team must include the referring teacher and at least two other participants on the team. Third, parents must be invited to participate in all SST meetings and in the development of interventions. Fourth, the student support team must meet and determine interventions to use in the classroom with the student. Finally, an evaluation or assessment must be conducted before a referral is made for additional services. However, before the SST process can start an initial referral to the student support team must come from the regular education classroom teacher.

#### The Response to Intervention Process in Georgia

RTI is generally understood to be an evidence-based approach to providing early intervention to struggling learners in general education and special education settings. Its core principles are that Tier 1 evidence-based instruction is provided with fidelity, student progress is monitored frequently, students’ responsiveness to intervention is evaluated, and instruction is adapted as needed (Vaughn & Fuchs, 2003). It has come to the forefront of education reform efforts in recent years, with both federal legislation and

state initiatives promoting use of RTI and similar initiatives. RTI has promise in serving as a mechanism to address NCLB and IDEA 2004 mandates, concerns about traditional special education identification procedures, the disproportionate representation of minorities in special education, the integration of general and special education, and the delivery of evidence-based programs to students.

RTI's emphasis on integration of program areas, application of a problem solving approach, and use of evidence-based instruction as well as progress monitoring data were mentioned as practices that may improve educational outcomes such as academic achievement, behavior, and graduation rates. Indeed, RTI has programmatic collaboration built into its design since it requires coordinated decision-making and resource sharing among general education, special education, and related services personnel. Similarly, the statewide standards-based curriculum in Georgia, applied to all program areas, is expected to be facilitated, in part, through the state's tiered intervention model. Georgia is an example of how an RTI approach is used to improve school services—the school improvement program area uses it to help schools in the AYP Needs Improvement category; Curriculum and Instruction uses it as a tool to provide differentiated instruction; and Special Education uses it as an alternative in the student eligibility decision process.

RTI may reduce the disproportionate representation of minorities in special education. All states and schools in the U.S. are accountable for disproportionality in special education through State Performance Plan reporting to the Office of Special Education Programs. RTI can be used as a strategy to account for cultural and linguistic considerations and differences among students when designing interventions, thereby possibly reducing the disproportionate identification of minority students. Research

evidence on the potential of RTI to reduce the disproportionate number of minority students is promising. Marston (2001) cited significant decreases in placement rates of minority students in special education with RTI.

The Georgia Department of Education (2011) has acknowledged that disproportionality represents a serious concern in the state and Georgia is under consent decrees requiring the elimination of this disproportionality. Leading academics have argued that the IQ-achievement discrepancy model has contributed to disproportionality because cognitive measures may be culturally biased and narrowly defined (Fletcher et al., 2002). The *Larry P. vs. Riles* (1972) case addressed this issue head on when it argued that children had been inappropriately placed in Educable Mentally Retarded (EMR) classrooms solely on the basis of an IQ score.

#### Teacher Referrals

The classroom teacher's decision to refer a student for special education services is the single most important decision made in the assignment of children to special education (Ysseldyke & Algozzine, 1983). While referring a child to the SST process is not a referral to special education, it is the beginning of the process. When a student experiences academic or behavioral difficulties in the classroom, the teacher must identify and implement specific interventions to help the student. When the interventions are deemed unsuccessful, the teacher then makes a referral to the SST. Zigmond (cited in Donovan & Cross, 2002) stated,

The referral is a signal that the teacher has reached the limits of his or her tolerance of individual differences, is no longer optimistic about his or her capacity to deal effectively with a particular student in the context of the larger group, and no longer perceives that the student is teachable by himself or herself. (pp. 262–263)

After referral to the SST, the team identifies interventions specific to the problem(s) that the child is having in class; those interventions are then implemented by the classroom teacher. Only after these interventions are implemented and shown unsuccessful is the student then referred for further evaluation to establish eligibility for special education services, (Georgia Department of Education, 2011).

The evidence regarding the accuracy of teacher referrals is mixed. Ysseldyke and Algozzine (1983) found that 92% of students who were referred by the teacher to be tested for special education services were eventually tested, and 73% of the students tested were placed in special education, meaning that three-fourths of the referrals were appropriate. Fourteen years later, Ysseldyke, Vanderwood, and Shriner (1997) replicated the study to determine the effectiveness of the programs, such as pre-referral intervention teams, to reduce the number of students formally tested, and obtained similar results. Furthermore, Gresham, Reschly, and Carey (1987) found that teacher referrals were more accurate than some formal assessment batteries (e.g., The Peabody Individual Achievement Test and The Wechsler Intelligence Scales for Children) in specifying which students needed special student services. Conversely, McMillan and Speece (1997, cited in VanDerHeyden, Witt, & Naquin, 2003) found that 52%-70% of students labeled learning disabled actually failed to meet eligibility criteria for this designation.

Until recently, many believed that the use of intelligence tests to determine special education eligibility was to blame for the disproportionate number of students from certain groups receiving special education services. However, many have now begun to question not only regular education instruction, but also the accuracy of teacher referrals as the cause of the disproportionate number of students receiving special education services (Donovan & Cross, 2002; Gravois & Rosenfield, 2006;



VanDerHeyden et al., 2003). Introduction of the discrepancy model to determine learning disability eligibility is a positive intervention; however, practitioners must perform their duties and responsibilities with fidelity in order to reduce the number of students impacted by being placed in special education when they do not qualify for services.

### Referral Bias

One reason that teacher referrals are in question is related to *referral bias*.

Referral bias is a term to describe the degree to which teachers make special education referrals based upon personal and professional opinions, rather than objective indicators (Wehmeyer & Schwartz, 2001). Wehmeyer and Schwartz (2001) suggested various types of referral bias, to include different types of tolerance for specific behaviors or actions and biases based on student characteristics, such as gender, race, or ethnicity. Ysseldyke, Algozzine, Richey, and Graden (1982) concluded that factors unrelated to discrepancies between ability and achievement may account for some student placements in special education. In support of this claim, Artiles, Harry, Reschly, and Chinn (1996) contended that poverty, discrimination, and/or cultural bias in referral and assessments may all play a part in the disproportionate minority representation in special education.

### Disproportionality

Disproportionate placement of different student groups in special education has been one of the most persistent special education issues over the past 20 years (Skiba, Poloni-Staudinger, Galinni, Simmons, & Feggins-Azziz, 2006). Disproportionality is defined by the federal government as the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities (National Association for Bilingual Education, 2002). In short,

disproportionality is understood as the representation of a particular group of students at a rate different than that found in the general population (Gravois & Rosenfield, 2006).

In 2004, President George W. Bush signed into law the reauthorization of the Individuals with Disabilities education Act, which specified regulatory requirements regarding disproportionality and over identification of students. The requirements included school districts having to (a) establish policies and procedures regarding disproportionality and over identification of students, (b) collect and examine data regarding disproportionality, (c) establish requirements for review and revision of policies, practices, and procedures regarding disproportionality, (d) require states to disaggregate the data on suspension and expulsion rates by race and ethnicity, and (e) require states to monitor their Local Education Agencies (LEA) to examine disproportionality (U.S. Department of Education, 2005). African American students continue to be identified for special education at disproportionate rates (Diamond, Randolph, & Spillane, 2004; Gravois & Rosenfield, 2006; Kunjufu, 2005). Indeed, Oswald et al. (1999) contended that African American students make up nearly 16% of the school population, yet constitute 21% of the total special education enrollment. Furthermore, Donovan and Cross (2002) reported that African American students are identified as mentally retarded at twice the rate of other races.

#### Historical Perspective on Disproportionate Representation

This section of the review of literature addresses historical trends associated with disproportionate representation of ethnic, racial, and linguistic minority students in special education. Prior to identifying possible solutions to the issue of disproportionate representation, an understanding of the historical policies, trends and practice in the field of special education will be examined as experienced by African American students

followed by Hispanic students. In 1968, the U.S. Department of Education's Office of Civil Rights (OCR) began conducting a biennial survey of elementary and secondary schools in the United States (Donovan & Cross, 2002). One focus of the data in these surveys has been placement in special education programs disaggregated by various student characteristics (e.g., sex, race/ethnicity, receipt of free/reduced price lunch, language proficiency).

#### Issues and Trends Associated with African American and Hispanic Students

The disproportionate representation of minority students in special education has been a consistent concern for nearly four decades (Hosp & Reschly, 2004). The issue of disproportionate representation was initially touched on in Dunn's (1968) influential research where he mentioned, "overwhelming evidence showed present and past practices have their major justification in removing pressures on regular teachers and pupils, at the expense of the socio-culturally deprived slow learning pupils" (p. 6). Dunn outlined several reasons to support his position; a large proportion of special education in its present form was obsolete and unjustifiable from the point of view of the pupils so placed.

Dunn's (1968) first reason for change was the practice of homogeneous grouping. According to Dunn, homogeneous groupings tended to work to the disadvantage of slow learners and underprivileged. Special schools and classes were a form of homogeneous tracking and grouping. A second reason was the labeling process. Diagnostic practices usually were conducted using one of two procedures instead of using a multidisciplinary team that looked at the complete child. Finally, Dunn (1968) discussed the need for improvements in general education that included changes in school organization, curriculum, professional public school personnel, and incorporation of computerized

teaching. Dunn's evaluation of special education was through a sociocultural lens. He points out that the status of those pupils who came from poverty, broken and inadequate homes, and low status ethnic groups had been a checkered one, due in part to a change in laws. As compulsory attendance laws were enforced, socio-culturally deprived children were no longer allowed to be excluded from attending school. Dunn (1968) posited that this resulted in the establishment of self-contained special schools and classrooms as a method of transferring these *misfits* from regular grades.

Dunn's (1968) classic research study on disproportionate representation of ethnic minorities, particularly African American students, was the first to shed light on this controversial issue. In her seminal research on ethnic minorities in special education, Mercer (1973) conducted an 8-year study on Hispanic students in the Riverside, California public school system. The purpose of her longitudinal study was to investigate who was labeled with mental retardation by analyzing the process. Data for her study was drawn from a representative sample of 7,000 persons under fifty years of age who were tested and/or screened for the presence of mental retardation. Her research found that Hispanic students were often erroneously diagnosed as students with learning disabilities or mental retardation and were improperly placed in special education classes. Mercer found that while Mexican American students constituted only 11% of the sample public school population (6-15 years of age); they constituted 45.3% of the placement in classes for students with mild retardation.

Mercer and Rueda (1991) also found that the placement of Black children was three times greater than their numbers in the population at large. Similar to Dunn (1968), Mercer and Rueda (1991) also pursued the issue of the relationship between socio-cultural effects and performance on two measures that clinicians used to label ethnic

minority students with mental retardation. Mercer and Rueda (1991) argued that the measures used to identify ethnic minorities with mental retardation cannot distinguish the person who fails adaptive behavior and IQ tests because he is not able to learn, from the person who fails because he has had little opportunity to learn. According to Mercer and Rueda (1991), the lack of opportunity to learn is experienced by ethnic minorities from low socioeconomic levels that live in homes that are not assimilated to the societal norms of the community; these students have not been exposed to the cultural materials and knowledge needed to perform acceptably on an intelligence test and adaptive behavior scales.

The historical evidence on the disproportionate representation presented by early researchers such as Dunn (1968) and Mercer (1973) was sufficient to initiate legal or policy action to reduce disproportionality (Coutinho & Oswald, 2000). Coutinho and Oswald (2000) synthesized literature on the current state of knowledge about disproportionate representation by exploring specific aspects of the issue. One of the aspects was historic and recent responses to disproportionality. The Equal Protection Clause of the 14th Amendment to the United States Constitution (Nelson, 1988), Title VI of the Civil Rights Act of 1974 (Woodward, 1974), and Section 504 of the Rehabilitation Act of 1973 (Switzer, 2003) were created to prevent the discrimination of racial and ethnic minorities in all settings, not just educational settings. In addition, the overrepresentation of ethnic minorities in special education has prompted many famous court cases that continue to play an important role on how ethnic and linguistic minority children are placed in special education. The most notable are the cases of *Larry P. v. Riles* (1972/1979/1984/1986) and *Diana v. State Board of Education* (1970).

In *Larry P. v. Riles* (1972/1979/1984/1986), the existence of overrepresentation, and an over reliance on ability tests that were not sufficiently validated for use among minority students, were important issues. The outcomes of this lengthy, complex trial were to declare the disproportionate representation of African American students in programs for students with mild mental retardation discriminatory, to ban the use of IQ tests with African American students, and order the elimination of overrepresentation of African American students in educable mentally retarded programs (Balow & MacMillan, 1991).

In *Diana v. State Board of Education* (Bersoff, 1981), the court dealt with the administration of English language IQ tests to students who were limited English proficient, concerns about due process procedural safeguards, and the training of evaluators and special educators. Decision in this case required evaluators to test in the primary language, to use a variety of measures, including ones assessing nonverbal adaptive behavior, and to implement a variety of due process procedural safeguards, which refers to informing parents of their rights in their primary language (Coutinho & Oswald, 2000). As a result of landmark litigation, discussion and policy initiatives took place to respond to the disproportionate representation of ethnic minority groups in special education. This was most apparent when the Individuals with Disabilities Education Act (IDEA) were amended in 1991 and again in 1997 (Coutinho & Oswald, 2000). Laws, policies, and amendments to federal law are ways government has attempted to improve the educational experience and success of ethnic and linguistic minority students in special education. Since the seminal research by Dunn (1968) and Mercer (1973), subsequent research found similar findings in the area of disproportional

representation of ethnic and linguistic minorities despite landmark litigation and policy changes.

#### Current Research with African American and Hispanic Students

Disproportionate representation of minority students, particularly the over representation of African American students, has been discussed extensively (Artiles & Trent, 1994; Hosp & Reschly, 2004) but remained a very controversial, unresolved issue (Coutinho & Oswald, 2000). A study of disproportionality in classes for children with an emotional disturbance in Florida, Serwatka et al. (1995) examined the extent of over representation of African American students and looked at a set of predictors related to disability identification. They examined the relationships between disproportionate representation of African American students in emotionally handicapped (now known as emotionally disturbed) programs and 15 variables. Factors examined for possible significant patterns were the (a) size of the district, (b) rate of African American representation in the district, (c) percentage of African American representation in the district, (d) the percentage of African Americans employed by the district, and (e) other variables. Significant relationships were observed between disproportionate representation and percentage of African American teachers employed at the elementary and secondary levels. They also reported that overrepresentation was significantly inversely correlated with the percentage of the enrolled student population that was African American. In other words, the higher rates of African Americans enrolled at a district, the less over representation in special education; the lower rates of African American students enrolled at a district, the higher over representation in special education Serwatka et al. (1995).

Data collected by Serwatka et al. (1995) also indicated that there was a decrease in the overrepresentation of African American students in Educationally Handicapped classes when there was an increase in African American teachers. The overall conclusion from their study was the importance of having African American teachers in general education classrooms; African American teachers are less likely to misinterpret student behavior as compared to non-African American teachers who raise first suspicions of EH characteristics in a child and initiate the referral process (Serwatka et al., 1995).

Serwatka et al. (1995) summarized that a pattern of discrimination suggested further research is needed to determine why some districts are more, and some less, successful in achieving proportional representation of African American students in special education.

Coulter (1996) examined the issue of disproportion and related controversies of ethnic representation within exceptionalities in special education programs using 1993-94 data on African American and White students. Data was analyzed for 66 local education agencies or districts in one southern state. He determined there was a significant difference for a disability whenever the ethnic representation in a disability category exceeded 10% range of the ethnic group's representation for the general public school population. The disabilities identified by Coulter (1996) included traditionally socially determined disabilities such as learning disabilities, emotional disturbances, and mental disabilities compared to biologically determined disabilities such as visual and hearing impairments, autism, and orthopedic impairments. His findings suggested that for the three *socially determined* disability categories, African Americans were disproportionately overrepresented in 62 of the 66 local educational agencies or districts (Coulter, 1996). Low incidence disabilities such as orthopedic, visual, and hearing impairment had far less disproportionate numbers of ethnic minority children. Coulter's data also suggested



significant underrepresentation of African American students in gifted and talented programs. Coulter points out that the literature on disproportionate identification has never achieved consensus on why disproportion exists. Some explanations examined ranged from biased testing practices to deficiencies in African American culture without little evidence or research to settle the debate. Researchers have supported perhaps the most popular explanation: economic poverty (Coulter, 1996). Once more, a sociocultural perspective has been taken in an attempt to appropriately explain and reduce the societal problem.

Oswald et al. (1999) conducted a descriptive study to provide information on the extent of disproportionate representation of African American students with mild mental retardation and ED. Their study also described the influence of economic, demographic, and educational variables on the identification of minority students for special education. Researchers used analyses of existing data on ethnicity, special education identification of students with MMR and ED, and a range of educational, demographic, and economic factors that were available at the district level for a representative national sample of school districts. Oswald et al. (1999) found that as a whole, African American students were nearly 2.5 times as likely to be identified with MMR and approximately 1.5 times as likely to be identified as ED, as compared to their non-African American peers.

According to Oswald et al. (1999), their nationally representative sample of participants in this study was both statistically and practically significant. Demographic variables were also found to be significant predictors of identification of students with MMR or ED. Researchers affirmed that despite the litigation, regulatory provisions in IDEA, and emerging vision of holistic multicultural education, there needs to be a concern that too many African American children do not have the same learning

opportunities as their peers, and are identified as disabled in a disproportionate manner as compared to peers. Oswald et al. (1999) explained their study showed the importance of studying effects of disability conditions and ethnic groups separately. According to findings, quasi-experimental group and single-subject designs were used to test interventions at the points of pre-referral, referral, assessment, and identification. In addition, there was a need for analyses to describe the representation by other ethnic groups, including Hispanic American, Asian American, and Native American, in each of the disability groups (Artiles & Trent, 1994).

Many studies of inequality in special education focus attention on the overrepresentation of African American students, particularly boys, in certain categories of special education (Artiles, Higareda, Rueda, & Salazar, 2002). In these studies, Hispanics are often said to be under represented in special education. For instance, McCardle et al. (2005) conducted a descriptive study to examine the complex issues of how to identify and teach ELLs with learning disabilities. Just like their non-language minority peers, some ELLs qualified as having a disability as defined by the Individuals with Disabilities Education Act (IDEA, 1997). McCardle et al. (2005) report that until recently, the prevalence of learning disabilities in ELLs in the public school system had been unknown. National data reveal that this population is underrepresented overall on special education rosters, meaning that a smaller percentage of ELLs are receiving services than would be expected, given the proportion of the overall population that they represent (McCardle et al., 2005). Specifically while data on ELL students in special education were not readily available, many districts do not routinely identify these students as a distinct subgroup, through the efforts of many school district personnel and those conducting a descriptive study for the U.S. Department of Education's Office of

English Language Acquisition, a high response rate was obtained, and accuracy was confirmed through cross-referencing information with school personnel and student files (Zehler et al., 2003). However, McCardle et al. (2005) noted a frequently recurring interview comment was that district personnel found it challenging to distinguish language differences from a disability as the source of academic difficulties for ELLs. This highlights the need for better tools and methods for accurate identification of those with special needs, particularly the English Language Learner subgroup from the Hispanic population. Overall, McCardle et al. (2005) found that while ELLs appear to be underrepresented overall on special education rosters, they tend to be overrepresented in certain special education categories: speech and language impairment, mental retardation, and emotional disturbance.

Klingner and Artiles (2003) also reviewed some of the challenges in special education for culturally and linguistically diverse students. Educators have been concerned for more than three decades about the overrepresentation of culturally and linguistically diverse students in certain special education categories such as learning disability, mental retardation, and emotional disturbance (Klingner & Artiles, 2003). Although nationally, Hispanic students are only slightly overrepresented in the learning disabilities category and not at all in the mental retardation or emotional disturbance categories (Donovan & Cross, 2002), national data do not reflect the wide variability at the state and local school district level. There is significant variation within individual states on how they determine eligibility for special education. Like McCardle et al. (2005), Donovan and Cross (2002) explained that the nationally collected data have been interpreted to suggest no overrepresentation of either African American or Hispanic students in LD. However, state-level data demonstrate that,

For Black students, the risk index ranges from 2.33% in Georgia to 12.19% in Delaware. For Hispanic students, the risk index ranges from 2.43 in Georgia to 8.93 in Delaware. Clearly there is overrepresentation for these two minorities in the LD category in some states. (Donovan & Cross, 2002, p. 67)

Although data is collected on the representation of Hispanics in special education, the data about the ethnicity of students in special education collected by state departments of education typically do not accumulate information about students' language proficiency (Klingner & Artiles, 2003). Thus, little is known about the representation of ELLs in special education programs. Emerging evidence from urban districts in California, however, suggests that this population is overrepresented in high incidence disability categories, and that those ELLs classified as lacking proficiency in both their first language and in English are heavily overrepresented (Artiles, Rueda, Salazar, & Higuera, 2005).

The number of Spanish speaking students is growing rapidly and the knowledge base on the overrepresentation of ELLs is almost nonexistent (Artiles et al., 2005). Artiles et al. (2005) presented preliminary evidence about the contexts of English language learner overrepresentation in California's special education programs. The purpose of their study was to assess representation of English Learners (EL) in various disability categories and grade levels, to examine whether EL in various language programs and grade levels are more likely to be overrepresented and/or more isolated in distinct special education programs. Researchers used databases from eleven urban districts in California that were currently undergoing major reforms, including in special education. The data was aggregated to ensure the school districts' anonymity. The sample constituted heavily populated English learners, particularly of Latino descent;

“the student ethnic background for the eleven districts assessed were: 66% Latino/a, 13.6% African American, 10.5% White, 4.3% Asian, 1.9% Filipino, 0.4% Pacific Islander, and 0.3% American Indian/Alaska Native” (Artiles et al., 2005, p. 121). Artiles et al. (2005) compiled data from databases that contained student demographic, achievement, English proficiency, and program placement and conducted a descriptive analyses to determine placement patterns for various student categories (e.g., by language proficiency, special education service, disability category level, grade level). Their study was based on the districts’ databases for the academic year 1998-1999; data from the 1999-2000 as well as some longitudinal data were also collected. Researchers focused on disability categories typically affected by overrepresentation; they included MR, LAS, and LD. Artiles et al. also examined placement patterns in special education programs with varying levels of restrictiveness (RSP; SDC), grade levels (elementary, secondary), and three language programs (straight English immersion, modified English immersion, bilingual).

Artiles et al. (2005) descriptive analysis of placement data found interesting trends. First, English language learners with limited English proficiency showed the highest rates of identification in the special education categories examined. This group was found to be consistently overrepresented in elementary and secondary grades in LD and LAS classes and had greater chances to be placed in special education programs than other groups of students. Second, the results suggested placement patterns at the elementary level indicated an absence of overrepresentation in special education, although researchers detected overrepresentation at the end of elementary school that continued through the high school years. Artiles et al. (2005) posited that it may be that secondary settings offer less support for ELs than elementary settings. Next, researchers

found that ELs had considerable proportions (over 10%) placed in LD secondary programs and small representation in MR programs. Overrepresentation was also found in LAS classes. Finally, Artiles et al. (2005) found that ELLs who were receiving the least support in their primary language (i.e., straight English immersion programs) had a greater chance of being placed in RSP and SDC programs than placement in language programs with greater (i.e., English Language Development) native language support. Although researchers have traditionally examined disproportionality as it affects ethnic minority students, little is known about other groups such as ELL subgroups or students from low-income backgrounds. Artiles et al. (2005) note the need for future studies that document the potential interactions between level of program segregation (i.e., RSP SDC), type of language support, and opportunities to learn. The need to design a comprehensive research program that traces not only the dynamics of special education placement patterns, but also their eligibility decision meetings, assessment practices, pre-referral/referral interventions, and tracking in general education was noted by Artiles et al. (2005).

All in all, the historical trends discussed in this section give credence to an almost 40-year concern on the disproportionate representation of ethnically and linguistically diverse students in high incidence special education programs. Even though this issue has been studied by a National Research Council (NRC; Donovan & Cross, 2002), had actions from major professional organizations such as the Council for Exceptional Children, litigation (Larry P. v. Riles, Diana v. the California Board of Education), policy and advocacy efforts, pressure from parent groups, and efforts from researchers, it has not been sufficient to significantly reduce the problem (Klingner et al., 2005). Some of the literature discussed in this section noted possible causal factors such as pre-referral

interventions and assessment practices. The next section will review pre-referral factors to consider and interventions and their implications for special education referral.

Pre-Referral Considerations/Interventions and Their Impact on Special Education Researchers (i.e., García & Ortiz, 1988; Salend, Garrick-Duhaney, & Montgomery, 2002) have strenuously urged the consideration of salient factors and implementation of pre-referral interventions as a way to reduce inappropriate referrals to special education. In general, the field of special education has not adequately considered prevention and intervention strategies at the general education level as a means of addressing disproportionate representation (Klingner et al., 2005). Before a child is referred for formal evaluation, efforts should be made to remedy a child's learning and/or behavior problems in the general education setting. This intermediate step has been called *pre-referral intervention* and uses a variety of modifications/instruction designed to remediate any difficulties (MacMillan, Gresham, Lopez, & Bocian, 1996). The pre-referral interventions are generally mediated by a Student Success Team (SST) that is comprised of general education teachers and other specialists. Only when a child fails to respond to pre-referral interventions is he or she referred for formal evaluation to determine eligibility for special education services (MacMillan et al., 1996). This process can be effective if all involved buy in to the interventions, implement, and evaluate improvements. However, the success of any pre-referral interventions in addressing a wide range of student problems are based upon the result that teachers and consultants regard it as worthwhile (Fuchs, Mock, Morgan, & Young, 2003).

In 1992, the Intervention Based Assessment (IBA) began as a voluntary school based initiative under a special education waiver plan by the Ohio State Department of

Education (Telzrow, McNamara, & Hollinger, 2000). The purpose of IBA was to create intervention plans for non-disabled students with behavior or learning problems, or to be used as part of a comprehensive evaluation for children with suspected disabilities. Its intervention components included collection of baseline data, explicit goal setting, an intervention plan, evidence of fidelity of treatment implementation, data of student responsiveness, and comparison of student performance to baseline. Schools were invited to participate in the state's initiatives.

Telzrow et al. (2000) conducted a statewide evaluation of the IBA program. From the 329 identified IBA schools, 227 (69%) were selected for study. The schools selected for the study were directed to submit best case documentation (i.e., products that would reflect their most complete and accurate implementation of the problem-solving process), and had sole discretion over the selection of cases submitted. Schools had two instruments to help with documentation; the instruments had schools list each of their problem-solving components and to describe their concerns, chosen interventions, how its implementation was monitored, and their effectiveness. Researchers developed a five-point Likert scale and scoring rubric to evaluate the fidelity of problem-solving implementation. Telzrow et al.'s (2000) investigation found that "Ohio's multidisciplinary team's problem-solving implementation was frequently inconsistent and below desired levels of fidelity" (p. 457). Telzrow and colleagues (2000) reported an average rating of 2.6 (out of a possible 5) for the problem-solving component requiring evidence of implementation. Telzrow et al. (2000) concluded that their study suggested "reliable implementation of problem-solving approaches in school remains elusive" (p. 458). Poor treatment integrity is not only a concern for the majority population; many of the same concerns are documented with culturally and linguistically diverse students.



Carrasquillo and Rodriguez (1997) conducted an investigation of the schooling characteristics of 46 Hispanic elementary students with limited English proficiency referred to or participating in bilingual special education in New York City. Their investigation found that few pre-referral interventions had been tried with students prior to their placement. School personnel were inconsistent in their use of pre-referral interventions designed to provide students with additional assistance before evaluating them for special education. Researchers found that this step was not taken seriously by teachers, many of whom felt it was simply a hurdle that they needed to surpass to meet referral requirements. One can see how important it is critical for school psychologists and SST members to be aware of pre-referral interventions and determining factors that should be considered by the team.

Poon-McBrayer and García (2000) examined the characteristics of Asian American elementary students with learning disabilities in a school district in the Southwest. The district identified and selected as the study site was a large, suburban district with an enrollment of more than 34,000 students during the 1995-1996 school year. Many of the experiences of Asian American students with special education were similar to those of Mexican American students. Researchers collected multiple sources of information, which included student special education folders, and other school records regarding student characteristics. Relevant information was also sought in referral characteristics, which included instructional alternatives attempted prior to referral. Poon-McBrayer and García's (2000) review of instructional alternatives attempted by classroom teachers were found in 24 of the 26 special education folders. The most frequent reported intervention was adjustment of space, time, and checks for understanding. However, the data in student folders suggested that the range of

instructional modifications attempted prior to referral was somewhat limited. Although teachers reported using strategies such as checking for understanding, allotting more time, and modifying assignments, these interventions form a rather limited range of interventions and do not necessarily represent a comprehensive systematic intervention (Poon-McBrayer & García, 2000). Generalization of the patterns to other school districts may be difficult and inappropriate since the findings are particular only to the school district in the study. Further replications of this study are needed before generalizations can be made to other school districts.

For practice, Poon-McBrayer and García (2000) noted that the integrity of implementation of pre-referral interventions and the careful documentation of their outcome can assist professionals in determining the appropriateness of the referral. As is the case in effectiveness and treatment integrity of pre-referral interventions, pre-referral considerations that may help eliminate inappropriate referrals are critical. For instance, culturally and linguistically diverse students may underachieve for a variety of reasons other than a learning disability, including lack of opportunity to learn (e.g., due to migrant status; poor instruction for many reasons, including teacher's lack of understanding of cultural differences; inappropriate programs, such as bilingual education); difficulties associated with learning English as a second language; dysfunctional home life; and poverty (Chamberlain, 2005). If teachers are not able to determine the reasons for student underachievement of Culturally and Linguistically Diverse (CLD) students, they are more likely to be referred for reasons other than a learning disability. Thus, language and cultural differences between educators and CLD students are a reality in today's schools and can have negative effects on the education of CLD learners. Disregard of research-based interventions prior to assessment can increase

the likelihood that cultural or linguistic differences are misunderstood as characteristics associated with a learning disability. Ortiz (1997) suggested that SST members consider the existence of similar characteristics exhibited by culturally and linguistically diverse students and students identified with LD. According to (Ortiz, 1997) two salient factors may contribute to misunderstanding of culture and language with a disability: language and culture.

### Language Proficiency

According to Ochoa, Robles-Pina, García, and Breunig (1999), second language learners' oral-language-related types of problems and problematic behaviors can be associated with normal processes of second language acquisition. Since language is the tool individuals use to communicate, naturally students who not understand the language of the classroom will have great difficulty learning. Ochoa et al. (1999) conducted a large-scale investigation of the reasons why ELL students were referred in eight states (Arizona, California, Colorado, Florida, New Jersey, New Mexico, New York, and Texas) with high ELL student populations. Ochoa and colleagues (1999) found that 1,384 school psychologists identified up to three most common referral reasons note in referral packets of EL students: (a) "poor/low achievement," (b) "behavioral problems," and (c) "oral-language related (i.e., acquisition delay). In addition, 7 out of the 10 most frequent reasons for referral "have a plausible linkage with language/and or culture" (p. 7). Ochoa et al. (1999) suggested that if a student is referred for an SST or formal assessment for oral-language related-type problems, it is important to consider the child's linguistic abilities and deficits in his or her native and second languages. School practitioners need to determine if academic difficulty is apparent in student's primary and second language. If problems are apparent only in English and not in the child's native

language, it is most likely due to factors associated with second-language acquisition. Like students with LD, second language learners will exhibit severe discrepancies between their academic potential and actual achievement; because they are likely to come from historically different cultural and linguistic backgrounds, their observed learning difficulties can be mistaken for deeper cognitive disability (Barrera, 2003). Another salient factor to consider is that problematic behaviors can also be linked to learning a second language or culture.

Ochoa et al. (1999) reported that behavioral problems were one of the top three reasons of referral. Rhodes et al. (2005) noted that,

Second-language learners may display ‘defensive,’ ‘withdrawn,’ and ‘disorganized’ behaviors; social emotional difficulties such as shyness, timid, and fearfulness when striving to acquire a second-language; culturally and linguistically diverse students may display a ‘heightened anxiety’ and ‘low self-esteem’ when placed in environments that are different from their home culture; and ELLs may have low attention span from an inability to understand and follow directions. (p. 82)

Aggregating all of the information reported by Ochoa et al. (1999) and Rhodes et al. (2005), one can conclude that common patterns in second language acquisition may be misunderstood as a learning problem. This information sheds light on the influence of culture and language on ELLs academic performance and behavior. The type of English-language instructional program the student received prior to referral is also an important consideration. According to Cummins and Swain (1986), “Minority language students are frequently transferred from bilingual to English-only classrooms when they have developed superficially fluent English communicative skills. Despite being classified as

‘English proficient’ many such students fall progressively further behind grade level in the development of English academic skills” (p. 131). The types of instructional programs for ELLs vary from state to state and district to district. The programs available to ELLs vary in length but generally are provided for 2-4 years (Rhodes et al., 2005). Cummins and Swain (1986) noted that CALP in English is best accomplished when EL students first attain CALP in their native language. In other words, the greater amount of instruction received in a student’s first language (L1), the greater the probability that the student will develop a second language. Cummins proposed that it usually takes an EL around 2-3 years to acquire BICS and 5-7 years to acquire CALP.

Thomas and Collier (2002) research supported the existence of Cummin’s BICS/CALP language constructs. They examined the amount of time it took ELs to attain the 50th NCE score on standardized English-reading measures. They reported that,

It takes typically bilingually schooled students, who are achieving on grade level in L1, from 4–7 years to make it to the 50th NCE in second language (L2). It takes typical ‘advantaged’ immigrants with 2–5 years of on grade-level home country schooling in L1 from 5–7 years to reach the 50th NCE in L2, when schooled all in L2 in the United States. It takes the typical young immigrant schooled all in L2 in the United States 7–10 years or more to reach the 50th NCE and the majority of these students do not ever make it to the 50th NCE, unless they receive support for L1 academic and cognitive development at home. (p. 36)

Their results indicate that the strongest predictor of L2 achievement is amount of L1 schooling. It is then apparent that students who have been transitioned or exited early from English-language development programs have not sufficiently achieved CALP in their first language (Cummins & Swain, 1986). SST members need to consider whether

or not a student's academic difficulties or failures are attributed to his or her insufficient development of L1 and not having attained CALP in English. Thus, the language proficiency factor needs to be considered when an EL student is referred to the SST; this may help educational practitioners to differentiate language acquisition issues from a legitimate learning difficulty effectively. Not only is language proficiency an important factor to consider, the understanding how cultural differences can influence the teaching, learning, and referral process is paramount if educators are to respond to the educational needs of CLD students with and without disabilities.

#### Cultural Factors

Although language is central to culture, culture is much broader than language; culture clashes have considerable effect on the teaching/learning process in a variety of ways (Chamberlain, 2005). According to García and Guerra (2004), interaction between teachers and students that result in misunderstandings can lead teachers to make misattributions about the cause of a student's poor academic achievement, which in turn can lead to low expectations that may result in unchallenging and inappropriate instruction. Cultural differences can affect both teaching and learning in a variety of ways and until educators become privy to these affects, we cannot respond in a culturally relevant way (García & Guerra, 2004).

## CHAPTER III

### METHODOLOGY

#### Introduction

The focus of this research study was to investigate African American students and English Language Learners identified for special education services for a suspected disability. This chapter will describe the methods used to conduct this study and includes a restatement of the problem, purpose of the study, description of the study's design, how data were collected, how data were analyzed, and identification of the population included in the study.

#### Problem

African American students and ELL students have been overrepresented in special education programs (Gottlieb, Gottlieb, & Trongue, 1991). Anderson and Harry (1994) contended that the disproportionate representation of African American students in special education was the result of biased special education referrals, assessments, and eligibility processes. The authors suggested that psychometric instruments used to assess minority children for special education eligibility may be culturally and linguistically biased. Additionally, educators have been concerned about the overrepresentation of culturally and linguistically diverse students in certain special education categories such as learning disability, mental retardation, and emotional disturbance (Klingner & Artiles, 2003).

The school district included in this study used the discrepancy model to identify students for special education rulings. In 1997, the United States Department of Education crafted regulations to implement the Education for All Handicapped Children Act of 1975. This Act now known as the Individuals with Disabilities Act (IDEA, 1997),

needed a process to identify children with learning disabilities. Therefore, the discrepancy model was introduced and has been used to determine if a severe discrepancy exists between achievement and intellectual ability in one or more of the seven identified domains of academic functioning (IDEIA, 2004). When Congress reauthorized IDEA (2004), it changed the procedure for how children with a suspected learning disability were assessed. An excerpt from IDEA 2004 reads, “Schools shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning” (as cited in Wright & Wright, 2005, p. 69). A severe discrepancy was one of the primary components of most State and/or local guidelines for determining if a student is eligible for special education services related to a specific learning disability (IDEA, 1997).

#### Purpose of the Study

This study was designed with the purpose of investigating, educators’ perception related to referral and eventual placement of students in special education settings in a large suburban school district. It was hoped that this study would (a) provide district administrators, policymakers and advocates a deeper understanding of disproportionate representation of minority students in special education programs, (b) promote appropriate identification and placements of minority students in special education, (c) encourage leadership to enforce state and federal mandates that protect the rights of students with disabilities, and (d) encourage the use of proactive early intervention.

This study investigated teacher perceptions related to referral of students for special education eligibility in a large suburban school district. The study attempted to



determine (a) the factors that educators perceived contributed to higher referral rates of African American students and English Language Learners to Response to Intervention and eventual placement into special education (b) if classroom strategies and interventions were used and exhausted before recommending students for special education services and (c) if the rate of special education placement of African American students and English Language Learners have been significantly reduced as a result of RTI. Data was collected for African American Students and English language learners in the elementary, middle, and high schools participating in the study.

### Design of the Study

This study combined quantitative and qualitative methods in order to determine the attitudes and perceptions of educators regarding the high referral rate of African American students and ELL students to the Response to Intervention (RTI) process in a large suburban school district in the southeastern United States. Quantitative data were collected via surveys administered to teachers, school psychologists, and RTI Coordinators/counselors involved in RTI in their respective schools. The quantitative method (i.e., survey) was used to allow for measurement of attitudinal trends and perceptions. These data were analyzed using descriptive statistics. Qualitative data were collected from general education and special education teachers, school psychologists, and school administrators. Qualitative methods (i.e., interviews) were used to probe deeply for a rich understanding of the possible factors that contribute to disproportionate representation of African American students and ELL students.

This study was informed by several methodologists who recommend gathering information to inform research questions (Creswell, 1994) and to obtain information that is factual and accurate (Isaac & Michael, 1995). Interviews were structured using select

open-ended questions to gather a wide range of potentially relevant data (Dobbert, 1982).

Archival information concerning the following variables listed below was obtained from the participating school district's research department from the three elementary schools, three middle schools, and three high schools selected for this study. To protect the anonymity of students, student names associated with student data were not included. An RTI Data Collection Form (Appendix A) was constructed by collecting data from student files that were examined. The form was designed to collect data in the following areas:

1. Gender of student,
2. Ethnicity of student,
3. Child Study Team met? (Y/N),
4. Number of times Child Study Team met,
5. Referred for Academic problems,
6. Referred for Behavior problems,
7. Disability Classification, and
8. Placement.

#### Instrumentation

According to McMillan and Schumacher (1997), content validity is the extent to which a test instrument measures what it proposes to measure. The interview guides that were used by teachers, administrators and psychologists, were examined by a panel of experts who examined each item to determine its relevancy. The panel of experts included one elementary school teacher, one middle school special education teacher, one high school special education department head, one education program specialist, and one special education supervisor. The formation of the panel of experts resulted from

telephone calls and emails to several individuals with experience and familiarity in the field of special education. From those who responded, five members were chosen to become members of the panel of experts. After the interview schedules were constructed for teachers, RTI coordinators/counselors, administrators, and psychologists, they were submitted to the panel of experts for comments and /or suggestions. Each member of the panel was provided with a copy of the General Education Teacher Survey (Appendix B), Special Education Teacher Survey (Appendix C), Campus Administrator Interview (Appendix D), School Psychologist Survey (Appendix E), and RTI coordinator/counselor Survey Items (Appendix F). Each question on the Interview Schedules and surveys for teachers, administrators, RTI coordinators/counselors, and psychologists were determined by the panel of experts to determine to which research question it applies.

#### Identification of the Population

The target population interviewed in this study included 20 school psychologists, 20 RTI coordinators/counselors, 20 school administrators, 20 special education teachers, and 20 general education teachers representing 69 elementary schools and 25 middle schools within the district. The select school district included 119 schools including 69 elementary schools, 25 middle schools, 16 high schools, 2 special education centers, and an adult education center and a performance learning center and served approximately 107,000 students during the 2010-2011 school year. The school district is the largest employer in the county. Among the 14,027 employees are 352 school administrators, 5,925 classroom teachers, 1,540 special education teachers, 263 school counselors, 37 social workers, 47 school psychologists. The school district serves a student body comprised of 44.5% Caucasian, 31.2% African American, 16.5% Hispanic, 4.8% Asian,

and fewer than 3% American Indian or multiracial students (Cobb County School District, 2010).

### Data Collection

Prior to data collection, the study was approved by the Institutional Review Board (IRB) The University of Southern Mississippi (Appendix G) for the protection of human subjects. Cover Letters (Appendix H) were sent to 40 elementary, middle, and high school teachers (20 general education teachers and 20 special education teachers), 20 school psychologists, 20 RTI coordinators/counselor, and 20 school administrators to explain the purpose of the study. Informed Consent Forms (Appendix I) were sent to 20 Psychologists, 20 administrators, 20 RTI coordinators/counselors, 20 special education teachers, and 20 general education teachers to request their consent to complete surveys and/or participate in the interviews and focus groups. The respective surveys for psychologists, RTI coordinators/counselors, administrators, and teachers were delivered to schools, sent via e-mail, or mailed via the United States Postal Service to each participant in the study. Cover Letters (Appendix H) were provided that sought informed consent from teachers, administrators, RTI coordinators/counselors, and psychologists, which confirmed that they are not required to participate and have the option to decline participation. Educators' responses were entered in a database and securely stored on my SPSS database. No markers identified participants' responses, either individually or collectively. Only the researcher had access to participants' responses, thus maintaining confidentiality and privacy.

### Quantitative

*RTI coordinator/counselor Survey.* Quantitative data were collected from the RTI coordinator/counselor Survey (Appendix F) from elementary, middle, and high school

RTI coordinators/counselors in the target school district. Twenty RTI coordinators/counselors were invited to participate voluntarily in the study. RTI coordinator/counselors' survey responses were gleaned from SPSS. Demographic data for teacher participants were collected (i.e., gender, age, ethnicity/race, grade level taught, years of teaching experience, and level of education).

### Qualitative

The qualitative portion of this study included open-ended survey questions at the end of each educator survey (see Appendix B, Appendix C, Appendix D, Appendix E, and Appendix F). Responding to these questions was optional. However, typed responses were used in the qualitative portion of this study. No identifying markers identified which comments belonged to any specific teacher. No names were required on the survey. The purpose of the qualitative questions was to explore educators' perceptions of referral and eventual placement of African American students and English Language Learners.

### Data Analysis

In order to determine if there was a relationship between educators' perception and referral and eventual placement of students in special education settings in a large suburban school district. Both qualitative and quantitative procedures were used. Data collected from files were sorted into tables for analysis. Data obtained from responses were analyzed and entered into a SPSS for further analysis. The data was analyzed with the objective of obtaining answers for each of the study's research questions.

*Research Question 1*

What factors, according to teachers, administrators, and psychologist contribute to higher referral rates of African American students and English language learners in comparison to traditional students, to the Response to Intervention process?

The information obtained will provide clarification on whether the tiered RTI process is being implemented with fidelity. The data to answer this question were drawn from the interview instruments for teachers, psychologists, and students' files.

*Research Question 2*

Do teachers, administrators, RTI coordinators/counselors, and psychologists differ in their perceptions of the extent to which minority disparities exist in the RTI referral process?

The objective of this question was to collect data to determine if the district is complying with authorizations of the No Child Left Behind Act and the Individuals with Disabilities Education Act, and if the interventions that were being used were appropriate for the various subgroup populations. These data were analyzed using Kruskal-Wallis analyses with the alpha level set at  $.05/9 = .006$ . Post hoc follow-ups at the same alpha level were used.

*Research Question 3*

Has the rate of special education placement of African American students been significantly reduced as a result of RTI implementation in the district in the study?

The aim of this question was to determine whether the referral of students and utilization of appropriate interventions were reflective of confirmation bias and the resulting effects of the disproportionate representation of English Language Learners as

perceived by the interviewer. The data to answer this question will be obtained from the RTI coordinator/counselor Interview Guide, Campus Administrator Interview, Special Education Teacher Survey, General Education Teacher Survey, School Psychologist Survey, and the Data Collection Form. The district's databases were used to extract data on students' demographics and analyzed to discern placement patterns of students in special education programs.

#### *Research Question 4*

Has the rate of special education placement of English Language Learners been significantly reduced as a result of RTI implementation in the district in the study?

The aim of this question was to determine whether the referral of students and utilization of appropriate interventions were reflective of confirmation bias and the resulting effects of the disproportionate representation of English Language Learners as perceived by the interviewer. The data to answer this question will be obtained from the RTI coordinator/counselor Interview Guide, Campus Administrator Interview, Special Education Teacher Survey, General Education Teacher Survey, School Psychologist Survey, and the Data Collection Form. The district's databases were used to extract data on students' demographics and analyzed to discern placement patterns of students in special education programs.

#### Ethical Standards

Participants had the right to refuse participation or to withdraw at any time with no penalty. Additionally, participants also had the right to inspect, upon request, any instrument or materials related to the research study within a reasonable period after the request was received. Only the researcher had access to the information collected in this

study, which will be kept in locked storage at the residence of the researcher for a period of 3 years following the completion of the research.

Participants' names did not appear in any reports or in the final report for this research. No personally identifiable information was reported about the participant nor will it be released to anyone for any reason without written permission obtained in advance. All information obtained in this study was strictly confidential unless disclosure is required by law. There were no direct benefits to participants. There were no costs to participants or payments made for participating in the study.

Participation in this project was voluntary and involved no risks to participants who could rescind their permission at any time without negative consequences. Participants using shared home or office computers were at minimal risk of exposing survey contents and their responses to other users unless the browsers were completely closed before exiting the survey. The out box of participants' e-mail software may have kept a copy of the questionnaire containing their confidential responses. Traces of the questionnaire may be uncovered by other users on household or office shared computers. Online participants were advised and instructed to remove such traces and to close completely the web browser upon completion of the survey. Participants unwilling to take such steps were cautioned not to participate in this online survey. All student data were de-identified and only aggregate or summary reading scores were used for data analysis and reporting purposes. Participants recorded their typewritten responses and submitted them with the completed survey responses.

This research was reviewed by The University of Southern Mississippi's Human Subject Institutional Review Board before the study began. This research study easily met all ethical guidelines because all participation was voluntary. All participants were



adults. Participants could stop participating in the survey at any time by closing down their web browser completely. The possibility of harm to subjects was minimal, and no personal data from any subject was shared. All online communication with participants was honest and non-deceptive and there were no hidden procedures employed in the study. None of the online participants knew any of the other online participants who took part in the study. The researcher was not related to any of the participants in this study.

### Summary

The purpose of this chapter was to provide a description of the research methodology, which included the research design, research questions, instrumentation, data collection methods, and data analysis methods. Within this research study, a survey was used to obtain the perceptions of general and special education teachers, administrators, counselors, and psychologists in a suburban school district regarding perceptions related to referral to eventual placement into special education.

## CHAPTER IV

### RESULTS

The goal of this study was to investigate the factors that educators in a large, suburban, public school district believe contribute to African American and English Language Learners (ELL) being referred to special education at a higher rate than other students. The researcher explored the attitudes and perceptions of general and special education teachers, administrators, psychologists, and RTI coordinators/counselors using surveys and open-ended questions. While previous studies indicate that African American students have been referred to the Student Support Team process at a higher rate than other ethnicities, few studies have attempted to understand the perceptions of educators regarding factors that may have intensified the disproportionate number of referrals that are made on behalf of African American students.

This study employed a mixed method design that combined quantitative and qualitative aspects. Quantitative data were collected via a survey administered to general and special education teachers, counselors, administrators, and school psychologists involved in the RTI process at their respective schools. These data were analyzed using descriptive statistics and inferential statistics. Qualitative data were collected from responses to open-ended questions by general education and special education teachers, RTI coordinators/counselors, school psychologists, and school administrators. The responses were used to obtain an understanding of the possible factors that contribute to the disproportionate representation of African American students and English language learners in special education.

## Quantitative Findings

The following research questions were addressed in the quantitative portion of this study:

RQ1. What factors, according to teachers, administrators, RTI coordinators/counselor, and psychologist contribute to higher referral rates of African American students and English language learners in comparison to traditional students, to the Response to Intervention process?

H<sub>0</sub>1. There are no differences among teachers, administrators, RTI coordinators/counselors, and psychologist in determining what contributes to higher referral rates of African American students and English language learners in comparison to traditional students, to the Response to Intervention process?

RQ2. Do teachers, administrators, RTI coordinators/counselors, and psychologists differ in their perceptions of the extent to which minority disparities exist in the RTI referral process?

H<sub>0</sub>2. There is no difference among teachers, administrators, counselors, and psychologists in their perceptions of the extent to which minority disparities exist in the RTI referral process.

RQ3. Has the rate of special education placement of African American students been significantly reduced as a result of RTI implementation in the district in the study?

H<sub>0</sub>3. There is no difference between teachers, administrators, RTI coordinators/counselors, and psychologists in their opinions about the rate

of special education placement among African American students and English Language Learners.

RQ4. Has the rate of special education placement of English Language Learners been significantly reduced as a result of RTI implementation in the district in the study?

Ho4. There is no difference between teachers, administrators, RTI coordinators/counselors, and psychologists in their opinions about the rate of special education placement among African American students and English Language Learners.

#### *Description of the Sample*

A survey was completed by 20 special education teachers, 20 general education teachers, 20 administrators, 20 school psychologists, and 20 RTI coordinators/counselors. The respondents provided demographic information about themselves (Table 1).

All research questions were addressed using a series of Kruskal-Wallis analyses with position (special and general education teachers, administrators, psychologists, and counselors) as the grouping variable and responses to the survey items as the dependent variables. The analysis of each research question includes the mean rank. Follow-up tests were also done for significant results at the  $.05/9 = .006$  level of significance.

Research Question 1. *Do teachers, administrators, counselors, and psychologists differ in their perceptions of classroom needs with regard to minority students (Questions 1 and 2);* Kruskal-Wallis results indicated a significant effect of position on both items. Results from the Kruskal-Wallis are located in Table 2.

Table 1

*Description of the Respondents to the Survey*

Characteristic	Special education n= 20	General education n= 20	Administrator n = 20	School psychologist n = 20	RTI Coordinator/ Counselor n = 20
<b>Age</b>					
26–30	5*	5	10	10	10
31–40	30	10	20	50	60
41–50	55	60	35	40	30
51+	10	25	35	0	0
<b>Gender</b>					
Female	80	80	65	90	85
Male	20	20	35	10	15
<b>Education</b>					
BA/BS	5	10	10	35	0
MA/MS	65	50	35	50	65
Specialist	20	40	30	15	35
PhD	10	0	25	0	0
<b>Years of experience</b>					
1–5	10	40	15	10	10
6–10	45	50	25	70	15
11–20	30	10	40	20	55
21–30	15	0	20	0	20
<b>Race</b>					
African American	55	50	50	50	35
Hispanic	15	10	0	5	0
White	30	40	50	45	65

\* Percentage of educators

Table 2

*Results from Kruskal-Wallis Testing Whether Position Differences Relate to Differences in Perceptions of Classroom Needs With Regard to Minority Students*

Item	Special education teachers n = 20	General education teachers n = 20	Admini- strators n = 20	School psycholo- gists n = 20	Counselors n = 20
Same Learning Expectations $\chi^2$ (N = 100, df = 4) = 35.655, $p < .001$	24.98	50.05	54.35	49.13	74.00
Same Behavior Expectations $\chi^2$ (N = 100, df = 4) = 27.680, $p < .001$	29.65	48.05	49.73	53.08	72.00

As seen in Table 2, special education teachers scored lower on these items with higher scores indicating agreement that *classroom teachers have the same learning/behavior expectations* for students in their classroom without regard for minority status. In addition, general education teachers scored lower than counselors, psychologists, and administrators on these items.

Research Question 2. *Do teachers, administrators, counselors, and psychologists differ in their perceptions of the extent to which minority disparities exist in the RTI referral process (Questions 3-6).*

Kruskal-Wallis results indicated no differences on any of the item at  $p < .006$ . Therefore, no follow-up is required.

As seen in Table 3, special education teachers, administrators, counselors, general education teachers, and psychologists provided their perceptions of the extent to which minority disparities exist in the RTI referral process among African American students.

Table 3

*Results from Kruskal-Wallis Testing Whether Position Differences Relate To Differences in Perception of the Extent to Which Minority Disparities Exist in the RTI Referral Process*

Item	Special education teachers n = 20	General education teachers n = 20	Admini- strators n = 20	School psycholo- gists n = 20	Counselors n = 20
African American referrals $\chi^2$ (N =100, df = 4) = 12.467, $p = .014$	63.10	43.60	61.45	39.53	44.83
ELL referrals $\chi^2$ (N =100, df = 4) = 9.665, $p = .046$	46.70	67.40	44.63	44.60	49.18
Af Am referral for rdg $\chi^2$ (N =100, df = 4) = 7.004, $p = .136$	63.40	49.40	49.88	40.43	49.40
ELL referral for reading $\chi^2$ (N =100, df = 4) = 9.125, $p = .058$	50.78	51.95	55.18	35.18	59.43

Administrators scored higher than counselors, general education teachers, and psychologists among ELL students. Counselors scored higher than special education teachers, general education teachers, and psychologists. Administrators and psychologists had very similar results. Special education teachers scored higher than general education teachers, administrators, psychologists, and counselors relating to African American student referrals. General education teachers, administrators, and counselors had nearly identical results followed by psychologists. Counselors scored higher than administrators, general education teachers, special education teachers, and psychologists regarding ELL student referrals for reading. General education teachers, special education teachers, and administrators scored within the same range. However, psychologists had to lowest scores.

Research Question 3. *Do teachers, administrators, counselors, and psychologists differ in their perceptions of classroom needs that accommodate gender differences (Questions 7 and 8),*

Kruskal-Wallis results indicated a significant effect of significant on Question 7.

Results from the Kruskal-Wallis are located in Table 3.

Table 4

*Results from Kruskal-Wallis Testing Whether Position Differences Relate to Differences in Perceptions of Classroom Needs That Accommodate Gender Differences*

Item	Special education teachers n = 20	General education teachers n = 20	Admini- strators n = 20	School psycholo- gists n = 20	Counselors n = 20
G diffs in lesson planning $\chi^2$ (N =100, df = 4) = 56.210, $p < .001$	10.50	69.00	51.35	60.75	60.90
Prof. dev. about ind diffs $\chi^2$ (N =100, df = 4) = 10.181, $p =.037$	38.28	51.85	46.15	64.53	51.70

As seen in Table 4, the results indicated a significant effect of position on lesson planning. General education teachers scored highest on gender differences in lesson planning followed closely by counselors, psychologists, administrators, and special education teachers. Psychologists scored higher than all educators with their responses to professional development about individual differences. Counselors and general education teachers had nearly the exact outcome regarding their response to the item regarding gender differences in lesson planning. Administrators and special education teachers had the lowest scores respectively.

Research Question 4. *Do teachers, administrators, counselors, and psychologists differ in their opinions about the extent to which classroom observations are used to refer*



*students to RTI? (Question 9)*; Kruskal-Wallis results indicated a significant effect of position. Results from the Kruskal-Wallis are located in Table 5.

Table 5

*Results from Kruskal-Wallis Testing Whether Position Differences Relate to Differences in the Extent to Which Classroom Observations Are Used to Refer Students to RTI*

Item	Special education teachers	General education teachers	Admini- strators	School psycholo- gists	Counselors
Classroom Observation $\chi^2$ (N =100, df = 4) = 16.525, $p =.002$	30.15	53.75	57.78	50.55	60.28

As seen in Table 5, the results indicated a significant effect of position. Special education teachers scored the lowest of the other educators regarding the extent to which classroom observations are used to refer students to RTI. Counselors scored highest followed closely by administrators, general education teachers, and psychologists.

#### *Student Test Data*

A number of factors contribute to disproportionality, including test bias, socioeconomic status, special education processes, issues of behavior management, imbalance in general education, and inadequate teacher preparation. These variables contribute to differential rates of referral for minority students across the nation. Student ethnicities represented in the school district where the study took place are 32% African American, 47% Caucasian, and 15% Hispanic. Students in the study that were referred for special education services represented 55% African American, 25% Hispanic, and 20% Caucasian.

Nearly all students referred to be evaluated for special education were referred for academic deficits. Of all the students referred in this study; only two were referred for

both academic and behavioral deficiencies. Chi Square results indicated no differential rates of referral for behavioral concerns based on ethnicity; however, males were referred at a higher rate than expected compared to females ( $\chi^2_{(1)} = 15.13, p < .01$ ) for behavioral concerns.

## Qualitative Findings

### *Open-Ended Question on Survey*

Questions were posed to participants at the end of their respective surveys. Content analysis was used to compile central themes. Each text response was examined to determine what themes emerged and what the participants talked about the most. Then the researcher examined the central themes to see how they related to each other. Some of the central themes overlapped each other and were related. For each question, central themes were discussed.

### *Factor 1: Educators Perceptions of Minority Students*

*Question 1.* Question 1 asked “Do teachers, administrators, psychologists, and counselors differ in their perceptions of classroom needs with regard to minority students?”

Central themes required coding of similar responses into a matrix for this question. Several themes emerged as a result. The seven common themes for Question 1 were (a) behavioral concerns, (b) school climate, (c) teacher expectations, (d) academic deficits, (e) economic disadvantages, (f) teacher preparation, (g) and difficulty relating to students. Each of these areas is presented below in narrative form, as shown in Table 5. The seven most common themes varied based on the position, experience, and the individual’s ability to teach students from economically disadvantaged communities. Many participants in the study elaborated about students coming to school with academic

deficits as being one of the most problematic concerns that they face. Students representing this particular demographic are more likely to be stereotyped by teachers; leading to premature referrals to special education. Teachers who do not have high expectations for all students are not inclined to push these students to reach for higher heights.

Table 6

*Perception of Classroom Needs*

Question	Themes
Question 1: Do teachers, administrators, counselors, and psychologists differ in their perceptions of classroom needs with regard to minority students?	Behavioral concerns School climate Teacher expectation Academic deficits Economic disadvantage Teacher preparation Trouble relating to students

*Question 2.* Question 2 asked “To what extent are classroom interventions utilized and exhausted before teachers make recommendations for consideration of special education eligibility?” Several themes emerged as a result. The common themes for Question 2 were (a) several times per week, (b) until the student stops progressing, (c) once or twice a week, and (d) depends upon the student’s behavior. Each of these areas is presented below in narrative form, as shown in Table 7. Each teacher has their perception of what works for students in their respective classes. The issue with this question is that there is no systematic approach to determining when a student should be referred to RTI. Students are referred to RTI on an individual basis. Therefore, the steps

to determine when a student should be referred to RTI are based on the progress that each individual student makes.

Table 7

*Classroom Interventions*

Question	Themes
Question 1: To what extent are classroom interventions utilized and exhausted before teachers make recommendations for consideration of special education eligibility?	Several times a week Student stops progressing Once or twice per week Depends on behavior

*Question 3.* Question 3 asked “Has the rate of special education placement of African American students been significantly reduced as a result of RTI implementation in the district in the study?” Central themes required coding of similar responses into a matrix for this question. Several themes emerged as a result. The 5 common themes for Question 3 were (a) yes, emotional behavior disorders, (b) yes, intellectual disabilities, (c) no, learning disabilities, (d) no, speech and language impairment, (e) and no, referrals in progress. Each of these areas is presented below in narrative form, as shown in Table 8.

The majority of the students included in this particular study remained in the tiered process at the end of this study. Rates of special education placement of African American students reduced as a result of RTI implementation in emotional behavior disorders and intellectual disabilities. Learning disabilities and speech language impairment placements were not reduced as a result of RTI implementation in this study.

Table 8

*Special Education Placement of African American Students*

Question	Themes
Question 1: Has the rate of special education placement of African American students been significantly reduced as a result of RTI implementation in the district in the study?	Yes, Emot. Beh. Disorders No, Learning Disabilities No, Referrals in progress No, Speech Lang. Impaired Yes, Intellectual Disabilities

*Question 4.* Question 4 asked “Has the rate of special education placement of English language learners been significantly reduced as a result of RTI implementation in the district in the study?” Central themes required coding of similar responses into a matrix for this question. Several themes emerged as a result. The 4 common themes for Question 4 were (a) no, speech language impairment, (b) no, other health impairment, (c) no, learning disabilities, (d) no, referrals in progress. Each of these areas is presented below in narrative form, as shown in Table 9.

English Language Learners rates of special education placement were reduced in the emotional behavior disorder and intellectual disabilities categories as a result of RTI implementation. No changes were noted for learning disabilities, speech language impairments, or for referrals that were in progress.

Table 9

*Special Education Placement of English Language Learners*

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Question	Themes
Question 1: Has the rate of special education placement of English Language Learners been significantly reduced as a result of RTI implementation in the district in the study?	Yes, Emot. Beh. Disorders No, Learning Disabilities No, Referrals in progress No, Speech Lang. Impaired Yes, Intellectual Disabilities

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Summary

Chapter IV presented the findings and chapter summary. Chapter V contains the conclusion, implications, and recommendations for further research.

## CHAPTER V

### SUMMARY

#### Introduction

The study examined the perceptions of educators regarding the disproportionate number of students referred to response to intervention (RTI) and eventual placement in special education in elementary, middle, and high schools in a large, suburban, public school district in the southeastern United States. The purpose of this study was to investigate, analyze, and examine the factors that contribute to the higher referral rate of African American students and English Language Learners, in comparison to traditional students, to the RTI process in a large suburban school district in the southeastern United States using perceptual data from educators.

Georgia is one of 45 states and three territories that have adopted the Common Core State Standards Initiative (CCSSI). The CCSSI is a state-led effort designed to improve educational outcomes for students by developing a set of consistent, clear K–12 academic standards in English language arts and mathematics. In 2009, the National Governors Association and the Council of Chief State School Officers convened a group of leading experts to develop K–12 standards for math and English language arts in 2010. These standards are relevant to the real world, reflecting the knowledge and skills young people need to be prepared for both college and work in a global economy.

No longer will the state of Georgia be bound by the narrow definitions of success found in the NCLB Act. The NCLB Waiver enables the state to hold schools accountable and reward them for the work they do in all subjects and with all students. In order to receive the waiver, the U.S. Department of Education required that states identify Title I Priority Schools, Focus Schools, and Reward Schools. Achievement data from all core

content areas and graduation rate data will be used to identify Priority and Focus Schools, which will replace the current Needs Improvement Schools designation. Reward Schools – which will be determined based on math, reading and English language arts results – will replace the current Title I Distinguished Schools designation and will be announced in September 2012.

### Conclusions and Discussion

The findings support research indicating that educators attempt to treat all students fair and equitably. Participants in this study encountered students from demographic backgrounds that they could not personally relate to or were prepared to manage behaviorally. Inexperience in the field of education has contributed to educators' difficulty connecting with children from a background they are not familiar with. No longer are children entering our schools from different neighborhoods; we are receiving children from other countries with varying customs at alarming rates.

School systems have to train their employees on how to educate students that do not represent typical students. The days of native students arriving to school prepared for instruction are over. We are faced with non-English speaking students of varying ages arriving from other countries. As a result, educators must be prepared to work closely with these students, their families, and the communities that they reside in.

### Recommendations for Policy and Practice

Few studies in the literature provided such details as they relate to educator perception and its impact on referral to eventual placement of African American students and English language learners in special education. This study had several implications for practicing teachers and teacher education departments. Since the late 1960s, there have been serious concerns among policymakers and the general public regarding the



overrepresentation of African American students in special education (Smedley, 2007). The disproportionate representation of minority students in special education has been an important and persistent topic almost since the inception of special education. Although state departments of education collect data about the ethnicity of students in special education, they typically do not accumulate information about student's language proficiency (Klingner & Artiles, 2003). Thus, little is known about the representation of English Language Learners (ELL) in special education programs.

The Huntington (2004) reported Hispanics are the fastest growing ethnic group in U.S. schools, having surpassed African Americans as the largest minority group in the United States. Furthermore, 10% of the Hispanic population is English Language Learners (U.S. Department of Education, 2003). As the ELL population continues to increase, educators are becoming increasingly aware of the challenges this population may experience. ELLs face challenges overcoming language barriers, but also overcoming low expectations and academic achievement (McCardle et al., 2005).

Research demonstrates that English Language Learners with the least amount of language support are most likely to be referred to special education. ELLs receiving all of their instruction in English were almost three times as likely to be in special education as those receiving some native language support (Artiles & Ortiz, 2002). Those who are against the argument suggest that "If ELLs are failing in general education classes; there is no harm in placing them in special education where they will receive individualized instruction" (Artiles & Ortiz, 2002, p. 136). Research shows that ELLs in special education with learning disabilities demonstrate lower verbal and full-scale IQ scores after placement in special education than at their initial evaluations. This means that even in special education, ELLs (in general) do not receive the type of instruction they

need (due to the lack of ESL instructional methodology and other professional development for special education professionals; Artiles & Ortiz, 2002).

With appropriate instruction and/or intervention, students without disabilities will demonstrate increased English language proficiency. Students with disabilities will struggle despite the interventions. Unless children with disabilities develop native language competence, they will most likely have problems learning a second language and will experience difficulty with cognitive development as well (Artiles & Ortiz, 2002). Rebora (2011) addresses the over referral of African American and Hispanic students to special education. In the words of Vanderbilt professor Richard Milner, “there are kids who are placed in these programs because educators don’t want to deal with them, don’t know how to deal with them, or don’t know how to be responsive to them (Rebora, 2011).

Results of my study will impact teachers, administrators, counselors, psychologist, and stakeholders in a positive manner. Educators will possess a better understanding of referral to eventual placement of students into special education. Further, they will assist to develop a systematic approach that will be used in the school district in this study. As this district begins to use the new framework, they will be able to share their results with neighboring school districts in order to move toward adopting this systematic approach to referral to eventual placement of students into special education within the state and eventually throughout the nation.

To prevent students who do not need special education from becoming “victims of remediation,” Anthony Rebora (2011) recommended that districts do the following:

1. Educators need to become familiar with how to use data in order to establish a baseline to identify student populations in their respective schools according to ethnicity and the special education program in which the student is served.
2. Learning communities within schools must begin to have courageous conversations about disproportionate representation of minority students in special education.
3. Ensure that students with disabilities are served in an environment that is conducive to learning with a curriculum that is challenging and will prepare them for independent living.
4. Professional development must be geared toward empowering educators to improve their classroom management skills, literacy strategies, differentiated instruction, and culturally responsive instruction when dealing with African American students and English Language Learners.
5. Interventions must take place early and often. Efforts to reach struggling learners must be initiated as soon as students begin to fall behind. Small group instruction and individualized instruction, consistent with the RTI model, should be implemented.
6. Formative assessments should be used with fidelity. Educators must closely monitor progress and student data, homework, and classroom assignments in order to gain an understanding of their students' strengths and weaknesses. This allows educators to develop strategies based on their knowledge of their students learning styles.

7. Educators must avoid trying to be a superhero and call upon academic specialists and experienced colleagues when students are in need of academic support.
8. Enforce discipline wisely. Behavioral concerns are often a major factor in special education referrals for minority-group students, and getting beyond surface behavior is a vital part of reducing disproportionality. Teachers in diverse classrooms must gain an understanding of cultures and viewpoints about schooling that differ from their traditional perceptions.
9. Educators are encouraged to read and reflect. Book study groups are helpful with working through issues and concerns that educators face in their respective classrooms.

#### Limitations

This study researched three elementary schools, three middle schools, and three high schools from a large suburban school district in Georgia. The demographics of the schools, including enrollment or grade span, may also limit the findings of schools with similar profiles. School sites were randomly selected. The limited number of schools included in the study had an impact on the study. The duration of the study was also a limitation due to the particular time framework. The number of students that remained in the tiered phases of RTI impacted the study. This led to difficulty comparing students who were found eligible for special education with students that remained in the RTI tiered process.

The biases of the researcher presented additional limitations. As a minority studying the disproportionate representation of African American students and English Language Learners, personal and professional prejudices and biases may have manifested

and been confronted throughout the study. However, researcher biases and prejudices were minimized by triangulation and data to support the study.

#### Recommendations for Future Research

From the findings of this study, it is recommended that academic institutions, especially those that have linguistically and culturally diverse student populations should review their curriculum to capture the importance of correctly assessing the academic issues that students possess. Educators should develop the ability to assess whether students have learning disabilities that require special education or whether they are just having problems as a result of second language acquisition. Administrators, guidance counselors, psychologists, and teachers should review their understanding of the referral process to special education because while most of them believe they clearly understand the process, they have provided reasons of language barrier for recommending students to be evaluated for consideration of receiving special education services. Therefore, it must be clearly defined that only students with a documented learning disability should be referred to special education. Moreover, recommendations should be made that students undergo second language acquisition prior to being immersed in regular education classroom settings. Acquiring the language and the lesson simultaneously is a difficult task for students. Thus, there is a strong and necessary need for students to learn to communicate in the host language prior to exposing them to lessons that require comprehension because students cannot comprehend the lessons without even understanding the words spoken by the educators. Therefore, the recommendation is that students should be enrolled in language classes before they join the regular classroom setting. This recommendation would allow them to understand the lessons clearly, which may improve their academic performance.

For future studies regarding disproportionate representation of minority students in special education, the researcher recommends that school district personnel in leadership roles seek to have teachers, administrators, psychologists, and counselors throughout the school district complete surveys and respond to guided questions in the survey. The surveys should be distributed and collected by an independent agency not affiliated with the school district in the study. In addition, it is recommended that participants complete the surveys at the time of distribution and the surveys be collected immediately after they are completed. These recommendations would allow the district to identify areas of deficiency and the ability to schedule professional development and training as a systematic approach to implementing RTI throughout the district. While this study's focus was limited to disproportionate representation in special education, future research studies could expand and expound on strategies and interventions that will assist with reducing the number of students who are prematurely referred to special education.

#### Summary

It is important that RTI be validated as districts begin to implement this process. Such an important program should not be developed piecemeal and without careful analysis. No single strategy or set of interventions can be relied upon to reduce the disproportionate representation of minority students in special education. Generally, educators have their students' best interest at heart. However, inexperience cannot compensate for an educator's feelings toward their students. Unfortunately, too many students are being taught by teachers who are not adequately prepared to teach them. In recent years, the number of teachers who are not well prepared has declined because of the current climate in education. With an influx of qualified educators in need of employment, school districts are not forced to accept less qualified educators and are able

to be more selective when they consider candidates for teaching opportunities within K-12 education classrooms.

Courageous conversations must be held and systematic frameworks must be developed, implemented, and used with fidelity in order to affect this phenomenon. According to the tenets of the public school education system in the United States, all students are to be afforded a free appropriate public education. However, as a result of special education processes differing from school to school, this is not a reality. The majority of adoptions that are used in schools across the country are modified to meet the needs of the individuals charged to implement them. Efforts to establish and maintain consistent protocols are critical as educators and stakeholders make decisions that affect the lives of students being referred for special education services.

Teacher preparation is a variable that has influence on the number of students referred for special education services. Special educators are faced with more challenges as they work with students representing exceptionalities that are being mainstreamed into the general education setting. As a result, traditional approaches are no longer relevant and new strategies have to develop to meet the needs of these students. Many inexperienced teachers lack the necessary skills and abilities to differentiate instruction and independently assess students with academic and behavioral concerns. This factor contributes to an increase in the number of students referred to RTI. Partnering inexperienced teachers with veteran teachers provides a valuable resource that helps to combat premature referrals to special education. Implementing RTI with fidelity helps to combat referring students to special education that do not require specialized instruction. The full benefit of RTI will not be realized until school systems begin to use RTI in a

systematic manner and move away from facilitating their own respective special education programs within their schools.



## APPENDIX A

## RTI DATA COLLECTION FORM

1. Gender of student
2. Ethnicity of student
3. Did the Child Study Team meet?
4. How many times did the Child Study Team meet during the RTI process?
5. Student referred for academic problems
6. Student referred for behavior problems
7. Disability Classification (EBD, SLD, AU, SI, HI, MID, SID, OI, or PID)
8. Placement options

## APPENDIX B

## GENERAL EDUCATION TEACHER SURVEY

\*Response Options: 1=strongly disagree, 2=disagree, 3=not sure, 4=agree, 5=strongly agree

1. Classroom teachers have the same learning expectations for African American students and English Language Learners in their classrooms.
2. Classroom teachers have the same behavior expectations for African American students and English Language Learners in their classrooms.
3. African American students make up the majority of academic referrals at my school.
4. English Language Learners make up the majority of academic referrals at my school.
5. The majority of academic RTI referrals for African American students are due to reading problems.
6. The majority of academic RTI referrals for English Language Learners are due to reading problems.
7. Teachers at my school have received professional development from the school district on the differences between male/female learning and behavior in the past three years.
8. Teachers at my school use classroom observations (their own judgment) to refer students to RTI.
9. What other reasons might contribute to the high referral rate of African American students and English Language Learners, in comparison to other students to the RTI process?

Please complete the following open-ended items:

10. As classroom teachers, do you observe behavioral differences in your classrooms between African American boys and girls and English Language Learners? If so, what do these differences look like?
11. As classroom teachers, do you observe learning differences in your classrooms between African American boys and girls and English Language Learners? If so, what do these differences look like?
12. According to national statistics (Donovan & Cross, 2002; Losen & Orfield, 2002), the majority of academic referrals for boys are for reading difficulties. Do you find this to be true in your classrooms?
13. According to national statistics (Donovan & Cross, 2002; Losen & Orfield, 2002), the majority of behavior referrals are for boys. Do you find this to be true in your classrooms?
14. Some believe that the low percentage of male teachers in elementary schools may have a negative effect on boys in schools. What are your thoughts about this statement?
15. Are there any other factors that you feel contribute to African American students and English language learners being referred to the RTI process at a higher rate than traditional students in your school?

## APPENDIX C

## SPECIAL EDUCATION TEACHER SURVEY ITEMS

\*Response Options: 1=strongly disagree, 2=disagree, 3=not sure, 4=agree, 5=strongly agree

1. Classroom teachers have the same learning expectations for African American students and English Language Learners in their classrooms.
2. Classroom teachers have the same behavior expectations for African American students and English Language Learners in their classrooms.
3. African American students make up the majority of academic referrals at my school.
4. English Language Learners make up the majority of academic referrals at my school.
5. The majority of academic RTI referrals for African American students are due to reading problems.
6. The majority of academic RTI referrals for English Language Learners are due to reading problems.
7. Teachers at my school have received professional development from the school district on the differences between male/female learning and behavior in the past three years.
8. Teachers at my school use classroom observations (their own judgment) to refer students to RTI.
9. What other reasons might contribute to the high referral rate of African American students and English Language Learners, in comparison to other students to the RTI process?

Please complete the following open-ended items:

10. What percentage of your students are African American?
11. What percentage of your students are English Language Learners?
12. What differences do you observe in your classroom in male and female learning styles and behaviors?
13. In what ways do you support the regular education classroom teachers to ensure their success?
14. What are examples of strategies, if any, that you use in your classroom with your African American students and English Language Learners?
15. Do your students have recess daily? How do you feel about recess?
16. What other factors do you feel contribute to the high number of African American Students and English Language Learners, in comparison to traditional students, who are referred to the RTI process and ultimately placed in your classrooms?

## APPENDIX D

## CAMPUS ADMINISTRATOR INTERVIEW GUIDE

\*1=strongly disagree, 2=disagree, 3=not sure, 4=agree, 5=strongly agree

1. Classroom teachers have the same learning expectations for African American students and English language learners in their classrooms.
2. Classroom teachers have the same behavior expectations for African American students and English language learners in their classrooms.
3. African American students make up the majority of academic referrals at my school.
4. English language learners make up the majority of academic referrals at my school.
5. The majority of academic RTI referrals for African American students are due to reading problems.
6. The majority of academic RTI referrals for English language learners are due to reading problems.
7. Teachers at my school consistently consider gender differences when planning lessons and activities for their students.
8. Teachers at my school have received professional development from the school district on the differences between male/female learning and behavior in the past three years.
9. Teachers at my school use classroom observations (their own judgment) to refer students to RTI.

Complete the following open-ended items:

10. What other reasons might contribute to the high referral rate of African American students and English Language Learners, in comparison to other students to the RTI process?

11. According to national statistics (Donovan & Cross, 2002; Losen & Orfield, 2002), African American students and English language learners make up the majority of academic referrals (specifically reading). Why do you think this is?
12. According to national statistics (Donovan & Cross, 2002; Losen & Orfield, 2002), African American students and English language learners make up the majority of behavior referrals. Why do you think this is?
13. Can you think of any factors that contribute to African American students being referred to the RTI process at a higher rate than traditional students in the school district?

APPENDIX E  
SCHOOL PSYCHOLOGIST SURVEY

\*Response Options: 1=strongly disagree, 2=disagree, 3=not sure, 4=agree, 5=strongly agree

1. Classroom teachers have the same learning expectations for African American students and English Language Learners in their classrooms.
2. Classroom teachers have the same behavior expectations for African American students and English Language Learners in their classrooms.
3. African American students make up the majority of academic referrals at my school.
4. English Language Learners make up the majority of academic referrals at my school.
5. The majority of academic RTI referrals for African American students are due to reading problems.
6. The majority of academic RTI referrals for English Language Learners are due to reading problems.
7. Teachers at my school have received professional development from the school district on the differences between male/female learning and behavior in the past three years.
8. Teachers at my school use classroom observations (their own judgment) to refer students to RTI.
9. What other reasons might contribute to the high referral rate of African American students and English Language Learners, in comparison to other students to the RTI process?



Please complete the following open-ended items:

10. Are you a member of the Child Study Team charged with deciding whether a child should be evaluated for special education eligibility or returned to his/her regular classroom teacher?
11. To what extent is your assessment of students for special education eligibility affected by external pressures from teachers and administrators for identification and placement?
12. In dealing with minority children what factors influence your selection of instruments for their evaluation to determine special education eligibility?
13. Does your testing for measurement of performance reflect the true ability of students?
14. Do you believe that student placement in special education programs result in beneficial outcomes for them?
15. Why do you think that students from low socioeconomic background and from minority subgroups get placed in special education more often than students who are not?
16. Why is there a high reliance in the district on the use of psychometric testing to determine students' eligibility for special education services?
17. Do you think that psychological testing of minority students for special education eligibility in your district is racially and/or culturally biased?
18. If you answered yes, how could this bias be minimized?
19. In your opinion is your assessment a discrete and objectively conducted event?
20. Prior to assessing your students for special educational eligibility please explain if you had the opportunity to observe the classroom ecology to ascertain the role it

plays in the academic and behavioral performance of students referred to you for assessment.

## APPENDIX F

## RTI COORDINATOR/COUNSELORSURVEY

\*1=strongly disagree, 2=disagree, 3=not sure, 4=agree, 5=strongly agree

1. Classroom teachers have the same learning expectations for African American students and English language learners in their classrooms.
2. Classroom teachers have the same behavior expectations for African American students and English language learners in their classrooms.
3. African American students make up the majority of academic referrals at my school.
4. English language learners make up the majority of academic referrals at my school.
5. The majority of academic RTI referrals for African American students are due to reading problems.
6. The majority of academic RTI referrals for English language learners are due to reading problems.
7. Teachers at my school consistently consider gender differences when planning lessons and activities for their students.
8. Teachers at my school have received professional development from the school district on the differences between male/female learning and behavior in the past three years.
9. Teachers at my school use classroom observations (their own judgment) to refer students to RTI.
10. What other reasons might contribute to the high referral rate of African American students and English Language Learners, in comparison to other students to the RTI process? (open-ended item)
11. How would you describe your role as the director of the RTI process in your school?

12. How long have you been the RTI Coordinator? Describe changes, if any, to the RTI process since you became the coordinator.
13. What is the vision of the school district for meeting the needs of students referred to the RTI process?
14. According to national statistics (Donovan & Cross, 2002; Losen & Orfield, 2002) African American students and English language learners are referred at higher rates to the RTI process than traditional students. Why do you think this is so? What other factors do you think contribute to African American students and English language learners being referred to the RTI process at a higher rate than traditional students in the school district?

## APPENDIX G

## PERMISSION TO CONDUCT RESEARCH

**INSTITUTIONAL REVIEW BOARD**

118 College Drive #5147 | Hattiesburg, MS 39406-0001

Phone: 601.266.6820 | Fax: 601.266.4377 | www.usm.edu/irb

**NOTICE OF COMMITTEE ACTION**

The project has been reviewed by The University of Southern Mississippi Institutional Review Board in accordance with Federal Drug Administration regulations (21 CFR 26, 111), Department of Health and Human Services (45 CFR Part 46), and university guidelines to ensure adherence to the following criteria: The risks to subjects are minimized.

The risks to subjects are reasonable in relation to the anticipated benefits.

The selection of subjects is equitable.

Informed consent is adequate and appropriately documented.

Where appropriate, the research plan makes adequate provisions for monitoring the data collected to ensure the safety of the subjects.

Where appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of all data.

Appropriate additional safeguards have been included to protect vulnerable subjects.

Any unanticipated, serious, or continuing problems encountered regarding risks to subjects must be reported immediately, but not later than 10 days following the event. This should be reported to the IRB Office via the "Adverse Effect Report Form".

If approved, the maximum period of approval is limited to twelve months.

Projects that exceed this period must submit an application for renewal or continuation.

**PROTOCOL NUMBER: 12061201**

**PROJECT TITLE: An Examination of Referral and Eventual Placement of African American Students and English language learners in Special Education**

**PROJECT TYPE: Dissertation**

**RESEARCHER/S: Eneas R. Deveaux**

**COLLEGE/DIVISION: College of Education & Psychology**

**DEPARTMENT: Educational Leadership & School Counseling**

**FUNDING AGENCY: N/A**

**IRB COMMITTEE ACTION: Expedited Review Approval**

**PERIOD OF PROJECT APPROVAL: 06/26/2012 to 06/25/2013**

**Lawrence A. Hosman, Ph.D.**

**Institutional Review Board Chair**

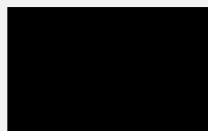


May 18, 2012

Mr. Eneas R. (Rudy) Deveaux  
5538 Sylvana Drive  
Mableton, GA 30126

Dear Mr. Deveaux:

Your research project titled, An Examination of Referral & Eventual Placement of African Am Students & English Lang Learners in Sp Ed, has been approved. Listed below are the schools where approval to conduct the research is complete. Please work with the school administrator to schedule administration of instruments or conduct interviews.



Should modifications or changes in research procedures become necessary during the research project, changes must be submitted in writing to the Academic Division prior to implementation. At the conclusion of your research project you are expected to submit a copy of your results to this office. Results cannot reference the [redacted] District or any District schools or departments.

Research files are not considered complete until results are received. If you have any questions regarding the process, contact our office at [redacted].

Sincerely,



Chief Academic Officer

BOARD OF EDUCATION

SUPERINTENDENT



APPENDIX H  
COVER LETTER

Dear Educator,

I trust that all is well with you. My name is Eneas R. Deveaux (Rudy), a doctoral candidate at the University of Southern Mississippi. I need your assistance and participation with my research. My dissertation involves the examination of referral and eventual placement of African American students and English Language Learners into Special Education. Participation in this research is voluntary and anonymous and in no way related to your employment status. All responses will be kept strictly confidential and destroyed upon completion of the required time period. In addition, no specific individuals or schools will be identified in any of the reports.

Included with the survey are two Informed Consent forms. In the event that you return a completed survey; this will indicate that you have provided informed consent for your data to be included in the study. Thank you in advance for your cooperation. If you have further questions or concerns, please do not hesitate to contact me at [rudydeveaux@bellsouth.net](mailto:rudydeveaux@bellsouth.net).

Again, thank you and I look forward to your input regarding referral and placement practices related to Special Education.

Sincerely,

Eneas R. Deveaux (Rudy)

## APPENDIX I

## INFORMED CONSENT

**An Examination of Referral and Eventual Placement of African American Students and English language learners in Special Education**

University of Southern Mississippi - Informed Consent Form

The purpose of this form is to provide information that may affect your decision about whether or not you want to participate in this research project. Participation in this research will not affect your employment status or your annual evaluation. Returning a completed survey to the researcher will indicate that you are giving consent for your responses to be included in this study.

**WHO IS DOING THE RESEARCH and WHAT IS IT ABOUT?**

**Eneas R. Deveaux**, a doctoral student at the University of Southern Mississippi, under the direction of Dr. Rose McNeese, in the School of Educational Leadership and School Counseling is conducting a research and is inviting you to participate in this study. The title of the study is “An Examination of Referral and Eventual Placement of African American Students and English language learners in Special Education.” The purpose of the research is to examine perceptions of educators regarding factors that they believe contribute to African American Students and English language learners being referred to special education at a higher rate than traditional students.

**WHAT DOES PARTICIPATION IN THIS RESEARCH STUDY INVOLVE?**

Participants are asked to complete a survey form responding to 10 items and open-ended questions tailored to their position: teacher, counselor, counselor/RTI coordinator, psychologist, or school administrator.

**WHY ARE YOU BEING ASKED TO PARTICIPATE?**

You have been invited to participate because you are a general or special education teacher, counselor, RTI Coordinator, psychologist, or administrator.

**ARE THERE ANY RISKS INVOLVED IN THIS STUDY?**

We do not anticipate any risks to you if you decide to participate in this study.

**ARE THERE ANY BENEFITS TO PARTICIPATION?**

While there are not any immediate benefits to participate in this study, the long range results of the study could provide beneficial information to all educators.

**WHAT HAPPENS IF THE RESEARCHER GETS NEW INFORMATION DURING THE STUDY?**

The researcher will contact you if he learns new information that could possibly change your decision about participating in this study.

**HOW WILL THE RESEARCHER PROTECT PARTICIPANTS' CONFIDENTIALITY?**

The results of the research study will be published; however, your name or identity will not be revealed. The researcher and their statistician(s) will be the only persons who will have access to the data, and the data will be destroyed after the selected period.

**WHAT HAPPENS IF A PARTICIPANT DOESN'T WANT TO CONTINUE IN THE STUDY?**

Participation in this study is strictly voluntary and participants may choose not to participate and can withdraw from the study at any time without penalty.

**WILL IT COST ANYTHING TO PARTICIPATE IN THE STUDY? WILL I GET PAID TO PARTICIPATE?**

No.

**WILL PARTICIPANTS BE COMPENSATED FOR ILLNESS OR INJURY?**



We anticipate no illnesses or injuries as a result of participation in this research. As a result, no participant will be compensated.

**WILL PARTICIPATION AFFECT EMPLOYMENT OR ANNUAL EVALUATIONS?**

Participation in this study will not affect your employment with Cobb County Board of Education nor will it affect your annual evaluation.

**HOW WILL RESULTS BE DISSEMINATED/HOW WILL I LEARN ABOUT THE RESULTS?**

Results will be published in the dissertation and will be available electronically through Proquest or you may request a copy from the researcher at rudydeveaux@bellsouth.net.

**VOLUNTARY CONSENT**

By signing this form, you, as a participant, are stating that you have read this form or have had the form read to you and that you understand this form and the research study. Furthermore, you understand that the researcher will keep a signed copy of this consent for her records. The researcher will be happy to answer any questions that you, as the participant, might have about the research. If you have any questions, please feel free to contact Eneas R. Deveaux (Rudy), the researcher, via email at rudydeveaux@bellsouth.net.

**By returning a completed survey form, as the participant you are agreeing to participate in this study.**

I certify that this form includes all information concerning the study relevant to the protection of the rights of the participants. I have described the rights and protections afforded to human research participants and have done nothing to pressure, coerce, or falsely entice this person to participate.

Eneas R. Deveaux

Name of Researcher

Telephone: 770.941.9234

E-mail: rudydeveaux@bellsouth.net

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

This project has been reviewed by the Human Subjects Protection Review Committee, which ensures that research projects involving human subjects follow federal regulations. Any questions or concerns about rights as a research subject should be directed to the chair of the Institutional Review Board, The University of Southern Mississippi, 118 College Drive #5147, Hattiesburg, MS 39406-0001.

## APPENDIX J

## PERMISSION TO USE SURVEY INSTRUMENTS

On Jan 5, 2012, at 2:41 PM, "Rudy Deveaux" <Rudy.Deveaux@cobbk12.org> wrote:

Greetings Dr. Luck,

I trust that you and your family are doing well. My name is Eneas R. Deveaux also known as Rudy. I'm currently pursuing a doctoral degree at the University of Southern Mississippi. My dissertation addresses the disproportionate representation of African American students and English language learners in special education from the referral process to eventual placement into special education. I'm writing to request permission to use interviews, surveys, and focus group questions contained in your dissertation "Educators' Perceptions of Referrals for Boys to the Student Support Team". Thanks in advance for your consideration. I look forward to hearing from you in the near future.

Regards,

Rudy Deveaux, Ed. S.  
Administrator  
Assistant Athletic Director  
Campbell High School  
Cobb County School District  
678-842-6850 Ext. 276  
rudy.deveaux@cobbk12.org

**From:** "Luck, Phillip" Thursday - January 5, 2012 3:05 PM  
<pgluck@atlanta.k12.ga.us>  
**To:** "Rudy Deveaux" <Rudy.Deveaux@cobbk12.org>  
**Subject:** Re: Request  
**Attachments:** Mime.822 (4 KB) [Save As]  
Mr. Deveaux,

You have my permission to use the surveys, interviews, and focus group questions for your dissertation. I wish you the best of luck on this final phase of the dissertation journey!  
Let me know if I can be of any assistance in the future.

Phillip Luck

**From:** Joseph Mahabir <joseph011501@yahoo.com>  
**To:** rudydeveaux <rudydeveaux@bellsouth.net>  
**Sent:** Tuesday, September 10, 2013 10:59 AM  
**Subject:** Re: Request

Dear Mr. Deveaux,  
I am granting you permission to modify the instruments used in my dissertation for the purpose of data collection. Best of luck in your endeavors.  
Warmly,  
Joe Mahabir

*O. Joseph Mahabir, Ph.D*  
**From:** Rudy Deveaux <Rudy.Deveaux@cobbk12.org>  
**To:** Joseph011501@yahoo.com

**Sent:** Thursday, January 5, 2012 1:32 PM  
**Subject:** Request

Greetings Dr. O. Joseph Mahabir,

I trust that all is well with you and your family. I'm writing to request permission to use your interview schedules and cover letters to teachers, administrators, and psychologists that are contained in your dissertation "An Examination of Referral and Eventual Placement of Students in Special Education Settings in a Mid-Sized Urban School District in Southern California". I enjoyed talking with you earlier and look forward to communicating with you in the near future regarding my research. Thanks for your assistance. Regards,

Rudy Deveaux, Ed. S.  
Administrator  
Assistant Athletic Director  
Campbell High School  
Cobb County School District  
678-842-6850 Ext. 276  
rudy.deveaux@cobbk12.org

**From:** Joseph Mahabir Thursday - January 5, 2012 4:45 PM  
<joseph011501@yahoo.com>  
**To:** Rudy Deveaux <Rudy.Deveaux@cobbk12.org>  
**Subject:** Re: Request  
**Attachments:** Mime

Dear Mr. Deveaux,

I am hereby granting you permission to use my interview schedules and cover letters to teachers, administrators and psychologists in my dissertation. Best of luck.

Joe Mahabir

*O. Joseph Mahabir, Ph.D*

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