Exploring Trends in Disproportionality of Emotional Disturbance Classification After the Individuals with Disabilities Education Improvement Act (IDEIA)

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EXPLORING TRENDS IN DISPROPORTIONALITY OF EMOTIONAL DISTURBANCE CLASSIFICATION AFTER THE INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEIA)

A Dissertation
Presented to
the Faculty of the Morgridge College of Education
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In Partial Fulfillment
of the Requirements for the Degree
Doctor of Philosophy

by
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ABSTRACT

The aim of this study was to systematically investigate the trends of disproportionate representation of African American students in special education when compared to Caucasian special education students in emotional disturbance category as well as the trends in disproportionality of emotional disturbance classification after the Individuals with Disabilities Education Improvement Act (IDEIA). African American students in special education are disproportionately represented when compared to Caucasian special education students but uncertainty persists regarding the nature and the extent of the problem (Aud et al., 2010; Countinho & Oswald, 2002; Skiba et al., 2006, 2008). This study employed a mixed methods multiple case analysis to examine changes in student data trends before and after implementation of the Individuals with Disabilities Education Improvement Act. Using national data from the Office of Special Education Programs from 2000-2011 on students with emotional disturbance, the study used an Interrupted Time Series (ITS) design to explore disproportionality trends after IDEIA implementation. To explore implementation, the researcher selected six states that represented a range of student data trends regarding ED classification and examined their policies and practice.
The quantitative results revealed that since the implementation of the IDEIA the identification trends of African-American and Caucasian students with emotional disturbance decreased noticeably. Conversely, the data displayed that the trend of the Caucasian students identified as emotionally disturbed decreased significantly, the coefficient was -162.36 units p<.001; but the trend for the African-American students with ED only decreased by -78.91 units p<.001. The qualitative data analysis revealed that there was great variability with each state’s interpretation and implementation of the IDEIA policy. Also, the qualitative data analysis identified several identical practices for states with positive trend changes.

Multiple studies have indicated that disproportionality continue to be a persistent, recurring dilemma in public education for nearly four decades (Artiles & Bal, 2008; Aud et al., 2010; Countinho & Oswald, 2000 Hosp & Reschly, 2004). The findings of this study both support this research and offer guidance to policy makers and educational leaders to improve policy implementation. The patterns and trends derived from the data and examined in this study confirm that educational policy and practice is only as effective as its systems of enforcement, monitoring, and conservation.
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Chapter 1: INTRODUCTION

Disproportionate representation of minority students in special education, particularly African-America students in the United States has been an on-going issue for nearly four decades (Artiles & Bal, 2008; Countinho & Oswald, 2000; Hosp & Reschly, 2004). Despite efforts by the federal government to address this concern, disproportionality continues to be a problem (Artiles & Bal, 2008; Zhang & Katsiyannis, 2002). Minority students, particularly African American students placed into special education are segregated from their peers, have limited access to general education classrooms and receive diluted curricula (Ferri & Connor, 2005).

African American students in special education are disproportionately represented when compared to Caucasian special education students, but uncertainty persists regarding the nature and the extent of the problem (Aud et al., 2010; Countinho & Oswald, 2002; Skiba et al., 2006, 2008). A large percentage of minority children are disproportionately classified as having disturbances and are educated separately from their nondisabled peers (Ferri & Connor, 2005). Moreover, studies have shown that public education is not equally accessible to students with disabilities and that these students are segregated from their peers (Artiles & Bal, 2008; Hosp & Reschly, 2004).

According to IDEA (1997) there are many ways for a student to qualify for special education. The most common reason is when a student’s disability interferes with his/her ability to receive appropriate education in regular classrooms. In these cases, an
accommodation is needed to address the student’s circumstances and an Individualized Education Plan (IEP) is designed to meet the student’s educational needs and goals (IDEA, 1997). It is imperative to understand that students with disabilities are protected under federal law and schools are held legally liable if they are in violation of student’s IEP (U.S. Department of Education, 2012). Therefore all public school districts in the United States are required to follow this law and meet the needs of all students with disabilities. Moreover, the Individuals with Disabilities Education Improvement Act of 2004 require each state to have in place “policies and procedures designed to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities” [20 U.S.C. §1412(a)(24)] (U.S. Department of Education, 2009).

IDEA 1997, renamed IDEA 2004, currently known as, IDEIA is a comprehensive federal statute that warrants students with a disability to a free appropriate public education (FAPE) to meet his or her unique needs. The act was signed into law by President George W. Bush on December 3, 2004 and it became effective July 1, 2005. One of the most crucial elements of IDEIA is the misidentification and misplacement of students into special education. IDEIA aims to eliminate particularly the misidentification and misplacement epidemic of students of color in special education. The act clearly stated that the misplacement of students into special education is a direct violation of the IDEIA because those students are not receiving appropriate education. Misplacing a student into special education is a loss to the individual and to society, tarnishes American education, and should be addressed more aggressively in education public policy.
Research shows the most common factors that contribute to the dilemma of disproportionality are, lack of scientifically proven interventions, lack of cultural and linguistic knowledge by teachers and specialists, inappropriate educational assessments, and over-referral of minority students for suspected learning difficulties (Artiles et al., 2005). In a study with equal numbers of African American and Caucasian students, Watkins and Kurtz (2001) discovered that teachers referred African American students by a higher margin over Caucasian students when asked to identify difficult-to-teach students in need of a psychological assessment and placement in special education. Many African American students are referred to special education because teachers have a negative perception of those students and interpret differences as deficits, dysfunctions, and disadvantages within students and their cultures (Harry & Klingner, 2007).

Villegas and Lucas (2002) learned that general education teachers often turn to special education as a resource that is freely available when they are unable to meet the academic, social, and emotional needs of students, or when a student may not adapt to the norms of the classroom. Research shows that disproportionality is higher in the judgmental or “soft” disability categories, such as mental retardation (MR) and emotional disturbance (ED) due to the lack of empirical assessment data. On the other hand, disproportionality is not an issue in the nonjudgmental or “hard” disability categories such as visual impairment and hearing impairment (Donovan & Cross, 2002). The placement of African American students into a judgmental category such as ED is driven to some degree by systemic responses from educators. Donovan & Cross (2002) and Harry (2008) highlighted that educators often misinterpreted African American students’ communication styles, affective needs, culture, and behaviors because they were different
from the perceived “normal” culture and were deemed to be inappropriate. As a result, some educators often referred African American students to special education in need of behavioral management and extra support. African American students are referred to special education, most likely to be labeled ED, and least likely to be educated in regular classes (US Department of Education, 2005; Harry & Klingner, 2006). Skiba et al. (2006) found that teachers easily and regularly referred minority students with challenging and aggressive behavior to special education.

A national study showed that students who are identified with an emotional disturbance are at a high risk of having poor life outcomes, low academic achievement, high rates of unemployment, suspension and expulsion, (Newman, Wagner, Cameto, & Knokey, 2009; Wagner, Kutash, Duchnowski, Epstein & Sumi, 2005). Erroneously assessing minority students and placing them into special education is problematic because opportunities for academic success are restricted and students’ educational progress is weakened due to inappropriate expectations and goals (Holtzman, & Messick, 1982). Consequently, the achievement gap between students with an emotional disturbance and non-disabled students is dramatically higher.

A meta-analysis comparing the academic status of more than 2000 students labeled with emotional disturbance with their non-disabled peers revealed alarming statistical results. The study discovered an effect size of negative .64, revealing a significant deficit in academic achievement between students with emotional disturbance and non-disabled students (Reid, Gonzalez, Nordness, Trout & Epstein, 2004). A similar study discovered that both boys and girls with emotional disturbances displayed academic deficits in all content areas when compared to other groups (Nelson, Benner,
Harry and Klingner (2006) found that African American students are more likely than others to be removed from regular classes, placed into special education, and labeled emotional disturbed.

**Statement of Problem**

Disproportionate representation of minority students in special education remains a controversial, unresolved issue (Aud et al., 2010; Countinho & Oswald, 2000). Several studies show that the disproportionate representation of minority students in special education has been a persistent, recurring dilemma in public education for nearly four decades (Artiles & Bal, 2008; Hosp & Reschly, 2004). Donovan & Cross (2002) suggest alarming trends nationally with African American special education students disproportionately represented in the emotional disturbance category when compared to Caucasian students in special education. To understand the extent of this disproportionality an investigation of special education students at a local and/or state level was needed.

Empirical research on the extent of disproportionality is very limited and there needs to be a better understanding of the scope and trends of disproportionality. Currently, little research exists that helps us understand the scope of the dilemma or that examines the extent of the disproportional representation and the historical trend of disproportionality nationally or locally. To deliver education and public policy solutions, this must be addressed. This study can help to fill this gap through its examination of disproportionality trends over a decade and across all 50 states in the U.S. This study is the starting point for seeking measurable solutions to the recurring dilemma of disproportional representation of students of color in special education.
Special education is one of the most researched fields in education. This focus is likely attributable to the extent of the areas that are covered in special education, as well as the controversial nature of the various issues surrounding the education of students with special needs. Given its complexity and the constant volume of data that falls within the general rubric of special education, it is subject to constant scrutiny (U.S. Department of Education, 2012). To be clear, this study identifies special education as the education practices that are specially designed to meet the unique needs of a student with disabilities and the study aims to explore the controversial issues surrounding students classified with ED.

**Purpose and Significance of Study**

The purpose of this study was to explore trends from 2000-2011 in disproportionality of the emotional disturbance (ED) classification of African American students in special education when compared to Caucasian students in special education in the United States public schools and the possible effects of IDEIA on disproportionality. The significance of this study is directly related to the special education mandates of IDEA in 1997 and IDEIA in 2004, and that were designed to investigate individual states’ improvement plans in addressing disproportionality.

This study examined national data about children and youth with emotional disturbance who were served under the Individuals with Disabilities Education Act (IDEA). The aim was to analyze and explore trends in disproportionality of African American students in special education when compare to Caucasian students in special education in the United Stated public schools and investigate the impact of state policy, procedures as well as practices regarding the reauthorization of IDEA.
Research Questions

This study examined the proportional representation of African American and Caucasian students classified with emotional disabilities in public schools across United States. The goal of the study was to compare the trends of African American and Caucasian special education students with significant emotional disturbance prior to the reauthorization of IDEA and post IDEA. The data was gathered from state reports to the U.S. Department of Education, Office of Special Education Programs. The study examined two sets of data: from 2000-2005, prior to the reauthorization of IDEA; and IDEIA data from 2006-2011. The purpose was to understand the effect of the reauthorization of IDEA on disproportionality.

The research questions are:

1. What are the trends of African American and Caucasian students identified for special education in the emotional disturbance (ED) category prior to the reauthorization of IDEA in 2004 and post IDEA across the United States?

2. What improvement activities did each state report in their State Performance Plan (SPP) to the Office of Special Education Programs (OSEP) regarding disproportionality and were those improvement activities met?

3. How have individual states addressed disproportionate representation of racial and ethnic groups in special education and specific disability categories resulting from inappropriate identification on their 2011 Annual Performance Report?

Conceptual Framework

The conceptual framework of this multiple case study is on the relationship between policy and practice. Policy such as IDEIA is created by the federal government
to address specific issue, and then states have the authority to interpret the policy and implement the policy to comply with the federal regulations. Given the complexity of policy such as IDEIA, one can expect great variability with each state’s implementation of the policy. Through examination of implementation of the policy, specific practices will be identified to indicate relationships between practices and results. Furthermore, the statute created 20 indicators, two of which are specifically related to the issue of disproportionality, which requires states to monitor each indicator annually on their State Performance Plan (SPP). The SPP assesses each state’s efforts to implement the requirements and purposes of Part B of IDEIA and describes how the state will improve such implementation. The SPP is submitted every six years to the U.S. Department of Education and it includes measurable and rigorous targets for the 20 indicators (IDEIA, 2004).

For the purpose of this study, disproportionality will be the framework that will guide the monitoring priority of the IDEIA policy. Both indicator 9 and 10 will be the target and practice to measure the impact of IDEIA on disproportionality for the selected states. Indicator 9 requires states to identify the percent of districts with “disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification” [20 U.S.C. §1416(a)(3)(C)] (U.S. Department of Education, 2009). Indicator 10 requires states to identify the percent of public school districts with “disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification” [20 U.S.C. §1416(a)(3)(C)] (U.S. Department of Education, 2009).
IDEIA also requires the Local Education Agencies (LEAs) such as individual public school districts to reserve 15 percent of their Part B funds to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly, but not exclusively, children in those groups who were significantly over-identified. IDEIA also included provisions for collecting information on the implementation and impact of the law and for reporting findings annually to the U.S. Congress. Additionally, the Office of Special Education Programs (OSEP) is required to prepare annual reports to Congress to provide information on the extent to which all students with disabilities are receiving a free appropriate public education.

Assumptions and Limitations

The study assumed that disproportionate representation of African American special education students is a longstanding pattern. The researcher assumed that the data would show the past and present story of disproportionality. Also, it was assumed that the data provided by the U.S. Office of Special Education Programs is collected with merit and it is accurate.

The study examined data about students classified with “emotional disturbance,” which is one of the thirteen disabilities from the special education categories. The final results do not represent disproportionality with all disabilities. The study only examines African American, and Caucasian special education students; therefore the results cannot be generalized to all students with disabilities or other disaggregate groups. Finally, Interrupted Time Series (ITS) method is used in this study as a quasi-experiment and it assumes that the pre-intervention data as the non-treated control group. Therefore, it is not appropriate to claim causal relationship with the results of the final data because other
factors such as coexisting events might have interfered during the time of the intervention.

**Researcher Perspective**

“Mentors needed.” Those are the words that have guided my dedication into making a difference in children’s lives and my commitments to public school education. Most importantly, those are the words that changed my life and my career, and are driving this important work. My career path after college was as blurry as when I first stepped my foot on campus, but it became clear when a large banner next to a local high school caught my attention. The signed read, “Mentors needed” with a phone number. Out of curiosity I called the number to inquire about the needs for mentors and I was greeted with positive energy and invited to attend a new mentors’ meeting. During the first few minutes of the meeting, I was enlightened by the presenter and for the first time in my life I found my career path. The presenter shared heartbreaking as well as heartwarming stories of youth at risk and highlighted the rewards of working with youth at risk. I was connected with the stories of the youth who were seeking mentors and I immediately signed up to become a mentor.

After multiple trainings and meetings with fellow mentors it was finally time to meet all the mentees. This day was exciting and yet eye opening for me. I noticed energetic beautiful young high school students waiting to introduce themselves to the mentors. I also noticed that most of the mentees were students of color and I asked myself the obvious question, “Why?” I did not have an answer, but I knew that I would slowly discover the answer once I began my mentoring journey. Needless to say, my mentoring journey opened up another world that was completely unknown to me and the
experience raised new questions. After spending times with most of the mentees and conversing with other mentors, I noticed most of the mentees had a label that I was not previously aware of. Most of the mentees that my colleague and I mentored were labeled “special education students with an emotional disturbance.” As an African American mentor this label bothered me and drove me to seek more information and answers about minorities in special education and emotional disturbance.

For the past eleven years I have worked in a high school, middle school and elementary setting as a special education teacher and administrator in a large metropolitan school district in Colorado. I have worked with nearly eight hundred special education students, including over five hundred non-Caucasian students. Through extensive work with these children, I have discovered that many minority students are wrongly identified and misplaced into special education. As a teacher of color who is committed to providing children equitable access to public education, I feel an obligation to address this dilemma and to seek a comprehensive solution. My goal is to contribute to the special education field by understanding this dilemma comprehensively and to shed light on the topic.

I controlled for any bias by primarily focusing on the analysis of data and allowing the data to form a story. A statistical design of an interrupted timed series was used to assist in analyzing the data trends before and after the implementation of IDEIA to see if IDEIA had a possible effect or no effect on disproportionality.
List of Terms

Annual Performance Report (APR). IDEA 2004 requires states to report their progress toward achieving the measurable targets set forth in the SPP through an Annual Performance Report (APR).

Disproportionality or Disproportionate representation. Students in a particular racial/ethnic group (i.e., Asian, Black, Hispanic, Native American, Native Hawaiian or Other Pacific Islander, Caucasian, or Two or More Races) being at a considerably greater or lesser risk of being identified as eligible for special education and related services than all other racial/ethnic groups enrolled either in the district or in the state.

Emotional Disturbance or Emotional Disability (ED). A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance:

(a) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
(c) Inappropriate types of behavior or feelings under normal circumstances.
(d) A general pervasive mood of unhappiness or depression.
(e) A tendency to develop physical symptoms or fears associated with personal or school problems.
Free appropriate public education (FAPE). The Section 504 regulation requires a school district that receive federal financial assistance to provide a “free appropriate public education” (FAPE) to each qualified person with a disability who is in the school district’s jurisdiction, regardless of the nature or severity of the person’s disability.

Individuals with Disabilities Education Act (IDEA). IDEA is a comprehensive Federal statute that warrants students with a disability to a free appropriate public education (FAPE) to meet his or her unique needs.

Individuals with Disabilities Education Improvement Act (IDEIA). IDEA renamed IDEIA. It was signed into law by President George W. Bush on December 3, 2004 and it became effective July 1, 2005.

Individualized Education Plan (IEP). The Individual Education Plan/Program is a written plan developed by the school’s special education team with input from all people that have knowledge of the student with disability to meet the unique needs of the student.

Interrupted Timed Series (ITS). Interrupted time series is a statistical design methodology that can be used to understand the before-and-after impact of an intervention. In an ITS design, data are collected at multiple instances over time before and after an intervention (interruption) is introduced to detect whether the intervention has an effect significantly greater than the underlying secular trend.
Least Restrictive Environment (LRE). Least restrictive environment means that a student who has a disability should have the opportunity to be educated with non-disabled peers, to the greatest extent appropriate.

Part B. Part B of IDEA describes the procedure the federal government sets to support states in fulfilling the act such as, the requirements of a FAPE to children with disabilities between the ages of 3 to 21 as well as the rights and responsibilities of children with disabilities and their parents.

Special education. Defined by (IDEA, 1997) as:

(1) Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disturbance, including—

   (i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

   (ii) Instruction in physical education.

(2) Special education includes each of the following, if the services otherwise meet the requirements of paragraph (a)(1) of this section—

   (i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;

   (ii) Travel training; and

   (iii) Vocational education.

State Performance Plan (SPP). The Individuals with Disabilities Education Act (IDEA 2004) requires each state to develop a State Performance Plan (SPP) that
evaluates the state’s efforts to implement the requirements and purposes of IDEA 2004 and describes how the state will improve such implementation.

*Students of color.* Non-Caucasian students and students who are African American and Hispanic students

**Summary**

Disproportionate representation of students of color in special education has been a persistent dilemma without solutions for many years (Zhang & Katsiyannis, 2002). Several studies have shown disproportionality to be an on-going problem for nearly four decades (Artiles & Bal, 2008; Countinho & Oswald, 2000; Hosp & Reschly, 2004). Despite the constant effort by the federal government, disproportionality continues to be a problem and very little has changed since the reauthorization of the Individuals with Disabilities Education Act in 2004 (Artiles & Bal, 2008; Zhang & Katsiyannis, 2002). To understand this dilemma, this study examined the trends of disproportionate identification of African American and Hispanic special education students when compared to Caucasian special education students in the United States public schools. Additionally this study explored and carefully examined the data from 2000-2005, prior to the reauthorization of IDEA, and data from 2006-2011, post IDEA, currently known as IDEIA. The aim of this study was to identify six states with trend changes and to analyze the State’s Performance Plan for each of these six states as well as to explore the impact of the reauthorization of IDEA.
Chapter 2: LITERATURE REVIEW

Overview

This chapter provided an overview of the historically, racial, legal, political and social implications related to the disproportionate representation of African American students in special education programs within U.S. public schools. Moreover, this chapter will review the past and present special education policies and practices that shaped public education. The primary focus was the systemic placement of students into special education particularly African American students. Additionally this chapter explored the influence of the Individuals with Disabilities Education Improvement Act in public schools across states. The aim was to understand the disproportionate representation of African American students into special education, particularly students labeled with emotional disturbance.

The study is imperative because African American students in special education continue to be disproportionately represented in special education when compared to Caucasian special education students in the emotional disturbance category. This is problematic because public education is not equally accessible to students with disabilities who are segregated from their peers (Artiles & Bal, 2008; Hosp & Reschly, 2004). Many African American special education students are misplaced in a restrictive school environment with low academic expectations as a consequence of their race and culture (Ferri & Connor, 2005). Disproportionate representation of minority students in
special education remains a very controversial, unresolved issue (Countinho & Oswald, 2000, Skiba et al., 2008).

**Special Education**

According to the U.S. Department of Education (2012), special education is a specially designed instruction to address the unique needs of the child that result from the child's disturbance. Special education is provided at no cost to the parents to meet the unique needs of a child with a disturbance, including: instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings (U.S. Department of Education, 2012). Special education law mandates states to provide a free appropriate public education (FAPE) to all students with disabilities. In 1975, the United States government passed the Education for All Handicapped Children Act, currently known as the Individuals with Disabilities Education Improvement Act (IDEIA, 2004). The law stated that students with disabilities have unique and individualized needs and all public schools are mandated to provide services. Special education services are needed to support students with disabilities and provide an appropriate and individualized educational plan to assist them in reaching their ultimate goals (U.S. Office of Special Education Programs, 2012).

**The History of Special Education**

The history of special education in the United States can be traced back to the 1800s (Winzer, 1993). To accommodate students with disabilities, such as students who were mentally retarded, blind, and deaf, several special education schools were created in the United States (Winzer, 1993). These programs were created to accommodate the fact that often students with disabilities were often rejected at local public schools (Parrish,
Parents of children with disturbance fought for and first initiated special education services to accommodate their children’s educational needs when they were denied access to education due to their disabilities. In the 1950s, parental advocacy groups grew and lobbied the federal government for improved educational opportunities for their children (Marshell, 2001).

Since then the federal government persistently enacted several key statues to address the unique needs of children with disabilities. In 1965, the Elementary and Secondary Education Act (ESEA) became a law. The act’s intention was to support and expand educational opportunities to all students with disabilities in the nation's elementary and secondary schools. The ESEA became the constitutional source where the initial special education regulation was drawn because it created a provision to measure the effectiveness of the programs annually in meeting the unique needs of children with disabilities.

Five years later, the ESEA of 1965 was amended and added perhaps one of the most recognizable key phrases in special education history. The act promoted free appropriate public education (FAPE) with its Education of the Handicapped Act also known as Part B. This act established a procedure for states that are responsible for providing FAPE to children with disabilities as well as receive federal funding to support those students. The act ensured that the federal funding received by states is specifically used to benefit children with disabilities and their special education programs.

Later, the Education of the Handicapped Act was amended to the Family Education Rights and Privacy Act (FERPA). This law was passed to cover all students and allowed parents the right to have access and review records in their children's
personal files (Public Law 93-3 80). Also, one of the key amendments to the act was that it required states to create a timeline to comprehensive educational opportunity for children with disabilities. Additionally, the amendment created procedural safeguards that entitled students with disabilities and families the right of due process in special education placement, mainstreaming students to general education, evaluation, assessment materials and testing be selected and administered on a reasonable basis (Martin, Martin, & Terman, 1996).

Following initial academic and public policy action to improve education for all students, specifically those with special needs, the federal government passed a number of regulations. Although progress was slow, the U.S. Congress eventually approved the Education for All Handicapped Children Act (Public Law 94-142) in 1975 (U.S. Department of Education, 2007). The passage of this law changed the landscape of special education forever and proved to be one of the most impactful laws in the history of United States education policy (Countinho & Oswald, 2000).

The law mandated states to provide a free appropriate public education (FAPE) to all students with disabilities. This monumental law introduced the origin of Least Restrictive Environment (LRE), Individual Education Plans (IEPs) and due process rights to all children with disabilities. Additionally, the law mandated states that received federal funding to provide free appropriate public education to children with disabilities.

In 1990, the Education for All Handicapped Children Act was renamed the Individuals with Disabilities Education Act (IDEA). One of the key modifications was a change in the language of the law to highlight the person first by changing the wording handicapped/handicapped student to student/child/individual with a disability.
Furthermore, IDEA added key provisions to support children with disabilities and to assure all students with disabilities have access to FAPE. IDEA mandated several services such as, early intervention plan, preschool, individualized services for children at risk of significant developmental and programs to meet the unique needs of all students with disabilities (IDEA, 1991).

In 1991 the federal government reauthorized the law as the Individuals with Disabilities Education Act (IDEA). Since the implementation of IDEA in 1991, the federal government amended the Act in 1997, and more recently in 2004 as the Individuals with Disabilities Education Improvement Act (IDEIA). Some of the key amendments included providing transition services for students by age 16 and providing the Least Restrictive Environment (LRE); in other words, students with disturbances were mandated to be educated within the

Currently the law is known as the Individuals with Disabilities Education Improvement Act (IDEIA) (U.S. Department of Education, 2012). These laws were monumental in special education as they offer protection to most vulnerable students. The law continues to impact six million students with disabilities nationwide by providing access to a free and appropriate public education (FAPE) through the use of Individualized Education Plan (IEP) (U.S. Department of Education, 2012).

**IDEA**

The 1997 Individuals with Disabilities Education Act is divided into four parts. Part A is known as general provisions and highlights the main purposes of the act. Part A of IDEA ensures that children with disabilities have equal access to the general education curriculum and it strengthens the role of parents in decision making regarding their
children’s special education and related services, particularly for minority children with disabilities (Lipton, 1999). Part B of IDEA describes the procedure the federal government sets to support states in fulfilling the act such as, the requirements of a FAPE to children with disabilities between the ages of 3 to 21 as well as the rights and responsibilities of children with disabilities and their parents. Creation of an Individualized Education Plan (IEP) to describe the specific actions and steps through which educational providers, parents and the student themselves may reach the child's stated goals. The education and services for children with disabilities must be provided in the least restrictive environment (LRE) (Lipton, 1999). Part C of IDEA is specifically targeted for infants and toddlers with disabilities and assists states in operating a complete statewide program of early intervention services for children with disabilities ages birth through age 2 years as well as their families with the special needs of infants and toddlers through age 3 (Lipton, 1999). The final part of IDEA, Part D, describes national activities to be undertaken to improve the education of all children with disabilities. Some of the activities include grants to improve the education and transitional services to students with disabilities as well as to support programs, projects and activities that have positive results for children with disabilities (Lipton, 1999).

The IDEA instituted several changes that transformed the landscape of special education. For example one key component was requiring states to collect all data on the number of children served be collected by race/ethnicity. The collection of data is then compared with the resident population to determine the degree of overrepresentation or underrepresentation. Furthermore, to collect data on student’s academic achievements, the 1997 amendments mandated all students with disabilities to participate in statewide
The act also addressed the unsettled subject of disciplining students with disabilities and empowered school personnel to change the placement of a child with a disability to an alternative educational setting for up to 45 days if the child violated school policies. Similarly, if a child with disability received suspensions greater than 10 days or placement in an alternative setting, a manifestation determination review must take place to determine whether the behavior was related to the child’s disability. If the manifestation determination indicates that the child’s behavior is not a function of the child’s disability, then the child can receive the same disciplinary measures relevant to their nondisabled peers (Knoblauch & McLane 1999).

According to Maloney (1998) there are four primary areas of change to the IDEA. The first is, the rights of parents to participate in the education of their children; second, public school districts have increased accountability for safeguarding children with disabilities attain the goals and objectives written in their Individual Education Plan, and also to ensure that children with disabilities participate in the general education curriculum to the maximum extent possible also known as least restrictive environment; third, all public school districts have greater obligation to remediate and restore behavior problems at school; and lastly, public school districts have added responsibilities to prepare children with disabilities for post-secondary opportunities, employment, and independent living.

Overall, the IDEA of 1997 advanced the rights of students with disabilities by assuring that all students with disabilities have individualized education programs (IEP) in the least restrictive environment (LRE) with their nondisabled peers through the general curriculum. The act also strengthened the role of parent participation in
eligibility and placement decisions by improving the way in which evaluations are conducted, as well as by providing procedural safeguards to ensure that children with disturbance are receiving free appropriate public education (FAPE). Additionally, the act required children with disabilities to participate in annual state and district-wide assessments to measure the children’s achievements as well as hold states and district accountable for the results (U.S. Department of Education, 2012).

IDEIA

The enactment of the 1997 IDEA encountered several hurdles that made law makers scrutinize the act. One of the key hurdles that drew copious attention was the disproportionate representation of racial/ethnic groups served under IDEA. For example, as stated earlier, several research and government data showed that minority students were disproportionately represented in special education. One of the areas that persistently became a concern was the disproportionate representation of African-American students into the emotional disturbance categories. Other hurdles with the 1997 IDEA were the lack of procedural requirements, the increased numbers of children served under IDEA, the general cost accompanying the requirements of IDEA, and the court decisions to leave educational decisions to local and state agencies (Artiles & Bal, 2008; Countinho & Oswald, 2000; Hosp & Reschly, 2004).

Moreover, during the implementation of IDEA the U.S. Department of Education observed several disturbing patterns related to students with disabilities. Some of the themes that emerged were, educators had lower expectations for children with disabilities and did not include such children in the general curriculum and treated special education as a destination not a service; deficiency on applying proven procedures of teaching and
learning for children with disabilities; the constant disproportionate representation of minority students in special education; the escalation problems with misidentifying and high dropout rates among minority children with disabilities. The U.S. Department of Education stated that the drop-out rate is 68 percent higher for minorities than for whites (U.S. Department of Education, 1997). Thus, the U.S. Federal Government became more involved and stated that, it is in the national interest that the government has a role in assisting State and local efforts to educate children with disabilities in order to improve results for such children and to ensure equal protection of the law.

After years of debate and negotiation, the IDEA was revised by congress and signed into legislation by President Bush in 2004. It is now known as the Individuals with Disabilities Education Improvement Act (IDEIA). Some of the key improvements to IDEA included: the use of an identification process to determine if a child responds to scientifically based interventions; provisions for transition services for students by age 16; provisions for the Least Restrictive Environment (LRE); and enabling disabled students to be educated within the general education settings; requires that all public elementary and secondary special education teachers be “highly qualified” as special education teachers (U.S. Department of Education, 2007).

To address the dilemma of overrepresentation, disproportionality, and misidentification, IDEIA heighten the need for a response to intervention (RTI) framework and for schools to consider students response to scientific, research-based interventions when identifying students with disabilities. Furthermore, IDEIA mandated states to increase access to the general education curriculum for students with disabilities
and monitor their academic progress as well as assure they meet state’s minimum proficiency requirements (IDEA, 2004).

IDEA (2004) indicated that great effort is needed to address the mislabeling and inappropriate placement of minority students into special education resulting in overrepresentation. The IDEIA added key language to address disproportionality by requiring states to create an intervention program as well as report substantial disproportionality to the federal government. The IDEIA requires states and Local Educational Agencies (LEAs) to take steps to address disproportionate representation of racial/ethnic groups in special education. Furthermore, states have a separate obligation, under sections 20 U.S.C. 1418(d) and 34 CFR §300.646 to ensure that they comply with the requirements of IDEIA. According to the U.S. Department of Education, Office of Special Education Programs (2007), the following IDEA regulations are in effect:

1. Require policies and procedures

The state must have in effect, consistent with the purposes of 34 CFR Part 300 and with section 618(d) of the act, policies and procedures designed to prevent the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR 300.8 of the IDEA regulations.

2. Require collection and examination of data regarding disproportionality

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

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

- The placement in particular educational settings of these children; and

- The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

3. Establish requirements for review and revision of policies, practices and procedures (Disproportionality, para. 1-3)

In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of these children, in accordance with §300.646(a) of the IDEA regulations, the state or the Secretary of the Interior must:

- Provide for the review and, if appropriate revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with the requirements of the act.

- Require any LEA identified under §300.646(a) of IDEA to reserve the maximum amount of funds under section 613(f) of the Act to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly, but not exclusively, children in those groups that were significantly over identified under §300.646(a) of the IDEA regulations; and
- Require the LEA to publicly report on the revision of policies, practices, and procedures described under §300.646(b)(1) of the IDEA regulations.

**Disproportionality in Special Education**

For the purpose of this study disproportionality is described as students in a particular racial/ethnic group (i.e., Asian, Black, Hispanic, Native American, Native Hawaiian or Other Pacific Islander, Caucasian, or Two or More Races) who are at a considerably greater or lesser risk of being identified as eligible for special education and related services than all other racial/ethnic groups enrolled either in the district or in the state.

Disproportionate representation of students from different racial and ethnic backgrounds in special education is a longstanding national issue and continues to concern education experts across the nation (Hosp & Reschly, 2004; Skiba et al., 2008). The Office of Special Education discovered that African American students are identified as having mental retardation and emotional disturbance at higher rates when compared to Caucasian students (U.S. Department of Education, 2010). Donovan & Cross (2002) revealed that in 1998, African American students with disabilities aged 6 through 21 represented 20% of the total population in the United States public school system but only 15% of the total population.

The statute and regulations for the Individuals with Disabilities Education Act (IDEA) required states to create an intervention program as well as report substantial disproportionality to the federal government (Mueller & Markowitz, 2003). Under IDEA, each state was, and still required to address disproportionality with the State Performance Plan (SPP) under Indicators 9 and 10. Indicator 9 addresses the overall
disproportionate representation of racial and ethnic groups in special education. Indicator 10 addresses the disproportionate representation of racial and ethnic groups in specific disturbance categories (U.S. Department of Education, 2007).

To fulfill the mandates of indicator 9 and 10, states gather special education data annually from each public school district and analyze the data extensively in search of disproportionality. If states identify significant disproportionality after the analysis of the data they must report the results to the respective school districts as well as the federal government. The school districts then must provide specific plans for how they will address the problem. This includes, but is not limited to, a plan of action to revise policies, procedures, and practices. Moreover, states must reserve the appropriate funds to be used for early intervention services, as well as report their progress and the revision of policies, procedures, and practices to the public (U.S. Department of Education, 2007).

One would expect that students from different groups should be identified for special education services in similar proportions. For example, if 5% of the African American students in a district are identified for special education, then about 5% of the Hispanic students, 5% of the Caucasian students, and 5% of any other group of students would be identified for special education. Unfortunately literatures stated in this study argued that is not the case for some minority students, particularly those students identified as having emotional disabilities.

Disproportionate representation is identified when students from a particular racial/ethnic background receiving special education programs and services are over or under represented as compared to the overall student population. IDEA regards
disproportionate representation as a great concern (Michigan Department of Education, 2009, para.1).

Disproportionality occurs when a group of students are overrepresented in special education when compared to the total enrollment of the general student population. For example, in 1992 African American students accounted for 16% of the total student population, yet African Americans represented 32% of the students in programs for students with mild mental retardation, 29% of the students in programs for students with moderate mental retardation, and 24% of the students in programs for students with serious emotional disturbance or behavioral disorders (Zhang & Katsiyannis, 2002). Moreover, in most states, African American children are identified at one and a half to four times the rate of White children in the disturbance categories of mental retardation and emotional disturbance (U.S. Office of Special Education, 2000).

Disproportionality has been a persistent challenge in the U.S. for over forty years (Artiles & Bal, 2008; Zhang & Katsiyannis, 2002). In the late 1960s, educational researchers began to study a troubling observation: the disproportionate representation of minority students in special education. Dunn (1968) first addressed the role of minority students in special education, particularly low-income students in special education, igniting a hot topic that continues today. Dunn (1968) contended that minority students were disproportionately represented in special education when compared to Caucasian students in the United States. Often minority students were in special education programs as a result of being labeled mentally retarded or emotionally disturbed by school psychologists and thus placed into special education programs. As a result Dunn (1968) noticed overt segregation of racially and/or economically disadvantaged students
in special education, raising stern civil rights issues. Zhang & Katsiyannis (2002) reported that the overrepresentation of minority students in special education continues despite fifty years of challenges, educational reforms, and legislative actions.

When African American students are identified with an emotional disturbance, they are more likely to be removed from the general education program and be educated in a more restrictive environment. Similarly, Latino students are about twice as likely as Caucasian students to be educated in a restrictive, substantially separate educational setting (The Civil Rights Project at UCLA, n.d.)

A recent trend indicates increased disturbance labels for minority students those and English language learners who are disproportionately enrolled in special education and placed in more segregated settings (Valenzuela, Copeland, Qi, & Park, 2006). Disproportionate representation of minority students in special education has not only been studied in the United States for the past 40 years (Artiles & Bal, 2008), it has triggered a number of legal challenges, educational reforms, and legislative actions (Zhang & Katsiyannis, 2002).

The first legal challenge was Larry P. v. Riles (1979), a court case involving racial bias in intelligence tests and the placement of children in programs for the mildly retarded. This case was a class action lawsuit involving disproportionate placement of minorities in classes for the mentally retarded in California. The decision of the court was in favor of the plaintiffs on both statutory and constitutional grounds (Oswald, Coutinho, Best & Singh, 1999). Similarly, the Marshall et al. v. Georgia (1984) and the S-I v. Turlington (1986) cases argued that African American students were
overrepresented in special education as a result of inadequate assessments and evaluations (MacMillan & Reschly, 1998).

One of the most influential law reforms was the 1975 passage of Education for All Handicapped Children Act (Countinho & Oswald, 2000). This law empowered students with disabilities and their parents by changing the way public schools educate students with disabilities. The Education for All Handicapped Children Act mandates all states to provide a free appropriate public education (FAPE) to all students with disabilities. The federal government revisited the Act later and in 1991 reauthorized the Act as the Individuals with Disabilities Education Act (IDEA). Since then the federal government amended the Act in 1997 and more recently in 2004. As it stands right now it is called Individuals with Disabilities Education Improvement Act (IDEIA).

This act added key language to address disproportionality by requiring states to create an intervention program as well as report substantial disproportionality to the federal government (Mueller & Markowitz, 2003). Additionally, IDEIA gives a higher importance on the use of pre-referral services, such as Respond to Intervention (RtI) to minimize over-identification and avert excessive referrals to special education. Moreover, schools are now allowed to use up to 15% of their IDEA funds annually to develop and implement early intervening services (Smith, 2005).

Despite ongoing efforts by the federal government, public schools in the United States continue to struggle with disproportionate representation of minority students in special education. It is evident that the topic of disproportionate representation of minority students in special education is a difficult issue to address in education today because change has been slow and the dilemma continues. Several studies show that
disproportionality is a recurring theme in public education and there is no clear evidence
to show that the trend has changed (Artiles & Bal, 2008; Countinho & Oswald, 2000;
Hosp & Reschly, 2004).

**Race and Special Education Identification**

The subject of race and racism in education is perhaps the toughest topic to
address today because it is uncomfortable for people to discuss; it triggers so many
emotions that most people generally avoid it (Bai, 2010). To understand the complex
interconnection between race, racism, and education, it is important to remember that up
til 1863 most African American were slaves and therefore did not have access to
education (Anderson, 1988). After the Emancipation Proclamation was signed by
Abraham Lincoln in 1863, slaves were freed and African Americans were given access to
education but in a segregated environment.

In 1954, one of the most significant Supreme Court decisions in the history of the
United States determined that school segregation was unconstitutional: *Brown v. Board of
Education of the City of Topeka Kansas*, (Russo, Harris, & Sandidge, 1994). The
Supreme Court decided that African American students could attend schools with White
students. Since the landmark case of *Brown v. Board of Education* African American
students have been legally entitled to equal access to public schools in the United States.

Even though the Supreme Court declared an end to school segregation in 1954,
new issues with discrimination continued to emerge. A significant issue was related to
special education students and minority students. The disproportionate representation of
minority students in special education is one of the most controversial issues in education
today (Countinho & Oswald, 2000). It is repeatedly documented that minority students

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are disproportionately represented in special education when compared to Caucasian students (Donovan & Cross, 2002). Many minority special education students are labeled mentally retarded or emotionally disturbed and placed into special education programs (Dunn, 1968). The study highlighted flaws in the procedures of identifying students with disturbance and inappropriate use of intelligence testing. As a result, to protect the rights of students with disturbance, the federal government has passed a number of regulations. The Civil Rights Act of 1964 (Loeyv, 1997) was passed to assure that every student had equal access to public education regardless of his or her race.

The terms “disproportionate” and “overrepresentation” have been widely used for decades in the special education arena and continue to be the universal language among special education providers in public schools today. The subject of disproportionate representation of minority special education students was first pioneered by Lloyd Dunn in 1968 when he revealed that minority students were disproportionately represented in special education when compared to White students (Dunn, 1968).

After Dunn’s (1968) findings, several studies followed and discovered similar results. One study showed alarming national trends with African American special education students disproportionately represented in the significant emotional disturbance category when compared to White special education students (Donovan & Cross, 2002). Another study highlighted that disproportionate representation of minority students in special education has been studied in the United States for the past 40 years (Artiles & Bal, 2008). Likewise, disproportionate representation of minority students in special education remains a very controversial, unresolved issue (Coutinho & Oswald, 2000). Not surprisingly the ongoing dilemma has led to several litigations. One study described
that disproportionate representation of minority students in special education has triggered a number of legal challenges, educational reforms, and legislative actions (Zhang & Katsiyannis, 2002).

**African American Students in Special Education**

In 2000, there were 6.2 million special education students between the ages of 3 and 21 enrolled in U.S. public schools (U.S. Department of Education, 2009). In 2010, special education enrollment increased to 6.5 million. According to the U.S. Department of Education (2009) the total number of students attending public schools in the United States for the 2010-2011 school year was 50 million. The dominant student population during this period was Caucasian students with 52%, followed by Hispanic students representing 24%, and African American students representing 16% (U.S. Department of Education, 2009). The National Center for Education Statistics (2009) data shows, that in 2006, there were 11.7 million African American students in the United States public schools, of which 1.3 million (11%) were in special education. In that same year, there were 14.9 million Hispanic students, of which 1.2 million (8%) were in special education (National Center for Education Statistics, 2009).

**Emotional Disturbance**

Scholars discovered that the emotional disturbance of children is one of the most important health concerns of many U.S. parents. According to Simpson et. al. (2008), in 2005–2006 approximately 8 million children (15%) aged 4–17 years had parents who talked with a health care provider or school staff about their children emotional or behavioral difficulties. Simpson et al. (2008) identified several key statistics regarding children with emotional disturbance. For example, they found that about 5% of these
children were prescribed medication for emotional or behavior difficulties and nearly 90% of these children were prescribed medication for difficulties with concentration, hyperactivity, or impulsivity.

Congress first defined emotional disturbance when IDEA was amended in 1997 and the definition has remained the same after the reauthorization of IDEA in 2004. The direct definition of emotional disturbance from IDEA (2004) section 300.8 (4)(i)(ii) states:

“(i) Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.

(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

(C) Inappropriate types of behavior or feelings under normal circumstances.

(D) A general pervasive mood of unhappiness or depression.

(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph (c)(4)(i) of this section” (IDEA, § 300.8 (4)(i)(ii) (2004)
According to the U.S. Department of Education, Office of Special Education (2009), 7% of children ages 3 to 21 were identified with emotional disturbance in 2007-2008 (Aud et al., 2010; U.S. Department of Education, 2009). From the 13 disability categories included in IDEA (2004), emotional disturbance is the fifth largest category of the total special education population in the United State public schools (Aud et al., 2010).

Most students identified with emotional disturbance are educated in isolated special education classrooms, separated from their non-disabled peers (Cullinan & Sabornie, 2004; Skiba et al., 2006). According to the U.S. Department of Education (2009), in 2004, only 32% of students with emotional disturbance were educated with the general education population. On the other hand, 51% of students with learning disabilities and 88% of students with speech or language impairments were educated with the general population (U.S. Department of Education, 2009). Research shows that African American special education students are routinely placed in restricted classrooms that are degrading and ineffective, and that students receive diluted instruction compared to the general education settings (MacMillan & Reschley 1998; Sullivan et al., 2009). Likewise, African American students with a label of emotional disturbance are at a greatest risk of suspension than all other students with the same disability as well as students without disabilities (Krezmien, Leone, & Achilles, 2006). Consequently, Cullinan & Sabornie (2004) asserted that students with emotional disturbance struggle academically, and that they have higher suspension and expulsion rates, and lower graduation rates.
The national statistics for students with emotional disturbance is alarming. According to the Data Resource Center for Child and Adolescent Health, in 2005-2006 students with emotional disturbance had the worst graduation rates when compared to all students with disabilities. Nationally, high school graduation rates for students with disabilities in 2005-2006 was approximately 75%; on the other hand, high school graduation rates for students with emotional disturbance is only 40%. Furthermore, students with emotional disturbance are twice as likely as other students with disabilities to be placed in a drug treatment center and correctional facility, and three times as likely to get arrested before graduating from high school (Data Trends, n.d).

Among all students that are identified with emotional disturbance the group that stands out the most are African American students. Nationally, African American students are 2.24 times more likely to be labeled with emotional disturbance compare to other groups of students (U.S. Department of Education, 2009). On the other hand, Asian students are only .27 times more likely to be labeled with emotional disturbance (U.S. Department of Education, 2009). The patterns of disproportionality are alarming in several states around the United States. Losen and Orfield (2002) highlighted in their Civil Rights Project for Harvard University that African American students in 29 states are more than twice as likely as Caucasian students to be labeled with an emotional and behavioral disorder. Losen and Orfield discovered that African American students in Nebraska were six times more likely to be identified as emotionally disturbed, and those in Iowa were four times as likely to be labeled emotionally disturbed when compared to Caucasian students. Furthermore, African American students in Kentucky, Montana, Utah, and Minnesota were three times more likely to be identified as emotionally
disturbed, whereas African American students in Louisiana, Washington, Oregon, West Virginia, and North Carolina were more than twice as likely as Caucasian students to be in special education programs.

For more than 40 years the Office of Civil Rights (OCR) has documented the patterns of disproportionate representation of African American students in special education (Hosp and Reschly, 2004). Losen and Orfield (2002) argue that despite an increase in civil rights protections and special education services over the past years, school districts nationwide continue to improperly and disproportionately place African American students in special education classes. African American students are disproportionately referred to and frequently placed in special education and labeled with emotional disorders (Hosp & Reschly, 2004; Zhang & Katsiyannis, 2002). It is well documented that no other group is disproportionately represented and emotional disturbance is clearly a problem category. Hosp and Reschly (2004) reported that that 26% African American students are classified as ED, but are only 17% of the overall student population. On the other hand, 1% of Caucasian students are identified as having emotional disturbance compared to 1.6% of all African American.

Special Education Referrals

Special education program across the United States does not have a common systematic benchmark in identifying students. Teacher referrals in conjunction with standardized testing are the primary methods used to identify whether or not a student is in need of special education services. These methods have questionable reliability and have been criticized for their use. For example, Hilliard (1990) alleged that biased referrals and misdiagnoses arise mainly in the judgmental categories of special education
classifications. According to Hilliard (1990) one of the judgmental categories is emotionally disturbed (ED). Moreover, Harry and Anderson (1994) highlighted that diagnoses of emotional disturbance is constructed upon subjective clinical judgment rather than definite biological principles. The most common type of test used in the diagnosis of behavioral disturbance is behavioral assessment. Such assessments can be biased because the instrument does not consider a student’s cultural background as well as social experiences, thus placing certain students at a disadvantage (Harry & Anderson, 1994). Similarly, Townsend (2002) discovered that tests have a history of being unfair and biased against students from ethnic backgrounds because the tests are centered on the experiences of middle-class Americans. The assessments used to determine special education eligibility are subjective, as well as linguistically and culturally biased (Losen, 2002; Oswald et al., 1999).

**Summary**

Several studies have examined the topic of minority students in special education and the dilemma of disproportionality within special education (e.g., Aud et al., 2010; Countinho & Hosp & Reschly, 2004; Oswald, 2002; Skiba et al., 2006, 2008; Zhang & Katsiyannis, 2002), but no studies have specifically explored the impact of a policy on disproportionality, particularly the reauthorization of IDEA 2004.

The literature documented in this chapter shows that minority students have been disproportionately placed into special education for nearly half a century. Special education laws such as the Elementary and Secondary Education Act, Education for All Handicapped Children Act, and IDEA assured that all students with disabilities received FAPE; however, none of these laws address disproportionality within the policy even
though studies consistently reveal that the overrepresentation of minority students in special education has been ongoing without a solution (Countinho & Oswald, 2000; Dunn, 1968; Zhang & Katsiyannis, 2002). My study specifically focused on students classified with ED because the literature showed that this disability category is the most controversial due to its subjective assessments for qualification and its ongoing disproportionality issues (Aud et al., 2010; Countinho & Oswald, 2000; Donovan & Cross, 2002). Among the thirteen categories of disabilities, ED stands alone due to its extensive definition given by IDEA 2004. Other disabilities, such as hearing and visual impairment, are easily defined and scientifically diagnosed, whereas ED has no scientific methodology in qualifying students. ED is a judgmental category, practically diagnosed by biased assessments and school personnel’s opinions (Harry & Anderson, 1994; Hilliard, 1990; Townsend, 2002). Consequently, this has led to the classification of ED in far too many students, especially African American students, creating the problem of disproportionality.

During the implementation of IDEA, additional studies (e.g., Artiles & Bal, 2008; Aud et al., 2010; Hosp & Reschly, 2004) revealed the continuous dilemma of disproportionality and the federal government finally took notice and reauthorized IDEA in 2004. The act added key language to address disproportionality and create provisions to hold all states accountable for the implementation of the law. For example, the act required states to have policies and procedures designed to prevent the inappropriate identification and disproportionate representation by race and ethnicity as well as requiring states to collect and examine data regarding disproportionality (IDEA, 2004).
There are a lack of empirical studies that examine whether the IDEA 2004 was effective in addressing the disproportionate representation of African American students classified with ED. This study aimed to fill this gap by first examining extant student data and then exploring individual state policies, procedures, and practices to understand the impact of IDEA 2004 on disproportionality, as well as practices of states that show promising results.
Chapter 3: METHODOLOGY

The purpose of the study was to compare trends in disproportionality of the emotional disturbance classification of African American and Caucasian students after the Individuals with Disabilities Education Improvement Act of 2004. This study analyzed and compared student data to understand the possible impact of the IDEIA on disproportional representation of African American students. The study compared archival data from 2000-2005, prior to the reauthorization of IDEA, to data from 2006-2011, post IDEA.

The new Act, Individuals with Disabilities Education Improvement Act (IDEIA) mandates that states have policies and procedures designed to prevent the inappropriate over identification or disproportionate representation by race and ethnicity (U.S. Department of Education, 2009). Furthermore, the statutes and regulations for the IDEIA – Part B include important changes in how states and Local Education Agencies (LEAs) must address disproportionate representation in special education. Changes in Part B includes a more extensive examination of disproportionality and mandate more extensive remedies where findings of disproportionality occur. Additionally, under section 616(b) of IDEA (2004) each state is required to develop a six-year performance plan. This plan, known as the State Performance Plan (SPP), evaluates the state’s efforts to implement the requirements of IDEIA and illustrates how the state will continuously improve upon this implementation.
The effectiveness of IDEIA, or its ability to address and reduce disproportionality, was assessed using both quantitative (interrupted time-series) and qualitative (policy analysis) research methods. The merger of these two research methods produced an explanation of the possible effects of IDEIA on disproportionality.

Research Questions

1. What are the trends of African American and Caucasian students identified for special education in the emotional disturbance (ED) category prior to the reauthorization of IDEA in 2004 and post IDEA across the United States?

2. What improvement activities did each state report in their State Performance Plan (SPP) to the Office of Special Education Programs (OSEP) regarding disproportionality and were those improvement activities met?

3. How have individual states addressed disproportionate representation of racial and ethnic groups in special education and specific disability categories resulting from inappropriate identification on their 2011 Annual Performance Report?

Study Design

This study employed an explanatory sequential mixed methods multiple case study design to answer the research questions in depth. A mixed methods design was necessary for this study because it allowed the researcher to intentionally mix or combine the quantitative and qualitative data rather than keeping them isolated (Creswell & Plano Clark, 2011). The aim of this mixed methods approach was to first collect quantitative student data for all fifty states, analyze that data using the interrupted time-series (ITS) design, and then sequentially follow those results with a policy analysis of qualitative data to answer the research questions. Given the complexity of the study, neither the
quantitative nor the qualitative approaches were suitable by themselves to address the research questions. As a result of mixing both approaches, the answers to the research questions provide a stronger explanation of the research problem while minimizing the weaknesses of each individual approach (Creswell & Plano Clark, 2011). The following sub-sections describe the mixed methods data analysis strategies in the order in which they were conducted.

**Interrupted Time-Series Design (ITS).** ITS design was first pioneered by Campbell and Stanley (1963) to assess the impact of a specific intervention. Many scholars use ITS methods as a quasi-experiment such as pre-test and post-test for analyzing data (McDowall et al., 1980). ITS aims to estimate the trend line of a pre-existence period and assume that the trend should be disrupted at the time of the intervention. Either an instant negative change in the level of the measurement should take place at that point in time or the trend should change adversely beginning at the point of the intervention (Shadish et al., 2002). The implementation of ITS has been generally narrowed to the assessment of specific laws and the impacts laws have on society, such as studying new traffic laws and gun control laws (McDowall et al., 1980).

Since this study was seeking to understand the possible impact of IDEIA on disproportionality over a specific time series, “pre” IDEIA (2000-2005) and “post” IDEIA (2006-2011), the interrupted time-series approach is ideal in identifying and selecting states that experienced trend changes and states that experienced no trend changes. If the IDEIA had any kind of impact on disproportionality, there should be a statistically significant variance in the slope between the “pre” IDEIA and “post” IDEIA.
In other words, the series should display an interruption to the previous condition at the
time in which the intervention was implemented (Shadish et al., 2002).

The concept behind ITS design is to identify a collection of multiple data points
for a given variable, which are interrupted by a particular intervention and knowing when
the treatment occurred (Shadish et al., 2002). For a legal impact study such as IDEIA,
the independent variable is the date the new law was first enacted (July 1, 2005), and is
shown as the (X) treatment. The dependent variables are correspondingly spaced
observations constructed for comparable time periods (O₁), which occurred prior to and
after the intervention. For the study, the dependent variables are the number of African
American and Caucasian students in public schools across all fifty states that are
classified with emotional disturbances from the year 2000-2011. The null hypothesis is
that the treatment (i.e., the date IDEIA was enacted) will have no impact on the pre-
intervention trend (disproportionality by race), expressed as (O₃ O₂ … O₆). Therefore, if
the null hypothesis is rejected, then any change in the series could be credited to the
intervention.

The following is a model of the Interrupted Time-Series Design used in this
study:

African American students classified as ED
Caucasian students classified as ED

\[ O₁ \ O₂ \ O₃ \ X \ O₄ \ O₅ \ O₆ \]

\[ O₁ \ O₂ \ O₃ \ X \ O₄ \ O₅ \ O₆ \]

*Figure 1.*
There were three benefits of using the ITS design for this study. First, it provided a graphical representation of disproportionality over time. Second, it enabled the researcher to visually compare the pattern of disproportionality before the intervention to the trend after the intervention, and to evaluate whether the time series trend had changed markedly. Third, the ITS design allowed the researcher to select six states (cases) that experienced different trends: two states with upward trends after the implementation of IDEIA, two states with downward trends after the implementation of IDEIA, and two states with no changes in trends after the implementation of IDEIA.

For this study, the quantitative data analysis helped identify states with significant upward or downward trend changes and those with no trend changes to the disproportionality data for African American students in the United States. Six states were selected states as cases for this multiple case study because they provide ample information in how different states responded to the intervention. According to Stake (2006), fewer than four cases and more than ten diminish and limit the benefits of a multiple case study (Stake, 2006). Although the context of each case may be different, common results derived from the analysis of the cases have greater generalizability (Yin, 2003). Multiple case analyses allowed the researcher to identify similarities and differences between the selected cases, as well as test the conceptual framework on which the study was grounded (Creswell, 2006; Yin, 2014).

**Qualitative case study data analysis.** For this study, the qualitative data provided information about how the six selected cases (states) implemented the IDEIA obligations in addressing disproportionality. The aim of the qualitative phase of this
study was to analyze the following four significant components of IDEIA obligations to students with disabilities:

1. Each state is required to develop a six year performance plan and post the plan on their website for the public to view. IDEA (2004) requires states and Local Education Agencies (LEAs) to take steps to address disproportionate representation of racial/ethnic groups in special education. Furthermore, states are required to address disproportionality that is the result of inappropriate identification in the State Performance Plan (SPP) Indicators 9 and 10. In addition, each state is annually required to report to the public on the performance of each of its LEAs according to the targets in its SPP. This report is called the Part B Annual Performance Report (APR). The study analyzed the selected State’s Performance Plan (SPP) improvement activities plan as well as the APR to determine whether or not the states met these conditions and review their strategies in meeting these conditions.

2. States have a separate obligation to collect and examine data to determine whether disproportionality based on race and ethnicity is occurring in the state and LEAs of the state. Where disproportionality is occurring, the state must provide for the review, revision of policies, procedures, and practices. The study examined state’s APRs and reported on how many of the state’s LEA had disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification and whether or not the LEA reported that disproportionality is occurring due to inappropriate education policy, procedures and practices.
3. IDEIA requires each state to report in their SPP/APR their definition of “disproportionate representation”. The study will review each state’s definition of disproportionality and the explanation each state reported to justify their definitions.

4. IDEIA includes provisions for collecting information on the implementation and impact of the law and for reporting findings annually to the U.S. Congress. The Office of Special Education Programs (OSEP) is required to prepare annual reports to Congress to provide information on the extent to which all students with disabilities are receiving a free appropriate public education. The study will review reports from 2000-2010, particularly focusing on what OSEP reported to Congress regarding the selected states special education standings such as, the number of all full-time equivalent (FTE) special education teachers and FTE highly qualified special education teachers employed to provide special education and related services for students ages 6 through 21 per 100 students served under IDEA, Part B. Finally, the study investigates each state’s compliance status, given by OSEP to see if states met IDEIA requirements.

**Case Selection**

Two outcome measures from the ITS were used to select the states for this multiple case study: African American students with ED classification rates from the years 2000-2011 and Caucasian students with ED classification rates for the same period.

This study examined extant data from the OSEP and analyzed what states reported to the federal government for eleven years (2000-2011). This approach was necessary because currently there is little research that examines the trends of disproportionality across states coupled with policy analysis of IDEIA on disproportionality. The ITS quantitative data analysis assisted in the identification of six
states where the intervention, IDEIA may have had a possible positive impact, evident by a downward trend, no impact, evident by flat-line and/or no trend and possible negative impact, evident by upward trend.

Then the study employed a multiple case study approach to analyze the six state’s SPPs as well as IDEIA obligations in addressing disproportionality to cognize the probable causes of the changes and/or no changes to the student data trends. The SPP analysis only focused on indicator 9 and 10, both of which focus on disproportionality. The Office of Special Education Programs measures states’ implementation of IDEIA through indicator 9 and 10.

Indicator 9 is defined by IDEIA (2004) as the percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. Indicator 10 is defined by IDEIA (2004) as the percent of districts with disproportionate representation of racial and ethnic groups in specific disturbance categories that is the result of inappropriate identification.

Documents such as the SPP, ARP, and the OSEP annual reports to Congress illustrates each state’s policy, and practices, as well as changes they made since the reauthorization of IDEA. This crucial information can be used to further study each state and offer guidelines or a model to other states around the country. Finally, the study offers directions for further study.

**Criteria for case selection:** Case study research aims at generalizing a particular set of results to some broader theory (Stake, 2006; Yin, 2003). In order to generalize the impact of IDEIA on disproportionality nationally cases were selected vigilantly to assure
that findings can be applied to another state. The study followed Stake’s (2006) three main criteria for selecting cases:

- Is the case relevant to the quintain?
- Do the cases provide diversity across contexts?
- Do the cases provide good opportunity to learn about complexity and contexts?

According to Stake (2006) quintain is defined as, “an object or phenomenon or condition to be studied – a target, but not a bull’s eye” (p. 6). For the purpose of this study, disproportionality is the quintain. In order to meet this specific criterion all six cases must show trend changes and/or no changes in disproportionality after the quantitative data analysis. To address diversity across contexts as well as learn about complexity the six states must represent at least one of the four regions of the United States. According to the U.S. Census Bureau (2012) the four regions are Northeast, Midwest, South, and West. Additionally, the population of African American students must be at least 3% of the total student population for the year 2000-2011 in each of the six states selected. These case selection criteria will validate that the findings can be generalized nationally and offer policy recommendations as well as a recommendation for follow up study on the topic of disproportionality.

**Data Sources and Collection**

For case study data collection, Yin (2003) recommends the following six sources: archival records, documentation, direct observations, interviews, observations, participation, and physical artifacts. This study will examined archival data from all 50 states in the United States from 2000-2011. The extant special education data was gathered from the U.S. Office of Special Education Programs and focus on special
education student population by race/ethnicity. The focus and population of the study are African American and Caucasian special education students classified with emotional disturbance.

Currently the U.S. Office of Special Education has a website designated for IDEA data and has placed national data by categories on its website. Data for the study is publicly accessible through the U.S. Department of Education, Office of Special Education Programs (OSEP) website under the Data Accountability Center (DAC) link. This website is developed and maintained by OSEP to provide information and to improve the quality of all state-reported data required by IDEA. The archival data was used to answer the complex research questions about the trends of disproportionality as well as providing direction in the selection of the six states with trend change for the multiple case analyses.

The vast amount of data was narrowed down to include only African American and Caucasian special education students who were classified with emotional disturbance. The emotional disturbance classification appears to occur more frequently in secondary schools. Research shows that the majority of students classified as emotional disturbance are twelve years of age and older (Cullinan & Sabornie, 2004). Therefore, data was limited to African American and Caucasian special education students classified with emotional disturbances, ages 6-21. This approach is also necessary because the extant data from OSEP is categorized by disability, race/ethnicity and age. Additionally, most students get identified to special education starting at the age of six and they are eligible to receive special education until the age of 21.
After the quantitative data analysis, six states were selected for the multiple case analyses. Two states with an upward trend, two states with a downward trend, and two states with no trend change were selected for the qualitative phase of the study.

**Data Analysis**

The quantitative phase of this study used the ITS design to assess the intervention impact on multiple outcome measures. SPSS was used to examine the data to identify trends related to disproportional representation of African American special education students.

For the qualitative phase of the study the researcher used the recommendations from Stake’s (2006) Multiple Case Study Analysis. Stake recommends a cross-case approach called “merging” because it allows the researcher to make generalization about the selected cases. Likewise, Yin (2003) recommends the use of cross-case synthesis for data analysis of a multiple-case study. This technique treats each state as a separate case study yet allows aggregating the findings across all cases in the study. The data for each of the six states, particularly, the SPP, policies and procedures, LEAs Part B funds, and OSEP report to Congress were first analyzed individually and then the results were compared across all cases in search of commonality or discordance. Yin (2014) indicated that a replication approach where each individual case is studied in detail and followed by other individual cases can and should provide certain results. This technique can yield unbiased assessments of the qualitative data such as the SPP as well as the impact of IDEIA on disproportionality. The study used Yin’s “Multiple-Case Study Procedure” (p.60) to analyze the qualitative data and write the cross-case report.
The following is a diagram of Yin’s (2014) Multiple-Case Study Procedure:

Figure 2.

In order to understand the disproportionality trends across states, the researcher compared the percent of total enrollment of each race/ethnic group in special education with the percent of total enrollment of all other race/ethnic groups in special education combined for all states. Furthermore, the researcher examined data to understand the disproportionality trends across states by disturbance, specifically, the emotional disturbance category for African American and Caucasian special education students. Then the researcher selected a total of six states with significant trend changes to the student data. To understand the possible causes to the trend changes the researcher selected two states with downward trends where disproportionality is not a concern; two states with upward trends where disproportionality is a concern; and lastly, two states with no trends and/or flat trends. Finally, a qualitative multiple case study analysis was
used to explain the six states’ policies and practices using their State Performance Plan to understand the possible causes to the trend change and/or no change and to explore the impact of IDEIA.

**Disturbance Categories**

This study will focus on one special education disturbance category: emotional disturbance, also known as emotional disabilities in some states. There are thirteen different disability categories into which students between the ages of 3-21 may be eligible to receive special education services under IDEA (US Department of Education, Office of Special Education and Rehabilitative Services, 2012). The thirteen categories are: autism, deaf-blindness, developmental delay, emotional disturbance, hearing impairment, intellectual disturbance, multiple disabilities, orthopedic impairment, other health impairment, specific learning disturbance, speech or language impairment, traumatic brain injury, and visual impairment (Office of Special Education and Rehabilitative Services, 2012). Since disproportionality is a problem specifically in the emotional disturbance (ED) category, the study focused solely on the ED category. Gathering all these data assisted in answering the research questions as well as helping to formulate a general testimonial concerning the impact of IDEIA on disproportionality. Although the context of each case was different, common results derived from the analysis of all six cases have greater generalizability (Yin, 2003).

**Summary**

Due to the complexity of this study a quantitative method or qualitative method alone could not answer the research questions. However, a quantitative method coupled with a qualitative method, in other words, a mixed-method design offered a distinct
validation to the research questions. The quantitative designed, ITS assisted in analyzing the identification trends of African American and Caucasian ED students as well as in the selection of six cases. The qualitative design assisted in the analysis of each state’s policies and practices. The merger of these two research methods produced an explanation of the possible effects of IDEIA on disproportionality.
Chapter 4: FINDINGS

In this research study, the researcher employed both quantitative and qualitative data analysis to assess the possible impact of the Individuals with Disabilities Education Improvement Act (IDEIA) on disproportionality. The quantitative analysis used a statistical technique called interrupted time-series (ITS) to assess the intervention impact of IDEIA with the trends in disproportionality of emotional disturbance classification. The qualitative data assisted in controlling for validity threats to the inferences I made about the possible impact of IDEIA based on the statistical analyses.

This chapter begins with a brief description of the strength of ITS analysis methods employed for this research. This section is followed by an explanation of how ITS assisted in selecting cases for the qualitative part of the study. The chapter concludes with an explanation of how the qualitative data were collected and analyzed as well as the significance of evaluating various outcome measures to obtain a general assessment of IDEIA on disproportionality.

The research questions guiding this study were:

1. What are the trends of African American and Caucasian students identified for special education in the emotional disturbance (ED) category prior to the reauthorization of IDEA in 2004 and post IDEA across the United States?
2. What improvement activities did each state report in their State Performance Plan (SPP) to the Office of Special Education Programs (OSEP) regarding disproportionality and were those improvement activities met?

3. How have individual states addressed disproportionate representation of racial and ethnic groups in special education and specific disability categories resulting from inappropriate identification on their 2011 Annual Performance Report?

This study employed a mixed methods multiple case analysis to examine changes in student data trends before and after implementation of the IDEA. Using national data from the OSEP from 2000-2011 on students with emotional disturbance, the study used an ITS design to test whether disproportionality trends changed after IDEA implementation. The ITS analysis led informed my selection of case studies (six states) and allowed me to examine their policies and practices to understand whether IDEA had a possible positive impact, no impact, and/or negative impact on disproportionality of special education classifications.

Quantitative Data Analysis

The quantitative phase of this mixed methods case study answers the first research question:

1. What are the trends of African American and Caucasian students identified for special education in the emotional disturbance (ED) category prior to the reauthorization of IDEA in 2004 and post IDEA across the United States?

An ITS design was used to answer the first question because ITS design is ideal in illustrating changes in the trend line of states that experienced trend changes and states that experienced no trend changes. First, the researcher analyzed the data for the African
American students with emotional disturbances (ED) and then a similar analysis was completed on Caucasian students with ED. This section is followed by an explanation of how ITS assisted me in the selection of cases for the qualitative part of the study.

The following describes the ITS analysis conducted to answer the first research question. First, an unconditional model was examined. Intra-class correlation was computed from the models variance components.

**Summary of the model specified**

**Level-1 Model**

\[ \text{AFRICAN AMERICAN AGE}_{it} = \pi_{0i} + e_{ti} \]

**Level-2 Model**

\[ \pi_{0i} = \beta_{00} + r_{0i} \]

**Mixed Model**

\[ \text{AFRICAN AMERICAN AGE}_{it} = \beta_{00} + r_{0i} + e_{ti} \]

Table 1.

<table>
<thead>
<tr>
<th>Random Effect</th>
<th>Standard Deviation</th>
<th>Variance Component</th>
<th>d.f.</th>
<th>( \chi^2 )</th>
<th>p-value</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRCPT1, ( r_0 )</td>
<td>3585.20189</td>
<td>12853672.61166</td>
<td>38</td>
<td>11614.17824</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>level-1, ( e )</td>
<td>705.88292</td>
<td>498270.70285</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

From the model, 96% of variance in the African American students’ enrollment was due to inter-individual state differences. This means that states differ in their enrollment rates. Only 4% of the variance in the enrollment is attributed to the intra-individual difference (within state differences).
Second, an unconditional piecewise change model was examined. In the piecewise growth model, two linear slope factors were modelled as following:

Policy B: The 1st growth factor was to examine the initial change in the African American student enrolment in ED before the policy implementation.

Policy A: The 2nd growth factor was to examine the change in the African American enrolment after the policy implementation.

The coding of the two variables (Policy B and Policy A) was as follows:

Coding for Policy B & Policy A variables

Table 2.

<table>
<thead>
<tr>
<th>Year</th>
<th>00</th>
<th>01</th>
<th>02</th>
<th>03</th>
<th>04</th>
<th>05</th>
<th>06</th>
<th>07</th>
<th>08</th>
<th>09</th>
<th>10</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy B</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Policy A</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
</tr>
</tbody>
</table>

Summary of the model specified

Level-1 Model

\[
African American Age_{it} = \pi_{i0} + \pi_{i1i}(Policy_{B_{iti}}) + \pi_{i2i}(Policy_{A_{iti}}) + e_{iti}
\]

Level-2 Model

\[
\pi_{i0} = \beta_{00} + r_{0i} \\
\pi_{i1} = \beta_{10} + r_{1i} \\
\pi_{i2} = \beta_{20} + r_{2i}
\]

Mixed Model

\[
African American Age_{it} = \beta_{00} + \beta_{10i} Policy_{B_{iti}} + \beta_{20i} Policy_{A_{iti}} + r_{0i} + r_{1i} Policy_{B_{iti}} + r_{2i} Policy_{A_{iti}} + e_{iti}
\]
Table 3.

**Final estimation of fixed effects (with robust standard errors)**

<table>
<thead>
<tr>
<th>Fixed Effect</th>
<th>Coefficient</th>
<th>Standard Error</th>
<th>t-ratio</th>
<th>Approx. d.f.</th>
<th>p-value</th>
</tr>
</thead>
<tbody>
<tr>
<td>For INTRCPT1, ( \pi_0 )</td>
<td>3391.353145</td>
<td>631.874361</td>
<td>5.367</td>
<td>38</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>INTRCPT2, ( \beta_{00} )</td>
<td>44.009500</td>
<td>20.768360</td>
<td>2.119</td>
<td>38</td>
<td>0.041</td>
</tr>
<tr>
<td>For POLICY_B slope, ( \pi_1 )</td>
<td>-78.908778</td>
<td>18.008668</td>
<td>-4.382</td>
<td>38</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>INTRCPT2, ( \beta_{10} )</td>
<td>3992.16308</td>
<td>15937366.02511</td>
<td>14023.18228</td>
<td>38</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>INTRCPT2, ( \beta_{20} )</td>
<td>113.28860</td>
<td>12834.30735</td>
<td>147.83332</td>
<td>38</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>POLICY_A slope, ( \pi_2 )</td>
<td>110.84774</td>
<td>12287.22241</td>
<td>708.17608</td>
<td>38</td>
<td>&lt;0.001</td>
</tr>
</tbody>
</table>

Table 4.

**Final estimation of variance components**

<table>
<thead>
<tr>
<th>Random Effect</th>
<th>Standard Deviation</th>
<th>Variance Component</th>
<th>d.f.</th>
<th>( \chi^2 )</th>
<th>p-value</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRCPT1, ( r_0 )</td>
<td>289.61809</td>
<td>83878.63804</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>POLICY_B slope, ( r_1 )</td>
<td>3992.16308</td>
<td>15937366.02511</td>
<td>38</td>
<td>14023.18228</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>POLICY_A slope, ( r_2 )</td>
<td>113.28860</td>
<td>12834.30735</td>
<td>38</td>
<td>147.83332</td>
<td>&lt;0.001</td>
</tr>
</tbody>
</table>

The coefficient for the intercept \( (\beta_{00}) \) was 3391.35, which was statistically significant at \( p < .001 \). This indicates that the average African American enrollment across states in year 2000 was 3391 units. The before policy implementation coefficient for (before Year 2005) \( (\beta_{10}) \) was 44.01, \( p = .041 \), statistically significant. This indicated that the average true change in the African American student enrollment was increasing by 44.01 unit every year before the policy implementation. After the policy implementation, the coefficient for the second intercept \( \beta_{20} \) was reported as -78.91 units, \( p < .001 \). This shows a decrease in the African American student enrollment after the policy implementation.

Variance component for the intercept at Year 2000 (initial status) was 15937366.02511, \( p < .001 \) statistically significant. This suggests a significant amount of
between state variations around the average true enrollment rate in Year 2000. The variance component for the before policy implementation slope was 12834.30735, \( p < .001 \), statistically significant. This suggests a significant amount of between state variations around the average true enrollment rate before the policy implementation. The variance component for the after policy implementation slope was 12287.22241, \( p < .001 \) statistically significant. Thus, this suggests a significant amount of between state variation around the average true enrollment rate after the policy implementation.

The following is an illustration of the enrollment rates for all states and each state before and after the policy implementation:

![Figure 3](image)

*Note: 0 = Before policy implementation, 1 = After policy implementation*

To understand whether the policy had a similar impact on other student groups this study analyzed the Caucasian special education student with ED population. The following are the results of the ITS analysis for Caucasian special education students with ED:
First, an unconditional model was examined. Intra-class correlation was computed from the models variance components.

**Summary of the model specified**

**Level-1 Model**

$$CAUCASIAN\ AGE_{t_i} = \pi_{0i} + e_{t_i}$$

**Level-2 Model**

$$\pi_{0i} = \beta_{00} + r_{0i}$$

**Mixed Model**

$$CAUCASIAN\ AGE_{t_i} = \beta_{00} + r_{0i} + e_{t_i}$$

Table 5.

<table>
<thead>
<tr>
<th>Random Effect</th>
<th>Standard Deviation</th>
<th>Variance Component</th>
<th>d.f.</th>
<th>$\chi^2$</th>
<th>p-value</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRCPT1, $r_0$</td>
<td>5031.63062</td>
<td>25317306.71074</td>
<td>38</td>
<td>7321.24082</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>level-1, $e$</td>
<td>1241.14606</td>
<td>1540443.55076</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

From the model, 94% of variance in the Caucasian students’ enrollment was due to inter-individual state differences. This means that states differ in their enrollment rates. Only 4% of the variance in the enrollment is attributed to the intra-individual difference (within state differences).

Second, an unconditional piecewise change model was examined. In the piecewise growth model, two linear slopes factors were modelled and they are as follows:

Policy B: The 1st growth factor was to examine the initial change in the Caucasian student enrollment before the policy implementation.
Policy A: The 2nd growth factor was to examine the change in the Caucasian student enrolment after the policy implementation.

The coding of the two variables (Policy_B and Policy_A) was as following:

Coding for Policy_B & Policy_A variables

Table 2.

<table>
<thead>
<tr>
<th>Year</th>
<th>00</th>
<th>01</th>
<th>02</th>
<th>03</th>
<th>04</th>
<th>05</th>
<th>06</th>
<th>07</th>
<th>08</th>
<th>09</th>
<th>10</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy B</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Policy A</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td></td>
</tr>
</tbody>
</table>

Summary of the model specified

Level-1 Model

\[ \text{CAUCASIAN AGE}_{ii} = \pi_0 + \pi_1^*(\text{POLICY}_B_{ii}) + \pi_2^*(\text{POLICY}_A_{ii}) + e_{ii} \]

Level-2 Model

\[ \pi_0 = \beta_{00} + r_{0i} \]
\[ \pi_1 = \beta_{10} + r_{1i} \]
\[ \pi_2 = \beta_{20} + r_{2i} \]

Mixed Model

\[ \text{CAUCASIAN AGE}_{ii} = \beta_{00} + \beta_{10}^*\text{POLICY}_B_{ii} + \beta_{20}^*\text{POLICY}_A_{ii} + r_{0i} + r_{1i}^*\text{POLICY}_B_{ii} + r_{2i}^*\text{POLICY}_A_{ii} + e_{ii} \]

Table 6.

Final estimation of fixed effects (with robust standard errors)

<table>
<thead>
<tr>
<th>Fixed Effect</th>
<th>Coefficient</th>
<th>Standard error</th>
<th>t-ratio</th>
<th>Approx. d.f.</th>
<th>p-value</th>
</tr>
</thead>
<tbody>
<tr>
<td>For INTRCPT1, ( \pi_0 )</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INTRCPT2, ( \beta_{00} )</td>
<td>6873.013935</td>
<td>881.791680</td>
<td>7.794</td>
<td>38</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>For POLICY_B slope, ( \pi_1 )</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INTRCPT2, ( \beta_{10} )</td>
<td>-3.182246</td>
<td>42.412706</td>
<td>-0.075</td>
<td>38</td>
<td>0.941</td>
</tr>
<tr>
<td>For POLICY_A slope, ( \pi_2 )</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INTRCPT2, ( \beta_{20} )</td>
<td>-162.358634</td>
<td>26.931819</td>
<td>-6.029</td>
<td>38</td>
<td>&lt;0.001</td>
</tr>
</tbody>
</table>
Table 7.

Final estimation of variance components

<table>
<thead>
<tr>
<th>Random Effect</th>
<th>Standard Deviation</th>
<th>Variance Component</th>
<th>d.f.</th>
<th>$\chi^2$</th>
<th>p-value</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRCPT1, $r_0$</td>
<td>5570.57273</td>
<td>31031280.50580</td>
<td>38</td>
<td>12921.43130</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>POLICY_B slope, $r_1$</td>
<td>250.23124</td>
<td>62615.67357</td>
<td>38</td>
<td>291.68700</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>POLICY_A slope, $r_2$</td>
<td>165.96396</td>
<td>27544.03526</td>
<td>38</td>
<td>746.53010</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>level-1, $e$</td>
<td>420.92384</td>
<td>177176.87663</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The coefficient for the intercept ($\beta_{00}$) was 6873.01, which was statistically significant at $p<.001$. This indicates that the average Caucasian student enrollment across states in year 2000 was 6873.01 units. The before policy implementation coefficient (before Year 2005) ($\beta_{10}$), -3.18, $p=.941$ was not statistically significant. This indicates that the average true change in the Caucasian student enrollment was not different from zero across years before the policy implementation. After the policy implementation, the coefficient for the second intercept $\beta_{20}$ was reported as -162.36 units, $p<.001$. This shows a decrease in the Caucasian student enrollment after the policy implementation.

Variance component for the intercept at Year 2000 (initial status) was 31031280.50580, $p<.001$ statistically significant. This suggests a significant amount of between state variations around the average true enrollment rate in Year 2000.

The variance component for the before policy implementation slope was 62615.67357, $p<.001$, statistically significant. This suggests a significant amount of between state variations around the average true enrollment rate before the policy implementation.

The variance component for the after policy implementation slope was 27544.03526, $p<.001$ statistically significant. Thus, this suggests a significant amount of between state variations around the average true enrollment rate after the policy implementation.
Following is the illustration of the enrollment rates for all and each state before and after the policy implementation.

![Figure 4](image)

After completing the data analysis for both groups, four states with a statistically significant variance in the slope between the “pre” IDEIA and “post” IDEIA were selected. Two of the states had a downward trend and the other two had an upward trend. Then, two states with no changes to the trend line were selected. For the ITS analysis, 11 states did not meet the criteria because the population of their African American students was less than 3% for the year 2000-2011. On the other hand, 39 states met the criteria; however, a total of six states were selected for the case study because they represented the four regions of the United States. The states with a significant slope change in each of the four regions were selected.

The ITS identified 11 states with no trend changes, meaning that the slope did not show significant trend change prior to IDEIA and post IDEIA and the population of African American students with ED was already on a steady trend line. The ITS also identified 25 states with a downward trend changes, meaning that there were significant
slope changes after IDEIA and the population of African American students with ED decreased. Finally, the ITS identified three states with upward trend, meaning that these three states showed an increased in the population of African American students with ED.

From the 11 states with no trend changes, the researcher selected Connecticut and Iowa because both states showed similar trend line, meaning that both states did not show any significant change before or after IDEIA.

![Figure 5](image1.png)  ![Figure 6](image2.png)

From the 25 states with downward trend changes the researcher selected Georgia and Michigan because they showed the most significant trend line changes, meaning that

![Figure 7](image3.png)  ![Figure 8](image4.png)
these state showed the enrollment of African American students in ED reduced after IDEIA.

Finally, the three states that showed upward trends were Arizona, Mississippi and Tennessee. I selected Arizona and Mississippi because both states displayed similar trend lines. In other words, these states continue to show an increase enrollment of African American students in ED category.

Figure 9.  

Figure 10.  

**Statistical summary.** Statistical analyses of the data suggest that since the implementation of the IDEIA the identification trends of African-American and Caucasian students with ED has decreased. The ITS analysis identified 25 states with a downward trend changes, 11 states with no trend changes, and 3 states with upward trends. Conversely, the ITS design identified an alarming trend when comparing the trends of African American students with ED and Caucasian students with ED. The data showed that trend for enrollment of the Caucasian students with ED decreased significantly more than the African-American students with ED. The data indicated that
the average true change in the African American students’ enrollment was increasing by 44.01 units every year before the policy implementation. After the policy implementation, the coefficient for the second intercept $\beta_{20}$ was reported as -78.91 units, $p<.001$. This shows a decrease in the African American students’ enrollment after the policy implementation (See figures above).

The data indicated that the average true change in the Caucasian students’ enrollment was not different from zero across years before the policy implementation, meaning that the trend was flat. After the policy implementation, the coefficient for the second intercept $\beta_{20}$ was reported as -162.36 units, $p<.001$. This shows a decrease in the Caucasian students’ enrollment after the policy implementation.

**Qualitative Data Analysis**

The ITS analysis provided the basis for the selection of six states, which were used to answer the second research question:
2. What improvement activities did each state report in their State Performance Plan (SPP) to the Office of Special Education Programs (OSEP) regarding disproportionality and were those improvement activities met?

Given the complexity of the policy IDEIA, great variability with each state’s implementation of the policy is to be expected. Through the examination of the implementation of each state’s policy, specific practices were identified to document the relationships between practices and results. To answer the second research question in details and to remain attentive on the research question, the qualitative phase of this study was to analyze the four significant components of IDEIA obligations to students with disabilities. The four components of IDEIA are the development of a State Performance Plan (SPP), the examination of disproportionality data, definition of disproportionate representation, and a state’s status with the implementation of IDEIA. Due to the complexity of each component, the researcher addressed each component in order.

**The first component of IDEIA: Development of SPP.** Each state is required to develop a six year performance plan (SPP) and post the plan on their website for the public to view. IDEA (2004) requires states and Local Education Agencies (LEAs) to take steps to address disproportionate representation of racial/ethnic groups in special education. Furthermore, states are required to address disproportionality that is the result of inappropriate identification in the SPP, Indicators 9 and 10. In addition, each state is annually required to report to the public on the performance of each of its LEAs according to the targets in its SPP. This report is called the Part B Annual Performance Report (APR). In this study, the researcher analyzed the SPP improvement activities plan as well as the APR for each of the six selected states to determine whether or not the
states met these conditions and their strategies for meeting these conditions. The following table documents the results of this review for each state. The table presents the six states in an order that reflects specific trends in enrollment of students with ED: the first two states displayed a downward trend (Georgia and Michigan, highlighted in green), the next two states displayed no trend change (Connecticut and Iowa, highlighted in yellow) and the last two states displayed an upward trend (Arizona and Mississippi, highlighted in red).

Table 8.

<table>
<thead>
<tr>
<th>State</th>
<th>SPP Improvement/Activities</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Review of Policies, Practices and Procedures</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Disproportionality Forums</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Early Intervening Services</td>
<td>Terminated</td>
</tr>
<tr>
<td></td>
<td>Align the State Board of Education rules with IDEA</td>
<td>Not Met</td>
</tr>
<tr>
<td></td>
<td>Revise Self-Assessment Monitoring Protocol</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Technical assistance for districts with disproportionality</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Professional learning and technical support activities</td>
<td>Met</td>
</tr>
<tr>
<td>Michigan</td>
<td>Attend the NCCRESt Training</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Develop a comprehensive Early Intervening Services</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Review policies and procedures of cultural responsiveness</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Conduct ongoing literature on disproportionality</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Analyze disproportionality data further</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Address school culture and cultural responsiveness</td>
<td>Met</td>
</tr>
<tr>
<td>State</td>
<td>Task</td>
<td>Met/Not Met</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Conduct disproportionality policies, procedures &amp; practice</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Redesign CIMS self-review &amp; improvement plan processes</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Reissue updated versions of identification guidelines</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Gather data on disproportionate identification of groups</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Symposium “The Intersection of Race &amp; Education”</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Statewide professional development on disproportionality</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Coordinate activities with early intervention initiatives</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Self-assessment based on the NCCREST</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Create a blueprint for school personnel to support students</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Create “The Racial Equity Team”</td>
<td>Met</td>
</tr>
<tr>
<td>Iowa</td>
<td>Research statewide and AEA systemic issues</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Design professional development based on NCCREST</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Provide several Technical Assistance to targeted AEA</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Evaluate implementation data of policies and procedures</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Study professional literature regarding disproportionality</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Consult with special education experts</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Conduct 2-day workshop with experts / disproportionality</td>
<td>Not Met</td>
</tr>
<tr>
<td>Arizona</td>
<td>Calculate agency-level weighted risk ratios (WWR)</td>
<td>Not Met</td>
</tr>
<tr>
<td></td>
<td>Identify agencies with high risk for disproportionality</td>
<td>Not Met</td>
</tr>
<tr>
<td></td>
<td>Consult with NCCREST</td>
<td>Met</td>
</tr>
<tr>
<td></td>
<td>Revise the ESS monitoring system</td>
<td>Not Met</td>
</tr>
<tr>
<td>Requirement</td>
<td>Status</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>Require agencies to analyze disproportionality data</td>
<td>Not Met</td>
<td></td>
</tr>
<tr>
<td>Determine agency’s definition of disproportionality</td>
<td>Revised</td>
<td></td>
</tr>
<tr>
<td>Establish a statewide Response to Intervention (RTI)</td>
<td>Met</td>
<td></td>
</tr>
<tr>
<td>Require agencies to reserve 15% of their IDEA</td>
<td>Not Met</td>
<td></td>
</tr>
<tr>
<td>Give enhancement points to agencies on disproportionality</td>
<td>Not Met</td>
<td></td>
</tr>
<tr>
<td>Apply for the continuation of the State Improvement Grant</td>
<td>Not Met</td>
<td></td>
</tr>
<tr>
<td>Revise standards for determining disproportionality</td>
<td>Not Met</td>
<td></td>
</tr>
<tr>
<td>Evaluate effectiveness of early intervening services</td>
<td>Revised</td>
<td></td>
</tr>
<tr>
<td>Analyze data annually to flag PEA with disproportionality</td>
<td>Met</td>
<td></td>
</tr>
<tr>
<td>Notify PEA annually that are flagged / disproportionality</td>
<td>Met</td>
<td></td>
</tr>
<tr>
<td>Provide assessment tools and guidelines all PEA</td>
<td>Met</td>
<td></td>
</tr>
<tr>
<td>Provide technical assistance to PEA on review of policies</td>
<td>Met</td>
<td></td>
</tr>
<tr>
<td>Collect data to determine accuracy of disproportionality</td>
<td>Met</td>
<td></td>
</tr>
<tr>
<td>Provide assistance to LEAs on reevaluation practices</td>
<td>Met</td>
<td></td>
</tr>
<tr>
<td>Required LEA to reserve the maximum amount of funds</td>
<td>Not Met</td>
<td></td>
</tr>
<tr>
<td>Conduct various RtI work sessions</td>
<td>Not Met</td>
<td></td>
</tr>
<tr>
<td>Partner with multiple technical assistant providers</td>
<td>Met</td>
<td></td>
</tr>
<tr>
<td>Provide Three Tier Instructional Model</td>
<td>Met</td>
<td></td>
</tr>
<tr>
<td>Hire consultants to develop state’s RtI</td>
<td>Not Met</td>
<td></td>
</tr>
<tr>
<td>Develop and implement early intervening services</td>
<td>Met</td>
<td></td>
</tr>
<tr>
<td>Develop a website of information on disproportionality</td>
<td>Met</td>
<td></td>
</tr>
<tr>
<td>Require LEA to submit self-assessment of policy annually</td>
<td>Not Met</td>
<td></td>
</tr>
</tbody>
</table>
The analysis begins with Georgia and Michigan, the two states that displayed a downward trend changes and describe their SPP and APR plan, followed by Connecticut and Iowa, the two states that displayed no trend changes and finally the two states, Arizona and Mississippi, the two states that displayed upward trend.

**Georgia.** Georgia committed to seven improvement plans related to indicator 9 and 10 in its SPP and met all of them, terminated one and failed to meet one. The first commitment from the state was to review it policies, practices, and procedures. The state targeted districts that disclosed significant disproportionality with their special education data and created a team to complete the self-assessment monitoring protocol. The state reported that each of the districts identified as having disproportionate representation of racial and ethnic groups in special education due to inappropriate identification will develop measurable action steps to address the noncompliance and include the plan in the consolidated application.

The state also reported that all identified districts will correct the noncompliance—determined by reviewing a sampling of eligibility reports—within one year of written notification from the state. The state did not articulate the essentials of this protocol or the measurable action steps; however, it indicated that the state is committing to this specific protocol for five years, from 2006-2011. The state did not report its progress on this protocol for the year 2006 and 2007, but the APR for 2008-showed that it met this commitment. The state reported that none of its districts were determined to have disproportionate representation due to inappropriate identification. The report reiterated that if the noncompliance had been due to inappropriate identification, the state
would have provided written notification to the district of its noncompliance and required the district to correct the noncompliance within one year of notification.

Georgia’s next commitment was to provide ongoing disproportionality forums to districts cited as having disproportionate representation due to inappropriate identification. The state planned the forums strategically and created several activities for the year 2006-2011. The focus of the forums was to examine the district’s policies, practices, and procedures that contributed to the identification of special education students; assist districts with the necessary revisions of policies, practices, and procedures; and provide guidance for districts on the development, implementation, and evaluation of early intervening services (EIS).

The state provided required disproportionality forums for the districts with disproportionate representation and those districts identified as “at serious risk”. During the March 2010 Special Education Leadership Conference, one forum was held to address overrepresentation and in May 2010, technical assistance via webinar was provided to the district that had underrepresentation for all disabilities. During each of these technical assistance opportunities the state addressed root causes for disproportionate representation and assisted the districts with the development of a plan to improve their classifications. All of the identified districts participated in the appropriate technical assistance.

The next commitment from Georgia was to provide early intervening services (EIS) documentation to districts. The goal was for districts to describe their EIS plans by 2006 to the state and provide feedback as needed. Georgia terminated this commitment and gave unclear explanation for its termination. The stated reported that it terminated the
activity, EIS documentation, based on the previously designated timelines. Georgia’s APRs showed no specific timelines for EIS documentation.

The only commitment that Georgia failed to meet was its commitment on the State Board of Education rules related to special education. On its SPP, the state reported that the rules of the State Board of Education related to special education are being revised so that they are aligned with the federal IDEA regulations. Georgia did not specify which rules were being aligned with IDEA on its SPP and failed to report an explanation for this commitment on any of its APRs.

The other two important commitments from Georgia were to revise the previously created self-assessment monitoring protocol for 2007 to accurately measure the entire eligibility continuum such as, school-wide approaches and pre-referral interventions; referral processes, evaluation processes, and eligibility determination processes, as well as to revise the technical assistance provided for districts with disproportionate representation due to inappropriate identification. The state reported that these commitments would start in 2008 and the process would be ongoing. The state’s APRs showed that the state met these commitments and created a committee with various stakeholders to address this matter. The stakeholders were personnel from Georgia Department of Education, district personnel, school personnel, parents, parent advocates, community service providers, university/college personnel representing special educators, school administrators, data managers, statisticians, and agency representatives. In addition to the stakeholder group, the state used federal and regional resources such as, Office of Special Education Programs, Data Accountability Center, and Southeast Regional Resource Center to provide guidance to the group. The stakeholders reviewed
the state’s criteria for the determination of disproportionality; discussed root causes for disproportionality; reviewed and revised Georgia’s self-assessment monitoring protocol; and identified the most appropriate professional learning and technical assistance needed for local districts to decrease significantly discrepant data and address noncompliance.

The last commitment for Georgia was for staff from the Divisions for Special Education Services and Supports to work with individuals from School Improvement and curriculum throughout the 2007-2008 school year. The goal was to integrate information about addressing the needs of struggling students into various professional learning and technical support activities implemented by these divisions. Georgia met this commitment and stated that the Division for Special Education continued to fund a position to support the work of the Division for School Improvement and reduce disproportionality. The program specialist provided technical assistance to support the elimination of disproportionate representation. The Division for Special Education continued the collaboration with curriculum, as it related to academic achievement for students with disabilities, via participation in regional meetings, conference calls to districts, and webinars.

**Michigan.** Michigan committed to eight improvement plans with specific timelines on its SPP related to indicator 9 and 10 and it met its entire plan on time. The state’s first commitment was to attend the National Center for Culturally Responsive Educational Systems (NCCRESt) conference. The conference was designed to enhance members’ knowledge base and skills to assist LEAs with developing and implementing improvement plans, assessing their systems, and developing shared leadership teams for inclusive, culturally responsive school systems. The state reported that the Office of
Special Education (OSE) team attended the training. The OSE used the acquired information and skills to equip the OSE technical assistance providers to facilitate district improvement planning relating to disproportionality, develop the LEA self-review process as well as disproportionality rubric process.

Next, the state reported that it will continuously review its policies and procedures with regard to cultural responsiveness to assure compliance and alignment with IDEA. The state highlighted that the OSE disproportionality core team reviewed and documented the links between the State Board of Education policies, federal regulations, state administrative rules, and other disproportionality-related frameworks to disproportionate representation. The OSE policy staff reviewed the rubric for alignment with state and federal statutes/regulations. The OSE assisted identified districts in the use of the rubric to help them analyze whether identification policies, procedures, and practices were appropriate and culturally responsive. Furthermore, the state reported that the OSE began the integration of the disproportionality review system into the Continuous Improvement and Monitoring System (CIMS) for the 2008-2009 school year.

Michigan also committed to ongoing literature reviews to identify the determinants and appropriate interventions for disproportionality. Also, the state committed to studying districts that exhibit the determinants, but do not have disproportionality issues. The state reported that districts provided copies of their literature reviews and findings, which helped inform the OSE continued work in this area. Despite these efforts, the search for districts effectively addressing disproportionate representation issues related to inappropriate identification is ongoing. The next commitment was to analyze disproportionality data further to determine where there are
districts with evidence of under-representation of certain groups of students identified for special education and related services. Michigan reported that the ratio calculation for underrepresentation was identified and districts were identified for underrepresentation. The OSE conducted phone interviews with districts to determine whether the underrepresentation is possibly due to inappropriate identification policies, procedures, and/or practices.

Next, Michigan committed to addressing school culture and cultural responsiveness training to districts based on the state’s disproportionality data. The state did not elaborate on how it met this condition and only provided a vague answer by reporting that the Michigan Special Education Mediation Project created two modules to sensitize mediators to cultural differences. The state’s next commitment was to conduct annual regional meetings with LEAs to provide guidance on how to conduct the disproportionality self-review of policies, procedures, and practices and develop improvement plans, which are scheduled to be ongoing annually until disproportionality is embedded within the CIMS. Again, the state did not elaborate on how it met this condition, but it reported that orientation meetings were conducted in 2007 and integration of disproportionate representation into the CIMS process was underway.

The last commitments from the state were to redesign the CIMS self-review and improvement plan processes to address more comprehensively issues of disproportionality, and to design and maintain a web page with resources and links to critical information on disproportionality. The state reported that the self-review process was in the CIMS workbook, which included the notification letter, indicator data reports, and data portraits. This workbook is submitted electronically and verified by the OSE
Continuous Improvement and Compliance staff. Districts with findings of noncompliance are assigned a state technical assistant provider and are required to develop a corrective action plan. How-to documents outlining the required procedures were developed and posted to the CIMS website.

Michigan’s SPP and APR are reported in great detail. Michigan gave specific timelines for its plan, as well as detailed discussion and justifications for its plan. For clarity Michigan divided its improvement plan into sections and provided specific actions for each of the plans. The improvement plan were divided as follows: provide training/professional development, improve data collection, improve systems administration and monitoring, program development, provide technical assistance.

Additionally, Michigan added several new improvement activities to its APR for indicator 9 and 10 and highlighted the justification for its new plan. Examples of the additions to the plan include: interventions and identification practices, provide professional development on disproportional issues, and professional development opportunities that build district capacity to create culturally sensitive goal-directed systems. The key themes/focus for Michigan’s improvement plans were “early intervention services and culturally responsive school systems”.

Connecticut. Connecticut committed to eight improvement plans related to disproportionality on its SPP and it met all of them except one that was still in the planning stages. The state reworded the one improvement plan that it did not meet and actually created a better improvement plan called Positive Behavior Support (PBIS), a research-based proactive approach to managing behaviors. The state committed to reissuing updated versions of identification guidelines documents, including those for
intellectual disability, speech and language, learning disabilities, and emotional disturbance. They planned to provide statewide training on appropriate identification of these disability categories. The state reported that the guidelines for speech and language programs was revised and a stakeholder group composed of members from the RtI planning group and other professionals formed the Learning Disabilities Guidelines Advisory Task Force. Additionally, a stakeholder group was developed to begin revision of the guidelines for identifying students with serious emotional disturbances.

The state also committed to gathering data on disproportionate identification of racial and ethnic groups in special education and to disseminate the data to stakeholders through a variety of media, including the department website. The state reported that disproportionate representation data for each district and for the state were posted to the state’s website. These data were also provided through the Special Education Data Application and Collection (SEDAC) distribution list emailed to directors of special education. These data were disseminated and referenced in multiple trainings throughout the state.

The next commitment was to establish a statewide symposium to focus on the issue of race as it relates to disproportionality by identification. The state reported that a statewide summit titled, “The Intersection of Race and Education” was held for two days with over 500 participants from schools and communities around Connecticut. The outcomes were defined as building capacity in educators and community members to have serious, deep, and on-going conversations about the intersection of race and education; to create adaptive solutions to the complex problems that maintain the current
systemic racial educational disparities; and create time and space where educators and communities can work together in eliminating systemic racial educational disparities.

Connecticut’s next commitment was to provide statewide professional development on topics based upon an analysis of state data, trends, and research in order to reduce disproportionate identification and close the racial achievement gap. The state reported that professional development activities were provided statewide which focused on embedding early intervention in the culture of daily practice. Case partner training included: building collaborative partnerships, response to intervention training, reflective team process to enhance the effectiveness of early intervention teams, using data to define and monitor student success, differentiated instruction, continuation of courageous conversations and positive behavior training. Similarly, the state committed to coordinating activities with early intervention initiatives, including Connecticut’s RtI framework called Scientific Research Based Interventions (SRBI) to ensure appropriate identification of students with disabilities. The state reported that a five-part series of training in RtI was conducted by national presenters to a statewide audience. Approximately 2,000 educators attended these five training sessions. In addition, the department worked selectively with a group of 12 districts and 14 schools to implement SRBIs in their schools and districts.

Connecticut also committed to adapting the self-assessment tool based on the National Center for Culturally Responsive Educational Systems (NCCRESt) model. The state reported that it revised its self-assessment and all districts received data on race by identification and were instructed to conduct an analysis of their policies, practices, and procedures. Discussions between district personnel and state consultants occurred about
their planned actions to reduce disproportionality. Furthermore, the state reported that it is in the planning stages of developing a blueprint to assist school personnel in the provision of a comprehensive continuum of supports concerning the development of students’ social, emotional, behavioral, physical, and mental health.

The last commitment for the Connecticut was to create “The Racial Equity Team” to evaluate and provide recommendations to the State Board of Education regarding the state’s policies and practices as they pertain to racial equity and state employee interactions, both internally and externally. A secondary purpose of this team was to increase the number of state personnel who effectively communicate about issues of race in all areas of the state’s work. The state reported that the Racial Equity Team participated in the courageous conversations consortium with school district personnel. The team advised the commissioner on activities and strategies for improving state policies and procedures that contribute to racial equity in Connecticut.

The state created several improvement plans that are supported by research in addressing disproportionality such as RTI, Scientific Research Based Interventions (SRBI), Race and Education and early intervention. Connecticut also developed a detailed statewide professional development action plans that included: Embedding Early Intervention in the Culture of Daily Practice; Case Partner Training: Building Collaborative Partnerships; Response to Intervention Training (district and school teams); Reflective Team Process (RTP) to Enhance the Effectiveness of Early Intervention Teams; Using Data to Define and Monitor Student Success; Differentiated Instruction; Continuation of Courageous Conversations (department and district personnel); and Positive Behavior Support and School Climate.
**Iowa.** Iowa committed to seven improvement plans related to disproportionality on its first SPP and met all except one. The first commitment from the state was to improve data collection and reporting. The state did not elaborate its plan to achieve this commitment, but its APRs show that this activity is ongoing from year to year. The next commitment from the state was to study professional literature to determine factors associated with disproportionality and factors associated with inappropriate identification practices. The state reported that relevant articles from technical assistant centers were reviewed, and that policies and practices around root cause analysis were not identified in the professional literature. It also reported that disproportionality is a problem and it was communicated to Area Education Agencies (AEAs) and to some LEAs.

The next commitment made by the state of Iowa was to develop and implement a new review protocol for AEAs demonstrating disproportionate representation. Also, the state committed to develop additional procedures for AEAs that continue to demonstrate disproportionality for multiple years. The state reported that AEAs have a process to guide/assist them in the review of policies, procedures, and practices that will result in identifying potential root causes of disproportionality. The state developed a tiered guide and provided technical assistance to AEAs that is dependent upon the number of years disproportionality is demonstrated. AEAs with repeated disproportionality received a site visit and they were required to report progress quarterly to the state.

Iowa’s next commitment was to contract with a national technical assistance center and/or consultant with knowledge in disproportionality to provide technical assistance to the state, AEAs, and districts. The state reported that a work group including Dan Reschly, Mike Sharpe, Maureen Hawes and AEA Administration met to
develop AEA protocols for addressing disproportionality. The state conducted a 2-day presentation/workshop in which national expert on disproportionality, Dan Reschly, provided technical assistance to AEAs and districts on steps to address disproportionality. The state also reported that it assisted local school districts in developing appropriate policies, procedures, and practices to ensure disproportionate representation does not occur. The state infused cultural competency concept work into ongoing SEA initiatives, such as Positive Behavior Support and General Education Interventions.

The last commitment the state made was to provide professional development to AEAs to assist local school districts in the implementation of appropriate policies, procedures, and practices regarding special education assessment and eligibility. The state reported that it supported AEAs in writing action plans for addressing disproportionate representation and appropriate identification practices. All AEAs wrote action plans defining supports needed and actions to be taken to address disproportionate representation and to provide local schools with technical assistance for significant disproportionality.

Iowa’s improvement plans were detailed, specific, and measurable. The state’s improvement plans seemed proactive. For example, the state reported relevant interventions, based on research that supports how to address disproportionality. These interventions include creating/implementing: cultural diversity/competency, positive behavior support, general education intervention, professional development, study professional literature, and expert work group in the field of disproportionality.

Iowa included a document/tool for the review of AEAs in the state that have been determined to have disproportionate representation of racial and ethnic groups in special
education and related services due to inappropriate identification policies, procedures and/or practices. This document is not required by IDEA and Iowa was the only state to provide one this. The document was titled “Reviewer Information Sheet” and it was included in all of its APRs. The document was divided into the following five sections: Review of Data; Review of Related Issues and Practices; Review of Policies, Procedures and Practice; Technical Assistance/Professional Development; and Results/Findings Form.

Arizona. The state first committed to sixteen improvement plans related to disproportionality in its SPP and later it revised a few and added more activities on its APR. The state did not report the outcomes for some of the plans, and deleted and revised its original commitments. First the state committed to calculate agency-level weighted risk ratios (WWR) for enrollment in special education by ethnicity for all PEA. The state reported that data were analyzed to obtain a WRR that flags PEA as at-risk for over representation (≥ 2.5) and under representation (≤ 0.40). Next the state committed to identify agencies with the highest risk factors for inappropriate disproportionality using the formula noted above in the description of system or process. The state reported that all PEA were alerted to their disproportionate representation status through an email, the state’s website, and public reporting.

The state’s next commitment was very vague and confusing. The state required agencies that are in year four of the Exceptional Student Services (ESS) monitoring cycle and have three or more points to complete a disproportionate representation analysis tool and submit it to the ESS. The state did not elaborate the rationale behind the point systems. The state reported that the PEA monitored in 2006 that had three or more
points on the disproportionate representation analysis tool were required to incorporate an investigation of the root causes of disproportionate representation in addition to the compliance items associated with disproportionate representation. Next the state committed to building support for addressing disproportionate representation into the state’s application for the continuation of the State Improvement Grant. The state reported RtI services for sixty districts with 125 buildings and approximately 75,000 students. “How to Create a Culturally Responsive RtI Process” was added to the training session and was presented by NCCRESt.

The next commitment for the state was to identify any agency that, following an on-site review and submission of the analysis, was determined to have disproportionate representation as a result of inappropriate identification. The state did not elaborate whether it met this condition or not; it reported that the activity became redundant and the state revised the activity. Next the state committed to establishing a statewide RtI system to facilitate effective pre-referral interventions. The state reported that twenty teams completed RtI training in the first cohort with a goal of reducing special education referrals through the use of the RtI process. Most of the teams did reduce the number of referrals with consideration of disproportionate representation when reviewing the impact data from RtI teams.

Another commitment required identified agencies to budget 15% of their IDEA grant for early intervening services for disproportionate groups. Arizona deleted this activity for the SPP/APR as OSEP has clarified the differences between the statutory requirement for the 15% and the SPP/APR requirements. Arizona stated that it will comply with the diversion requirement through the Grants Management Unit rather than
within its SPP/APR reporting. Furthermore, the state committed to providing enhancement points to agencies with disproportionate representation in the application process for RtI participation. The state reported that applications for RtI training required documentation of the percentage of special education students; however, it was determined that RtI grants would be awarded to any PEA with the interest and appropriate team participation. Thus, enhancement points were not necessary since all PEAs that applied received the grant. Lastly, the state committed to evaluating the effectiveness of early intervening services on disproportionality data but it did not report the outcome.

Arizona committed to additional improvement activity plans to be completed by 2009-2011. The first improvement plan was to develop and implement a system for PEAs that are flagged as at risk for disproportionate representation. The second improvement plan was to analyze data on an annual basis to flag PEAs that have: (a) WRR equal to 2.5 and above for over representation (b) WRR equal to 0.40 and below for under representation. The third improvement plan was to notify PEAs on annual bases that are flagged as at risk for disproportionate representation. The fourth improvement plan was to provide PEAs that are flagged as at risk with annual assessment tools and guidelines to help them conduct a root cause analysis. The fifth improvement plan was to provide PEAs that are flagged as at risk for disproportionate representation with annual resources. The sixth implementation plan was to provide technical assistance to PEA staff during their review of policies, procedures, and practices.

The state’s improvement plans were not detailed and hard to follow which made it difficult for a reader to make sense of the goals and desired outcomes. Arizona’s
improvement plans are unclear, disconnected and it lacked measurable outcome. For example, Arizona continuously stated that it will “identify” and “notify” agencies, but is did not state the plans that would be followed after the identification. Arizona added several improvement activities, but the state did not disclose the reasons behind the new improvement plans. The timeline for the improvement plans for indicator 9 were short-term (only spanning two years. The state did not report long-term plans.

**Mississippi.** The state committed to ten improvement plans and only met six. The state committed to conducting annual verification of data collection and entry to determine whether the Child Find and disproportionality data are accurate, valid, and reliable according to the eligibility determination criteria of Mississippi. The state reported that an annual review and analysis of data was conducted by the Division of Data Services and compared with the data analysis performed by a data consultant. All calculations were found to be in agreement between the two parties.

Next, Mississippi committed to provide targeted technical assistance to selected LEAs on reevaluation practices that would facilitate the reexamination of eligibility determinations for mild mental retardation and specific learning disabilities using a specially designed monitoring protocol. The state reported that letters were mailed to LEAs, specific to the disability categories of Emotional Disability (ED) and Other Health Impaired (OHI). These LEAs were asked to conduct a review of their policies, procedures, and practices to determine if the disproportionate representation was the result of inappropriate identifications in these categories. The LEA responses stated that a review of their files did not indicate inappropriate identification due to policies, procedures, and practices.
One of the commitments that the state did not meet was the OSE’s determination of significant disproportionality with respect to the identification of children as children with disabilities or the placement of these children in particular education settings. Mississippi has required the LEA to reserve the maximum amount of funds to provide comprehensive coordinated early intervening services to serve children in the LEA. Another commitment made by the state was to conduct various RtI work sessions comprised of key state’s staff to determine what has been done in the area of RtI in Mississippi, establish outcomes for future work, and to establish specific actions/next steps to accomplish the goals and objectives. The state reported that OSE offered five RtI regional trainings, with a focus on early identification and intervention with students to prevent inappropriate and disproportionate referrals for special education services. OSE staff also participated in professional development activities provided by the Early Intervention/Early Childhood Special Interest Group of the Association of University Centers on Disabilities. The goal of these professional development activities was to focus on the role of primary language in socio-demographic disparities in children with an Individualized Education Plan (IEP). Other professional development was offered through the National Association of School Psychologists to understand racial privilege in the U.S.

Next Mississippi stated that it would partner with multiple technical assistant (TA) providers in a concerted and collaborative effort to address RtI. These TA providers include: the Southwest Educational Development Laboratory (SEDL), the Southeastern Regional Resource Center (SERRC), and the Southeastern Equity Center (SEC). The state reported that Long-term RtI strategic plans were developed by the RtI
state team in collaboration with SEDL and SERRC. The OSE maintains a list of approved consultants who are under contract with them to provide training to LEAs in the areas of Behavior and Academic Interventions and Positive Behavior Supports. These consultants also provided guidance to individual LEAs at LEA expense. Mississippi’s other commitment was to develop and disseminate a guidance manual for use by school district personnel—the Three Tier Instructional Model—designed to provide support to students who are struggling academically and who experience behavioral difficulties in the school or classroom settings. The state reported that it developed the Three Tier Instructional Model similar to the RtI model.

The next commitment from the state was to allow LEAs to use up to 15% of the amount of allowed funding the LEA receives under Part B of the IDEA to develop and implement coordinated early intervening services for students who need additional academic and behavioral support to succeed in the general education environment. The state reported that it implemented school wide support to address at risk behaviors, create safer, educationally conducive learning environments, and support practices that ultimately benefit all learners within a school.

The last commitments the state made were to develop and maintain a website of information, links, and other items related to Least Restrictive Environment (LRE), Child Find, and disproportionality, and to require each LEA to submit an annual self-assessment as part of the annual project application process addressing the LEA’s review of data and compliance. The state developed a website to update all stakeholders regarding disproportionality, but did not meet its commitment on requiring each LEA to submit an annual self-assessment. Overall, Mississippi’s improvement plans were vague,
hard to follow, and confusing for a reader to make sense of the goals and desired outcomes. The state’s improvement plans were unclear, disconnected, and lacked measurable outcome.

**Summary.** The qualitative data analysis revealed that there was great variability with each state’s interpretation and implementation of the IDEIA policy. Through my examination of implementation of the policy, several identical practices were identified for all states except for Arizona and Mississippi, the two states with upward trends. The practices that were consistent for all the states except Arizona and Mississippi included: participation in NCCRESt training; the implementation of early intervention and RtI; the incorporation of race and culture education to school personnel; the ongoing professional development training and workshops on special education topics, such as appropriate identification of disability; the implementation of Positive Behavior Support; the ongoing assistance to districts in the implementation of appropriate policies, procedures, and practices; the participation of an outside agency consultant: and special education and disproportionality experts.

**The second component of IDEIA: Examination of disproportionality data.** States have a separate obligation to collect and examine data to determine whether disproportionality based on race and ethnicity is occurring within the state and LEAs of the state. Where disproportionality is occurring, the state must provide for the review and revision of policies, procedures, and practices. In this study, I examined each state’s APRs to identify: (a) how many of the state’s LEAs had disproportionate representation of racial and ethnic groups in specific disability categories resulting from inappropriate identification, and (b) whether or not the LEAs reported that disproportionality is
occurring due to inappropriate education policy, procedures and practices. The following table provides a summary of my results:

Table 9.

<table>
<thead>
<tr>
<th>State</th>
<th>Year</th>
<th>Total # of District</th>
<th># of district with disproportionate representation</th>
<th># of district with inappropriate identification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>2005</td>
<td>Not reported</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td></td>
<td>2006</td>
<td>Not reported</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td></td>
<td>2007</td>
<td>Not reported</td>
<td>Note reported</td>
<td>Not reported</td>
</tr>
<tr>
<td></td>
<td>2008</td>
<td>187</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>2009</td>
<td>186</td>
<td>29</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>2010</td>
<td>192</td>
<td>43</td>
<td>5</td>
</tr>
<tr>
<td>Michigan</td>
<td>2005</td>
<td>777</td>
<td>Not reported</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>2006</td>
<td>784</td>
<td>23</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>2007</td>
<td>Not reported</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td></td>
<td>2008</td>
<td>812</td>
<td>20</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>2009</td>
<td>755</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>2010</td>
<td>820</td>
<td>23</td>
<td>11</td>
</tr>
<tr>
<td>Connecticut</td>
<td>2005</td>
<td>169</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>2006</td>
<td>169</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>2007</td>
<td>170</td>
<td>41</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2008</td>
<td>170</td>
<td>38</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>2009</td>
<td>170</td>
<td>35</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>2010</td>
<td>170</td>
<td>29</td>
<td>0</td>
</tr>
<tr>
<td>Arizona</td>
<td>2005</td>
<td>534</td>
<td>Not reported</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>2006</td>
<td>534</td>
<td>33</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>2007</td>
<td>569</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>2008</td>
<td>577</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2009</td>
<td>590</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2010</td>
<td>587</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Mississippi</td>
<td>2005</td>
<td>Not reported</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td></td>
<td>2006</td>
<td>Not reported</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td></td>
<td>2007</td>
<td>152</td>
<td>11</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2008</td>
<td>152</td>
<td>14</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2009</td>
<td>152</td>
<td>23</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2010</td>
<td>152</td>
<td>24</td>
<td>0</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td>See notes below</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Iowa’s APRs did not illustrate similar report as the other states on how many of the state’s LEA had disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification. However, the state reported a graph that displayed percent of AEAs with disproportionate representation of racial or ethnic groups in special education from year 2005-2011. See graph below:

![Graph showing percent of AEAs with disproportionate representation of racial or ethnic groups in special education from 2005-2011.](image)

**Figure 11.**

**Summary.** The analysis showed that Connecticut was the only state that reported its disproportionality data consistently for every year from 2005-2010 on its APRs. Similarly, Arizona reported its data for every year except in 2005 it failed to report the number of districts with disproportionate representation. Georgia did not report its data for three consecutive years (2005-2007). Similarly, Mississippi did not report its data for two consecutive years (2005-2006). Michigan’s reporting was inconsistent for the first three consecutive years (2005-2007). Iowa used a bar graph to report its
disproportionality data by percentages and failed to report the exact numbers for each
district. The data examination and collection from each state indicated that this
obligation of IDEIA did not result in a clear direction.

The third component of IDEIA: Definition of disproportionate representation. IDEIA requires each state to report their definition of “disproportionate representation” in their SPP/APR. The following reflects my review of each state’s definition of disproportionality and the mathematical explanation each state reported to justify their definitions. The following table provides a summary of my results:

Table 10.

<table>
<thead>
<tr>
<th>State</th>
<th>Weighed Risk Ratio (WRR)</th>
<th>Relative Risk Index (RRI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>&gt;5.0</td>
<td>n/a</td>
</tr>
<tr>
<td>Michigan</td>
<td>&gt;2.5</td>
<td>n/a</td>
</tr>
<tr>
<td>Connecticut</td>
<td>n/a</td>
<td>&gt;2.0</td>
</tr>
<tr>
<td>Iowa</td>
<td>&gt;2.0</td>
<td>n/a</td>
</tr>
<tr>
<td>Arizona</td>
<td>&gt;3.0</td>
<td>n/a</td>
</tr>
<tr>
<td>Mississippi</td>
<td>&gt;2.0</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Georgia. In its 2008 SPP, the state defines disproportionate representation by using an N size ≥ 20 and the weighted risk ratio of 5.0 and above (racial and ethnic groups included Black, White, Multi-Racial, Hispanic, Asian/Pacific Islander, and Alaskan/American Indian in special education and related services) in the same focus area for two consecutive years. In its 2009 SPP, the state defines disproportionate representation (overrepresentation) of racial and ethnic groups (i.e., Hispanic, American
Indian or Alaska Native, Asian, Black, Native Hawaiian or Other Pacific Islander, White, and Two or more races) in special education and related services by using the following criteria: (1) Weighted Risk Ratio for two consecutive years {FFY 2009, > 4.0 and FFY 2010, > 4.0} (Georgia SPP, 2008).

**Michigan.** In its 2007 SPP Michigan defines “significant disproportionality” of racial/ethnic groups in special education and related services as a WRR or ARR of greater than 2.5 for any racial/ethnic group. Michigan later redefined its definition of disproportionality in its 2009 SPP. The state’s operational definition of districts with disproportionate representation as a result of inappropriate identification includes a verified ratio <0.40 in two consecutive years for race/ethnicity groups, which is calculated and used to identify districts for Focused Monitoring (Michigan SPP, 2007).

**Connecticut.** The state reported a lengthy definition of disproportionality in its 2009 SPP. Since IDEA and OSEP do not provide a criteria and guidelines for disproportionality, Connecticut stated that: the state adopted a two-step process for the analysis of disproportionate representation: the use of a confidence interval to adjust for the effect of sample size and the calculation and interpretation of a relative risk index (RRI). Confidence Interval to ensure that the determination of disproportionate representation is not adversely affected by sampling error, a confidence interval is calculated and used to make certain that analyses are conducted free from the effects of random error and, therefore, are beyond any reasonable doubt of the accuracy or reliability of these determinations. Within the disproportionality analysis, the major source of error is sampling error which varies as a function of the size of the group being analyzed. As a group gets larger, this error is reduced because larger groups are more
resistant to the fluctuations of percentages calculated using small counts (n’s). Sampling error is controlled for by calculating a 95 percent confidence interval around the subgroup racial composition. Without using the confidence interval, districts that are close to, but above, the comparison district all-student racial composition statistics could be adversely affected by the identification of a single student. Because of this, the final disproportionality identification was made after giving a district every reasonable benefit of the doubt. It is especially important, however, to note that the confidence interval will be an aid only to districts with small group or subgroup n’s and racial compositions that are close to the district all student composition for that year (Connecticut SPP, 2009).

The state also reported that the OSEP did not provide specific guidelines regarding significant disproportionality criteria and gave each district the power to establish guidelines regarding significant disproportionality. Therefore, the state adapted that when the RRI is > 2.0 it is a concern, on the other hand, when the RRI is < 2.0 it is not a significant concern (Connecticut SPP, 2009).

**Iowa.** In its 2007 SPP, the state reported that it used three methods to analyze data regarding disproportionality in the percentage of students with disabilities receiving special education: (1) composition index; (2) risk index; and (3) risk ratio. Although all three methods were reported, the state used the composition index cutoff of +10% to identify over-representation for District and AEA Equity Reviews. Specifically, a difference of 10% or more than the percent of the group observed in the total student enrollment constitutes overrepresentation. During the FFY 2005 (2005-2006) school year, the State Special Education Eligibility Standards were revised to address
disproportionate representation issues that would result through the evaluation process (Iowa SPP, 2007).

Later in its 2011 SPP Iowa changed its definition of disproportionality. Iowa defines “disproportionate representation” when the weighted risk ratio or alternate risk ratio is greater than 2.00. In 2006, Iowa changed calculations used to determine disproportionate representation from the composition index to a weighted risk ratio and risk gap. Changing this definition provided multiple measures with which to examine disproportionate representation. Risk ratios are preferable to the composition index because the size of a risk ratio is not dependent upon the composition of the state or district’s total enrollment. In addition, the size of a risk ratio is not dependent on differences in overall special education identification rates. Weighted risk ratios, therefore, can be directly compared across districts and ranked in order to target assistance efforts. The large numbers of small schools in Iowa with low ethnic enrollment make the weighted risk ratio an appropriate measurement strategy for disproportionate representation.

**Arizona.** Arizona defined disproportionality in its 2009 SPP as a weighted risk ratio of 3.00 or above for over representation and 0.30 or below for under representation, using a cell size of 30 for the target racial/ethnic group and 30 for the other racial/ethnic groups. The data are analyzed annually and PEAs flagged each year. When a PEA is flagged, then the policies, procedures, and practices of the PEA are reviewed annually to determine if the disproportionate representation is the result of inappropriate identification (Arizona SPP, 2009).
Mississippi. In its 2011 SPP, Mississippi defined “disproportionate representation” as an alternate risk ratio of identification of 4.0 or greater. Mississippi also reviewed the Southeast Equity Assistance Center definition which states that disproportionality exists when a group is represented at a disproportionate rate higher than the group’s representation in the overall population; all groups should be represented in proportion to the make-up of the population being considered (Mississippi SPP, 2011).

The fourth components of IDEIA: State’s status with the impact of IDEIA. IDEIA includes provisions for collecting information on the implementation and impact of the law and for reporting findings annually to the U.S. Congress. OSEP is required to prepare annual reports to Congress to provide information on the extent to which all students with disabilities are receiving a free appropriate public education. In this study, the researcher reviewed each state’s report from 2000-2010, particularly focusing on what OSEP reported to Congress regarding the selected states special education standings such as the number of all full-time equivalent (FTE) and highly qualified special education teachers employed to provide special education and related services for students ages 6 through 21 served under IDEA, Part B. Then the researcher investigated each state’s compliance status, given by OSEP to see if each state met IDEIA requirements. The determination status ranged is from: meets requirements, needs assistance, needs intervention, and needs substantial intervention. The following graphs provide a summary of the results:

Compliance status, given by OSEP to see if states met IDEIA requirements:
MR=meets requirements NA=needs assistance NI=needs interventions NSI=needs significant interventions

Data from the U.S. Department of Education, graph designed by Chienyi Hung
Figure 12.

Figure 13.

Figure 14.
Figure 15.

Figure 16.

Figure 17.
Full-time equivalent (FTE) special education teachers per 100 students (Pre IDEIA)

Table 11.

<table>
<thead>
<tr>
<th></th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>Average 2000-2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>5.6</td>
<td>5.4</td>
<td>6.1</td>
<td>5.2</td>
<td>5.1</td>
<td>5.2</td>
<td>5.4</td>
</tr>
<tr>
<td>Connecticut</td>
<td>7.2</td>
<td>7.1</td>
<td>7.4</td>
<td>8.1</td>
<td>7.5</td>
<td>7.7</td>
<td>7.5</td>
</tr>
<tr>
<td>Georgia</td>
<td>6.8</td>
<td>5.7</td>
<td>7.5</td>
<td>5.9</td>
<td>5.9</td>
<td>6.5</td>
<td>6.4</td>
</tr>
<tr>
<td>Iowa</td>
<td>7.1</td>
<td>7.2</td>
<td>8.1</td>
<td>7.7</td>
<td>7.3</td>
<td>8.5</td>
<td>7.5</td>
</tr>
<tr>
<td>Michigan</td>
<td>6.1</td>
<td>6.0</td>
<td>5.6</td>
<td>5.6</td>
<td>5.6</td>
<td>5.5</td>
<td>5.7</td>
</tr>
<tr>
<td>Mississippi</td>
<td>7.0</td>
<td>7.0</td>
<td>7.0</td>
<td>6.4</td>
<td>6.1</td>
<td>6.3</td>
<td>6.6</td>
</tr>
</tbody>
</table>

Full-time equivalent (FTE) highly qualified special education teachers per 100 students (Post IDEIA)

Table 12.

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>Average 2006-2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>4.6</td>
<td>5.3</td>
<td>4.9</td>
<td>5.2</td>
<td>5.5</td>
<td>5.1</td>
</tr>
<tr>
<td>Connecticut</td>
<td>7.9</td>
<td>8.2</td>
<td>8.6</td>
<td>8.6</td>
<td>8.9</td>
<td>8.4</td>
</tr>
<tr>
<td>Georgia</td>
<td>7.8</td>
<td>9.0</td>
<td>9.3</td>
<td>9.7</td>
<td>9.5</td>
<td>9.1</td>
</tr>
<tr>
<td>Iowa</td>
<td>8.8</td>
<td>9.0</td>
<td>9.4</td>
<td>9.0</td>
<td>8.8</td>
<td>9.0</td>
</tr>
<tr>
<td>Michigan</td>
<td>5.6</td>
<td>5.6</td>
<td>6.1</td>
<td>6.4</td>
<td>6.7</td>
<td>6.1</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Not reported</td>
<td>1.3</td>
<td>1.3</td>
<td>1.2</td>
<td>1.3</td>
<td>1.3</td>
</tr>
</tbody>
</table>

Every year since 2005 the U.S. Department of Education Office of Special Education Programs evaluates each state based on their ability to meet certain IDEIA obligations related to students with disabilities. The above graphs show the rating for each of the cases in this study. According to the U.S. Department of Education all states were considered to have met requirements in 2004-2005 because the implementation stages of IDEIA went into effect officially in 2005.

The graphs do not identify any significant patterns between the cases. For example, the two cases, Georgia and Michigan that displayed a downward trend change received mixed ratings by the OSEP. Georgia received “needs assistance” for the first
three years of IDEIA implementation and received “meets requirements” for the following two years and the rating dipped at the end in 2010 to “needs improvements”.

Michigan’s ratings were also mixed. The state first received “meets requirements” and for the following year it received “needs assistance” followed by two consecutive years of “meets requirements” and for the final two years, 2009-2010 it received “needs assistance”.

The two cases, Connecticut and Iowa that displayed no trend change had the most consistent ratings of all cases. Both state received at least five “meets requirements” out of the seven years. Connecticut only received “needs assistance” in 2007 and Iowa received “needs assistance” in 2006 and later in 2010. Conversely, the two cases that displayed an upward trend change also received mixed ratings. For the first two years Arizona received “needs assistance” followed by “meets requirements” then “needs assistance” and ended with two consecutive years of “meets requirements”. Mississippi received “needs assistance” for the first year, then it received “needs intervention” for the following years and it received “meets requirements” for four consecutive years.

The last research question of the study provided the final basis on how each of the cases addresses disproportionality:

3. How have individual states addressed disproportionate representation of racial and ethnic groups in special education and specific disability categories resulting from inappropriate identification on their 2011 Annual Performance Report?

**Georgia.** The state reported that no districts met the data threshold for disproportionate representation of racial and ethnic groups in special education and related services. If appropriate, the state would have investigated the district practices to
determine whether the disproportionate representation was the result of inappropriate identification. Also, the state would examine the district’s Child Find, evaluation, eligibility, and other related policies, practices, and procedures by administering a self-assessment monitoring protocol. The state would require the district to analyze district data for all students, such as Adequate Yearly Progress data, Student Support Team data, and Special Education Referrals/Placements data, in order to determine patterns/trends. The review is used to determine whether the disproportionate representation was due to inappropriate identification. If the noncompliance had been due to inappropriate identification, the state would have provided written notification to the districts of the noncompliance and required the districts to make timely correction of the noncompliance within one year of notification.

**Michigan.** The state reported that seven districts were found to have disproportionate overrepresentation due to inappropriate identification policies, procedures and practices. The Michigan Alliance for Families provided training to parent mentors in five school districts in 2009 regarding the inappropriate identification students as students with disabilities. Also, the state reported that it would monitor the district’s activities, require districts to complete self-assessment protocols, review its data regularly, and complete on-site visits.

**Connecticut.** The state reported that in 2010, only three districts had overrepresentation across the five racial and ethnic groups in specific disability categories resulting from inappropriate identification. All districts received correspondence from the state concerning data that identified disproportionate representation within specific disability categories. Each district conducted an analysis of their policies, procedures,
and practices using the state-designed self-assessment protocol. The state continues to provide guidance and ongoing support to districts in implementing Scientific Research-Based Interventions (SRBI) and understanding when a referral to special education is needed. This is done through many levels of technical assistance ranging from providing statewide and regional conferences, to doing individual case-studies with districts, as well as providing on-site technical assistance to districts.

**Iowa.** For the year 2011, one of nine AEAs had disproportionate representation, which means that one AEA met or exceeded the criteria for over-representation. This AEA was required to engage in reviews of policies, procedures, and practices to determine if disproportionate representation was the result of inappropriate identification. The state created a form to gather data to determine whether disproportionate representation of a race or ethnic group in special education and related services exists as a result of inappropriate identification.

**Arizona.** Arizona reported that there were no PEAs with disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification. The state also reported that it ensures that PEAs’ the policies, procedures, and practices of PEAs are reviewed as required by IDEA. The data are analyzed annually and PEAs are flagged each year for over representation according to the state’s definition. When a PEA is flagged, then the policies, procedures, and practices of the PEA are reviewed annually to determine if the disproportionate representation is the result of inappropriate identification. On an annual basis, Arizona requires all PEAs to have special education policies and procedures in compliance with the requirements of IDEA prior to having Part B-IDEA Basic
Entitlement Grant funds approved by the state. Each year, if the PEA makes any changes to the policies and procedures, the PEA must resubmit them to the state for review and acceptance.

Each year, if the PEA does not make any changes to the policies and procedures, the PEA must submit a Statement of Assurance that says:

“-The PEA has not altered or modified the policies and procedures implementing the state and federal requirements for services to children with disabilities previously submitted to and accepted by the state. If the PEA proposes to alter or modify the policies and procedures previously submitted to the state, the PEA must resubmit the policies and procedures to the state for review and acceptance.” (Arizona, 2011 SPP, p. 82).

In addition, the PEAs that are flagged for disproportionate representation must submit their policies and procedures related to Child Find, evaluation, and eligibility to the state for a review.

On an annual basis, Arizona calculates the WRR for each PEA and uses the data as a trigger to flag PEAs with disproportionate representation. If a PEA is flagged for disproportionate representation as a result of inappropriate identification, the state first reviews current monitoring data, and then the PEA conducts a self-assessment of the agency’s Child Find, evaluation, and eligibility practices to determine whether the disproportionate representation is a result of inappropriate identification.

If the inappropriate identification trend continues for the following year, the PEA is required to repeat the process again and describe the steps taken to resolve the issues, as well as describe the resources and technical assistance used to help address the issues related to disproportionate representation within the agency and finally review individual student files using the State’s monitoring forms.
**Mississippi.** The state reported that no disproportionate representation was found due to inappropriate identification in 2011. It also reported that the state continued to utilize a tool for use by LEAs that examines policies, procedures, and practices related to the provision under IDEA 2004 of nondiscriminatory assessment and the examination of significant disproportionality resulting from inappropriate identification. OSE offered five RtI regional trainings, with a focus on early identification and intervention with students to prevent inappropriate and disproportionate referrals for special education services.
Chapter 5: DISCUSSION AND CONCLUSION

Discussion

The purpose of this study was to explore the impact of the Individuals with Disabilities Education Improvement Act (IDEIA) on the trends in disproportionality of student special education classifications. The study’s primary focus was the disproportionate representation of emotional disturbance classification of African American students when compared to Caucasian students. This study is unique because it is one of the first studies to empirically explore the impact of the federally mandated legislation, IDEIA, which was implemented in 2004. To explore the impact of IDEIA, the researcher investigated three essential questions that revealed several results of vital importance to people involved with all the aspects of special education and most importantly to policy makers.

**Research Question 1:** What are the trends of African American and Caucasian students identified for special education in the emotional disturbance (ED) category prior to the reauthorization of IDEA in 2004 and post IDEA across the United States?

The quantitative data indicated that the identification trends of African American and Caucasian students with ED decreased noticeably after the reauthorization of IDEA in 2004. The statistical analysis showed that the enrollment of African American students with ED coefficient before IDEIA was increasing by 44.01, p=.041 and then it decreased by -78.91, p<.001 after IDEIA. On the other hand, the statistical analysis
showed that the enrollment of Caucasian students with ED coefficient before IDEIA was near zero at -3.18, p=.941 indicating that the trend was virtually flat and after IDEIA the coefficient decreased to -162.36, p<.001. The statistical analysis revealed that the Caucasian students with ED trend decreased significantly lower than the African American students with ED (see Appendices A and B).

Although it is encouraging to see the trend of disproportionality decreasing since IDEIA, the gap of the decreasing disproportionality between African American and Caucasian students is undoubtedly alarming: The enrollment of Caucasian students with ED decreased twice as fast as African American students with ED after IDEIA. This quantitative finding signals a need for future study to dig deeper into the reasons behind the rapid decrease of Caucasian students with ED when compared to the slow decrease of African American students with ED after IDEIA.

One of the reasons the federal government reauthorized IDEA in 2004 was because minority students were disproportionately represented in special education. Research confirmed that African American students continued to be disproportionally identified into special education, such as the emotional disturbance categories, for nearly half a century (Artiles & Bal, 2008; Countinho & Oswald, 2000; Hosp & Reschly, 2004). IDEIA succeeded in rapidly decreasing the identification of Caucasian students with ED, but it fell significantly short in achieving similar results in the identification of African American students with ED. The quantitative data suggest that IDEIA had a greater impact on Caucasian students than it did for African American students. One would expect the reverse results due to the heightened emphasis the federal government bequeathed to the ongoing dilemma of disproportionality among minority students. The
results of this study indicate that much more work monitoring needs to be done to attain the promise of IDEIA to address the mislabeling and inappropriate placement of minority students into special education resulting in overrepresentation” (IDEIA, 2004). My examination of the reduction by race indicates that there is a trend of reduced ED classification; however, the disparity between classifications of Caucasians and African American students persists. This disproportion needs to be investigated more thoroughly in future studies.

**Research Question 2:** What improvement activities did each state report in their State Performance Plan (SPP) to the Office of Special Education Programs (OSEP) regarding disproportionality and were those improvement activities met?

The qualitative data yielded important information on the specific improvement activities in the State Performance Plans for each of the six states examined in this study. The following table summarizes the most common improvement initiatives state implemented to address disproportionality.
Yes = plan implemented  No = not planned

Table 13.

<table>
<thead>
<tr>
<th>Improvement Planned SPP (2005-2010)</th>
<th>Georgia</th>
<th>Michigan</th>
<th>Connecticut</th>
<th>Iowa</th>
<th>Arizona</th>
<th>Mississippi</th>
</tr>
</thead>
<tbody>
<tr>
<td>NCCRESst training</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>RTI; General intervention</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Race and culture education</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Professional Development training: appropriate identification of disability</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Assistance to districts in the implementation of appropriate policies, procedures, and practices</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Consultation with outside agency: Special Education and disproportionality experts</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Training and workshops</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Early Intervention Services</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Positive Behavior Support</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Obtain input/involve stakeholders</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

The key areas that states implemented consistently and that seems to show a pattern toward a positive result were, race and culture education, consultation with outside agency, the implementation of early intervention, the ongoing professional development, workshops on appropriate identification of disability and the ongoing assistance to districts in the implementation of appropriate policies, procedures and practices.
Research Question 3: How have individual states addressed disproportionate representation of racial and ethnic groups in special education and specific disability categories resulting from inappropriate identification on their 2011 Annual Performance Report?

Georgia. The state determined that 6% or 11/184 districts had disproportionate representation of racial and ethnic groups in specific disability categories that were the result of inappropriate identification. Every year the state’s target was no districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification; therefore, the state reported that target was not met. The state did not elaborate the correction action plans for the districts with disproportionality.

Michigan. The state’s 2005 Annual Performance Report (APR) did not clearly identify the number/percentage of districts being tracked. As part of their disproportionality district self-review process, each district in Michigan conducted Focused Monitoring site visits to schools with over-representation and telephone interviews with schools with under-representation of racial and ethnic groups in special education. The self-review process revealed that the inappropriate identification of African American students in districts with disproportionate was less than one percent. The results of the self-review process indicated that no interventions were required.

Connecticut. The state reported that in the 2006-07 school year, four districts had overrepresentation of racial and ethnic groups in specific disability categories that were the result of inappropriate identification. In 2006-07, no districts had underrepresentation of racial and ethnic minorities in specific disability categories as a result of inappropriate
identification. The state did not elaborate the correction action plans for the four districts with disproportionality.

Iowa. The state reported that data on disproportionate representation indicate that two Area Educational Agencies (AEAs) in Iowa have required a review of policies, procedures, and practices multiple times. The state highlighted that the reviews have been increasingly sophisticated, and in 2009 one AEA was determined to have practices that resulted in inappropriate identification that subsequently led to disproportionate representation of racial and ethnic groups in special education. The state did not elaborate the review procedures or acknowledged the practices that led to inappropriate identification.

Arizona. In its Annual Performance Report (APR) the state reported that seven Public Education Agencies (PEAs), disproportionate representation of racial and ethnic groups in special education and inappropriate practices coexisted at the time of the monitoring. The state did not elaborate the directions it provided the seven PEAs or how each of those PEAs were addressing disproportionality. The state simply stated that all PEAs are in the process of correcting their practices but the one-year deadline for correction has not yet been reached.

Mississippi. The state reported that six Local Education Agencies (LEAs) were identified as having disproportionate overrepresentation of racial and ethnic groups in special education and related services. Of those six agencies, none were found to have disproportionate representation due to inappropriate identification. No districts were found to have underrepresentation in special education and related services; therefore, no changes to classification practices were required.
The lack of a consistent definition of disproportionality makes it difficult to evaluate the effectiveness of this specific component of IDEIA. The policy required each state to report the numbers of districts with inappropriate identification but the policy failed to clarify or provide a baseline on what constitute “inappropriate identification”.

**Summary.** The reauthorization of IDEA was enacted to have a larger impact on the trends of disproportionate representation of minority students in special education. The patterns and trends derived from the data and examined in this study confirms that educational policy and practice is only as effective as its systems of enforcement, monitoring, and conservation. The results of this study indicate issues with the effectiveness of the policy to establish a consistent accountability system. Every state in this study had its own reporting system on the four components of IDEIA. For example, only Iowa and Mississippi defined “disproportionality” using Weighted Risk Ratio (WRR) of >2.0. Georgia used >5.0 WRR, Michigan used >2.5 WWR, Arizona used >3.0 WRR and Connecticut used a Relative Risk Index (RRI) of >2.0. Furthermore, every state in this study created its own improvement plans without well-grounded justification and accountability.

While overall trends of students labeled ED were reduced after IDEIA, the practices of each state are unique and idiosyncratic, which makes the entire process of accountability difficult to evaluate. The data showed that downward disproportionality trends for the six states examined in this study were greater for Caucasian students than African American students.

One of the key aims of IDEIA was to reduce disproportionality trends for minority students classified with ED. An argument could be made that the IDEIA had
achieved its objectives if the trends of students with ED declined after the law was enacted. Another argument could be made that if the IDEIA was successful in addressing disproportionality, the post-treatment reaction, and disproportionality trends would be similar for African American and Caucasian students with ED. The ITS analysis revealed that since the implementation of IDEIA there was a discrepancy between the identification trends of Caucasian students and African American students with ED. This discrepancy should be studied further to understand why the identification trend of Caucasian students with ED declined more than that for African American students.

The cross case analysis revealed some promising practices, improvement activities such as, NCCRESt training, RtI, race and culture education, ongoing professional development on appropriate identification of disability, ongoing assistance to districts in the implementation of appropriate policies, procedures, and practices, and consulting with outside agency on disproportionality appeared to make the biggest differences.

States that are having difficulty in addressing disproportionality should consider these practices and educational leaders must reinforce these practices when crafting an intervention systems, policies and procedures. These practices coupled with a strong accountability system should reduce the misidentification and misplacement of African American students into special education and ultimately address disproportionality.
Recommendations for further study

Although the researcher conducted this study to explore disproportionality after IDEIA, the discrepancy between the trend of ED identification of Caucasia and African American students warrants further study. The policy requires reporting but it does not contain criteria regarding effective assessment for ED classification or best practices and improvement plans to address disproportionality. This appears to be the root of the issue. Until we understand more about the over identification of African American students, we will not see any substantive change. The results of this study indicate that policy is only as effective as its systems of enforcement, monitoring, and conservation. On the other hand, the results of this study do indicate some promising improvement activities. The practices in states like Georgia and Michigan that have reduced disproportionality trends for all students classified with ED could be studied. This analysis could inform the inclusion of reporting requirements that could help more states adopt effective practices.

Based on the findings the researcher recommends the following guidelines to the U.S. Department of Education:

a) Provide states with “Specific Implementation Guidelines”.

b) Provide states a clear “Definition of disproportionality”. The most common method used to identify disproportionality is the Weighed Risk Ratio (WRR) formula. I suggest WRR of >2.5 for identification of overrepresentation.

c) Establish a clear “Accountability/Enforcement systems”. The goal must be “fidelity of implementation”. Create a computer version of the SPP and APR that provides instant feedback to each state. For example, a system that identifies each state’s specific needs, monitors its progress, provides appropriate resources and
most importantly a system that instantly checks for compliance. If states continuously fail to meet expectation, provide specific rigorous guidelines for fund allocation.

d) Provide a model for states that continuously struggle with disproportionality. This study has identified two states (Michigan and Georgia) that have successfully addressed disproportionality and their practices and procedures should be replicable.

The following recommendation is based on the findings of the study and for states seeking answers to disproportionality:

a) Implement early intervention strategies. First, involve all stakeholders to understand the needs of the “child”. Then, implemented research based early intervention strategies.

b) Incorporate on-going race and culture education to school personnel.

c) Institute on-going “Professional Development Training on Appropriate Identification of Disability”.

**Conclusion**

This study indicated that IDEIA, while making positive strides in some states and with some student populations, it is still far from actualizing its mission of lowering incidents of disproportionate classification of racial and ethnic minorities, which is likely contributing to continuing unequal access to education for this population of students.

The results of this study support prior studies that revealed disproportionate representation of minority students in special education is recurring theme and remains unresolved (Artiles & Bal, 2008; Aud et al., 2010; Countinho & Oswald, 2000; Hosp &
Reschly, 2004). Furthermore, this study supports an earlier study that discovered that wrongly assessing minority students and then placing them into special education is problematic because opportunities for academic success are restricted and students’ educational progress is weakened (Holtzman, & Messick, 1982).

Multiple studies have indicated that disproportionality continue to be a persistent, recurring dilemma in public education for nearly four decades (Artiles & Bal, 2008; Aud et al., 2010; Countinho & Oswald, 2000 Hosp & Reschly, 2004). The findings of this study continue to illuminate this problem and offer some guidance for policy implementation.

This study supplies additional support that IDEIA approach, while decreased the classification rate of students with ED, but the data showed that there was a discrepancy between the classification rate of African American students and Caucasian students with ED. Further, the data in this study support the implementation as well as the interpretation of the policy varied from state to state and the policy lacked a consistent accountability structure. Largely, educational policy such as IDEIA is only as effective as its systems of conservation, monitoring, and enforcement.
REFERENCES


APPENDIX A

Note: 0 = Before policy implementation, 1 = After policy implementation

APPENDIX B