AS14: Disproportionality in Special Education … Where Does It Start?

Amy Ten Napel
Tuesday, April 28, 2015 - 1:15pm – 2:30pm
Wednesday, April 29, 2015 – 9:45am – 11:00am

Disproportionality:
What Is It? Why Does It Matter?

Disproportionality

- Disproportionality refers to a group's representation in a particular category that "exceeds our expectations for that group, or differs substantially from the representation of others in that category."

—Skiba et al., 2008

Disproportionality
in Special Education Identification

- The purpose of this session is to address the issue of disproportionality in special education identification — the fact that some races are overrepresented in special education.

Disproportionality in Special Education: Where Does It Start?

- Additional resources and materials that support this presentation:

  http://bit.ly/disproportionality

Disproportionality in Special Education: Where Does It Start?

- Three areas to be addressed:
  - National efforts to address significant disproportionality.
  - Assessment and identification of disabilities using nondiscriminatory practices.
  - Decreasing disproportionality at the local level.

National Efforts to Address Significant Disproportionality

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- Do you agree or disagree with this statement?

    Overrepresentation or underrepresentation indicates that the educational needs of students are going unmet by the educational system.

35th Annual Report to Congress on IDEA June 24, 2014

- Children ages 6–21 who are American Indian or Alaska Native, Black or African American, or Native Hawaiian or Pacific Islander were more likely to be served under Part B than were children in all other racial/ethnic groups combined.

Some Causes of Disproportionality

- Differences in school readiness and academic achievement.
- Misinterpretation of behaviors of students who are culturally and linguistically diverse (CLD).
- Lack of culturally responsive curricula, instruction, and intervention.
- Insufficient professional training to work effectively with diverse students.
- Interpersonal bias and lowered expectations.
- Funding appropriations that favor special education identification.
- Inappropriate or ineffective procedures and processes used to refer and classify students for special education.

Negative Consequences
of Special Education Identification

- Stigmatization.

- Lowered expectations.

- Substandard instruction.

- Less rigorous curriculum.

- Isolation from educational and social curriculum for students in special education settings.

Long-Term Consequences
of Special Education Identification

Lower rates:

- Graduation.

- Employment.

- Independent living.

- Secondary education.

- Wages.

Higher rates:

- Arrest.

US Government Accountability Office Findings, February 2013

- The US Government Accountability Office (GAO) reports that of the 15,000 school districts nationwide that received IDEA funding in the 2010–2011 school year, states required only 2.4 percent of districts to provide Coordinated Early Intervening Services (CEIS) due to significant disproportionality.

US Government Accountability Office Findings, February 2013

- The report recognizes that states develop their own definitions of significant disproportionality.

- The report concludes that the way some states define overrepresentation makes it unlikely that any districts would be identified and thus required to provide early intervening services.

- The report recommends that in order to promote consistency, a standard approach for defining significant disproportionality should be used by all states.

As a Result of the GAO Report

- The US Department of Education requested public comment on how best to address significant disproportionality based on race and ethnicity in the identification of children for special education, including identification by disability category, educational placements, and disciplinary actions.

As a Result of the GAO Report

- Public comments were solicited June 24-July 28, 2014.

- Most comments agreed that there is a problem that should be addressed.

- State education agencies requested parameters and flexibility rather than a single standard approach.

- Professional organizations requested transparency.

Assessment and Identification of Disabilities
Using Nondiscriminatory Practices

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Using Nondiscriminatory Practices

- Disproportionate representation is greater in the "soft" disability categories of ID, ED, or LD than in the "hard" disability categories of OI or VI.

Problems with
Assessment and Identification

- Misuse of norm-referenced assessments.

- Professionals relying on numbers rather than clinical judgment.

- Not recognizing that difference does not mean disability.

- Bias.

Conducting
Culturally Competent Assessments

- Selection of assessment instruments.
  - Consider norm sample.
  - Consider cultural and linguistic demands of the test.
- Administration of assessment instruments.
- Consideration of additional data.
- Interpretation of data.

Cognitive Assessment

- Considerations in assessing intelligence:
    - Are they biased?
    - Are they unfair?
    - Is intelligence a number?
    - What about nonverbal IQ tests?

Assessment of Academic Achievement

- Considerations in assessing achievement:
  – Level of achievement.
  – Rate of learning.
  – Curriculum- and performance-based assessment.
  – Responsiveness to intervention.
  – English language proficiency.

Assessment of Adaptive Behavior

- Considerations in assessing adaptive behavior:
  - Bias in norm-referenced tests.
  - Informant bias.
  - Inclusion of multiple sources of data.
  - Consideration of can't do, won't do, and typical performance.

Guidelines to Ensure Equitable Assessment

1. Investigate possible referral bias.

2. Inspect test developers' data for evidence that sound statistical analyses for bias have been completed.

3. Conduct assessments with the most reliable measures available.

4. Assess multiple abilities, and use multiple methods.

—Reynolds & Suzuki, 2012

Culturally Sensitive Assessment

- Focus on the student being assessed, not the test.

- The examiner should be better than the test he uses. Use knowledge, skills, and cultural competence to make a complete comprehensive assessment.

- Recognize that all tests, even nonverbal tests, are culturally loaded.

- IQ tests measure mental functioning under fixed conditions. How students will demonstrate their intelligence in other settings cannot accurately be predicted.

- Examiners must move beyond deficit thinking when assessing diverse populations.

—Ford, 2005

Decreasing Disproportionality
at the Local Level

Decreasing Disproportionality at the Local Level

- What is the best predictor of a student qualifying for special education?

Decreasing Disproportionality at the Local Level

- Create a new paradigm.
  - "We should assume that poor performance is due to instructional inadequacy rather than to student deficits."
  - "If a student does not do well, the quality of the instruction should be questioned before the student's ability to learn."

  —Jorgensen, 2005

Decreasing Disproportionality at the Local Level

1. Appropriate referrals.

2. Accurate identification.

3. Access and progress in the enrolled grade-level curriculum.

Appropriate Referrals: Perceptions

- Investigate perceptions about culturally and linguistically diverse students.

- Investigate perceptions about intelligence and learning.

- Investigate perceptions about the role of general education.

- Investigate perceptions about the role of special education.

Appropriate Referrals: Procedures

- Ensure that procedures for intervention services are the same for all students.

- Ensure that procedures for referral for special education are the same for all students.

- Form a committee to review cases prior to referral to ensure equitability.

- Provide training in a collaborative problem-solving model.

Appropriate Referrals: Probe the Data

- Administrator checklist on intervention.
- District-level data analysis.
- Campus-level data analysis.
  - Teacher data.
  - Student data.

Accurate Identification: Perceptions

- Evaluation staff must be aware of their personal perceptions of CLD students.

Accurate Identification: Procedures

§ 300.306(c) Procedures for determining eligibility and educational need.

(1)   In interpreting evaluation data for the purpose of determining if a child is a child with a disability under §300.8, and the educational needs of the child, each public agency must—

(i)   Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and

(ii)   Ensure that information obtained from all of these sources is documented and carefully considered.

—IDEA 2004

Accurate Identification: Procedures

- Form a committee to review evaluations prior to completion to ensure equitability.
- Ongoing professional development.
  - Evidence-based practices.
  - Daily practices.
  - Critical thinking and clinical judgment.
  - Thorough training of test instruments, not just administration and scoring.

Accurate Identification: Probe the Data

- Analyze the referral rates for all ethnic groups.
- Analyze the disability conditions for the ethnic groups.
- Collect data on what test instruments were administered for the ethnic groups and the disability conditions.

Access and Progress in the Enrolled Grade Level Curriculum: Perceptions

- What are the perceptions of general education teachers?

- What are the perceptions of special education teachers?

Access and Progress
in the Enrolled Grade Level Curriculum:
Procedures

- Provide ongoing professional development in multitiered systems of support (MTSS).

- Provide explicit instruction in academics and behavior expectations.

- Evaluate classroom-management skills and interventions.

Access and Progress
in the Enrolled Grade Level Curriculum:
Probe the Data

- Analyze the instructional arrangements of students by ethnicity.

- Analyze the placement in self-contained programs by ethnicity.

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