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DISPROPORTIONATE REPRESENTATION OF MINORITY STUDENTS IN THE
SPECIAL EDUCATION PROGRAM AT THE KINGSWAY REGIONAL
SCHOOL DISTRICT

by
Anthony J. Fitzpatrick

A Thesis

Submitted in partial fulfillment of the requirements of the
Master of Arts Degree
Of
The Graduate School
At
Rowan University
April 18, 2005

Approved by
Professor

Date Approved May 2005

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ABSTRACT

Anthony J. Fitzpatrick
DISPROPORTIONATE REPRESENTATION OF MINORITY STUDENTS IN THE
SPECIAL EDUCATION PROGRAM AT THE KINGSWAY REGIONAL
SCHOOL DISTRICT

2004/05

Dr. Ronald Capasso
Master of Arts in Educational Administration

The purposes of this study were to (a) determine the proportion of representation of minority students in special education programs on a federal, state, and district-wide level; and (b) determine the needs of the Kingsway Regional School District in addressing any disproportionate representation that exists. The subject sample was the special education population in the United States as determined by IDEA. The sample population would be studied to ascertain the proportion of representation and the determination standards used to classify them. It was concluded that Kingsway did not have a problem with disproportionate representation but rather an issue with consistent classification of determination standards.

Acknowledgements

I must thank my family above all others. They have been patient, forgiving, and encouraging throughout this process. The faculty at Kingsway Regional High School also deserve my humblest gratitude. Editing my drafts, encouraging me to keep on striving to complete difficult projects, and being there when I needed to vent frustrations were not the duties of colleagues, but rather friends. I am better for having them in my life.

I would like to thank my field mentor, Ave, for guiding me and teaching me more than I had ever hoped to learn about effective leadership and true compassion. She is more valuable to this profession than most will ever know.

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CHAPTER 1

Introduction

Focus of the Study

The focus of this study is the disproportional representation of minority students in the special education program of the Kingsway Regional School District. The study will involve the examination of the evaluation records of the special education population to determine the reason for placement and the consistency in which students from constituent and sending districts get placed into special education programs. The study will also look at the impact of student performance once placed in special education to determine the success of the program offerings

The school district will have an interest in this study given the national results showing a disproportionate representation and a lack of performance in the special education programs. With increasing pressure to bridge the achievement gap, many areas need to be examined and remedied. A constructive special education reform could pave the way for more resources spent in the correct areas consequently an opportunity to bridge the achievement gap between white and minority students.

Purpose of the study

The purpose of this study is to evaluate current special education processes and programs to determine if inequities and effectiveness in identifying and providing quality instruction to minority students exist. The study will result in an assessment of the process in which students are classified and educated.

Definitions

This research study involves terminology specific to the field of special education.

Special education: programs and a student population that have been evaluated by a child study team and provided additional programming in order to meet the standard educational requirements as determined by the respective state of the program.

Minority students: African-American, Hispanic, American Indian, and Asian students.

IEP: term used to indicate that an individual educational plan has been created for a special education student in order to meet basic requirements and receive support for their learning or physical disability. **“wait to fail” method:** the process in which students must demonstrate failure in a particular area and then be recognized by someone in order to receive a special education evaluation.

Limitations

While this study did delve into the special education practices within the regional district, it did not evaluate the programming within the constituent elementary districts. This study was unable to track the performance of individual student performance due to the many laws and restrictions in attaining confidential student data. Therefore, it is possible that the existence of statistical anomalies had an impact on the data.

Settings of the Study

Kingsway Regional School District is located in Woolwich Township, New Jersey. The district serves grades 7-12 with the current enrollment at approximately 1900 students. The school district has both a middle school and a high school operating in the same building until the 2005-2006 school year. Each school operates under its own administration. Of the 1700 students, 550 are 7th and 8th grade that constitute the middle

school. There are approximately 50 staff members in the middle school and 100 staff members in the high school. The population used in this project will be the middle school student body

The Community

The internship took place in the Kingsway Regional School District in Swedesboro, New Jersey. The school district is located in a rural, agricultural community in western Gloucester County. The 52 square miles of the district are located approximately 20 miles east of Wilmington, Delaware and 15 miles south of Philadelphia, Pennsylvania. The Kingsway Regional School District is made up of the communities of Logan Township, East Greenwich Township, (Mickleton, Clarksboro, Mount Royal), South Harrison Township, the borough of Swedesboro, and Woolwich Township.

Logan Township, which includes Bridgeport, was incorporated on March 13, 1877. The Swedes landed in Bridgeport in 1638. Major John Pissant had located a tract of land in this area as early as 1700. "Bridgeport was a shipping point. Market produce, lumber, and other commodities were brought from Swedesboro and other points along the stream. The Philadelphia and Bridgeport Steamboat Company operated boats between both places" (Simpson, 1965, p.23). It was originally called West Woolwich Township; it was later named Logan Township after the American general, John Alexander Logan. Logan is where the first settlers of West Jersey landed, at the mouth of Raccoon Creek. This is where many Swedes and Germans made their homes because they were looking for a place where religious freedom could be practiced to the fullest extent. During the early years of this settlement, the early settlers had no way of

getting their goods to the markets except to take them by cart to a ferry. They were then taken to Philadelphia. Years later, the settlers built their own flat-bottomed boats with sheets for sails to take their merchandise to the market (Cushing & Sheppard, 1883, p.255). When these settlers first arrived, they had to go by boat to Delaware in order to attend church. According to a study done by the University of Michigan, human habitation existed in this area before the coming of the Lenni Lenape, possibly as early as 585 (Simpson). Today this area is a rural community with many new housing developments.

East Greenwich was settled in 1779 and was established by an act of the Legislature on February 10, 1881. This township includes Clarksboro, which was originally owned by John Eglington (after whom the cemetery was named) and was named after Jeffrey Clark, a pioneer who settled there in 1779. The township was taken from Old Greenwich and the western part of Mantua Township. "This town also engaged in distilling spirits. An old distillery stood behind one of the brick stores. Here the old pioneer farmers could exchange their corn, rye and wheat for something more exhilarating" (Cushing & Sheppard, p.208).

Mickleton is also located in East Greenwich Township and was originally owned by William and Samuel Mickle. William Mickle of Greenwich built the first store in 1862. Mickle was the great-grandfather of S. Mickle Ogden who was the postmaster in 1883 (Cushing & Sheppard). Ogden Road was most likely named after this man. Bodo Otto lived there and was a colonel in the American army. In 1777 his home was burned to the ground by the British. He died in a house nearby (which still stands today) as a result of exposure that he suffered at Valley Forge (Simpson, p. 15). Mount

Royal is also a part of East Greenwich. In the late 1800's this town served as the Army headquarters for New Jersey. Mount Royal was originally called Sandtown and was later called Berkley. In 1890, the name was changed to Mount Royal because it was always confused with another town called Berkley.

South Harrison was taken from Harrison and incorporated on March 2, 1882. In 1798, this township was on the main stage route from Woodstown to Philadelphia. In 1810, Thomas Cole built the grist and saw mill. "In the summer, Harrison lake was a favorite spot for rowing parties, and devotees of the sport traveled all the way from Sweden to participate" (Simpson, p.31). In 1925, two rooms were added to a two-room school. South Harrison was, and still is, mostly farm land.

Woolwich Township was incorporated in 1767. "Woolwich takes its name from a town on the Thames famous for its naval school. Woolwich was famous for its Oliphant Mill, which ground wheat and buckwheat to grist and flour. It was taken down and rebuilt at Smithville" (Simpson, p. 42). The oldest Methodist Episcopal Church in Gloucester County was erected there in 1793. Along the Bridgeport Road, one of the oldest houses in the county still stands. The Shorn cabin was erected during the early settlement of the Swedes and is called the Slave House. It belonged to Alexander Black, an abolitionist. During the days of the Underground Railroad, he hid slaves in this building (Simpson). This cabin still stands today.

Kingsway Regional High School was built in 1963 and is located in Woolwich Township. Before that, it was called Swedesboro High School and was located in the town of Swedesboro. Swedesboro was settled by the Swedes, Finns and Laps around 1634 (Simpson, p 33). Before that, the land was occupied by the Lenape and the

Minquas indians. When the foreign settlers arrived in this area, they traded coins, tokens and liquor for acres of land. The indians moved West around 1729 because their land was inhabited, the animals were being killed for their fur, and the new settlers were bringing new diseases which caused epidemics that were killing many of them (Episcopal Church records).

"Many of the early Swedes and Finns were debtors or criminals. They had come to New Sweden rather than face harsh penalties in Sweden. They were uneducated people, and this is why there is little documentation pertaining to this area (Crane, 1976, p.8). The early Swedish settlers were foresters, trappers, and farmers. The males dominated this society. "If a woman was left a widow and in debt, she was obligated to accept the marriage proposal of anyone who would marry her, unless she could pay off the debts herself (Benson, p. 224, 1964).

On April 2, 1771, a document was written by the clergymen, church wardens, and vestrymen of the Swedish Lutheran Church that read:

...that being moved by the desolate conditions of the schools and the schooling of the children in these parts, we are desirous to promote and encourage learning among our children and others for the time to come do hereby by virtue of the above recited chartered and in pursuance of good and in the law by their worthy ancestors of the Swedish society have granted, bargained, conveyed and leased and by these present do grant, bargain, and lease forever one half acre of ground in said town of Swedesborough for the use of a public and free school, and free from all manner of grant rent. (Episcopal Church records)

Swedesboro was originally called Raccoon because it was built around Raccoon Creek. "By the time the great King's Highway was laid in 1681, the town of Swedesboro had become an important stage along its course from Camden to Salem"

(Burke, 1910, p. 5). The town of Swedesboro was centered around the Swedish Lutheran Church which was built in 1703. Swedesboro is still centered around churches, and along with the Lutheran church, there is a Catholic, Methodist, Iglesia Pentecostal, Seventh Day Adventist, Saint Paul UAME, St. James Pentecostal, and The First Baptist Church.

"Coincident with the spiritual growth and the establishment of territorial boundaries was the development of the schools" (Burke, p. 13). In 1706 James Auren came from Sweden to take care of the church. He brought Carl Brungen, who was a noted schoolmaster in Sweden, to build the first school in Raccoon. At the same time, John Lidenius opened an English and Swedish school in Repaupo. Therefore, the educational needs of the community were met by the mother country, which helped to keep the traditions and customs alive. Up until at least 1910, the Trinity Lutheran Church donated the land to be used as a school, with the stipulation that the rector of the Church was to be *ex officio* president of the board (Burke, p. 15). Although slavery was practiced in this area during the Colonial Period, very few families actually had slaves because they could not afford to buy them. While Burlington, Salem, and Gloucester had 23 percent of the population, only 3 percent were slaves" (Slave Documents: Gloucester County Series, 1940, p. viii). Throughout the Colonial period, new settlers kept arriving in Swedesboro. The numbers of English, German, and Dutch were growing. "They not only outnumbered the Swedes, but literally engulfed and absorbed them" (Federal Writers' Project, 1938, p.71). The church services were being said in English,

the records were kept in English, and there were many intermarriages between the Swedish and the English. Swedesboro was basically an English town after 1750.

Because of this, Swedesboro was very active during the Revolutionary War. "During the early years of the conflict, the town served as a parade route for both British and American forces. The church was used many times for army headquarters (Federal Writers' Project p. 124). As the war progressed the residents of Swedesboro were divided. The Reverend Dr. Collin was a very influential person at this time. He wrote that many Swedes were taken to New York for their anti-English activities. He also wrote about a Swedish woman who was beaten to death by the townspeople for trading with the British (Records from Trinity Episcopal Church). Kings Highway played an important role at this time. "On the morning of October 2, 1777, Brigadier General Silas Newcomb, with 300 men of the New Jersey militia, engaged British forces under Colonel Sterling on the Highway at a point south of Mt. Royal" (Hoelle, 1970, p.56).

Dr. Collin was known to hide American soldiers in his parsonage. One night British forces went to his home to find General Anthony Wayne. When they could not find him, they pillaged and destroyed many homes in the area (Federal Writers' Project, p. 125). In March of 1778, Swedesboro suffered more incidences. The home of Dr. Bodo Otto was burned to the ground, and the Tories and the British marines invaded Swedesboro, plundering many homes. They took over the home of Captain Robert Brown, took or destroyed everything in it, and stripped his wife and children before leaving (Crane, p. 143). In April of 1778, the British militia burnt down the schoolhouse

because the Tories had been imprisoned there. The militia then went to burn the church down. When they arrived, Dr. Collin was conducting a funeral. Mistaking his garb for that of an Episcopal minister, they left (Crane). In his writings, Dr. Collin referred to the soldiers of both sides as barbaric. Eventually, things began to change.

In 1779, the war came to an end and the residents of Swedesboro began to rebuild. After the Revolutionary War, the town, now firmly dominated by English customs and language, began to make advances. Between 1780 and 1902, the town became independent of Woolwich Township, saw commerce increase, industry form, and a railroad become a reality, all of which subsequently changed the town, and made it a more commercial area. (Crane, p. 148)

In 1800, the Swedesboro Academy was built. The original records of the Swedesboro Academy are still on file in the Trinity Episcopal Church in Swedesboro. The sight of this school is the present sight of St. Joseph's School on Kings Highway in Swedesboro. This school was used until about 1910 for elementary students. During that time, high school students attended school in Woodstown and Woodbury. The elementary school was later moved to the Margaret Clifford School on Auburn Avenue in Swedesboro.

A segregated school existed up until 1947. Although no written documentation was found, an interview with Mr. Doug Clark, who attended this school from 1941 through 1946, was most informative. He said that the school was located on the corner of Richardson Avenue and Second Street. The school housed students in grades kindergarten through twelfth grade with only four black teachers. One of the teachers, Mr. Gibbs, first taught in Rockville, Maryland. When he filed a discrimination suit there, he was fired and came to teach in the Richardson Avenue School in Swedesboro.

In 1947, a law was passed that public schools could no longer be segregated.

Swedesboro immediately complied, and the following year Doug Clark and the rest of the children at the Richardson Avenue School attended the public school.

Mr. Clark also stated that even during the sixties, the black families never really were affected by the riots, persecutions and demonstrations that affected the rest of the country. He said that there were several black men who owned businesses in the town, and that they were always accepted by the community. He felt that this was because the black families that lived in Swedesboro had lived here for many generations, and were a part of the community. (D. Clark, personal communication, December 10, 1994)

In 1922, Swedesboro High School was built on Kings Highway and is now the Swedesboro-Woolwich elementary school, the Walter Hill School. All high school students attended that school until 1963 when Kingsway Regional High School was built for students in seventh through twelfth grade. At that time, the Margaret Clifford School housed the kindergarten and first grade students, and Walter Hill accommodated the second through sixth grade students. In 1992 the Margaret Clifford School closed, razed and rebuilt, the district began plans to build a third elementary school, which was completed in 2001.

School District

The three school districts of East Greenwich, South Harrison, and Swedesboro-Woolwich are the sending districts in the Kingsway Regional School District. Each district has its own chief administrator and its own board. Each community has a nine-member Board of Education. Each community also has its own mayor and its own

town council. Each of these districts provides educational programs for their K-6 students, and their grade 7-12 students attend Kingsway School District. Logan Township, a neighboring K-8 district sends 85% of its students to Kingsway and the remainder to Paulsboro High School (Long Range Plans, 1983, p. 12). In 1961, a sending-receiving agreement was signed between the boards of education of Paulsboro and Logan Township. This agreement provided that all students living in the area of Logan Township, now occupied by the Pureland Industrial Park, and that area east of Interstate 295 from Hendrickson Road south would continue to attend Swedesboro High School (now Kingsway Regional High School). An extension of that agreement terminated on June 30, 1974. Since that time, a year-to-year agreement exists.

The Kingsway Regional School District is a type II district with unit control. There are nine residents who sit on the board of education. Four board members represent East Greenwich, two represent Swedesboro, two represent South Harrison, and one represents Woolwich. The district was developed to accommodate students in grades 7 through 12 from the sending districts. The school also receives Logan Township grade 9-12 students on a tuition basis. At this time, the Kingsway Board of Education and the Logan Township Board of Education are in a constant debate about making Logan Township part of the Kingsway District. Kingsway Regional School District and Logan Township had feasibility studies done. Kingsway's feasibility study recommended that it would be beneficial for Logan to become a part of the district. On the other hand, Logan's feasibility study showed that they should break away from the Kingsway district and build their own school.

If Logan Township were to come into the district, Kingsway would have to be prepared to accommodate Logan's 7 and 8 grades, as well as its high school students attending Paulsboro, and any increased enrollment. The Kingsway feasibility study states:

"to accommodate this need, a new middle school for six hundred 7th and 8th grade pupils will be necessary. The consultant recommends that the Kingsway and Logan Boards of Education authorize a formal report as required by the New Jersey Department of Education as a basis for appealing to the Commissioner of Education asking that an enlarged regional district (7-12) be established including Logan."

(Guidelines, Inc., p.c-16)

The Kingsway Board of Education has not made a decision about this issue. Part of the problem is that, if Kingsway should regionalize with Logan, a new board would have to be elected. In that case, Swedesboro would lose one of its two seats. Because Swedesboro was the home of the original school, it is difficult for them to give up the little control they have left.

Because of the pressure from parents of middle school students to separate them from the senior high students, the superintendent formed a new committee to investigate the possibility of a new middle school facility and to look at modernizing the existing building. The administration hoped to pass a bond referendum in the Spring of 1995 to build a middle school. These hopes were dashed in a stunning defeat. Another referendum was passed in 2000 giving the district a middle school. In the past year, the district passed yet another referendum to build a new middle school due to growing district enrollment.

The racial make-up of the school has changed slightly over the past ten years. Only Logan Township has seen an increase in its minority population. In Logan Township, the number of blacks has grown from 366 to 627, in South Harrison the numbers have dropped from 119 to 113, in Swedesboro, they have dropped from 394 to 379, and in East Greenwich, they have gone from 223 to 211.

East Greenwich is a mostly middle-to-upper class community, with an average family income of \$52,092.00. The cost of a home in East Greenwich is estimated at \$132,100.00 (N.J. Municipal Data Book, p. 118). This district just completed a new building for grades three through six. This building is equipped with the latest in computer technology. South Harrison is a rural community that has many new expensive housing developments, and the average family income is \$47,500.00. The average home in South Harrison costs \$145,700.00 (Municipal Data Book, p.468). The school is small, but a building expansion is under way to help modernize that building. They are very concerned with the lack of computer technology offered at Kingsway Regional. Swedesboro is the poorest of the sending districts, and the average family income is \$34,659.00. The average home in Swedesboro costs \$85,500.00 (Municipal Data Book, p.490). Although most of the residents are in the low-to-middle class, many young couples are attracted to this area because of the affordable housing, the Victorian homes and the small town atmosphere.

Woolwich Township sends its students to the Walter Hill School in Swedesboro. The average income is \$44,306.00, and the average home costs \$134,000.00. In Logan

Township the average family income is \$48,463.00, and the average home costs \$97,800.00 (Municipal Data Book, 1994, p. 271). Logan Township has an elementary school for its students in grades kindergarten through eighth. The following chart gives a view of the school system in each district:

	Enrollment	cost per pupil	students per
	teacher		
Swedesboro*	379	\$7,226.00	
	17		
South Harrison	202	\$7,789.00	
	11		
East Greenwich	533	\$6,830.00	
	16		
Logan Township**	797	\$7,686.00	
	14		
Kingsway Regional	1,040	\$6,914.00	
		16	

*Woolwich is included in the Swedesboro system

**Logan is a K-8 district (New Jersey Municipal Data Book, pp.118, 271, 468, 490, 567)

School

In 1961 the townships of Woolwich, South Harrison, East Greenwich, and Swedesboro agreed to develop a regional school. On October 3, 1961, the Kingsway Regional School District was formed for grades 7-12. In the middle school, along with

the core subjects of math, English, social studies, science, and literature, students are offered foreign languages (Latin, French, Spanish), Gifted and Talented, Pre-Algebra and Algebra. The middle school does not administer midterm or final exams, yet uses that time to administer the GEPA Examination. However, any middle school student enrolled in a high school-level course, is required to take exams. The senior high school offers foreign languages up to the fifth year. It also offers advanced placement courses in English, calculus, and history. Honors classes are offered in English, history, physics, chemistry, geometry, biology, and algebra. The students also have the opportunity to take SAT prep courses in verbal and math. Those students who do not receive a passing grade on the HSPA are given HSPA courses, along with their regular English or math course, in order to remediate them (Kingsway Regional School District Profile 2002-2003).

Extracurricular activities at Kingsway are very popular. "An excellent program is provided based as much as possible on the interest of the students. Each grade level has a variety of activities and students are encouraged to become active participants" (Guidelines, Inc. p.22). It is estimated that 60 percent of the school population is involved in some type of activity after school. Approximately 350 students participate in fall sports, including cheerleading. Another 65 students participate in the marching band. The sports that are offered include: football, girls and boys track, girls field hockey, girls and boys soccer, girls and boys basketball, wrestling (the school has had girls try out for this sport), girls softball, boys baseball, girls and boys cross country. The middle school offers interscholastic activities in field hockey, basketball, and

wrestling. Intramural sports include: football soccer, basketball, archery, softball, and volleyball. After-school activities include the following: foreign language club, future teachers club, rocket club, chess club, bible club, political science club, mock trial, interact, art club, academic decathlon, computer users' club, astronomy, biology club, environmental club, writers' club, and student council. Students can also be involved in the yearbook, newspaper, plays, musicals, chorus, and gospel choir. Approximately 36 faculty members are involved in these activities (Kingsway Activity Advisor's Handbook, 1994-1995).

Faculty

Kingsway Regional High School has 2 building principals and an assistant principal who oversee the daily operations of the school. The school has a full time teaching staff of 150 with an average of 10 years of teaching experience. The average salary is \$48,059.00. (N.J. Department Report of Certified Staff, 1999). Three department supervisors oversee the English, science, history / foreign languages, math / business, and health / physical education / fine and applied arts departments. There are 58 (38.6%) males on the faculty and 92 (41.4%) females. There are only two minority teachers on staff. Thirty (20%) of the teachers are non-tenured with the remaining 65 (80%) having tenure. Sixty (40%) teachers have a master's degree.

The number of teachers in each department is as follows:

English.....	25
Mathematics	25
History / Social Studies	13
Fine and Applied Arts	12
Science	15
Health / Physical education	12

Business.....	8
Foreign Language.....	10
Special Education	30

Students

Kingsway has a current enrollment of 1,773 students. In grades seven and eight there are 475 students and in grades 9-12 there are 1298 students. There are 877 (49.5%) males and 896 (50.5%) females in the student population. The racial composition of the students is 1,457 (82.2%) white, 211 (11.9%) black, 70 (3.9%) Hispanic, 35 (2.0%) Asians, and 1 American Indian (0.1%).

The daily schedule for students includes an 11 period day with the middle five periods being 22 minute lunch periods. The remaining periods are 41 minutes in length. Each day starts at 7:40 A.M. and ends at 2:25 P.M. The future plans of the 2003

Graduates:

Higher education	68.8%
Four Year College	38.8%
Two Year College	24.1%
Specialized Training	5.9%
Employment *	27.7%
Other	3.5%

*includes the armed forces (Guidelines, Inc. p. 20)

Kingsway Regional High School is a school within a school. This has produced a dual system of education in the building. The seventh and eighth grade middle school students are being taught through teams; while the ninth through twelfth grade students are educated conventionally.

Student discipline in the middle school is administered with a teacher detention, an administrative detention, an internal suspension, or an external suspension. The senior high school also has the option of administering a Saturday school detention. Once a teacher refers a student to the office, the principal is responsible for administering discipline. The principal will refer to the discipline code to determine the severity of the punishment. Regardless of the punishment, parent contact is immediately initiated to inform the parent of the student's behavior and to involve the parents.

Significance of the Study

As population trends shift and a larger minority population enters the Kingsway Regional School District, the issue of disproportionate representation of minority students in special education must be addressed. While the obvious concern is that of racial bias, deeper problems such as the quality of programming, evaluation consistency and the ability to fund a potentially larger number of special education students must be recognized and considered.

The Relationship of the study to the ISLLC Standards

This study correlates to the following ISLLC Standards: 6.a.4;6.b.2;6.c.1. These standards assert that the administrator must have knowledge and understanding of how the role of public education in eliciting diversity in ideals while maintaining a focus on students and learning can promote the success of all students while responding to the larger political, social, economic, legal, and cultural context. The importance of these standards when discussing the over-representation of minorities in special education cannot be understated. Without fair representation of all groups, we may be stifling the

voice of cultural diversity and the communication of varied ideals and values that would contribute positively to our society. School administrators must be cognizant of such concerns due to federal and ethical guidelines designed to ensure racial and ethnic equality in our schools.

CHAPTER 2

Literature Review

The Problem of Disproportionate Representation

There is a persistent and growing national concern about the high percentage of minority children represented in special education programs (Committee on Minority Representation in Special Education, 2002; Coutinho & Oswald, 1998). Specifically, the concern addresses the disproportional representation of children from three racial/ethnic minority groups, African American, American Indian, and Hispanic across four high incidence special education disability categories. These categories are mild mental retardation, specific learning disabilities, emotional disturbance, and until recently, speech and language impairments. Of the 13 special education disability categories, these four are considered subjective because there may be no medical component to their diagnosis. Typically an educational committee makes the eligibility decision for each child, based on a variety of individual assessment information (Coutinho & Oswald, 1998).

Evidence for disproportionate representation is usually measured by the simple proportions of a racial/ethnic group who are determined eligible for special education in any one of the 13 recognized disability categories. The underlying assumption is that the proportion of different racial/ethnic groups in any single disability category should be approximately equal to the proportion of that group in the general school population. If the proportion of a racial/ethnic group in any disability category exceeds the proportion

of that group in the school population, at the local district, state, or national level, then it suggests that this over representation is the result of discrimination. Of critical importance here is that ethnic proportions in the more clearly biologically determined disability categories, such as deafness, blindness or orthopedic impairment, and severe and profound mental retardation do not show dramatic deviations from the expected proportions across the nationally reported state level data. According to “The Disproportionate Representation of Minority Students in Special Education” by Beth Harry, in these nine low incidence categories, with less subjective and more medical criteria required for eligibility, no meaningful difference has been historically noted by ethnic/racial membership (Harry, 1994).

In order to gain an in-depth knowledge about disproportionate representation, a review of the literature was conducted that identified 34 years of professional articles and publications on this topic. The 1968 landmark article by Dunn, titled “Special Education for the Mentally Retarded - Is Much of it Justifiable ?” (1968) initiated the quest for academic inquiry, which grew into an impressive body of literature covering a myriad of related issues. A variety of articles presenting diverse viewpoints were identified and reviewed, beginning with the Dunn article and concluding with two summary pieces published in 2002. One of these was Minority Students in Special and Gifted Education written by the Committee on Minority Representation in Special Education (2002), and the second was the publication “New Era: Revitalizing Special Education for Children and their Families” prepared by the Commission on Excellence in Special Education created by President George W. Bush (2002).

As evident in the research, the disproportionate representation of minority children in special education is a long recognized and well-documented problem. Social issues included differences in language and culture interpreted as disabilities, health problems and environmental exposure that place minority children at greater risk of disability, the interwoven and far-reaching effects of poverty, lack of more appropriate resources for children and families, and concern over long-term negative effects on the child of disability labeling. There were also a myriad of problems concerning the structure of special education evaluations and program implementation.

Countless reports and educational studies have documented the over representation of African American, American Indian and Hispanic children in the high incidence, subjective categories of emotional disturbance, learning disabilities and mild mental retardation over the last three decades. Concomitantly, there is a mirror effect in gifted and talented education. While these three groups of minority children are over represented in the subjective categories of special education, they are under represented in referral and participation in the also subjective gifted and talented educational programs. The reverse was reported for children of Asian descent, who tend to be statistically under represented in the subjective special education categories and over-represented in gifted and talented programs (Donovan & Cross, 2002). Although disproportionate representation of minority children in gifted and talented programs is beyond the purview of this study, this under representation of three of the four groups of minority children suggests a need for further investigation.

Public concern in regards to preventing the potential harm to a child misidentified or served inappropriately was evident in many public documents including the equal

protection clause of the fourteenth amendment, Title VI of the Civil Rights Act of 1964, the procedures for evaluating children suspected of a disability under IDEA, the data collection and monitoring responsibilities of the U.S. Department of Education's Office for Civil Rights (OCR), and court decisions spanning more than 20 years (Coutinho & Oswald, 1998). The 1997 IDEA special education legislation, which is replete with procedural safeguards to protect against over representation, summarized the problems as: "a) disproportionate representation of children from diverse backgrounds in special education, b) over identification of poor African American students as mentally retarded, c) unacceptable high drop out rates for minority children in special education, and d) lack of appropriate services to students of limited English proficiency." (1997)

Although there are noted measurement problems in the two categorical variables used to document minority representation, definition of minority group and disability, the comprehensive evidence remains overwhelmingly consistent. The two notable problems are: 1) the fact that the three disability categories in question, are by definition subjective and determined by a committee of educational experts and the parents, without confirming medical diagnosis; and 2) there is no nationally agreed upon definition of ethnic or racial groups. Another key concern in the definition of race/ethnicity is that there is no clarification or way to identify bi-racial children in the two national databases maintained by the US Department of Education. Bi-racial information is not available as educational enrollment forms allow for only one racial category to be checked. Therefore bi-racial data are not systematically collected or reported at the local, state or federal levels. This may begin to have an impact on the statistical data when students associate themselves with more than one ethnicity.

The literature paints a clear picture of the problem: genuine across school districts throughout the United States; that there are many complex and intertwining issues; that data are more correlational than causal; that stakeholders know strategies for addressing various components of the problem. Nevertheless, disproportionate representation continues despite three decades of public concern, professional debate, litigation, and 20 years of annual civil rights reporting of over representation. Indeed, local and state departments of education have been sued due to overrepresentation of minority students receiving programs and services that appear to be ideal. Programs where the student-teacher ratio was lower, the per-pupil expenditures were two to four times greater than average expenditures, the child's program was individually prescribed with goals and objectives that were developed and evaluated annually by a team of experts, and services were delivered by teachers and other staff with specialized training in the child's disability area have all been under various legal pressures to improve the outcome of the services being delivered.

A crucial question emerged, "Why is disproportionate representation a critical problem in special education, when there has not been the degree of criticism and litigation to similar over representation of minority children in Headstart and Chapter I programs?" The answer culled from expert opinions offered two reasons for this dichotomy. The special education "treatments" provided was perceived to be ineffective. The positive features of special education were believed to be more than offset by the negative consequences derived from being removed from general education and the necessity of being assigned a pejorative label to receive the services (Losen, 2002). MacMillan offered his opinion, he felt the answer "resides in the perceptions held

regarding the effectiveness of treatment afforded by the various programs and the perceived stigma associated with specific labels”(1998).

Concerns about future increases in the number of minority children receiving services, the appropriateness of these services, and the lack of reported student educational outcomes, are expressed across the educational community. Experts agree that unless disproportionate representation is effectively addressed through systems change, then problems surrounding disproportionate representation will likely increase due to growing numbers of minority and immigrant children, the high percentage of these children living in poverty, insufficient early intervention, ineffective components of the special education process, and the lack of effectiveness data and results-based outcome information reported by special education programs across the country.

Special education legislation, beginning with the passage of the Education for All Handicapped Children Act (EHA) (1975, 1977) and continued with the Individuals with Disabilities Act (IDEA) (1997, 1999), provided for access to appropriate educational services at public expense. It vastly increased the number and severity of the disability of students receiving services in public schools. Now that school and classroom doors are opened, and strong procedural safeguards in place, educators need to ensure that any disproportionate representation of minority students is investigated to determine if discriminatory practices exist. Experts strongly agree that any evidence of over representation is a symptom that should provoke additional scrutiny by federal and state agencies, of the local school district where decisions about individual children are determined. This scrutiny requires the use of a variety of information contributed through multiple data sources. An analysis of the extant information available, revealed several

issues that fell into sometimes distinct and sometimes overlapping categories. This report is organized around each of the key issues.

A Problem for Some Minority Groups

Disproportionate representation is evident for some racial/ethnic groups across specific educational disability categories, as identified in the Individuals with Disabilities Education Act (IDEA, P.L. 105-17, as amended). IDEA is the special education law that requires an educational agency to document a child's disability. Without a demonstrated impact upon a child's educational performance, there is no disability under IDEA (Coutinho & Oswald, 1998). Currently IDEA recognizes thirteen disability categories, four of which are generally referred to as high incidence categories, because of the greater numbers of students with these disabilities. These four areas are also called subjective or "soft" disabilities, because usually there is no medical diagnosis. Typically the IEP committee makes a judgment regarding eligibility and determines the disability category based on the results of the child's individual assessment. The four categories are mild mental retardation, specific learning disabilities, emotional disturbance and speech and language impairments. The remaining nine are referred to as low incidence, non-subjective or "hard" categories. Low incidence disabilities are more severe, with fewer students eligible, and usually have a biologic component accompanied by a medical diagnosis that is often determined at birth or realized prior to the child entering school. Differences in representation for minority children are noted chiefly in the subjective categories. Of critical importance here is that proportions in the nine clearly biologically determined disability categories, no difference is noted by racial/ethnic membership (Losen, 2002). Over representation in special education is not an issue for all minority

groups. While three of the five racial/ethnic groups, African American, American Indian, and Hispanic children, are over represented in the subjective disability areas, there is little difference between the five groups in the “non-subjective\ low incidence/hard” categories. Over representation does not occur in the white student population or students of Asian descent. Indeed children of Asian descent are actually under represented in special education categories and over represented in gifted and talented programs (Donovan & Cross, 2002).

The over representation of racial/ethnic minority children in special education has plagued educators and society for over 30 years. One of the first articles in the professional literature identifying disproportionate representation was written by Lloyd Dunn in 1968. In this landmark article, “Special Education for the Mildly Retarded - Is Much of it Justifiable?” Dunn stated that in his 20 years of teaching and working with programs for children with mild mentally retardation, that 60-80% of these students were from racial minority groups and/or from “non-middle class environments”. Dunn concluded, that the “expensive proliferation of self contained special schools and classes raises serious educational and civil rights issues which must be squarely faced” (1968). Reaction to this early identification of disproportionate representation largely focused on ethnicity and often ignored the main effects of poverty and the interactive effect of poverty and ethnicity (Losen, 2002). Court cases, such as Larry P. v. Riles in 1972, used disproportionate representation data, such as that cited by Dunn, to rule for de facto desegregation.

The debate continues with two major viewpoints. First, if disproportionate representation results from actual higher disability rates in minority populations then

solutions need to focus on eliminating or reducing risk factors that are associated with these disabilities need to be undertaken. If the differences result from ineffective education programs and/or discriminatory educational practices, solutions need to address practices within the educational system itself, including systems change and specific special education processes. However, if both social and educational reforms are needed, then both social and educational solutions must be implemented for change to occur. Before causes are identified, it is critical to understand how disproportionate representation is measured and monitored across the nation.

The Correlation of Poverty and Low Socio-economic Status

Poverty and minority children are so interwoven that it is difficult to separate the effects on subsequent school performance. Thus, a disproportionate number of minority children live in poverty. Poverty indices are correlated with placements in special education and there is an over enrollment of children living below poverty levels. Without adequate early intervention resources as compensatory mechanisms, the public schools have been overwhelmed with children from very poor socio-economic environments (Agbenyega & Jiggetts, 1999). Generally white families are distributed between upper and middle class incomes and live in the suburbs, whereas, minority families tend to live in urban areas and have middle to low incomes (1999). Consequently, many minority children attend relatively poor urban schools, where referral to special education may be their only option for help. Earlier identification of educational disabilities with concurrent interventions would ameliorate some of the problems which, when left unattended, compound to leave the child, his or her family, the school system and society with negative, long term consequences. Earlier involvement of

parents across all cultures, would allow them to be full partners in their child's education and treatment, rather than passive consumers of services. The current process set forth in IDEA provides for parent involvement throughout the ARD-IEP process. It is educators who need to ensure that the spirit, as well as the letter of the law is followed. A fuller and earlier exploration of alternatives to special education with the family prior to the formal ARD-IEP process and meetings could help develop the important home-school partnership needed for effective education (PL 105-17, 1997,1999).

Another key aspect of this research suggests the need for prevention and early intervention. Making a fundamental change in practice from the current "wait to fail" model to one of prevention and early intervention may be the single most important action that education could collectively implement to assist all children, but especially those living in poverty with educational disabilities. The over representation of minority children is simply one manifestation of broader issues of the wait to fail philosophy that governs aspects of the present system. To be enrolled in special education the child must not only "fail", they must also be "noticed" before special education officially responds.

Lack of Other Resources

Most minority children attend schools in poorer urban areas with lower per pupil expenditures (Ladner & Hammons, 1999). Additionally, inner-city schools do not attract quality teachers due to lower pay and more adverse teaching conditions, so programs may be less adequate and there are also fewer options available (1999). For many poor children with academic, behavior or social problems special education services are often the only service option available and accessible to children living in high poverty areas. Therefore, caring people refer children who need help to special education because there

are no other programs for them. Some experts have suggested that economics has affected over representation in that cutbacks in other social programs left special education as the only option for help for many poor children, thus referrals occur simply to get the child help. Budget cuts that affect support services to general education often result in large increases in referrals to special education. This was true after the 1988 budget crisis in New York City, which cut support services in general education. The number of children labeled as “disabled” doubled in six years (Agbenyega & Jiggetts, 1999). New York’s Chancellor of Education at that time stated, that “the explosive growth in Special Education enrollments... must be viewed as an expression of failure in General Education” ...Special education he continued,” is a recourse for parents when their children fail to make progress but do not receive adequate help” and “an outlet for teachers and schools when children require time and attention that cannot be provided due to lack of resources” (1999). Thus local budget crises have resulted in decisions based on tactical expedience rather than long-term policy consideration, and have “contributed to a vast increase of minority children in Special Education because minority families typically suffer from social service program cuts” (1999).

Pre-referral/ Referral and the “Wait to Fail” model

The first step in the process is identification of a child who may be in need of special services. This identification generally occurs in one of two ways. Children with more severe, low incidence disabilities are usually identified at birth or during early childhood. Their identification follows the medical model with a diagnosis made by a physician. These children enter school with a diagnosis that is accepted or confirmed using the special education process. Ultimately, needed educational services follow. For

these low incidence medically diagnosed disabilities, disproportionate representation has never been an issue. For the high incidence disabilities the identification process follows a social system model (Commission on Excellence, 2002). The child enters school with normal expectations. However, at some point the child “violates” someone’s expectations of what is normal and is “noticed” by someone, usually a teacher for about 80% of referrals, but also others such as a parent, principal, family court worker, physician, or counselor (Finn, 1979). Because of discrepancies between the children’s rate of learning or exhibited social behavior and that of his/her peers, the child is then referred to special education and the assessment component begins. However, in order to rule out within child deficits, one requirement of the referral is that the child has been exposed to adequate educational programs and effective teaching.

This social system access has received much criticism on two counts. The first is the “wait-to-fail” model where a child must fail and then also be noticed by someone, before a referral for additional services begins. Often this noticeable failure does not occur until after two to three years of schooling, with the child losing critical learning time and resultant possible damage to his or her self-concept. Academic and behavioral expectations of children held by referring adults may have a racial/ethnic component and contribute to disproportionate representation. The second criticism is that despite the requirement, there is no proof that the child has been exposed to adequate educational programs and effective teaching. This requirement is problematic for many minority children because inadequate education is more likely to occur in high poverty areas where many minority children live. This exposure to effective programs is required before the referral to special education because the child’s problem may be the result of

poor teaching and inadequate educational options rather than an academic or behavioral problem.

Biases in Individual Assessment and Evaluation

For those students who are referred, the first step is to be given a psycho-educational assessment that is the full and individual evaluation mandated by legislated regulations (Commission on Excellence, 2002). Children who are referred and evaluated are ultimately determined to be eligible or ineligible for special education services by a multidisciplinary team (MET) who considers all of the assessment evidence to make a determination. This is the step in the eligibility process that has received the most attention in the over representation of minority children. Key issues are cultural and linguistic bias in testing and interpretation of results, limited use of functional assessments and failure to consider contextual information from the child's environment.

One place where special education and multicultural education converge is in the area of test bias (Project FORUM, 1994). Culturally and linguistically biased tests that result in disproportionate numbers of minority children being labeled, is a long recognized problem. There is much discussion in the literature about cultural and linguistic bias in testing, particularly in instruments used for individual assessment. Concerns regarding the individual assessment include the adequacy of the assessment and the detrimental effects of the resulting labeling process. As early as 1968, Dunn argued against the psychometric assessment of children by school psychologists who generally administer a battery of tests to find out what was wrong with the child in order to find the label that makes him/her eligible for special education. He would argue that in large measure this has resulted in digging the educational graves of many racially and/or

economically disadvantaged children by using the WISC or Binet IQ score to justify the label 'mentally retarded'. He would then propose that the term would become a self-fulfilling prophecy (Dunn, 1968). His concern was with both lowered teacher expectations and decreased feelings of self-worth on the part of the student. Inadequate preparation of psychologists for administering and interpreting test results of minority children is another critical issue. In a comprehensive study, Ochoa et al. (32) conducted a survey of 1,507 psychologists who complete bi-lingual assessments of children, practicing in the eight states where 85% of the Hispanic population resides. These psychologists did not believe that they had received adequate training to conduct these bi-lingual evaluations. Even more striking, they identified training deficiencies in "(a) knowledge of second language acquisition factors and their relationship to assessment; (b) knowledge of methods to conduct bi-lingual assessments; and (c) ability to interpret the results of bi-lingual assessments.(Ochoa, Rivera, and Ford, 1997)" Although IDEA guarantees children the legal right to be tested in their native language, this 1997 study also identified a major shortage in bi-lingual school psychologists, due to fairly constant number of minority students in school psychologist training programs while limited English speaking and minority populations have increased dramatically. With the apparent shortage of qualified psychologists, Ochoa et al. expressed in another article great concern regarding the "exclusionary clause" of Public law 94-142 (1975) which states that a child should not be labeled as learning disabled if the "discrepancy between ability and achievement is primarily the result of environmental, cultural, or economic disadvantage(Ochoa, Rivera, and Powell, 1997)". Given the over representation of minority children in special education and the limited number of school psychologists

who feel they are adequately trained to conduct or interpret assessments of bi-lingual or LEP students, Ochoa calls for immediate attention to this issue.

A hypothesis set forth by Coutinho and Oswald is, “Special educational assessment relies on instruments and processes that (a) contain cultural and linguistic loading and (b) measure and interpret the ability, achievement, and behavior of students differently across ethnic groups. (1998)” Even with the legal safeguards for the evaluation of a child in IDEA, there is the possibility that in some way, “the decision-making process or assessment instruments may be working differently across ethnic groups.(1998)” More recently, greater emphasis is placed on functional assessments and developmental information gathered from a variety of sources. “The functional requirement implies greater emphasis on gathering information in the natural setting that is directly relevant to the problem behavior and to interventions addressing the problem behavior.(Commission on Excellence, 2002)” The challenge to practitioners is to develop and tailor assessment procedures to clearly reflect the problem behavior in the classroom, other school and home settings, and to assess progress in the general education curriculum. There is decreased interest in studies regarding cultural and/or linguistic bias in tests, such as intelligence tests, because much work has been done in this area to address cultural and linguistic loading, observer bias, improvements in the technology of test bias detection, analyzing the performance of ethnic groups, and more sensitivity about the impact of assessment on disproportionate representation (Coutinho & Oswald, 1998). Areas that do need more research are the MET and IEP teams’ influence and the decision-making process, impact of the information available about the child and family functioning, demographic, economic and cultural information (1998).

The Committee on Minority Representation in Special Education summarized the issue, “Addressing disproportion is far more complex than changing the participation numbers by adopting assessment tools that will identify a different racial/ethnic mix of students. The goal must be to better serve the educational needs of all students... While the tools must be valid, reliable and culturally unbiased, they must also effectively identify those students who need and can profit from the interventions made available at the school.(2002)”

Eligibility Determination, IEP Committee Meetings, Parent Involvement

When the child’s individual assessment is complete, a meeting is called of a group of specifically identified experts, the child’s parents and the child, if appropriate. This group is the Multidisciplinary Evaluation Team (MET) that makes the eligibility determination because this decision is too important to rely on the expertise of a single specialty. The purpose of this meeting is to review the referral and assessment information and to determine if the child is eligible for special education services and if so, under which disability category. The MET meeting of experts is the deciding point for children with subjective disabilities, as there is usually no supporting medical evidence. Several educators have discussed the importance of parental involvement in each step of the process: the child’s individual assessment, the initial MET meeting to determine eligibility and if eligible, the annual IEP committee meetings for developing the child’s educational plan, and subsequently, the 3-year MET meetings for re-determination of the child’s eligibility. Because of possible racial/ethnic issues to be considered, involvement of minority parents is particularly important. Special education regulations, which have been in place since 1977, require an IEP to be developed each year for each child. This

IEP must include a statement of the child's present educational performance, how the child's disability affects involvement and progress in the general education curriculum, and the child's participation in the state and district assessment programs, including modifications of assessment procedures. Additionally, the IEP must include annual goals, short-term objectives, and measurement toward the achievement of these goals and objectives. Because these important requirements need to be reviewed and goals developed each year, parent participation is critical, especially for minority children due to the consideration of cultural implications. The Committee on Minority Representation in Special Education identified a number of studies that found "that ethnic minority families have uniformly high aspirations for their children. But many low-income and minority parents lack the cultural capital - knowledge of how the system works - and social capital - access to important social networks - that play an important role in supporting their children's academic success"(2002). This lack of knowledge and resources becomes critical as the special education process involves the parent at every step. Indeed, due process procedures, which require parental permission for evaluation and placement and for the annual IEP, are "designed to protect students against inappropriate placement decisions" (2002). The role of parents has been described as one of advocacy. However, the research suggests that many minority parents have difficulty filling this role. Two reasons often cited are the lack of parental understanding of their rights under IDEA and the imbalance of power between minority parents and the school.

Minority parents, especially those with limited English proficiency, participate less in the special education process and do not understand their rights as a parent and the array of options available for their children. They are not treated as partners. Of particular

concern is the use of educational jargon during meetings, not scheduling IEP meetings at the convenience of parents, the lack of time parents are given to review information and decide about their child's program, and the lack of advocacy on behalf of the child. Accommodations for cultural differences are not made such as the involvement of extended family, which is culturally important to members of many minority groups. In regards to advocacy, a 1994 study by Harry et al. found that when service providers perceived parents as empowered, they changed their practices. However, other research by Turnbull and Turnbull pointed out that most parents experience difficulty in "meeting the challenge of advocacy(Commission on Excellence, 2002)." Overall, studies of parents' roles in special education indicate that the imbalance of power between school personnel and students or their parents is often exacerbated for minority and low-income parents (2002). While middle class parents actively engage the school system, low-income parents tend to refrain from interaction and accept the school's decisions at face value.

Other research shows provided by the Commission on Excellence in Special Education that parent's involvement in general education be "determined more by the teacher's encouragement than by family background variables, such as race or ethnicity, social class, marital status, and mother's work status. Thus, while the literature suggested impediments to parent participation that are linked to cultural difference, it also indicated that school personnel can create participation structures that empower parents.(2002)"

Another area of concern about the IEP process is the limited use of the information gathered about the child during individual assessment in developing prescriptive educational plans during the annual IEP, A problem identified in the research

is that no relationship generally exists between the child's assessment and the child's annual goals and objectives. This issue is not specific to minority children, but for all children receiving special education services in the subjective categories.

Quality of Special Education Programs

Since its implementation in 1975 special education has focused on the process of implementation. Classroom doors are open to increasing numbers of students with disabilities. However, while energy was focused on ensuring access and due process, insufficient emphasis was placed on the quality, effectiveness and efficiency of services and programs, or student educational outcomes.

There are few studies describing what happens to special education students during their schooling and how they fare in adult life. According to Pat Brown's "Outcomes in Special Education: What We Know and Know We Could Know More", once referred, probabilities are good that most children will stay in special education, so special education programs are often viewed as ineffective and "dead end" (1994). In the same study, other experts suggest that if the purpose and process of special education were more clear, and positive change was an evident outcome (e.g., children referred, got the services they needed, and it made a positive educational difference in their lives), few would complain about over representation (1994). However, the negative consequences and minimal outcomes reported as result of special education identification and placement outweigh the positive aspects.

In their 2002 publication, the Committee on Minority Representation in Special Education summarized what little research there was available on the effectiveness of interventions for special education students. Although the amount of information is

growing, most of the research has been conducted with students with learning disabilities, and to a lesser extent those with emotional and behavior disorders. No research (conducted with students with mild mental retardation) was reported in the last 20 years. The reported research did not specify racial/ethnic composition of the students studied or differential effects for minority groups. The Committee stated that it is important to note that “the extent to which effective practices are used among students of any race or ethnicity is largely unknown”(2002).

Unknown Effect of 504 Plans

Many children with specific educational needs, who are not found eligible for special education, receive services and educational accommodations under Section 504 of the Rehabilitation Act. Section 504’s definition has three conditions for eligibility, the individual 1) has impairment, 2) has a record of impairment, or 3) is considered to have an impairment that affects one or more life activities. However, there are no data available about the number or demographics of students who have 504 plans. This was confirmed in a recent telephone conversation with the US Department of Education’s Office of Civil Rights. It appears that because there is no funding connected to this initiative, information about Section 504 implementation is neither systematically recorded, collected nor monitored. Although school districts are required to keep student 504 plans on file, they are not reported to or monitored by the state or federal government. Therefore, no data exist about the racial/ethnic diversity of students with 504 plans.

To be eligible for special education services a child must have an educational disability, not just a medical disability. Students with medical disabilities and no

educational disability can be served in the schools with appropriate accommodations under Section 504 of the Rehabilitation Act (1973), as amended. These students also have a plan usually called a “504 Plan”. Information about the number of 504 Plans that are developed each year, and information about student demographics data are not reported or monitored at the federal level. Utilization of Section 504 could be a vehicle to open the door to early identification, prevention and remediation rather than rely on the special education wait to fail model. For example, the professional community could agree that certain conditions could reasonably be predictive of having a disability for eligibility, hence the child qualifies as “having an impairment” and services could begin.

CHAPTER 3

The Design of the Study

Description of the Research Design

The research design for this study involves collecting and analyzing national, statewide and district trends in the representation of various groups in the special education programs in the public school system. To that end, national, statewide, and district data analysis were key components of this study. Following an extensive data collection and literature review, files concerning the placement of the Kingsway Regional School District's special education population were crucial in determining the reason for placement and the types of modifications and services made available to students.

An extensive literature review included identification of 34 years of professional articles and publications on this topic. Articles were identified through computer searches, library research, and discussion with experts in the field. The final bibliography contains many publications dating from 1968 to 2002, as well as the IDEA legislation (1997) and the No Child Left behind Act (2002). Information garnered from the literature review provided a broad base of knowledge to understand the comprehensive issues related to disproportionate representation of minorities in special education.

To learn about the disproportionate representation of minority children in special education in New Jersey, an analysis was conducted utilizing the national IDEA database for 1999-2000. Information contained in the IDEA database has been reported annually

by each state to the U.S. Department of Education since 1977, when IDEA's predecessor PL 94-142 was implemented. However, the number of children served in each of the 13 disability categories was not disaggregated by the child's racial/ethnic group until the last two reporting periods. The IDEA database is the only system that monitors all five designated racial/ethnic groups by all 13-disability categories.

Once the data from New Jersey was compiled and compared to the national data, an analysis was conducted to determine reasons for differences in minority representation. This analysis centered on the existence or lack of a minority population in various areas of our country and how that may skew data and an examination of the qualifying standards in various states.

Data from the Kingsway Regional School District was compiled and analyzed by racial/ethnic group and rationale for placement into special education. Files from the Kingsway School District were also supplemented by documents from our constituent and sending districts. Statistical analysis was then conducted comparing New Jersey and Kingsway with the other states.

The data culled from this study enhances the districts knowledge of its proportion of representation of minority students as various legislative initiatives threaten to withhold funding unless appropriate measures are not taken to ensure proper representation and adequate performance of all groups of students on standardized tests.

CHAPTER 4

Presentation of Research Findings

Disproportionate representation of minority children in special education is a long recognized and well-documented problem. Published research revealed an extensive and impressive body of literature covering a myriad of intertwined social and educational issues. Social issues included: (a) differences in language and culture interpreted as disabilities, (b) health problems and environmental exposure that place minority children at greater risk of disability, (c) the interwoven and far-reaching effects of poverty, (d) lack of more appropriate resources for children and families, and (e) concern over long term negative effects on the child of disability “labeling”.

Contributing factors related to the special education process and educational services in general were: (a) misidentification of the child during referral, (b) use of the wait-to-fail model before seeking specialized services, (c) cultural bias occurring at various points in the individual and contextual assessment procedures particularly culturally meaningful participation of minority parents in the required individual educational planning (IEP) process, (e) lack of information about the effectiveness of the resulting special education programs and services coupled with concerns about dead-end” placements, (f) general education reforms requiring more accountability such as high stakes testing and the omission of special education student scores from school-wide analysis, and (g) lack of either assistance or consequences to school districts experiencing over representation of minority students.

Countless reports and educational studies have documented the over representation of African American, American Indian and Hispanic children in the high incidence, judgmental categories of emotional disturbance, learning disabilities and mild mental retardation over the last three decades. Concomitantly, there is a mirror effect in gifted and talented education. While these three groups of minority children are over represented in the judgmental categories of special education, they are under represented in referral and participation in the “also-judgmental” gifted and talented educational programs. The reverse was reported of children of Asian descent, who tend to be under represented in the judgmental special education categories and over represented in gifted and talented programs. Although disproportionate representation of minority children in gifted and talented programs is beyond the purview of this study, this under representation of three of the four groups of minority children reflects related problems and a need for further investigation.

The 1997 IDEA special education legislation was filled with procedural safeguards to protect against over representation. This legislation summarized the problem as: (a) disproportionate representation of children from diverse backgrounds in special education, (b) over identification of poor African American students as mentally retarded, (c) unacceptable high dropout rates for minority children in special education, and (d) lack of appropriate services to students of limited English proficiency. (IDEA, 1)

The review of national IDEA data on disproportionality provided a context for understanding similar issues in New Jersey and the Kingsway Regional School District. In the absence of a framework provided by the national data, it would be difficult to judge whether any noted discrepancy was cause for concern or was consistent with

national patterns. Historically, the primary concern of minority advocacy groups has been on what they feel may be excessive representation of minority children in special education programs. However, results indicated that with 39.36% minority school age children, the special education population in New Jersey included 38.85%. This -2.46 “under representation” stood in stark contrast to double-digit disparities noted for several other states. In the Kingsway District, the 18.1% minority school age children were represented 15.2% within the special education population. This, again is in contrast to comparisons to data from other states and in the nation.

To further clarify the relationship between minority students and special education involvement, each of the 13 special education categories were independently examined. Prior research had consistently identified the judgmental and higher incidence disabilities (learning disabilities, speech and language impairments, mild mental retardation, and emotional disturbance) to be the most subject to over representation. These hypothesized relationships between minority status and over representation were confirmed in the IDEA data for certain states such as New York, Louisiana, Washington D.C., and Delaware. New Jersey evidenced under representation for most of the categories of special education classification. While that under representation was mild in certain areas, it certainly shows that New Jersey is not part of the growing trend toward over representation. The Kingsway Regional School District similarly showed a more proportional representation of minorities within the special education categories.

The initial comparisons indicated that New Jersey and the Kingsway Regional School District has under representation of minorities in special education populations. However, much of the scientific literature suggested that there could be vast differences

in the representation of minorities among the various categories of special education.

While population comparisons did not reveal disproportional representation of minority children in special education generally, examination of specific categories could provide a different picture. In order to investigate category-specific representation, it was necessary to examine the categories found in other states, New Jersey and the Kingsway Regional School District. They include:

1. Specific Learning Disabilities
2. Speech and Language Impaired
3. Emotionally Disturbed
4. Other Health Impairments

State	Percentage of Minority Children in the General Population	Percentage of Minority Children in All Disabilities	Difference
Alabama	35.55	43.19	7.64
Alaska	35.60	42.98	7.38
Arizona	43.50	46.13	2.63
Arkansas	26.11	29.59	3.48
California	61.57	58.85	-2.72
Colorado	28.15	31.23	3.08
Connecticut	26.72	31.53	4.81
Delaware	32.38	46.59	14.21
District of Columbia	78.62	96.43	17.81
Florida	41.74	45.25	3.51
Georgia	41.39	42.51	1.12
Hawaii	80.01	81.04	1.40
Idaho	13.02	14.44	1.42
Illinois	36.58	35.08	-1.50
Indiana	15.18	14.94	-0.24

Iowa	8.23	9.89	1.66
Kansas	18.09	19.5	0.96
Kentucky	11.36	14.50	3.14
Louisiana	44.26	54.74	10.48
Maine	3.33	2.35	-0.98
Maryland	41.49	45.70	4.21
Massachusetts	23.36	21.60	-1.76
Michigan	23.79	24.99	1.20
Minnesota	13.97	17.66	3.69
Mississippi	47.50	55.68	8.18
Missouri	18.27	21.58	3.31
Montana	13.25	18.19	4.94
Nebraska	14.63	16.68	2.05
Nevada	39.07	38.85	-0.22
New Hampshire	5.13	2.74	-2.39
New Jersey	39.36	36.90	-2.46
New Mexico	62.02	66.62	4.60
New York	42.45	61.57	19.12
North Carolina	34.09	41.25	7.16
North Dakota	11.08	12.79	1.71
Ohio	18.19	17.56	-0.63
Oklahoma	26.83	33.17	6.34
Oregon	18.13	14.374	-3.39
Pennsylvania	18.53	21.06	2.53
Rhode Island	20.10	18.79	-1.31
South Carolina	39.99	50.25	10.26
Tennessee	24.90	26.13	1.23
Texas	53.32	54.74	1.42
Utah	13.55	14.22	0.67
Vermont	3.52	2.89	-0.63
Virginia	33.53	35.36	1.83
Washington	24.08	23.79	-0.29
West Virginia	5.53	5.49	-0.04
Wisconsin	15.69	20.34	4.65
Wyoming	12.49	12.57	0.08
Kingsway Reg. SD	18.10	15.20	-2.90

Table 2 Top Ten Disproportionate States for Specific Learning Disabilities			
State	Percentage of Minorities in the General Population	Percentage of Minorities in Specific Learning Disabilities	Difference

		Programs	
New York	42.45	61.59	19.14
Delaware	32.38	49.39	17.01
District of Columbia	78.62	95.00	16.38
Louisiana	44.26	57.06	12.80
Mississippi	47.50	59.22	11.72
Georgia	41.39	49.43	8.04
Montana	26.83	34.36	7.53
Oklahoma	26.83	34.36	7.53
Alaska	35.60	42.36	6.76
New Mexico	62.02	68.30	6.28
New Jersey	39.36	36.92	-2.44
Kingsway Reg. SD	18.10	15.08	-3.02

Table 3 Top Ten Disproportionate States for <u>Speech and Language Impaired Programs</u>			
State	Percentage of Minorities in the General Population	Percentage of Minorities in Speech and Language Impaired Programs	Difference
New York	42.45	65.67	23.22
District of Columbia	78.62	98.91	20.29
Illinois	36.58	24.42	-12.16
New Jersey	39.36	27.73	-11.63
Rhode Island	20.10	11.37	-8.73
Alaska	35.60	44.20	8.60
California	61.57	53.35	-8.22
Delaware	32.38	24.34	-8.04
Nevada	39.07	33.30	-5.77
Indiana	15.18	9.56	-5.62
Kingsway Reg. SD	18.10	2.05	-16.05

Table 4 Top Ten Disproportionate States for <u>Emotional Disturbance Programs</u>			
State	Percentage of Minorities in the General Population	Percentage of Minorities in Emotional Disturbance Programs	Difference

New York	42.45	72.71	29.76
Louisiana	44.26	67.91	23.65
North Carolina	34.09	54.08	19.99
District of Columbia	78.62	98.07	19.45
Delaware	32.38	49.53	17.15
Kentucky	11.36	28.20	16.84
South Carolina	39.99	55.89	15.90
California	61.57	47.24	-14.33
Connecticut	26.72	40.70	13.98
Arizona	43.50	29.98	-13.52
New Jersey	39.36	38.24	1.14
Kingsway Reg. SD	18.10	17.60	0.50

Table 5 represents data related to other health impairments. This special education equivalent of the "other" category subsumes a very broad list of problems ranging from attention deficit disorder to physically handicapping conditions not covered elsewhere.

State	Percentage of Minorities in the General Population	Percentage of Minorities in Other Health Impairment Programs	Difference
Illinois	36.58	15.64	-20.94
California	61.57	43.60	-17.97
District of Columbia	78.62	95.38	16.76
New York	42.45	25.90	-16.55
New Jersey	39.36	23.78	-15.58
Texas	53.32	37.81	-15.51
Nevada	39.07	23.96	-15.11
Arizona	43.50	28.89	-14.61
Rhode Island	20.10	5.72	-14.38
Georgia	41.39	28.75	-12.64

Kingsway Reg. SD	18.10	17.95	0.15

The examination of student records within the Kingsway Regional School District found that most of the special education students were classified in their elementary districts (the constituent districts that send students to Kingsway for Middle and High School). This has made the problem particularly vexing for Kingsway as the district is beholden to the procedures and classification practices of others. Therefore and disproportionate representation also must be examined in the constituent districts to determine the accuracy of placement.

While not an official part of this study, the use of 504 Plans were examined to determine their use in place of classification in order that students could receive services without classification. It was determined that no attempt was made to classify students as in need of 504 accommodations in order to skew the numbers within the special education programs. In fact, the number of 504 plans has gone down 47% in the past year. This could be in response to greater clarity from the New Jersey Department of Education and the Federal Government with regard to their use in the public schools.

CHAPTER 5

Conclusions, Implications, and Further Study

Conclusions

As national trends indicate a disproportionate representation of minority children in special education programs, it is concluded that New Jersey and the Kingsway Regional School District are not following in this trend. A review of national IDEA data and district records show that New Jersey and Kingsway are representative of an upper one-third of places in regard to the low percentage of disproportionate representation of minority children in special education. In fact, most vantage points show significant under representation of these groups. Considering the growing minority population in the state and district, this news is particularly positive.

The reason for this under representation could be attributable to a variety of factors that should be further explored. One series of explanations are that teachers and other professional educators have achieved multicultural competency and are aware of the issue of disproportionate representation of minorities in special education. Efforts to change related behavior are working, and that the special education process issues explained elsewhere are being resolved. While this study examined the differences between whites and minority groups, further study needs to be conducted with regard to the gender differences that exist in special education programs. Males are frighteningly over represented in this population.

Implications

The implications of this study are clear. While the Kingsway Regional School District is moving in a positive direction to ensure that minority students are fairly represented across all levels of academia, the trend cannot exist in a vacuum. All students need to be educated according to their needs. To that end, the district must follow proper procedure in special education determination and make sure that the programming provided is sufficient in meeting the needs of the student. If done correctly, students will be prepared to face the challenges that will present themselves throughout their school career and life.

Further Study

A more extensive examination of the constituent classification procedures would greater enhance the ability of the Kingsway Regional School District to control its own destiny with regards to the representation numbers found in studies such as this and those that would be conducted by state and private agencies. While the State of New Jersey allows for local control, it is important that Kingsway closely monitor the constituent districts to ensure that it will not be responsible for statistical inequities that it did not create.

The growth of leadership as set forth by the ISSLC Standards is clear. In order to be an effective school leader, it is not only important that one caters to the needs of each individual student, but also takes part in determining what those needs are. Kingsway is an interesting place in that it relinquishes a great deal of control for procedures and programs that it must ultimately address in a student's academic career. Without a firm

knowledge of those procedures and a finger on the touchtone of the make-up of a school, it would be very easy for a leader to lose sight of the ultimate goal of education.

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