

Decreasing Overrepresentation and Inappropriate Classroom Behaviors by Improving SLD Identification: Considering all of the Data

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Presenter

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Agenda

- » Understanding Disproportionality
- » Contributors to Disproportionality
- » Data Referral Concerns – Underlying Issues
- » Research Showing Links Between Academic Struggles and Behavioral Problems
- » Importance of Collecting and Using Multiple Sources of Data in Decision-making
- » Recommendations

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Title VI of the Civil Rights Act (1964), 42 U.S.C. § 2000d et seq. and 34 C.F.R. pt. 100 provide that no program or activity receiving Federal financial assistance from the Department of Education may discriminate on the basis of race or national origin.

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1.
Defining Disproportionality
What is it?

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Contemplate Some Statistics

- » Nearly half of all students enrolled in special education are students of color (Fish, 2019b).
- » 30% of children with SLD also experience emotional and behavioral problems (Cristofani et al., 2023);
- » Students with emotional and behavioral disorders perform below grade level standards in literacy and math (Kern et al., 2019); half fail to meet expectations on standardized testing (Kern et al., 2019);
- » 54% of students with a disability drop out of high school (Carney, 2021);
- » Early diagnosis of SLD improves outcomes (Cristofani et al., 2023).

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So, What is Disproportionality?

The National Education Association (NEA) and the National Association of School Psychologists (NASP) define disproportionality as the **overrepresentation** or **underrepresentation** of groups of people in special education services or gifted-talented programs by comparison to their representation in the total school population (Peterson, 2019; Sullivan & Osher, 2019).

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Some Statistics of Disproportionality

- » Native Americans are **four times** more often referred for developmental delays by comparison to other groups (Peterson, 2019).
- » African Americans are **twice** as likely to meet the requirements of special education services related to emotional disturbance (ED) and intellectual disability (ID) by comparison to other groups (Grindal et al., 2019; Peterson, 2019)

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Other Examples of Disproportionality

A U.S. Department of Education's (2018) report found that 65.5% of white students with disabilities spent 80% or more of the day in a **general education classroom**, while 58% of African American students with disabilities spent 80% or more of the day in a **resource classroom**.

Only **10.7%** of white students with disabilities spend less than 40% of their day inside a general education classroom, while **21.3%** of African American students spend less than 40% of their day inside a general education classroom.

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Examples in the Context of Behavior

The U.S. Department of Education (2016) reported that African Americans with disabilities received school suspensions twice as often as white students.

African Americans with disabilities received more severe punishments and discipline compared to their white peers (Tefera & Fischman, 2020).

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1. A History Lesson

Let's examine some reasons for why disproportionality may exist.

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Disproportionality and Federal Law

- » Some scholars argue that IDEA (2004, 2016) is partially to blame for disproportionality as IDEA is sometimes ambiguous (Sullivan & Osher, 2019; Tefera & Fischman, 2020).
- » For instance, clear and operational definitions are often lacking, and it does not specify precise standards or measures.
 - ◊ It is vague about when child find should be pursued (Grant, 2020, p. 153).
- » This ambiguity creates confusion, allowing for the development of do-it-yourself practices and inconsistent implementation, factors that are not congenial for solid policy or practices.

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Disproportionality and Confusion

- » States therefore can operationalize disproportionality in a manner that allows them to demonstrate they are not in violation of federal law and thus avoid being sanctioned (Sullivan & Osher, 2019).
- » This manipulative behavior by states/districts is possible because IDEA (1997) has left it up to local educational agencies to define and monitor things such as disproportionality (Sullivan & Osher, 2019).
- » Consequently, many of the policies and practices that have generated disproportionality remain in place and continue to be operationalized.

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A Rudimentary Solution

- » The federal government made a feeble attempt to revise the regulations and address disproportionality in 2016.
- » Now, the law (Sullivan & Osher, 2019, p. 397):
 - ◊ (a) Requires a standard methodology for determining significant disproportionality;
 - ◊ (b) Broadens the scope of Coordinated Early Intervention Systems (CEIS) to include preschoolers and students with disabilities;
 - ◊ (c) Requires LEAs to identify and address "root causes" of disproportionality.

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Weaknesses of the Revision?

- » The 2016 revision does not address **underrepresentation**, and rather footnotes it, stating that this is covered under IDEA's Child Find obligations (34 CFR 300.111).
- » Moreover, the revision creates tension—a need to identify all eligible children with disabilities (Child Find), while threatening financial sanction if all racial-ethnic groups are not identified equally.
- » Further, the ambiguity that remains in the law still allows members of the profession and scholarly community freedom to interpret and respond differently (Sullivan & Osher, 2019, p. 397-398).

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3. Scholarly (Non)Contribution

So-called "experts" have also aided to the confusion!



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Scholar's Contribute to the Confusion

- » Overrepresentation of minorities in special education has been a topic of discussion/contention for multiple decades (Biddanda et al., 2018; Cavendish et al., 2018; Connor et al., 2019).
- » Despite repeat research, there are few clearly articulated recommendations provided in the literature for addressing the issues.
- » Worst, scholars continue to produce competing findings, ultimately making it unclear if specific minorities are actually being under- or over-represented (Carney, 2021).

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Scholars are Also Accused of Being Afraid

- » Foldy and Buckley (2014) claim that scholars are too afraid to meaningfully engage with the issue of race and disproportionality, and instead take "a color blind" approach to research.
- » This explains why over- and under-representation by race is one of the most understudied topics in the disproportionality literature (Cavendish et al., 2018).
- » Ultimately, scholars fear being criticized for making comparisons across groupings, and perhaps for being racist or promoting racism, for instance, through their research.

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Competing Narratives' Impact Practice

- » Scholars that embrace disproportionality opine that decades of research proving disproportionality has had no impact on the field or reduced instances of overrepresentation (Cavendish et al., 2018).
- » They blame the educational system for being reluctant to accept and institutionalize important systemic changes (Cavendish et al., 2018).
- » In short, critics view the existing structures as repressive and racist.
 - ◊ This narrative has led some minorities to reject special education placement (Carney, 2021), as it is believed that once a student is labeled SLD, it is easier to punish them (Faraks et al., 2020).

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Competing Narratives Impact on Practice

- » Conversely, other scholars argue that minorities are underrepresented and less likely to be identified as SLD by comparison (Farkas et al., 2020; Fish, 2019a; Morgan et al., 2019).
- » Some reasons for underrepresentation offered include a fear of creating overrepresentation or an attempt to save districts money by restricting how many students are identified (Morgan et al., 2019).
- » Ultimately, a majority of the published literature suggests that disproportionality exists, but such findings are subject to debate.

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One Final Research Weakness

- » Research on students of color and disproportionality often do not account for other explanatory factors (Morgan et al., 2019).
 - ◊ As a result, disproportionality may be explained by factors beyond the commonly cited systemic issues found in the literature (e.g., bias; lack of resources; etc.).

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4. Other Contributors

What other issues may contribute to disproportionality?



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Other Factors that Contribute

- » Our education system is influenced by our social, cultural, and historic experiences and may need to be revised and updated (Cavendish et al., 2018; Sullivan & Osher, 2019; Tefera & Fischman, 2020).
- » **Poor data collection during the pre-referral and referral process resulting in inappropriate referrals to special education.**
- » Systemic inequalities exist in some areas for certain races, classes, genders, etc. (Biddanda et al., 2018; Fish, 2019b; Grindal et al., 2019).
- » Some school districts or staff may be influenced by implicit or explicit bias (Carney, 2021; Grant, 2020).

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It is generally accepted that teachers and staff have lower expectations of minority students in terms of academic and behavioral performance (Carney, 2021; Grindal et al., 2019).



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Social Factors that Contribute

- » There are diverging perspectives and expectations across stakeholders: parent -vs- teacher; teacher -vs- school psychologist; (Biddanda et al., 2018); national standards -vs- state/local standard; and so forth (Grant, 2020).
- » Some families, schools, states have limited opportunities to pursue systemic change (Biddanda et al., 2018; Carney, 2021).
- » The lack of available (federal) resources strains and restricts state and local actors (Grant, 2020; Voulgarides et al., 2021).
 - ◊ E.g., Limited resources allocated to minority school districts.
 - ◊ Reverse, the threat of sanctions for overrepresentation.

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Recognizing Certain Structural Differences

- » 87% of white student graduate high school; while only 73 African American or 66 Hispanic (Carney, 2021).
- » 75% of African American and Hispanic students attend schools in low-income areas, while only 25% of white students do (Carney, 2021).
- » Forsaking discussion on why this may or may not be the case, it is important to recognize that these trends exist, and they impact on students, our profession, and society as a whole.

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Culmination of the Above

What is the impact of the interplay of these characteristics, structures, and processes?

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The General State We Find Ourselves In

- » Disproportionality is suggested to exist in special education in general, and across the 13 federally defined disability categories (Fish, 2019a).
- » There is some anxiety to refer minority students and attribute to overrepresentation (Grant, 2020).
- » There is a nationwide inconsistency in methods and processes used for identifying students (e.g., Child Find) (Grant, 2020).
- » There is a nationwide inconsistency in methods and processes used to identify students with behavioral issues (Voulgarides et al., 2021).

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6. Referral Data

Why is the quality of the referral packet important?

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Legal and Federal Regulations

Individuals with Disabilities Education Act (IDEA, 2004)

Use a variety of assessment tools and strategies to gather **relevant functional, developmental, and academic** information about the child. Including information provided by the parent, that may assist in determining whether a child has a disability; and use it for individualized educational planning.

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Data-Based Referral Decisions

- » Referral decisions must be made based on all the data collected prior to and part of the referral process
- » When important data is lacking, we do not obtain a complete picture of what the student can and cannot do
- » This leads to inappropriate referrals and decisions

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Poor Data Collection Practices

- » Five data sources are recommended for a comprehensive ED evaluation:
 - ◊ Classroom observations, teacher interview(s), parent interview(s), student interview, and normative data from rating scales completed by at least two different informants.
- » One study, however, shows that only 28% of school psychologists consistently include all 5 sources and nearly 30% include only four of the five sources (Allen & Hanchon, 2013).
- » Sadly, 5% do not consistently include any of the critical data sources listed; and 13% only consistently include one of the five.

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Gleaning Insight from Such Research

- » Some in our profession are failing to collect enough relevant data to make legally defensible decisions.
 - ◊ Poor referral process
- » Collectively, we are inconsistent in our interpretation and recommendations.
- » These weaknesses are concerning in a profession that relies heavily on data collection and interpretation.
- » These MAY also attribute slightly to disproportionality

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Poor Data Collection = Poor Decisions

- » Leads to students being referred who shouldn't be referred
- » Students who should be referred are not – resulting in ongoing academic struggles and sometime manifestations of behavioral issues
- » Leads to inaccurate and poor decisions based on minimal data

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Research Linking Academic Struggles & Behavior

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Few Researchers Study Link Between Academic Struggles and Behavior Concerns

- » The relationship between academic and behavior problems is a long-recognized phenomenon (Alexander, Entwisle, & Horsey, 1997; Hinshaw, 1992). In their meta-analysis, Maguin and Loeber (1996) found that **poor academic performance appears to be related to frequency, persistence, and seriousness of delinquent activity.**
- » There is evidence that lack of early literacy development is associated with inability to complete coursework in later grades, aggression and behavioral problems, and dropping out of high school (Proctor, Graves, & Esch, 2012).

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Limited Studies Linking Academic Struggle and Behavior

- » Studies of the link between behavior, emotion and learning disorders is understudied (Castro et al., 2020).
- » Learning disorders, emotional, and behavioral difficulties often emerge in the primary school years and are one of the most important reasons for concern for teachers, educators and school administrators (Castro et al., 2020).

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Academic Struggle & Behavior

- » Positive reinforcement has been shown to reduce unwanted behavior and increase reading performance (Ayllon & Roberts, 1974).
 - Hyperactivity and Reading challenges are thought to be strongly correlated (Castro et al., 2020).
- » There is a negative association between aggressive behavior and academic performance, but it is not well understood (Castro et al., 2020; Vuoksimaa et al., 2021).

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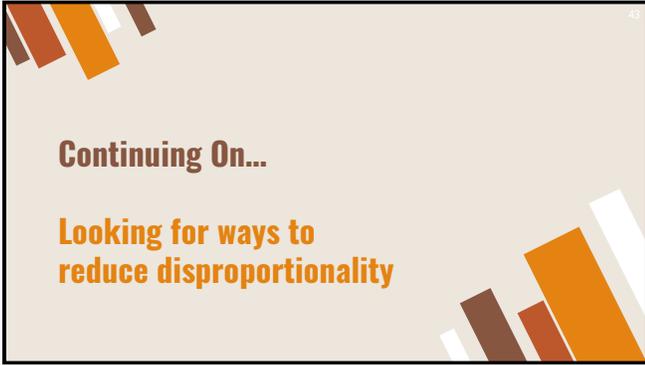
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Something To Consider (?)

- » Castro et al. (2020) recommend considering the link between early reading difficulties and hyperactive behaviors, which appear to be mutually reinforcing, when prevention/intervention.
- » There is mixed findings on the correlation between hyperactive behaviors and math performance.



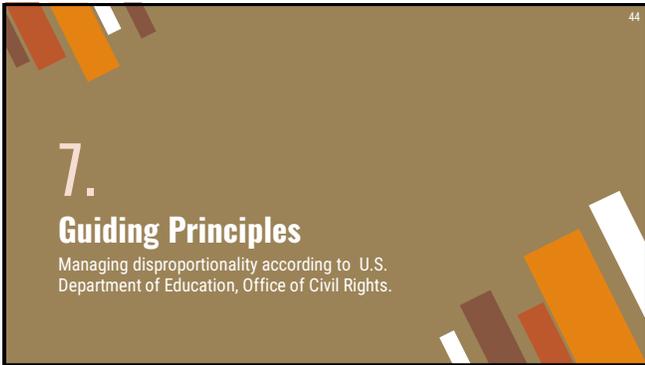
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Continuing On...

Looking for ways to reduce disproportionality

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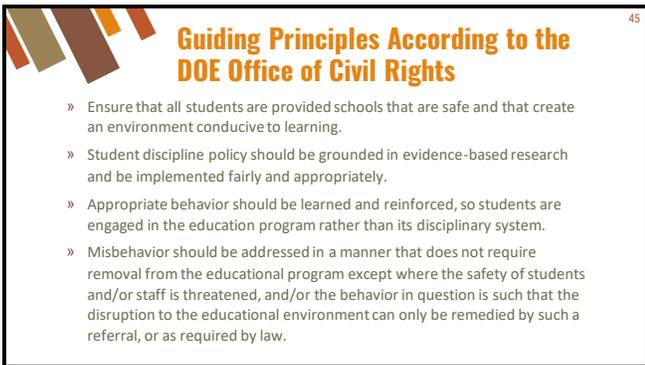


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Guiding Principles

Managing disproportionality according to U.S. Department of Education, Office of Civil Rights.

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Guiding Principles According to the DOE Office of Civil Rights

- » Ensure that all students are provided schools that are safe and that create an environment conducive to learning.
- » Student discipline policy should be grounded in evidence-based research and be implemented fairly and appropriately.
- » Appropriate behavior should be learned and reinforced, so students are engaged in the education program rather than its disciplinary system.
- » Misbehavior should be addressed in a manner that does not require removal from the educational program except where the safety of students and/or staff is threatened, and/or the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral, or as required by law.

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What Are Evidence-Based Classroom Management Practices

» Ones that have been “(a) evaluated using sound experimental design and methodology (group experimental, group quasi-experimental, experimental single subject designs, or causal comparative); (b) demonstrated to be effective; and (c) supported by at least 3 empirical studies published in peer-refereed journals” (Simonsen et al., 2008, p. 352-353).

Simonsen, B., Fairbanks, S., Briesch, A., Mayers, D., & Sugai, G. (2008). Evidence-based Practices in Classroom Management: Considerations for Research to Practice. *Education and Treatment of Children, 31*(3), 351-380.

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5 Critical Elements of Evidence-Based Classroom Management

1. Maximizing structure;
2. Posting, teaching, reviewing, monitoring and reinforcing expectations;
3. Engaging students actively in observable ways;
4. Using a continuum of strategies to acknowledge appropriate behavior;
5. Employing a variety of techniques to respond to inappropriate behavior.

Ficarra & Quinn (2014)

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Concept	Practice
1. Maximizing structure	a. Establish structure through teacher-directed activities b. Physical arrangement that minimizes distractions
2. Posting, teaching, reviewing, monitoring and reinforcing expectations	a. Develop and directly teach expectations b. Actively supervise in all areas; provide feedback on expectations
3. Engaging students actively in observable ways	a. Opportunities to respond b. Response cards c. Direct instruction of skills d. Computer-assisted instruction e. Class-wide peer tutoring f. Guided notes
4. Using a continuum of strategies to acknowledge appropriate behavior	a. Behavior-specific praise b. Class-wide contingencies c. Behavioral contracts d. Token economies
5. Employing a variety of techniques to respond to inappropriate behavior	a. Error correction for academic and social behavior b. Performance feedback c. Differential reinforcement techniques d. Planned ignoring e. Response cost f. Time out from reinforcement

Concepts and Practices (adapted from Ficarra & Quinn, 2014, p. 75-76; see also Simonsen et al., 2008)

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Recommendations

Manage disproportionality through these best practices as extracted from the literature.



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Local Level

Scholarly recommendations for professionals in our field.



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When Conducting Evaluations

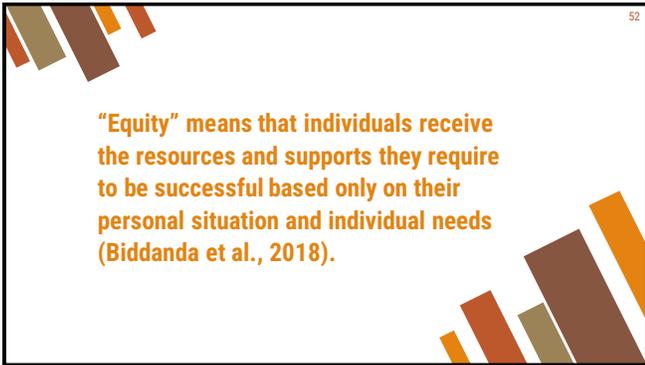
- (1) Be aware of bias;
- (2) Recognize that statistics are not neutral;
- (3) Appreciate that categories are neither "natural" nor given;
- (4) Provide clear voice and insight to findings (since data cannot "speak for itself"), and;
- (5) Pursue equity in your work (see also Biddanda et al., 2018; Blanchard et al., 2021).

Gillborn, Warmington, & Demack (2018)

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“Equity” means that individuals receive the resources and supports they require to be successful based only on their personal situation and individual needs (Biddanda et al., 2018).

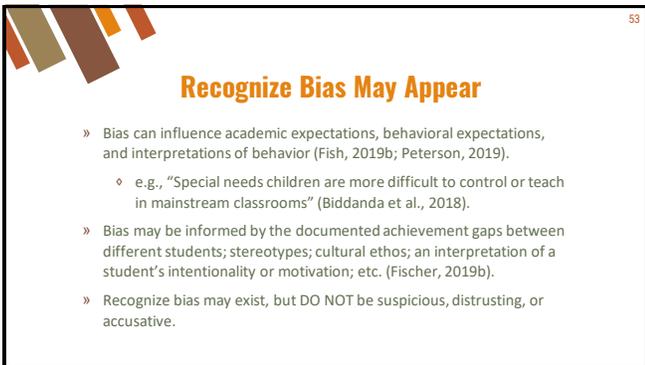


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Recognize Bias May Appear

- » Bias can influence academic expectations, behavioral expectations, and interpretations of behavior (Fish, 2019b; Peterson, 2019).
 - ◊ e.g., “Special needs children are more difficult to control or teach in mainstream classrooms” (Biddanda et al., 2018).
- » Bias may be informed by the documented achievement gaps between different students; stereotypes; cultural ethos; an interpretation of a student’s intentionality or motivation; etc. (Fischer, 2019b).
- » Recognize bias may exist, but DO NOT be suspicious, distrustful, or accusative.



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Bias Manifests in Two Forms

- » **Implicit bias** is a subconscious responses that can subtly present in body language, including facial expressions, distance maintained, or eye contact. The individual is not mindful of the action or response.
- » **Explicit bias** is defined as the perceptions, thoughts, and beliefs that a person consciously utilizes when evaluating members of a specific group (Blair et al., 2011; Biddanda et al., 2018; Golbeck et al., 2016; Grindal et al., 2019; Peterson, 2019).



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Regularly Review Standards, Practices, & Progress

It is important to determine “(a) the appropriateness of school policies and procedures relative to legal requirements, professional standards, best practice, and research evidence along with (b) the consistency with which they are implemented to ensure that no discriminatory practice, whether intentional or unintentional, occurs” (Sullivan & Osher, 2019, p. 404).

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Managing Disproportionality Requires Change

- » When evaluating and discussing outcomes, consider institutional belief systems, laws, political systems, and cultural expectations that may be inappropriately influencing decisions and recommendations (Blanchard et al., 2021).
- » Unless we change how we view our students and their parents, our role as professionals, the data we collect and interpret, and the overall assessment process, we can not expect to reduce disproportionality (Blanchard et al., 2021).

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The Culturally Responsive Self-Efficacy Scale (Cruz et al., 2019).

A PDF copy is available.



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Managing Disproportionality in SLD

- » Ensure the decisions and recommendations you make are appropriate for the student and are clear & easy to understand.
- » Regularly monitor students to ensure that your recommendations are being followed with fidelity and to confirm that established outcomes are being achieved.
- » Annually evaluate special education policies, practices, and interventions to determine their effectiveness for individual students and by groupings (e.g., race, language, culture).

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Critical scholars recommend moving away from the perception of “fixing” the individual to empowering them and treating them justly and fairly regardless of their race, religion, ethnicity, gender, etc. (Blanchard et al., 2021; Migliarini & Annamma, 2020).

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Work as a Team

- » Coordinate and collaborate with all stakeholders when reviewing the data and making decisions (Biddanda et al., 2018; Gillborn, Warmington, & Demack, 2018).
- » The group should collectively focus on making sound, data-driven determinations, while being creative, as well as forthcoming and honest in their work (Biddanda et al., 2018).

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When Working With Students

- » Have a general knowledge of the student you are dealing with (e.g., language, race, culture, behavior) (Cruz et al., 2019).
 - ◊ This knowledge should inform your approach, methodology, decision, and recommendations.
- » Build trust and rapport with the parents and students that you engage with.
- » Provide insight and recommendations that are easy to understand.

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Advocate for and practice early intervention (Sullivan & Osher, 2019).

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Select Methods Carefully

- » Use a variety of assessment methods for each case.
- » Use valid assessment instruments which are appropriate to the student (e.g., race, culture) and their individual needs.
 - ◊ Check to ensure norming.
- » Administer formal instruments according to publisher guidelines and professional standards.
- » NEVER make decisions based on a single instrument/data point.

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Collect data without bias or judgment (Davis & Southward, 2019).



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Make Multiple-Sources-of-Data (MSD) Decisions

- » Always make decisions based on an aggregation of the data (Biddanda et al., 2018).
- » Use MSD to properly identify eligibility, areas of concern, and recommend services and/or accommodations (Blanchard et al., 2021; Kern et al., 2019).
 - ◊ Check for bias (yours and others) when reviewing the data and making decisions (as a collective) (Blanchard et al., 2021).
 - ◊ Use the data collected to identify the characteristics or deficits and then design accommodations that suit those (Kern et al., 2019).

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A Closer Look: Observations

- » At least one evaluation team member (other than the student's regular teacher) must observe the student in a regular classroom setting (Davis & Southward, 2019).
- » IDEA (2004) requires a written observation report that includes a description of relevant behavior noted during a classroom observations and the relationship between the behavior and student academic functioning (Davis & Southward, 2019).
- » Include in your documentation: (a) observer; (b) narrative; (c) location, (d) time; (e) duration; (f) frequency; and (g) behavior.

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Observation Recommendations

- » Provide a detailed descriptions utilizing precise language and quantifiable data;
- » Avoid making assumptions or interpreting what you observe;
- » Consider the physical aspects of the classroom (seating, noise, student position in the classroom);
- » Carefully select the timing of the observation (Are the student's concerning behaviors more common at certain times of day/week/activities/etc.?).

(Davis & Southward, 2019)

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Observation Recommendations

- » Ideally, it is best to observe the student for an entire period;
- » Consider making more than one observation;
- » Record data on the accuracy, amount, and completion rates of the student's academic performance;
- » Note both appropriate and inappropriate behavior;
- » Thoroughly document sequences of events to ensure you have a detailed and chronological account of what occurred.

(Davis & Southward, 2019)

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By Way of Conclusion

Our profession needs to rethink how it evaluates. We need to individually and collectively find ways to reduce the inconsistencies that researchers are observing in our determinations and recommendations!

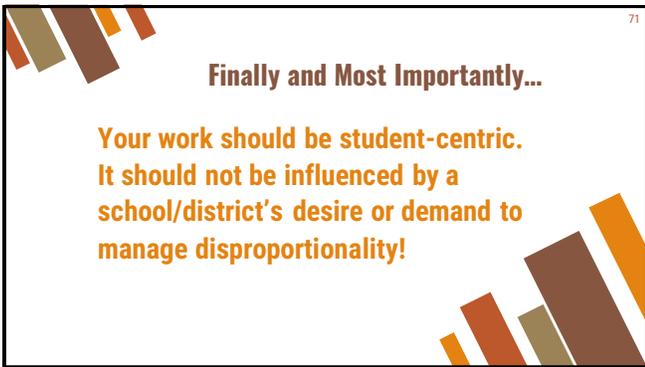
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Seek professional development in the areas that you feel unknowledgeable about or uncomfortable with.

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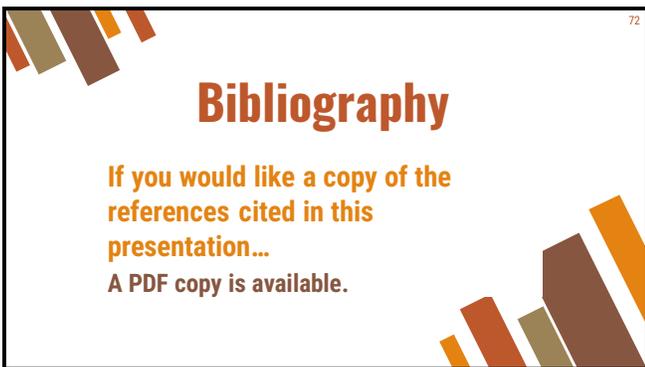


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Finally and Most Importantly...

Your work should be student-centric. It should not be influenced by a school/district's desire or demand to manage disproportionality!

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Bibliography

If you would like a copy of the references cited in this presentation... A PDF copy is available.

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