

DOCUMENT RESUME

ED 361 983

EC 302 454

TITLE Disproportionate Participation of Students from Ethnic and Cultural Minorities in Special Education Classes and Programs: Forum To Examine Current Policy. Project FORUM. Report of a Policy Forum (Alexandria, Virginia, June 3-4, 1993).

INSTITUTION National Association of State Directors of Special Education, Alexandria, VA.

SPONS AGENCY Special Education Programs (ED/OSERS), Washington, DC.

PUB DATE Jun 93

CONTRACT HS92015001

NOTE 33p.

PUB TYPE Collected Works - Conference Proceedings (021)

EDRS PRICE MF01/PC02 Plus Postage.

DESCRIPTORS \*Change Strategies; Cultural Differences; \*Educational Policy; Elementary School Students; Elementary Secondary Education; Eligibility; Enrollment Influences; \*Enrollment Rate; Enrollment Trends; \*Ethnic Groups; Government Role; Incidence; \*Minority Groups; Referral; Secondary School Students; \*Special Education; Student Evaluation

ABSTRACT

A policy forum was convened on the disproportionate participation of students from ethnic and cultural minorities in special education classes and programs, to promote a constructive national dialogue. The charge to participants was to identify the issues underlying the problem of disproportionate participation of minorities and to identify strategies for promoting systemic state and federal policy alternatives and ensure equitable referral, assessment, and eligibility determination for all students. The policy forum resulted in identification of 76 issues which were arranged within eight clusters, including: cultural sensitivity and family participation; referral, assessment, and identification; preservice and inservice training; policy, regulation, and funding; diversity in schools and communities; social and community issues; marketing and public relations; and outcomes, effectiveness, and data. Twenty-five strategies were recommended, with the following themes: teacher and professional support for meeting the needs of minority students; more input from and influence of minority parents and professionals; procedures that encourage integration; elimination of arbitrary and stigmatizing labels; monitoring of state and local practices by federal government; and research needs. Appendixes contain a participants list, communications with participants, an agenda, output from the policy forum, the issues identified by participants, and the recommendations for action. (JDD)

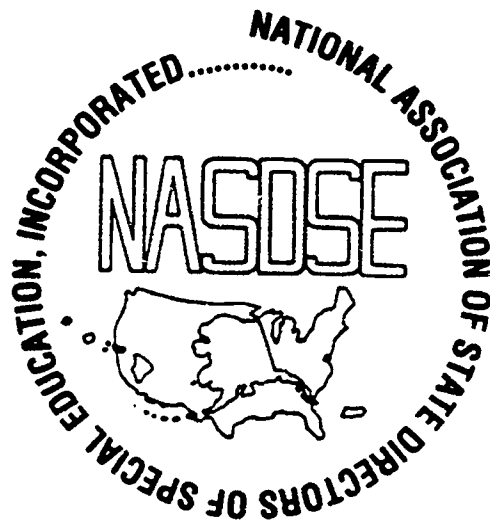
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**DISPROPORTIONATE PARTICIPATION OF STUDENTS  
FROM ETHNIC AND CULTURAL MINORITIES IN  
SPECIAL EDUCATION CLASSES AND PROGRAMS**

**FORUM TO EXAMINE CURRENT POLICY**



**Convened on June 3<sup>rd</sup> and 4<sup>th</sup>, 1993  
at the Courtyard Marriott, Alexandria, VA**

**by Project FORUM at NASDSE  
1800 Diagonal Road, Alexandria, VA 22314**

**for the Office of Special Education Programs  
U.S. Department of Education**

EC 302 454

**BEST COPY AVAILABLE**

## ACKNOWLEDGEMENTS

Project FORUM gratefully acknowledges all the individuals who attended the *Policy Forum on Disproportionate Participation of Students from Ethnic and Cultural Minorities in Special Education Classes and Programs* and whose names are listed in Appendix A of this report. They openly shared profound ideas, intense experiences, and passionate beliefs throughout the meeting's discussion contributing to the richness and the reality of the output recorded in Appendix D. The extra time many of them took to review and edit the meeting transcript is a measure of their dedication, as a group, to improving outcomes for children and youth with disabilities who come from ethnic and cultural minorities.

Project FORUM especially appreciates the leadership of Austin Tuning who facilitated the forum. His vision for improving education and the high regard and value he has for ALL children set a tone for the meeting that enabled a widely varied group of relative strangers to collaboratively work toward a common goal in a very short time.

Preparation of this report and the meeting it describes was funded by the Office of Special Education Programs, U.S. Department of Education under Contract No. HS92015001. The opinions expressed in this report do not necessarily reflect the position or policy of the Department of Education or the Office of Special Education Programs.

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# DISPROPORTIONATE PARTICIPATION OF STUDENTS FROM ETHNIC AND CULTURAL MINORITIES IN SPECIAL EDUCATION CLASSES AND PROGRAMS

## A Forum to Examine Current Policy

### I. PURPOSE AND ORGANIZATION OF THE POLICY FORUM

#### A. *Background and Purpose of the Forum*

The disproportionate participation of students from ethnic and cultural minorities in special education classes and programs has been a disturbing and persistent problem for those concerned with the education of students with disabilities. Sensitivity to equity issues particularly concerning determination of which children and youth qualify for special education is evident in federal special education law. P.L. 94-142, the Education of All Handicapped Children Act (now the IDEA) as originally passed in 1975 included requirements still in effect today that the assessment process be nondiscriminatory in nature and that the instruments employed be free from cultural or racial bias. Section 504 of the Rehabilitation Act of 1973 also requires nondiscriminatory assessment procedures. Yet data collected from school districts by the Office for Civil Rights (OCR) demonstrate that children from certain minority groups are significantly over represented in classes and programs for students with disabilities. Of equal concern is the fact that students from some cultural and ethnic populations are rarely identified as needing special education.

The problem of disproportionate participation of students from ethnic and cultural minorities has many dimensions -- social, political, and ethical. The problem requires discussion and resolution since the country is rapidly growing *more* ethnically and racially diverse. Several underlying causes of the problem of disproportionate participation of minorities have been discussed in the literature. These fall into several categories: (1) the nature of ethnic prejudice; (2) inappropriate assessment and classification of minority children; (3) inadequate inservice and preservice preparation of teachers; (4) the overall ecology of schools; and (5) difficulties associated with enabling minority families to participate effectively in the special education process.

The literature focuses on attempts to identify instances of disproportionate participation and attempts to address current school system practices and policies rather than the complex underlying factors. Recommendations from the literature include (1) cultural sensitization and training for professionals, (2) implementation of culturally and linguistically competent approaches, assessments, and services; (3) examination of referral processes, classroom practices, and instructional techniques; and (4) development of criteria for monitoring the number of students from ethnically and culturally diverse groups enrolled in special education classes and programs. However, achieving equity by changing practice through policies and procedures is not likely to be effective in the long run unless steps are also

taken to deal with the deeply rooted emotions and beliefs that form the foundation of the problem.

In June 1993, Project FORUM at NASDSE convened a policy forum on the disproportionate participation of students from ethnic and cultural minorities in special education classes and programs. The meeting was organized on behalf of the Office of Special Education Programs (OSEP) of the U.S. Department of Education in order to promote a constructive national dialogue by providing a forum to address these complex and difficult issues. The overriding purpose of the policy forum, and the charge to participants, was to identify the issues underlying the problem of disproportionate participation of minorities and to identify strategies for promoting systemic State and federal policy alternatives to address the problem and insure equitable referral, assessment, and eligibility determination for *all* students.

### *B. Preparation for the Meeting*

Project FORUM staff worked closely with OSEP to identify participants for the policy forum. Selection of participants occurred in two phases. The first phase identified twelve to fifteen participants who (1) had done research on the topic of disproportionate participation, (2) were parents or advocates for students from ethnic and cultural minorities, or (3) had experience in State level policymaking on the issue. All of these also had backgrounds and experiences in special education law or practice. The second phase selected an equal number of individuals from the disability community, ethnic and cultural advocacy groups, and from federal programs such as the Office for Civil Rights (OCR), who could contribute to the discussion or benefit from listening to it. The list of participants is included with this report as Appendix A.

With the group having such a wide range of experiences and perspectives it was essential to provide participants with a common core of information. Several documents were provided as background and participants were asked to examine the material prior to the meeting if possible. The background materials included<sup>1</sup>:

- A background paper, prepared by Project FORUM staff, giving a brief overview of some of the relevant issues;
- Demographic information from the National Longitudinal Transition Study (NLTS) by SRI International presented in the form of tables from various NLTS documents showing percentages of youth with disabilities with selected background characteristics;

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<sup>1</sup> These documents are available from Project FORUM at NASDSE. The cover letter accompanying these materials is included in Appendix B.

- A table from the National Center on Education Statistics (NCES) providing percentages for the ethnic composition of the general education school population by State;
- An article by Phil Chinn and Selma Hughes reporting the findings of an analysis of data from the Office for Civil Rights on student enrollment and placement in special education classes; and
- Adjusted National Statistical Estimated Data from the Fall 1990 Elementary and Secondary School Civil Rights Survey conducted by the Office for Civil Rights.

To further provide participants with a common base of information on disproportionate participation five structured presentations on critical issues regarding disproportionate participation were scheduled for the beginning of the first day of the meeting. These covered (1) the court case, *Larry P. v. Riles*; (2) a parent's perspective on ethnic and cultural identity; (3) an overview of the existing data; (4) a historical overview of OCR's investigation and enforcement efforts; and (5) a review of the research on the nature of the problem.<sup>2</sup>

### C. Process of Meeting

The *Policy Forum on Disproportionate Participation of Students from Ethnic and Cultural Minority Groups in Special Education Classes and Programs* met on June 3<sup>rd</sup> and 4<sup>th</sup> at the Courtyard Marriott in Alexandria, Virginia. The meeting was facilitated by Dr. Austin Tuning, State Director for Virginia.

The first morning of the policy forum was devoted to participant introductions and the five scheduled presentations. These engendered a lively discussion and raised a number of issues relevant to the overall goal and purpose of the forum such that discussion continued throughout the afternoon necessitating adjustments in the agenda. A total of 76 issues were identified by participants during the first day's discussion. Before the start of the second day, the Director of Project FORUM analyzed and arranged these under 8 issue-cluster statements.

For the second day, participants were divided into four small groups and given the responsibility for editing, revising, and adding to the list of issues and the issue-cluster statements. They were also asked to generate strategies for promoting systemic change and insure equitable treatment of students from ethnic and cultural minorities.<sup>3</sup> The small

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<sup>2</sup> A copy of the full meeting agenda is included in Appendix C.

<sup>3</sup> Due to the short time frame (half a day) participants were concerned that they would not be able to sufficiently address all the issue clusters. Project FORUM staff

group work proceeded through the morning with each group presenting its conclusions to the entire group during the second half of the morning. More than 25 distinct strategies were recommended. These, along with the general discussion on the recommendations are included in Appendix D of this report.

The policy forum concluded with remarks by Patricia Guard, Acting Director of OSEP. She emphasized that the policy forum's work should be regarded as an initial step and that OSEP viewed the issue of disproportionate participation as an extremely high priority. A commitment was also made for OSEP and OCR to work collaboratively in providing leadership to address this issue.

#### *D. Additional Materials Shared by Participants*

Participants had been invited to bring information materials they thought would be of interest to others at the policy forum. The following items were shared<sup>4</sup>.

- A discussion of "Dunn: 'Teachers are not Miracle Workers'"
- A copy of *The Race Relations Reporter*
- A brochure on *Fiesta Educativa* and a booklet describing a conference by *Fiesta Educativa* held on May 21 and 22 at the University of Southern California
- A final draft of the Federal Resource Center for Special Education task force report on *Cultural and Linguistic Diversity in Education*
- A handout by Dan Reschly entitled "Understanding Percentage Data"
- The *Migrant Education Policy Brief on Special Education* by the Interstate Migrant Education Council

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provided them with copies of the compiled list and recommended strategies for them to review at their leisure. Participants provided feedback that Project FORUM staff used to refine the final document. This final list is attached as Appendix D.

<sup>4</sup> These handouts are available from Project FORUM at NASDSE.



## II. OUTCOMES OF THE MEETING

### A. *Summary of Input by Participants*

Project FORUM staff took extensive notes on the proceedings of this policy forum using a notebook computer. Issues and issue-cluster statements were also recorded on flip chart paper, and the results of the small group work were transcribed on overheads. The notes were transcribed into draft minutes of the meeting and, along with the revised issues and issue-cluster statements and recommendations from the small groups discussions, were sent to participants for further review and editing.

Although there was no attempt to reach a consensus, the discussion reflected broad agreement on the following major issues: (1) minorities do participate disproportionately in special education, and this contributes to poor educational outcomes; and (2) the disproportionate participation of students from minority backgrounds in special education reflects systemic issues in the areas of training and support, assessment and determination of eligibility (labeling), parent participation, funding, service integration, monitoring and enforcement, and the use of research to guide program implementation.

Participants proposed a variety of solutions premised on the belief that every child should have an equitable, fair, and equally likely chance to learn at a high level in the regular school program and reach his/her full potential. Their recommendations had a number of common themes: (1) teachers and professionals should obtain support to develop and implement culturally and linguistically competent strategies for assessing and addressing the needs of minority students; (2) minority parents and professionals should have more input and influence at all levels of the educational system from developing individual IEPs to serving on federal grant peer review panels; (3) policy makers and implementors should establish procedures that encourage integrating services and enable students to receive help without separation from their classmates; (4) arbitrary, imprecise, and stigmatizing labels should be eliminated; (5) the federal government (OCR, SSI, ED, DVR) should develop strategies and mechanisms to effectively monitor state and local practices; and (6) research should be undertaken that examines the impact of language, race, culture, poverty, and attitudes on the participation of minority students in special education.

### B. *Future Project FORUM Activities Resulting from the Forum*

Project FORUM has undertaken two additional tasks that relate to the issue of disproportionate participation of students from ethnic and cultural minorities in special education classes and programs. One will be a synthesis of information and the other a policy analysis. The specific topics for these reports were based on key questions raised by participants and the policy forum.

The synthesis of information will review existing research and practice based information about factors that contribute to the disproportionate participation of children and youth from ethnic and cultural minorities in special education. Two major components of this

issue will be explored. First, there are questions about over- and under-representation of students from different cultural backgrounds in different disability categories (e.g., too few Asian children classified as mentally retarded; too many Black males classified as seriously emotionally disturbed). Second, there are questions about the kinds of special education services provided to children from ethnic and cultural minorities and the settings in which these children are placed.

The policy analysis is designed to answer the question, "How do States define over-representation of minority students in special education classes and programs?" Documents from a selection of States will be reviewed. The report will describe policies that govern the identification of the proportion of children from minority groups who are participating in special education classes and program, what criteria States use to flag potential discrimination, and what steps are taken to remedy any problems that are confirmed.

Both of these reports along with the wealth of ideas generated at the policy forum should provide OSEP, OCR, State and local decisionmakers, national organizations, and other with sufficient information to initiate steps to insure equity and improve outcomes for children and youth from ethnic and cultural minorities who have disabilities and require special education.

C. *Commitments for Action from the Office of Special Education Programs.*

Patti Guard closed the meeting stating it had had two objectives: (1) to identify the issues; and (2) to make recommendations. We accomplished the first objective and have a good start on the second. This meeting was also our attempt to reach out and get groups to share their ideas with us. Participants were candid and passionate.

As commitments for follow-up to this meeting Patti Guard offered the following:

As Judy Heumann mentioned, she has appointed an OSERS task force to address this issue, and the Office of Special Education Programs will participate in the work of this task force.

This meeting is a first step in a long-range strategy. Project FORUM will send the final product to you for review. We must then put the issues through a confirmation process and expand participation to include others in the process. Have we identified the most important issues? Are they appropriate for State and Federal policy makers to address? We need recommendations for whom we should be reaching out to for their comments and input on this issue.

After that, we must look at the recommendations and develop specific strategies and ways they could be implemented.

The final step is to make sure the recommendations get implemented. It is more than disseminating the product; we need to get commitments from individuals, groups, organizations to implement. This is a long process - we are off to a good start.

**APPENDIX A: Participants List**

**DISPROPORTIONATE PARTICIPATION OF STUDENTS  
FROM ETHNIC AND CULTURAL MINORITIES  
IN SPECIAL EDUCATION**

**June 3-4, 1993  
Alexandria, VA**

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Council of Chief State School Officers  
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Claudette Kaba, OCR  
Jean Peelen, OCR  
Lepa Tomic, OCR

National Association of State Directors  
of Special Education

Martha Fields  
Trina Osher  
Ed McCaul  
Eileen Ahearn  
Pat Gonzalez

\* Unable to attend



# National Association of State Directors of Special Education, Inc.

King Street Station I, 1800 Diagonal Road, Suite 320, Alexandria, VA 22314

Tel: 703/519-3800 • Fax: 703/519-3808 • TDD: 703/519-7008 • SpecialNet: NASDSE

## APPENDIX B: Communications with Participants

May 13, 1993

1~

2~

Dear 3~:

The staff of Project FORUM at NASDSE are very pleased that you will be participating in the Policy Forum on the Disproportionate Participation of Students from Ethnic and Cultural Minority Groups in Special Education Classes and Programs. As you know from earlier conversations with Project FORUM staff, we are organizing this meeting on behalf of the Office of Special Education Programs of the U.S. Department of Education in order to promote a constructive national dialogue that will eventually lead to the identification of systematic State and Federal level policy alternatives for addressing instances of over and under representation of minority populations. Project FORUM is pleased to announce that Judy Heumann, newly appointed Assistant Secretary of the Office of Special Education and Rehabilitation Services, and several of her associates will be attending the Policy Forum. We have, therefore, made some changes in the meeting location and schedule. The current arrangements are as follows:

- The meeting will be held at the Marriott Courtyard in Alexandria, Virginia. Directions to the hotel as well as information about the Marriott Courtyard are included in the material accompanying this letter.
- The meeting dates are still June 3<sup>rd</sup> and 4<sup>th</sup>.
- The working meeting will begin at 9:00 each day and end at 5:00 on Thursday and 12:30 on Friday. Please see the enclosed agenda.
- If you are traveling from out of town, a hotel room has been reserved for you for Wednesday and Thursday nights at the Marriott Courtyard (Tel. No. 703/329-2323).

- Please remember that we are still planning to organize a group supper on the night of June 3<sup>rd</sup> and sincerely hope that you will join us.

Participants for this meeting have been carefully selected for their interest, experience, and expertise. We are asking each of you to come prepared to introduce yourself and share something from your background that you think is important. You can have up to five minutes to let other participants know who you are and what you think are the most critical issues. The introductions will be followed by short presentations from five different perspectives. You will have the opportunity to continue discussion of the presentations through lunch.

The overriding purpose of the policy forum, and the charge to you as a participant, is this: Given the documented disproportionate participation of children from ethnic and cultural minorities in special education classes and programs **what can State and Federal policy makers do to promote equitable referral, assessment, and eligibility determination practices for *a*ll students?** Gathering the best thinking from the panel of experts will begin immediately after lunch. Please come prepared with a short list of the most important issues that need to be addressed and what you think must be changed in order for children from ethnic and cultural minorities to participate equitably and appropriately in special education programs. These issues will form the basis for small group work later in the afternoon that is designed to identify barriers to achieving change and information needed to bring about the necessary improvements. Developing a list of recommendations for Federal and State level policy makers will occupy the Friday morning session.

To provide a common core of data for all participants and some background information you will find the following enclosed:

- A background paper, prepared by Project FORUM staff, that provides an overview of some of the relevant issues.
- Demographic information from the National Longitudinal Transition Study (NLTS) by SRI International. This information is presented in the form of Tables from various NLTS documents and provides percentages of youth with disabilities with selected background characteristics.
- A table from the National Center on Education Statistics (NCES) that provides percentages for the ethnic composition of the general education school population by State.
- An article by Phil Chinn and Selma Hughes that reports the findings of an analysis of data from the Office for Civil Rights on student enrollment and placement in special education classes.



- Adjusted National Statistical Estimated Data from the Fall 1990 Elementary and Secondary School Civil Rights Survey conducted by the Office for Civil Rights.

Please remember that if you are traveling from out of town you can have your airfare prepaid by making arrangements with NASDSE's travel agent Premier Travel. Just call Mary Girard at 800-328-8463 to select your flights. You will be reimbursed for parking, meals in transit, and other meeting related expenses. Please note that NASDSE requires that receipts be attached to reimbursement requests expenses that are not prepaid or master billed.

Once again, thanks for agreeing to be a participant in what promises to be a most stimulating and productive discussion on a critical topic. Feel free to let us know if you have dietary restrictions or if there are other accommodations that will make it possible for you to fully participate in the meeting. If you have any questions about travel arrangements, the schedule or location changes, how to prepare for the meeting, or wish to suggest additional material for the entire group to consider, please call either Ed McCaul or myself at 703/519-3800. We look forward to greeting you on June 3<sup>rd</sup> and 4<sup>th</sup>.

Sincerely,

Trina W. Osher, Director  
Project FORUM

Enclosures

cc: Smokey Davis, Associate Director



# National Association of State Directors of Special Education, Inc.

King Street Station I, 1800 Diagonal Road, Suite 320, Alexandria, VA 22314

Tel: 703/519-3800 • Fax: 703/519-3808 • TDD: 703/519-7008 • SpecialNet: NASDSE

June 15, 1993

1~

2~

Dear 3~:

Thank you for participating in Project FORUM's June 3rd and 4th policy forum *Disproportionate Participation of Students from Ethnic and Cultural Minorities in Special Education Classes and Programs*. The meeting's success can be attributed to your commitment to improving the lives of children, the high quality of the presentations, the spirited large group discussions, and the intense collaborative small group work. The amount of information generated was impressive. Initial meeting materials are enclosed for you to review. There are:

- The meeting notes, including the small group recommendations (based on the overheads) are in two sections, one for each day of the meeting. Please note that until each of you has had the opportunity to correct the notes to insure your own statements are accurately reported this is still in the draft stage and is not for general dissemination. These are on white paper. We have intentionally left extra 'white space' on the pages with the small group recommendations to give you room to write in the margins.
- The vision statements submitted in response to Austin Tuning's opening remarks are on yellow paper.
- The initial list of issue clusters and issues identified by participants are on gray paper. Feel free to offer your comments and recommendations for State and Federal policy makers especially for the issue clusters that you did not have an opportunity to work on during the Policy Forum. [This is the same material distributed at the start of the second day.]
- The list of participants' addresses and telephone numbers has been revised and corrected.
- James Brown put onto paper some of his thoughts as a parent participant during the Policy Forum. We have transcribed his draft and with his permission enclosed it for you.

Cindy Brown promised a citation for the study done by the National Research Council that was mentioned several times during the policy forum. The document is a report by the Panel on Selection and Placement of Students in Programs for the Mentally Retarded of the National Research Council of the National Academy of Science. It is entitled *Placing Children in Special Education: A Strategy for Equity* and was published by the National Academy Press, Washington, DC, in 1982. The National Academy no longer publishes the document, but it is available from the National Technical Information Service, Springfield, Virginia, 22161 (Tel. No. 703/487-4650; Fax No. 703/321-8547). The document is 392 pages long and costs \$44.50 plus a \$3.00 processing fee and \$7.50 shipping and handling (total = \$55.00). We regret that due to this cost we cannot provide each of you with a copy. Should you wish to purchase it the order number is PB83-138594.

Please read the enclosed materials carefully to confirm that they accurately represent your comments. Also, please share with us your reactions regarding the meeting, its effectiveness, and what could have been improved. We would appreciate knowing **who** else should be involved in future efforts and **how** the Office of Special Education should be reaching out to them.

In closing, we wish to emphasize that we need your help in verifying and confirming the issue clusters and small group recommendations for policy makers in order to prepare a report of the meeting's results for the Office of Special Education Programs. Please mark up the enclosed documents and return them to me by July 16<sup>th</sup>. If you have any questions feel free to call me at (703) 519-3800.

If you have not done so already, please send in your expense reimbursement form and receipts. Thanks again for your contribution to the success of the policy forum on June 3rd and 4th. I look forward to continuing to work with you on this important issue.

Sincerely,

Trina W. Osher, Director  
Project FORUM

CC: Martha J. Fields, Executive Director

## APPENDIX C: Agenda

### DISPROPORTIONATE PARTICIPATION OF STUDENTS FROM ETHNIC and CULTURAL MINORITIES IN SPECIAL EDUCATION CLASSES AND PROGRAMS

Courtyard Marriott, Alexandria, VA

June 3<sup>rd</sup> and 4<sup>th</sup>

Sponsored by Project FORUM at NASDSE

*Thursday, June 3<sup>rd</sup>*

9:00 **Welcome:** Trina W. Osher, Director Project FORUM

**Opening remarks:** Judith Heumann, Assistant Secretary Designee for Special Education and Rehabilitative Services

**Overview and objectives of the meeting:** Austin Tuning, State Director of Special Education, Virginia

**Overview of schedule, activities:** Ed McCaul, Project FORUM

9:30 **Introductions:** Each participant will describe his or her work, relevant experience, and/or knowledge base in the area of disproportionate participation of minority children in special education programs. Five minutes for each participant.

11:00 **Colloquium:** Structured presentations on critical perspectives and relevant issues. Each presenter gets about 10-12 minutes with 3-5 minutes for questions or clarifications. Moderator: Austin Tuning

Harold Dent: Overview of issues and concern from "Larry P."

Evelyn Williams: Parent perspective.

Lou Danielson: Overview of the existing data including findings from the National Longitudinal Transition Study (NLTS).

Representative from Office for Civil Rights: History of OCR's investigation and enforcement efforts and current initiatives including difficulties encountered in identifying and correcting instances of discrimination.

Dan Reschly: Review of what the research says about the nature of the problem and what more do we need to know.

12:30 ♦ **WORKING LUNCH** ♦

1:30 **What needs to be changed?** Participants divide into two groups for a round robin activity that generates a list of issues/interventions and also classifies items according to preliminary categories.

3:00 ♦ **REFRESHMENT BREAK** ♦

3:15 **What barriers exist? What information is needed?** Regroup into small teams of participants. Each will have one issue cluster assigned and will: 1) combine/condense/refine lists from two groups and obtain consensus on the issue cluster title and description; 2) identify barriers to address in resolving the issues identified by the cluster; and 3) identify information that is needed to correct the identified issues and insure equitable participation of children from ethnic and cultural minorities.

5:00 **Adjourn** (Project FORUM staff will organize work from small groups and develop matrix work sheets for the next day's activity.)

6:30 ♦ **Group Supper (voluntary)** ♦

*Friday, June 4<sup>th</sup>*

9:00 **Targeting the change:** Team work continues using a matrix work sheet to make recommendations for how the barriers and information needs identified for each cluster can be addressed by policy makers at the Federal and State levels.

10:45 **Team sharing.** Teams share recommendations with discussion and comments from full group. Moderator: Austin Tuning

12:00 **Closing Remarks:** Patti Guard, Acting Director, Office of Special Education Programs

12:30 **Adjourn**

## APPENDIX D: Output from the Policy Forum

### Issues Identified by Participants - Initial Clusters

Issue A. *Cultural sensitivity and family participation. Making the system user friendly.*

Many parents do not know how to get help for their children. Many of them deny that they have problems because they are afraid to speak out. Asian culture tells its members to keep quiet.

There is no listing on forms for designation of mixed cultural or racial heritage. Parents and children are forced to choose one part of their heritage to declare are and, therefore, forced to reject others.

Parents who do not have advocacy resources are left behind.

The system is unresponsive to parents and particularly parents of color. Even when the system is made up predominantly of people of color, it does not respond to parents.

We need to look at the word "minority" - it does not always apply to a group, even if it used to. How many people who are 100% one race do we have left?

Immigrant parents may have different expectations. Education in Latin America is a privilege while here it is a right. Parent expectations are therefore different.

Teachers try to "Americanize" students from other cultures. That takes away from the student's culture.

Parents who are from minority groups are treated differently from white parents at IEP meetings. The atmosphere is intimidating.

Issue B. *Referral, assessment, and identification.*

Assessments should be culturally competent. Make sure that the children understood the questions and that the examiners expected that they could answer them. Eliminate the cultural insensitivity shown by some examiners.

Issues of bias are also present in many of the other types of instruments used in schools, not only intelligence tests -- the issue is testing bias.

We need to focus on the children and their families and use the instruments that will enable us to help the child. The results of all educational assessments, both formal and informal, should be linked to classroom instruction.

Number is not the issue - accurate identification of needs is.

The issue is labeling and mislabeling behaviors from an administrative rather than a psychological perspective. We cured mental retardation but now there is an epidemic in another area called learning disabled!

The problem is using the IQ score as a sole criterion. We need to use multiple criteria rather than rely on the results of a single administration of some standardized test.

Misdiagnosis of children demands compliance with IDEA. There is NO test that is validated for minority placements in special education. We should stop PLAYING PSYCHIATRY in special education - diagnosis does not help us; behaviors need to be described and linked to instruction.

Black children are now disproportionately represented in the programs designed for students with specific learning disability, trainable mental retardation, serious emotional disturbance, and speech and language impairment.

Speech and language tests are misused for children whose first language is not English.

A major concern is the misclassification of children.

Fifty percent of children who were severely disturbed and hospitalized had never been classified as being students with serious emotional disturbance.

Labels have consequences that are often negative. We do not need to give a child an excuse to act out based on background.

Test results are often misinterpreted.

Look at patterns and practices for referral, assessment, placement of children.

Even if their characteristics are similar after they entered special education, a greater proportion of Black children are referred for assessment than White students.

The disability labeling system is educationally irrelevant and counterproductive. We should get rid of disability labels. While this will not get rid of the problem, it will allow us to concentrate on what the child needs.

We should examine the ramifications of alternative assessments for minority students. Dynamic assessment strategies should be conceptualized and implemented.

Issue C. *Preservice and inservice training*

Bringing resources to the regular education setting means less need to send children out -the current situation is chaos for many teachers.

Training has to reach out to the Latino community, especially training for bilingual speech pathologists and bi-lingual sign language interpreters.

We need to meet the challenges of an increasingly diverse student body through teacher training.

Families need to know how to advocate for their children.

We must assure that regular education teachers get appropriate training so that they can teach children with disabilities in their classrooms and use support to teach the children in their classes effectively.

What does the national goal "ready to learn" mean? All children are "ready to learn... but the question remains: learn what?

Something happens to professionals that separates them from families.

Miseducation of children - we need intervention. Not everyone is willing to change and adopt what research considers to be better tools for children's education.

Issue D. *Policy, regulation, and funding - including enforcement and investigation.*

We need to take legal action to get access to effective education in the United States.

We need to develop guidance and investigative policy for the Office for Civil Rights (OCR).

OCR's enforcement efforts have managed to disappoint most people.

Historically, the cited violation rate for OCR is very low - there is a great difficulty in finding violations. Situations are not clear and it is difficult to find comparison cases to make judgments. There is suspicion of violation, but they are difficult to document.

Some people are really taken aback by the OCR classifications. Race is a misnomer. Blacks are Black by ethnicity and culture, not race. (One person stated later that "this does not reflect my position. The issue remains one of hue!")

Can we document over-representation of persons of color?



We need to define "disproportionate. What do we mean? We need to establish criteria for determining disproportion. How do we know when disproportion is a result of discrimination rather than a natural result of other environment influences?

There are funding caps in special education. Identification rates of districts are influenced by how much money they will get from the state.

Putting Black children in special education is done to keep a school from looking bad in the testing profile of the school. A school must be made responsible for all the children who attend it.

Is there a disproportionate number of minority students served by setting?

The problem is we need to identify children to get services.

Most districts believe that as long as no one notices the over-representation it's OK.

Issue E. *Responding to diversity in schools and communities.*

We need to move away from special education toward education for ALL. We have lost sight of the child's wonderful background and concentrated only on the special education aspect.

We need a new community-oriented mission for schools that will include bilingual special education as a right, not as an offshoot. Do not confuse community-oriented with site-based management.

We must create out of our multicultural society a society that is accepting of all children.

We need to move away from the deficit orientation that sees the child as the problem that need to be changes, to an orientation that looks at the strengths of children and how to use those strengths to get an appropriate education for those children. We also need to examine the environment in which learning takes place.

We must celebrate our uniqueness and not try to find one answer that will be applied to everyone.

We must make special education a supplementary support system rather than a separate system for those who cannot make it in regular education.

We must take the risk to change our attitudes. For this to happen, it must become worthwhile and economically beneficial to change our inappropriate behaviors.

Teachers tend to treat Latino children as deficient even when they have not been identified under special education. When you add all the complications of another language and culture (and sometimes color), the problem becomes more complicated.

We must put children first - no matter how few children would be hurt by a policy, we must eliminate it if it hurts one child in any way.

Issue F. *Social and community issues including the effects of poverty and involvement of other agencies.*

Removing students from their home community to receive special education results in hostile treatment as an outsider.

What are the sources of the problem? We need to think broader than education and examine such factors as poverty, insensitivity to color differences and race.

Minorities are disproportionately represented amongst the poor - we need to define things in a different way - the system uses money in the wrong places - not supporting families - this panel is 20 years late because there is no money.

Migrant children who have tremendous educational disadvantages fall further and further behind. They have many health deficits that complicate this. Their living conditions suggest that they would have many disabilities. Yet there is under-representation of migrant children in special education.

Officials in special education and migrant education each assume that the other system, regular or general education, has responsibility.

Working with children who have disabilities is perceived by some administrators as being a "waste of time".

Poverty affects the existence of a disability to some extent but we don't know how. There are several firm suspicions as to why the problem exists.

Issue G. *Marketing and public relations.*

What makes special education so attractive? It should not be viewed as a negative place where undesirable children are put.

There are few complaints from limited English proficiency parents because they do not know their rights and they are intimidated because they do not speak English.

Issue H. *Outcomes, effectiveness, and data.*

Sometimes we have to do things backward to do the right thing for a child.

It is not just that minority children (particularly Black children of African-American descent) are over-represented in special education, but what happens to them when they are in there.

Is special education effective? What is so special about special education? -- the question remains.

Children put into special education settings lose their role models.

How do we assess, serve, and evaluate what we do in special education for all children, but especially children of color?

Many minority children have no success in getting appropriate services, even when they finally got into special education.

There is a problem with aggregating data. We get dramatic findings, but they are misleading. We should not deal with aggregated data.

The change in numbers in learning disabilities and mental retardation between 1976 and 1990 is dramatic. There is also a change in the place where services are delivered. We do not have the data to break this out by race, but there is a suspicion that there is a disproportionate number of Black children left behind in mental retardation in this shift toward learning disabilities. (One participant stated later, "These data do exist! Suspicion is confirmed!")

The resolution of the problem lies in improving the effectiveness of the programs.

The problem is not over-representation in itself. It is the perception of fairness. Which is the more appropriate interpretation of fairness identical treatment (the even treatment across the board for all children regardless of hue) or identical results?

The discrepancy between districts in the categories used to identify students with similar profiles frequently reflects what categories of services (e.g., speech therapy) were available, not what the students needed.

The real issue is once you are in, what do you get? Often, it is a resource room with 20 other children.

We need to see that children get the best education possible. Many who come out of special education are not prepared to get work.

## **Recommendations for Action by State and Federal Policy Makers and Implementers**

Participants were randomly divided into four small work groups with two of the issue clusters being assigned to each group. The groups were asked to edit the issue cluster statements for precision and clarity. They were also asked to make recommendations for action by State and Federal policy makers. Each group approached the task slightly differently. Some discussed underlying principles; some discussed more issues clusters than others; some combined their recommendations across issues clusters. The results of the small group work are reproduced below as they were reported back to the plenary session. The large group discussed each set of recommendations before moving on to the next set.

### *Recommendations for Action on Issue A (revised ) Addressing and Valuing Diversity and Family Participation. Making the System User-friendly.*

In the three grant programs (Part D, Regional Resource Centers, and Parent Training Grants), there should be a grant evaluation priority for cultural diversity training.

OSEP should aggressively recruit readers from minority groups to review grant applications.

State and federal governments should cooperate in assisting school districts to communicate with parents/families in their native language.

The federal government should draft and translate parent rights notice into all relevant languages.

State and federal governments should devise programs so that families from diverse cultures can train school personnel on cultural issues.

States should develop systematic family mentoring and family network support systems. Experienced families in the network could be paired with new families .

School reform initiatives should take cultural diversity and world class education issues into account.

### *Recommendations for Action on Issue B: Referral, Assessment, and Identification*

Federal and State governments should eliminate disability labeling and use categories only to describe services provided (i.e., resource room, occupational or physical therapy, special class)

The federal government (OCR, SSI, ED, DVR) should develop a new mechanism to evaluate and monitor State and local practices and insure rights that are not tied to pejorative labels.

Teachers who refer children inappropriately are biased in two fundamental ways. (1) They do not expect enough of some students and, therefore, under-refer them. (2) They expect certain behaviors of others and, therefore, over-refer them. Teachers need to be more skillful in dealing with cultural differences and need more classroom support.

Federal and State governments should take steps to assure that assessment instruments are reliable and valid for the group being tested and for the purpose the assessment is made.

States should develop a list of language proficient evaluators to circulate to districts.

The federal government should establish consistent criteria for identifying disproportionately. States should contact districts with potential problems and work cooperatively to determine if there is a problem, what the problem is, and to develop a corrective action plan.

Provide a support system for classroom teachers to develop alternative strategies for students experiencing academic, social, or behavioral difficulties.

Promote teacher assistance to emphasize prereferral strategies for school-based, in-classroom problem solving.

#### *General Discussion on Recommendation for Issues A and B.*

We need to make funds available for families and not expect only volunteer efforts to assist families. This should be considered a professional activity and be compensated accordingly.

Schools are isolated in their community.

Parents educating teachers is revolutionary. It is an example of Paulo Friere's philosophy of educating the community.

Schools should have a good idea of existing multicultural resources in the community.

Anyone who talks against a teacher causes a defensive reaction. Sometimes the help teachers need can be better supplied by an organization.

We need more community use of school buildings and to bring the community into the schools. Access will lead to sharing. Why don't schools have decent movies in schools on Saturdays? exercise classes for parents?

A link needs to be formed between the schools and relevant community resources.

We must enhance prereferral strategies to look at all of a child's needs -- so it is not just a conduit to special education. We must look for alternative supports in regular class. Then, perhaps test bias will not be such an issue if we do better with this "up front" work.

We should require specialized training in cultural/ethnic sensitivity to the part of core curriculum in teacher education. We should mandate the use of family consultants and instructors in these programs.

*Recommendations for Action on Issue C: (revised) Professional Development and Parent Education and Collaboration.*

Require certification of personnel used as interpreters for parents and students.

Provide training to special and regular education professionals in pre-referral strategies.

*Recommendations for Action on Issue D: Policy, Regulation, and Funding.*

SEAs should develop and implement a process requiring LEAs to identify student needs, existing resources and discrepancies, and plan to remedy that discrepancy; to project needs and prospective remedies. They should monitor the implementation of LEA plans.

Establish policy making bodies which are comprised of members that reflect the diversity of the student population.

Establish measurable outcomes for children in special education programs. These outcomes should reflect the maximum social, linguistic, and academic potential of the individual.

Modify funding structures of current entitlement program to enable educational systems to provide an enriched, integrated continuum of linguistically, culturally, and instructionally appropriate services.

The Office for Civil Rights should try to be more creative in investigating discrimination.

*General Discussion on Recommendations for Issues C and D.*

Part E (of IDEA) should establish a funding priority for more and better research on diversity.

The Office for Civil Rights and the U.S. Department of Education counts of students should be based on placements rather than disability labels by minority group.

We should mandate training in parent/professional collaboration and family centered service delivery as part of core curriculum and/or staff development and past professional training for teachers.

Research on disproportionate placement and outcomes should be qualitative as well as quantitative. In order to disentangle confusing data, the use of qualitative and quantitative research should be coordinated.

The concept of parent education is too narrow for the Hispanic community. We fail to recognize the inability of Hispanic parents to access services. Schools need to do community development so that the community realizes that the schools are only one part of the community service system. Some people are passive about using services. Invite the members of the Hispanic community to a conference and no one will come. Invite them to a "fiesta"!

Parent education should be offered in a spirit of collaboration between school and parents.

The timing of IEP meetings is often a problem for working parents.

*Recommendations for Action on Issue E: Responding to Diversity in Schools and Communities and Issue F: Social and Community Issues Including the Effects of Poverty and Involvement of Other Agencies.*

Federal agencies should support the integration of all programs at the local level that are designed to address low achievement problems (e.g., Chapter 1, special education, migrant education, bilingual education). The goal is a seamless system that minimizes stigmatization.

We should encourage a non-categorical system of special education eligibility based on services and not the children's deficits. (A caveat: we do not want to lose more than we gain by eliminating recognition of disabilities. People should be allowed to self-identify.)

We need research:

- a) on placement of minority children with mild disabilities;
- b) in the bio-medical area about the incidence variation for low-incidence categories; and
- c) on outcomes of education rather than process.

We need better dissemination of research for application.

Recruitment efforts are needed to attract greater number of minorities to become specialists especially school psychologists, speech therapists, counselors, etc..

*General Discussion on Recommendations for Issues E and F.*

How much do we know about minority students with severe disabilities? Are minority children more frequently placed in separate facilities for students with serious emotional disturbance?

We should blend ALL funds - not just education but all human service funds for children. This would prevent students from falling through cracks and moving children around unnecessarily.

In some manner, we need to address violence, suspension, expulsion issues.

We have too many children in special education and many do not belong there. One solution is to strengthen general education through systemic reform; this can have a very positive effect on the disproportionate placement problem.

Schools need to provide social and emotional support to families.

We need to get into the record all the information on teacher assistance teams - emphasize intervention at the pre-referral level.

*Recommendations for Action on Issue G: Marketing and Public Relations and Issue H: Outcomes, Effectiveness, and Data.*

Group #4 developed some general principles that guided their recommendations.

1. Every child should have an equitable, fair, and equally likely chance to learn at high level in the regular school program to reach his/her full potential.
2. There are two groups of children with special needs: (1) those deprived of appropriate educational opportunities, and (2) disabled children.
3. Children whose primary language is other than English require bilingual education.
4. Children who are disabled and whose language is other than English need bilingual special education.

*Recommendations:* (Note. The group's recommendations pertained to Monitoring and Compliance)



OCR should conduct compliance reviews as opposed to complaint reviews and should initiate the reviews. Regulations to carry out this recommendation should be developed.

There should be statutory provisions (developed, enforced, and strengthened) that require the U.S. Department of Education and other appropriate agencies (federal, State, and local) to take a proactive role to assure equitable treatment of all children.

*General Discussion on Recommendations for Issues G and H.*

The services a child should get are to be determined by the IEP process; if a school does not have the necessary program, parents should file an appeal. The burden falls on the parents' shoulders BUT not every parent has the resources to follow-through on an appeal.

Bilingual special education should be required for those who need it.

This [bilingual special education] should not only be addressed in compliance. We should address this issue in a variety of ways (e.g., fund research).

It was noted that the Department of Education's advisory "ADD memo" put out by OCR and OSERS was widely distributed; a similar paper on bilingual special education should be developed.

It was suggested that OSEP could convene a national forum on bilingual special education and that we could reach 50 States and the territories by distributing the notes from this conference to them.

There was a discussion of whether bilingual special education is a related services. A related service is one that will enable a child to benefit from special education; if the child cannot understand the language, he or she may not benefit from special education and therefore this could be viewed as a related service.

A question was raised about whether the U.S. Department of Education has a written policy on bilingual special education? The Office of Bilingual Education (OBEMALA) was cited as a party responsible for addressing this issue.