

Office of the Independent Monitor
Report on the Study for Outcome 18: Disproportionality
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Background

During the initial negotiations of the Modified Consent Decree (MCD), the parties recognized the need to further examine the issue of the disproportionate identification of African-American students as emotionally disturbed (ED). As a result of this acknowledgement, the parties agreed to include a statement¹ indicating that within the first year of the MCD, the District would provide the Independent Monitor data and an analysis concerning whether African-American students were disproportionately identified as ED. The statement also charged the Independent Monitor with the responsibility of reviewing the District's data and analysis and any other information deemed appropriate, to determine whether a performance outcome should be established.

During the 2003-2004 school year, the District provided the Office of the Independent Monitor (OIM) data and a formal analysis regarding the identification rates of African-American students as ED. The OIM provided data on the District's special education population to three experts² in disproportionality and ED. They found that African-American students were 4.28 times more likely than other students to be identified as ED. They also found that African-American students were 4.93 times more likely to be placed in the most segregated setting of non-public schools. Additionally, the OIM and the expert consultants reviewed the District's formal analysis concerning the disproportionate identification of African-Americans as ED and found the analysis to be "inadequate and lacking in credibility and substance"³. As a result of this data review and the absence of a credible district-wide review within the analysis, the OIM conducted a study to identify factors that may be contributing to the disproportionate identification and placement of African-American students as ED.

The study focused on two likely sources of disproportionality identified by the experts; inappropriate referrals and inappropriate identification. The study consisted of a file review of cumulative records and IEP files to determine if the identification process was appropriate. An instrument was developed to capture four areas within the identification process: pre-referral and referral interventions; provision of a multidisciplinary assessment; determination of ED eligibility; and, IEP team recommendations upon eligibility. The instrument was piloted at two middle schools and consisted of a total of 29 file reviews, twenty of which were African-American students. As a result of the pilot, the OIM found problematic areas within the identification process for African-American students and decided to conduct a district-wide study to identify factors that may be contributing to disproportionality.

Methodology – Year One

¹ MCD: Section 16.G

² Gwendlyn Cartledge – Ohio State University, Dan Reschly – Vanderbilt University, Stanley Trent – University of Virginia

³ C. Cohn, Disproportional Identification of African Americans in the Category of Emotional Disturbance, June 1, 2004.

File reviews were conducted at selected middle schools throughout the district aiming at those schools with higher populations of African-American students in the ED eligibility group. Local districts with small populations of African-American students were included to provide comparative data regarding the identification process of ED students across ethnicity and geography. District enrollment data was used in the selection of middle schools to ensure sufficient representation of African-American students. This resulted in an over-sampling of some local districts.

Since the focus of the study was the identification process, the study design used a cluster sampling technique, whereby initial ED data was collected at middle schools under the assumption that most students are identified prior to middle school and these schools contain a larger concentration of ED students. This sampling technique resulted in a sufficiently large and geographically dispersed sample of students identified in grades pre-kindergarten to 8th grade in 207 schools. This sample design presented some limitations as it was unable to obtain the assessment practices of students identified after middle school and in non-public schools (NPS).

The study consisted of a sample of 270 ED students from 207 identifying schools and included 123 African-American students, 118 Latino, 24 White, and 5 other⁴ students.

The study consisted of conducting file reviews to examine if differences in the identification process that may be contributing to the disproportionate identification existed for African-American students. The pilot instrument was modified to facilitate data collection and used to collect data on the four areas of the referral and assessment process. Graduate research assistants were trained and assigned to teams for data collection. To ensure accurate data collection, intermittent inter-rater reliability reviews were conducted. Upon completion of the data collection, a database was sent to the American Research Institutes (AIR) for analyses.

Findings

Overall, the review found few statistically significant differences between the pre-referral, referral, assessment, and IEP recommendation and placement processes of African-American, Latino and White students. The study did find several deficiencies within the identification processes for all students and found low rates of: pre-referral interventions such as a Student Study Team (SST); evidence of comprehensive multi-disciplinary evaluations; and, evidence of eligibility statements. These findings were limited only to students that were identified in middle school or prior, since the study did not observe students attending high schools and non-public schools. Furthermore, it is important to note that a majority of the District's ED population reside at non-public schools. Based on these findings, the parties agreed to the following outcome:

To reduce overrepresentation of African-American students as ED, the district must demonstrate evidence that 90% of students identified as ED had a comprehensive evaluation as defined by the Independent Monitor during an initial or triennial evaluation.

⁴ Other includes American Indian and Asian

As previously noted⁵, the goal of the outcome was designed to ensure that the procedural due process rights of African-American students are protected during the ED referral, assessment and placement process. Therefore, upon the recommendation from the OIM, the parties agreed to the development of an outcome focused on improving the identification process to ensure that students were afforded the appropriate pre-referral and referral interventions, multidisciplinary assessment, and supports upon identification. Furthermore, the parties agreed that an outcome based on improving the identification process would subsequently reduce the possibility of any unintended consequences that may be associated with a reduction based outcome, such as the failure to identify African-American students or to increase the identification rates of students of other ethnicities as ED, in order to reduce over-representation. Lastly, the parties agreed to have the OIM determine the criteria to be used for determining compliance with the outcome.

Determination of the Criteria for Determining Compliance with the Outcome

The determination for defining a comprehensive evaluation was derived from the results of the initial study, the basic pre-referral, referral and assessment practices of the LAUSD, and process outlined within the Individuals with Disabilities Act (IDEA) for identifying students with disabilities. The elements identified by the OIM reflect the practices of a basic and standard pre-referral, referral and evaluation process and not intended to be considered best practices. In June 2004, upon the District's request, the OIM and representatives from the District's Psychological Services met to discuss the elements of the criteria at which time the District requested additional items to be included within the criteria. The OIM advised the District that the criteria encompassed the fundamental elements of the referral, identification and placement process and informed the District of their right to expand their professional development to reflect best practices.

The rubric developed was presented to the District as a checklist (Attachment A) and grouped into four categories: pre-referral and referral interventions; assessment; the IEP team's recommendations upon identification of ED; and the IEP team's considerations for placement in the least restrictive environment. In order to collect data required by the outcome, the rubric was designed to collect information on three types of referrals and assessments: students newly identified as ED; students already receiving special education services whose eligibility changed to ED; and students receiving services as ED that received a comprehensive re-evaluation. The checklist consists of 20 elements for students initially identified as ED, 17 elements for students already receiving special education services whose eligibility had been changed to ED, and 13 elements for students receiving a comprehensive re-evaluation.

Explanation of Criteria

Pre-referral and Referral Interventions for Students Initially Identified as ED

This section was designed to capture evidence of the efforts schools make to address and intervene with behavioral and academic concerns of the child *prior* to referral for special education services. It also identified practices and considerations schools engage in prior to changing the eligibility of students presently receiving services under a different eligibility than

⁵ C. Cohn, New and Pending Outcomes, June 18, 2004.

ED. This section does not apply to students presently receiving services as ED that were provided a comprehensive re-evaluation.

This section applies to two groups of students:

1. Newly identified students that have never received special education services
2. Students that are newly identified as ED, but were previously receiving services under another eligibility such as other health impairment (OHI), and/or specific learning disability (SLD)

This section was separated to reflect the respective pre-referral and referral processes for each group. For example, the process for students newly identified as ED that were previously receiving services under another eligibility will contain fewer elements of the pre-referral and referral process since these students have already been referred and assessed for special education services.

The criteria for students that are newly identified as ED specifically sought to determine if they had been afforded the following prior to referral:

1. An initial pre-referral intervention meeting, such as an SST
2. Documentation of a follow-up pre-referral intervention meeting at least 3 months after the initial meeting, to discuss the results of the interventions on the behavior
3. Evidence of parent participation at the pre-referral intervention
4. Evidence that pre-referral teams considered factors such as: the student's home environment, primary language, and attendance history
5. Documentation of behavioral and academic concerns for more than six months prior to the date of the referral
6. Evidence of participation in behavioral interventions such as: behavior modification plan, non-DIS counseling, school-wide discipline program
7. Evidence of an assessment plan or other documentation indicating behavioral concerns

The criteria for students that are newly identified as ED but were previously receiving special education services under another eligibility is as follows:

1. Evidence of a behavior support plan prior to identification
2. Evidence of academic modifications and accommodations attempted to address behavioral concerns
3. Consideration⁶ for counseling services or other school wide discipline programs
4. Evidence of an assessment plan or other documentation indicating behavioral concerns

Section 2: Assessment

This section was designed to determine if a child received a multidisciplinary comprehensive assessment. This section is designed to capture the assessment process for the identification of all students as ED. This section simply looks for evidence of the following assessments:

⁶ Consideration of a support does not constitute provision of such support. Criteria may have been met if a statement indicating that the student did not require the benefits of such support was found within the IEP.

1. Health
2. Academic
3. Cognitive or General Ability
4. Social Emotional
5. Behavioral Evaluations

Section 3: Eligibility

To measure how IEP teams determine whether a student meets the criteria as ED, the study collected data of evidence of a comprehensive ED eligibility statement and considerations of exclusionary factors. Eligibility may be determined if the student meets one or more criteria and is determined that the behaviors are pervasive and to a marked degree, and exclusionary factors are ruled out to determine the existence of ED. Additionally, data was collected on the IEP teams justification of co-morbid or additional eligibilities, which was evidenced by a corresponding eligibility statement or other evidence indicating the need for additional eligibilities. It is noted that for students that did not present additional eligibilities, this element was coded as N/A and the criteria was considered met. IDEA defines the eligibility and exclusionary criteria as follows:

Eligibility Criteria

1. An inability to learn that can not be explained by intellectual, sensory or health factors
2. An inability to build or maintain satisfactory interpersonal relationships with peers/teachers
3. Inappropriate types of behaviors or feelings under normal circumstances
4. A general pervasiveness mood of unhappiness or depression
5. A tendency to develop symptoms or fears associated with personal or school problems

Exclusionary Criteria

1. Are behaviors a result of intellectual, sensory, or health factors?
2. Are behaviors due to a specific environmental stress or situational trauma?
3. Are behaviors a function of social maladjustment without evidence of an emotional disturbance?

Section 4: IEP Team Considerations

This section captures the IEP team's decision for supporting the child upon being identified as emotionally disturbed. This is important since the data and findings reviewed from the initial study demonstrated that African-American youngsters were more frequently placed in more segregated placements than their counterparts. The supports provided for a child plays an integral part in the considerations to recommend placement and services in the LRE. Some of the supports include:

1. Consideration of a behavior support plan
2. Evidence of an IEP team's consideration for placement in the LRE
3. Consideration of DIS counseling, referrals to mental health agencies, or other school-wide discipline programs
4. Counseling goals, if appropriate

5. Parent participation at the IEP meeting determining eligibility and placement

The outcome requires that for students identified as ED, IEP teams consider placement in the LRE. It is important to note that this does not imply that IEP teams must recommend least restrictive placements, but rather provided a statement indicating that the recommended placement was the LRE for the child. Data collected to determine whether the IEP team considered placements in the LRE was found within the IEP.

Determining Compliance with the Criteria

In order to meet the criteria of a comprehensive evaluation as defined above, students must have evidence of having met all of the elements for their respective criteria (i.e., newly identified ED, re-evaluations). This evidence was found in the child's IEP, cumulative records, and any other relevant documentation such as RST or psychological report, if available.

For determining compliance, the criteria took into consideration a parent's right to request an assessment of their child. This may have reasonable impact on the ability of a school to adhere to the pre-referral and referral processes outlined in the rubric. This was addressed by collecting data on parental or agency⁷ requests for assessment. Students with evidence of such requests were considered as having met all of the criteria for the pre-referral and referral processes.

Methodology – Year Two

Sample Design

Due to the nature of the problem of disproportionality⁸ and the findings of the initial study which indicated comprehensive problems in the identification and placement processes for all students in the LAUSD, students from all ethnic groups identified as ED were included in the sample selection process.

As part of the outcome, the District was directed to develop a tracking system to capture and code all students into three categories: students newly identified as ED; students whose eligibility changed to ED; and, those students already ED that received a comprehensive re-evaluation. The database includes students placed in non-public schools and high schools, whose IEPs were held between November 11, 2004 through June 15, 2005. This database is the basis for selecting the sample and essential for monitoring the outcome. The District's database was provided to the OIM on a monthly basis and sent to AIR for sample selection. Limitations to obtaining a sample may have occurred, as periodic reviews of the District's Welligent IEP database by the OIM found additional students newly identified as ED that had not been included in the District database. In addition, errors in the coding of IEP types, dates of IEP, and demographic information were found during the file reviews.

To address the intent of the outcome, the sample was selected using the following criteria:

⁷ Some requests were made by residential agencies for students considered wards of the state

⁸ Disproportionality occurs when a disparity exist between the representation of one ethnic group when compared to other ethnic groups or the population in a specific area, in this case the ED eligibility category

1. All initial evaluations and change of eligibility evaluations of African-American students were selected for review.
2. A sample was drawn for all comprehensive re-evaluations for African-American students. This includes three year re-evaluations, parent or school requested re-evaluations, re-evaluations conducted during 30 day reviews, pre-expulsion IEPs, and any other circumstance that required a comprehensive re-evaluation.
3. A sample of all initial evaluations, change of eligibility and re-evaluations were selected for all other ethnic groups; White, Latino, and all other.

The sample consisted of 86 African-Americans, 129 Latino, 54 White, and 7 other students throughout LAUSD. Tables 1, 2 and 3 demonstrate the sample descriptions by ethnicity, local district, and school level.

Table 1. ED Sample by Ethnicity

Ethnicity	Number	Percent
African American	86	31.2%
Latino	129	46.7%
White	54	19.6%
Other*	7	2.5%
Total	276	100%

*other includes Asian and Armenian

Table 2. ED Sample by District

District	Number	Percent
1	55	19.9%
2	52	18.8%
3	50	18.1%
4	43	15.6%
5	16	5.8%
6	10	3.6%
7	26	9.4%
8	22	8.0%
CW	1	0.4%
SUN	1	0.4%
Total	276	100%

Table 3. ED Sample by School Level

School Level	Number	Percent
Elementary/ preschool/early ed	108	39.1%
Middle School	65	23.6%
High School	45	16.3%
Special Centers	7	2.5%
Others*	51	18.5%
Total	276	100%

* These observations were students attending NPS or non-LAUSD schools

Data Collection and Entry

The procedures for data collection were similar to those of the initial study and consisted of a file review of cumulative records and IEP files, and sought to determine if the identification and placement process was appropriate for African-American students identified as ED. Using the criteria defined above, an instrument (Attachment B) was developed to capture the four areas within the identification process: pre-referral and referral interventions, assessment, determination of ED eligibility, and IEP team recommendations upon eligibility. The instrument was modified to facilitate data collection for the three assessment types: students newly identified as ED; students newly identified as ED that were previously receiving services under another eligibility; and, students currently receiving services as ED that had received a comprehensive re-evaluation. The instrument was piloted on eight students and minor modifications were made to facilitate data collection. One notable difference in this second year was in the collection of data on the placement considerations and recommendations of IEP teams upon a student's identification as ED.

Data collection was conducted by the OIM and a group of graduate research assistants. The research assistants participated in 16 hours of training, including conducting full cumulative file and IEP folder reviews. For the first rounds of data collection research assistants were supervised by the OIM and two experienced RA's that had participated in the first year of the data collection. To ensure reliable data, intermittent inter-rater reliability checks were conducted. This means that some files were selected to be reviewed by two different reviewers and checked for accuracy by comparing for discrepancies.

To verify the accuracy of the District's database, a data cover sheet (see Attachment C) was developed by uploading information from the District's database regarding demographic and IEP information such as: ethnicity; gender, birth date, IEP type (initial, eligibility change and re-evaluation), IEP date, and the location of the cumulative and IEP folder. Discrepancies found were recorded on the data cover sheet.

A total of 276 file reviews were collected and entered into a database developed by the OIM. The data was separated into three categories for analyses:

1. Students with valid data
2. Students with no valid data
3. Student was found not eligible as emotionally disturbed or exited from special education

Data Analyses

The database was provided to AIR for analyses to measure levels of compliance with the outcome and to determine if any statistical differences occurred between ethnic groups. The sample used for analyses removed those students whose data could not be obtained, students that had been found not eligible as ED or exited from special education, and those students from "other"⁹ ethnic groups. Tables 4, 5, and 6 describe the sample of students with valid data included in the analyses by ethnicity, local district and school level.

⁹ "Other" students were removed from the analysis due to the small size of the sample

Table 4. ED Analysis Sample by Ethnicity

Ethnicity	Number	Percent
African American	82	31.9%
Hispanic	126	49.0%
White	49	19.1%
Total	257	100.0%

Table 5. ED Analysis Sample by Local District

District	Number	Percent
1	51	19.8%
2	49	19.1%
3	45	17.5%
4	37	14.4%
5	15	5.8%
6	10	3.9%
7	26	10.1%
8	22	8.6%
CW	1	0.4%
SUN	1	0.4%
Total	257	100.0%

Table 6. ED Analysis Sample by School Level

School Level	Number	Percent
Elementary/ preschool/early ed	102	39.7%
Middle School	63	24.5%
High School	40	15.6%
Special Centers	6	2.3%
Others*	46	17.9%
Total	257	100.0%

*These observations were students attending NPS or non-LAUSD schools

Findings

The findings were disaggregated by IEP type and ethnicity. For the purpose of analysis, students initially identified as ED and students newly identified as ED that were previously receiving special education services under another eligibility were combined. Students receiving special education services as ED that received a comprehensive re-evaluation were analyzed separately.

The basis of the outcome is for all African-American students identified as ED to meet all of the requirements of a comprehensive evaluation as defined by Independent Monitor. Table 7 demonstrates the number of students that met all of the criteria for those students in the initial and change of eligibility group.

Met all of the Criteria – Initials and Change of Eligibility

The study found that only one African-American student met all of the criteria for a comprehensive evaluation. The results for Latino and White students are equally poor.

Table 7. Initials and Change of Eligibility that Met Criteria

Initials and Change of Eligibility	African American	Latino	White	Total
Total Observations	37	80	28	145
Number of students meeting criteria	1	2	2	5
Percentage meeting criteria	2.70%	2.50%	7.10%	4.10%

Met all of the Criteria – Re-evaluations

For students receiving a comprehensive re-evaluation, the results (Table 8) were equally dismal for all subgroups with only 4 out of 92 students meeting the requirements of the outcome.

Table 8. Re-evaluations that Met Criteria

Re-evaluations	African American	Latino	White	Total
Total Observations	36	39	17	92
Number of students meeting criteria	1	1	2	4
Percentage meeting criteria	2.80%	2.60%	11.80%	4.30%

Although the number of students meeting the all of the criteria is dismal, the results of the study disaggregated by section provides further insight into the strengths and weaknesses found during the assessment process for students identified as ED.

Pre-referral and Referral Interventions – Initials and Change of Eligibility

Overall, the study found low rates of occurrence for elements within the pre-referral and referral interventions as only 8% of all students met all of the requirements of this criteria (Table 9). This finding increases slightly (25%) when discounting pre-referral components if a parent or agency requested an evaluation. Statistically significant differences were noted in the evidence of an initial pre-referral intervention meeting such as an SST, and evidence of parental participation at such meetings. Although the results appear more favorable for African-American than Latino and White students in the areas of an initial pre-referral intervention meeting, evidence of a follow-up pre-referral meeting, and parental participation at the pre-referral meeting, the relative low rates of these elements for all students is disturbing considering the importance of the pre-referral process for ensuring an appropriate referral and identification. The fact that only two-thirds of all students had evidence of behavioral difficulties prior to their referral may imply that the practices of school-based referral teams are guided by the identification and possible placement of difficult students.

Table 9. Pre-referral and Referral Interventions – Initials

Number of students with Initial IEPs in analysis, by Ethnicity	African American N=28		Latino N=69		White N=23		Total N=120	
Initial pre-referral intervention meeting*	21	75.0%	40	58.0%	10	43.5%	71	59.2%
Follow-up pre-referral intervention meeting	7	25.0%	12	17.4%	3	13.0%	22	18.3%
Parent participation at the pre-referral intervention meeting**	17	60.7%	23	33.3%	9	39.1%	49	40.8%
Documentation of other factors	9	32.1%	24	34.8%	9	39.1%	42	35.0%
Documentation of behavioral/academic concerns	18	64.3%	48	69.6%	14	60.9%	80	66.7%
Supports such as: non-DIS counseling, behavior plan, and/or school-wide discipline program.	19	67.9%	49	71.0%	15	65.2%	83	69.2%
Assessment plan	20	71.4	56	81.2%	15	65.2%	91	75.8%
Number and percentage of students meeting criteria	3	10.7%	7	10.1%	0	0.0%	10	8.3%
Number and percentage of students meeting criteria – parent/agency request	8	0%	16	0%	7	0%	31	25%

* Pearson Chi2 5.2896 **p. 0.071**

** Pearson Chi2 6.2149 **p. 0.045**

Pre-referral and Referral Interventions – Change of Eligibility

The results indicate that IEP teams are not providing the appropriate supports available within the child’s pre-existing IEP before determining a change in eligibility to ED (Table 10). For instance, one may expect that if a child already receiving special education services begins to experience behavioral difficulties, IEP teams would first attempt to intervene by providing a behavior support plan, counseling and classroom accommodations and modifications. The results may indicate that this is not the case, with only 24% of the students observed having received the appropriate interventions prior to being identified as ED. Differences are noted in the provision of behavior support plans between Latino (36.4%), African-American (44.4%) and White (60%) students, and counseling between White (40%), African-American (44.4%), and Latino (80%) students.

Table 10. Pre-referral and Referral Interventions – Change of Eligibility

Number of students with Eligibility Change in analysis, by Ethnicity	African American N=9		Latino N=11		White N=5		Total N=25	
Behavior Support Plan	4	44.4%	4	36.4%	3	60.0%	11	44.0%
Academic modifications and accommodations	5	55.6%	7	63.6%	3	60.0%	15	60.0%
Consideration for counseling/ school-wide discipline programs	4	44.4%	9	81.8%	2	40.0%	15	60.0%
Assessment plan	5	55.6%	4	36.4	3	60.0	12	48.0%
Number and percentage of students meeting criteria	3	33.3%	1	9.1%	2	40.0%	6	24.0%
Number and percentage of students meeting criteria – parent/agency request	1	0%	0	0%	0	0%	1	4%

Assessment – Initials and Change of Eligibility

The study found considerable improvements in the multidisciplinary practices of IEP teams compared to those of the first year¹⁰ with African-American students receiving these elements with much higher frequency (Table 11). Statistically significant differences were noted in the provision of health assessments for African-American students. Although improvements are noted, African-American students meeting all of the elements of the criteria demonstrated a lower frequency 68% when compared to Latinos (75%) and Whites (79%). It is noted that approximately three-fourths of all students in the sample received a complete, multidisciplinary assessment.

Table 11. Assessment – Initials and Change of Eligibility

Number of students with Initials/Eligibility Change IEPs in analysis, by Ethnicity	African American N=37		Latino N=80		White N=28		Total N=145	
Health assessment*	31	83.8%	75	93.8%	28	100.0 %	134	92.4%
Formal academic assessment	36	97.3%	79	98.8%	27	96.4%	142	97.9%
Cognitive or general ability assessment	35	94.6%	74	92.5%	28	100.0 %	137	94.5%
Multi-disciplinary social-emotional evaluation	37	100.0 %	73	91.3%	26	92.9%	136	93.8%
Comprehensive behavioral evaluation.	31	83.8	73	91.3%	25	89.3%	129	89%
Number and percentage of students meeting criteria	25	67.6%	60	75.0%	22	78.6%	107	73.8%

* Pearson Chi2 6.4329 p. 0.04

¹⁰ The first year results found that 65.9% of African-Americans received both a cognitive/general ability and social emotional evaluation.

Assessments – Re-evaluation

For students with a current ED eligibility, it appears that the majority of students received an academic (95.7%), cognitive or general ability (92.4%), and social emotional (88.0%) assessments during their re-evaluation (Table 12). Approximately half of all students met all of the requirements of the rubric.

Table 12. Assessments – Re-evaluation

Number of students with IEP re-evaluations in analysis, by Ethnicity	African American N=36		Latino N=39		White N=17		Total N=92	
Health assessment	26	72.2%	25	64.1%	12	70.6%	63	68.5%
Formal academic assessment	35	97.2%	37	94.9%	16	94.1%	88	95.7%
Cognitive or general ability assessment	32	88.9%	34	87.2%	15	88.2%	81	88.0%
Multi-disciplinary social-emotional evaluation	35	97.2%	34	87.2%	16	94.1%	85	92.4%
Comprehensive behavioral evaluation	31	86.1%	35	89.7%	12	70.6%	78	84.8%
Number and percentage of students with criteria met	20	55.6%	20	51.3%	9	52.9%	49	53.3%

Determination of ED Eligibility – Initials and Change of Eligibility

The results of the study indicates that African-American students demonstrated evidence of an eligibility statement with less frequency (32%) than their Latino (57.5%) and White (60.7%) counterparts (Table 13). Additionally, IEP teams do not appear to take into consideration any exclusionary factors that may exclude a child from being ED, such as whether behaviors are a result of environmental stress or due to a social maladjustment. The study found only 11% of all students newly identified as ED met the criteria for determining ED eligibility.

Table 13. Determination of ED Eligibility – Initials and Change of Eligibility

Determination of ED Eligibility	African American N=37		Latino N=80		White N=28		Total N=145	
Comprehensive ED eligibility statement	12	32.4%	46	57.5%	17	60.7%	75	51.7%
Consideration of exclusionary criteria and other relevant factors	7	18.9%	10	12.5%	5	17.9%	22	15.2%
Justification of co-morbid disabilities	31	83.8%	69	86.3%	26	92.9%	126	86.9%
Number and percentage of students meeting criteria	3	8.1%	8	10.0%	5	17.9%	16	11.0%

Determination of ED Eligibility – Re-evaluation

For students already identified as ED that received a comprehensive re-evaluation to determine eligibility, approximately 50% of all students demonstrated evidence of an eligibility statement, and only 14% had evidence of consideration of exclusionary criteria (Table 14).

Table 14. Determination of ED Eligibility – Re-evaluation

Determination of ED Eligibility	African American N=36		Latino N=39		White N=17		Total N=92	
Comprehensive ED eligibility statement	20	55.6%	19	48.7%	10	58.8%	49	53.3%
Consideration of exclusionary criteria and other relevant factors	4	11.1%	5	12.8%	4	23.5%	13	14.1%
Justification of co-morbid disabilities (i.e. additional disabilities)	34	94.4%	32	82.1%	15	88.2%	81	88.0%
Number and percentage of students meeting criteria	4	11.1%	5	12.8%	4	23.5%	13	14.1%

IEP Team Recommendations – Initials and Change of Eligibility

The results (see Table 15) indicate that IEP teams are considering supports such as behavior support plans and counseling with high frequency for students newly identified as ED. Additionally, parents appear to be attending the IEP meeting where the identification and placement of their child was discussed, with high frequency. The study found statistically significant differences between Latinos and Whites for considerations for placement in the LRE. Overall, it appears that IEP teams provided evidence of consideration for the LRE placement with high frequency. For this section, 65% of all newly identified African-Americans met the criteria.

IEP Team Recommendations – Initials and Change of Eligibility

IEP Team Recommendations	African American N=37		Latino N=80		White N=28		Total N=145	
Consideration of a behavior support plan (BSP)	32	86.5%	72	90.0%	25	89.3%	129	89.0%
IEP team considerations for placement in the LRE*	35	94.6%	68	85.0%	28	100.0	131	90.3%
Consideration of DIS counseling services, and/or referral to mental health agency	37	100.0 %	78	97.5%	27	96.4%	142	97.9%
Counseling goals, if appropriate	35	94.6%	77	96.3%	27	96.4%	139	95.9%
Parent participation at the IEP meeting determining eligibility and placement	32	86.5%	65	81.3%	24	85.7%	121	83.4%
Number and percentage of students meeting criteria	24	64.9%	49	61.3%	19	67.9%	92	63.4%

* Chi square 6.3784 p 0.041

IEP Team Recommendations upon Identification – Re-evaluations

For students that received re-evaluations, the results indicate that IEP teams considered additional supports such as a behavior support plan and counseling with high frequency for all students, 88% and 95%, respectively (Table 16). Evidence of parent attendance at the IEP was approximately 80% for all students. In addition, the results indicate that IEP teams are considering placements in the LRE with high rates of frequency for all students.

Table 16. IEP Team Recommendations upon Identification – Re-evaluations

IEP Team Recommendations	African American N=36		Latino N=39		White N=17		Other N=92	
Behavior support plan (BSP)	32	88.9%	36	92.3%	13	76.5%	81	88.0%
Considerations for placement in the LRE	34	94.4%	34	87.2%	15	88.2%	83	90.2%
Consideration of counseling services	34	94.4%	37	94.9%	16	94.1%	87	94.6%
Counseling goals, if appropriate	35	97.2%	36	92.3%	15	88.2%	86	93.5%
Parent participation at the IEP meeting	30	83.3%	31	79.5%	12	70.6%	73	79.3%
Number and percentage of students meeting criteria	24	66.7%	23	59.0%	8	47.1%	55	59.8%

Placement Recommendations – Initials and Change of Eligibility

Due to the disproportionate number of African-American students attending NPS, the study collected data on the placement recommendations by IEP teams upon the initial identification of a student as ED. For all students newly identified or whose eligibilities were changed to ED, 37% were recommended for NPS placement. The findings indicate that African-American students were recommended NPS placements with less frequency (30%) than Latino (36.3%) and White (46%) students. However, the study also found that IEP teams recommend non-residence school placements for African-Americans with a higher frequency (32.4%) than Latino (18.8%) and White (25%) students.

The findings indicate that IEP teams are considering placements other than the home school placement for ED students with high frequency for African Americans (62%), White (71%), and Latinos (55%), placed in NPS or non-residence schools.

Placement recommendation	African American		Hispanic		White		Total	
NPS	11	29.7%	29	36.3%	13	46.4%	53	36.6%
Non Residence School	12	32.4%	15	18.8%	7	25.0%	34	23.4%
School of Residence	14	37.8%	35	43.8%	7	25.0%	56	38.6%
Total	37	100%	79	99%	27	96.4%	143	98.6%

* Indicates two students were recommended home or private school placement and removed from the analysis

For students whose prior placement was general education, 59.5% of all students were recommended NPS or non-residence school placements. Statistically significant differences were noted for NPS placements of White students.

Placement Recommendation for Students Whose Prior Placement was Gen Ed, by Ethnicity								
Placement Recommendation	African American		Hispanic		White		Total	
NPS	7	22.6%	27	39.1%	10	47.6%	44	36.4%
Non Residence School	11	35.5%	11	15.9%	6	28.6%	28	23.1%
School of Residence	13	41.9%	31	44.9%	5	23.8%	49	40.5%
Total	31	100%	69	100%	21	100%	121	100%
%	100%		100%		100%		100%	

Pearson chi2(4) = 8.1446 Pr =0.086

For students whose placements recommendations were in a district residence and non-residence school, 73.1% of African-Americans, 67.3% of Latinos, and 71.4% of Whites were recommended instructional setting placements in the special day class.

Instructional setting recommendation	African American		Hispanic		White		Total	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Gen Ed/DIS	1	3.8%	2	4.1%	1	7.1%	4	4.4%
RSP	6	23.1%	14	28.6%	3	21.4%	23	25.8%
SDC	11	42.3%	23	46.9%	7	50.0%	41	46.1%
SDC ED	8	30.8%	10	20.4%	3	21.4%	21	23.6%
Total	26	100%	49	100%	14	100%	89	100%

Conclusion and Implications

The study found few statistically significant differences for the pre-referral, referral, identification and placement processes of African-American, Latino and White students. Overall, the study found low levels of compliance with the outcome that mandates that 90% of all students identified as ED meet the elements of a comprehensive evaluation. The findings indicate that only 3% of African-American students newly identified as ED, and 3% of African-American students that received a comprehensive re-evaluation met the criteria. These findings may indicate a lack of awareness for the requirements of the outcome by members of the IEP team and local district support personnel. In addition, these low levels of compliance may indicate that additional professional development guided by the elements of the rubric provided to psychologists, administrators and school personnel may be required. The District should providing IEP teams, school psychologists and other related support personnel involved in the pre-referral, referral and assessment process the checklist developed by the OIM, with the input of Psychological Services.

The study noted marked improvements in specific elements of the rubric such as provision of a multidisciplinary assessment, behavior support plans and counseling. The results indicate that the pre-referral and referral process continues to be deficient for students newly identified as ED. Considerable focus should be dedicated to improving the pre-referral and referral process, as this is an essential part of the identification process and seen as an effective mechanism for reducing inappropriate identifications.

The study found that IEP teams do not provide sufficient justification when determining eligibility, evidenced by the low rates of eligibility statements and considerations of exclusionary criteria observed during the file reviews. The low rates of eligibility statements and virtual lack of consideration for the exclusionary criteria may indicate that IEP teams may lack an understanding of the ED eligibility criteria, and may not be appropriately identifying students as ED. The District presently uses a certification form when identifying SLD students that serves as a guide for IEP teams to determine an appropriate eligibility. A similar certification process for the identification of students as ED may contribute to improvements in this area, and subsequently the appropriate identification of students.

Although the study found high rates of evidence that IEP teams considered the LRE upon identification, IEP teams continue to rely on placements outside of a child's residence school with high frequency. In addition, when students are placed in district residence and non-

residence schools, placements recommendations are primarily for the special day class program. This finding may suggest that ED identification is driven by the placement decisions of an IEP team, and provides insights into the availability of programs and supports to educate students at their home schools and in less segregated settings.

Lastly, the study found discrepancies in the accuracy of data contained within the database provided by the District. This is of particular concern as the database contained miscoding of IEP types and missing students, which may considerably impact the sample selection and monitoring efforts of the outcome. Throughout the course of the study these concerns were communicated to the District's Psychological Services unit, however, it continues to be a concern. It is recommended that for the 2005-06 school year the District verify the accuracy of the data prior to each monthly submission by cross referencing other District database systems such as the Welligent system.

COMPREHENSIVE EVALUATION

1. REVIEW OF PRE-REFERRAL INTERVENTION

FOR STUDENTS INITIALLY REFERRED FOR SPECIAL EDUCATION

- | <u>Yes</u> | <u>No</u> | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Documentation of an initial pre-referral intervention meeting, such as an SST, that addresses the behavioral and/or academic concerns and actions to address these concerns. |
| <input type="checkbox"/> | <input type="checkbox"/> | Documentation of a follow-up initial pre-referral intervention meeting, such as an SST, (at least 3 months after the initial meeting) documenting the results of the interventions and the effect on the behavior. |
| <input type="checkbox"/> | <input type="checkbox"/> | Evidence of parent participation at the SST and/or parent conference. |
| <input type="checkbox"/> | <input type="checkbox"/> | Pre-referral teams documentation of the following considerations: attendance history; recent changes in student's home environment; and, vision and hearing screening. |
| <input type="checkbox"/> | <input type="checkbox"/> | Report card or cumulative file comments indicate behavioral and academic concerns for more than one semesters (secondary) or one year, prior to the date of referral. |
| <input type="checkbox"/> | <input type="checkbox"/> | Documentation of one of the following; non-DIS counseling, behavior modification plan, and/or participation in a school-wide discipline program. |
| <input type="checkbox"/> | <input type="checkbox"/> | Assessment plan indicating behavioral concerns and reason for referral for an ED evaluation. |
| <input type="checkbox"/> | <input type="checkbox"/> | Consideration of the student's primary language. |

FOR STUDENTS CURRENTLY RECEIVING SPECIAL EDUCATION SERVICES

- | <u>Yes</u> | <u>No</u> | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Behavior support plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | Academic modifications and accommodations attempted to address the behavioral concerns. |
| <input type="checkbox"/> | <input type="checkbox"/> | Consideration for counseling services and/or referrals to school-wide discipline programs. |
| <input type="checkbox"/> | <input type="checkbox"/> | Assessment plan indicates behavioral concerns and reason for referral for an ED evaluation. |

2. ASSESSMENT

- | <u>Yes</u> | <u>No</u> | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Health assessment to rule out whether an inability to learn is a result of a health or sensory condition. |
| <input type="checkbox"/> | <input type="checkbox"/> | Formal academic assessment and consideration of assessments based on curriculum and classroom performance. |
| <input type="checkbox"/> | <input type="checkbox"/> | Cognitive or general ability assessment identifying the student's strengths and weaknesses. |
| <input type="checkbox"/> | <input type="checkbox"/> | Multi-disciplinary social-emotional evaluation using the following measures: observation in various settings (formal and informal); ratings scales and/or other psychometric instruments; interviews with at least one teacher and parent; and, consideration of the student's home and community behavior. |
| <input type="checkbox"/> | <input type="checkbox"/> | Comprehensive behavioral evaluation such as a functional behavioral analysis or functional assessment analysis that identifies the function of the behavior, the frequency and duration of the behavior, and the identification of alternative behaviors that may serve to replace the undesired behavior. |

OFFICE OF THE INDEPENDENT MONITOR

COMPREHENSIVE EVALUATION

3. DETERMINATION OF ED ELIGIBILITY

- | <u>Yes</u> | <u>No</u> | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Comprehensive ED eligibility statement identifying specific areas of eligibility as per IDEA 1997 regulations. |
| <input type="checkbox"/> | <input type="checkbox"/> | Consideration of exclusionary criteria and other relevant factors. |
| <input type="checkbox"/> | <input type="checkbox"/> | Justification of co-morbid disabilities or additional disabilities. |

4. IEP TEAM RECOMMENDATIONS

- | <u>Yes</u> | <u>No</u> | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Consideration of a behavior support plan for initially referred students. |
| <input type="checkbox"/> | <input type="checkbox"/> | IEP team considerations for placement in the least restrictive environment, including appropriate supports and modifications to ensure participation in the LRE, with responsible personnel. |
| <input type="checkbox"/> | <input type="checkbox"/> | Consideration of DIS counseling services, and/or referral to mental health agency for such services. |
| <input type="checkbox"/> | <input type="checkbox"/> | Counseling goals, if appropriate. |
| <input type="checkbox"/> | <input type="checkbox"/> | Parent participation at the IEP meeting determining eligibility and placement. |

OUTCOME #18: DISPROPORTIONALITY

COMPREHENSIVE EVALUATION PROCESS

STUDENT'S NAME: _____

DATE OF BIRTH: _____

REVIEWER: _____

DATE OF REVIEW: _____

1. REVIEW OF PRE-REFERRAL AND REFERRAL INTERVENTION

Request for assessment: Parent – Agency – School (Circle)

FOR STUDENTS INITIALLY REFERRED FOR SPECIAL EDUCATION

- | <u>Yes</u> | <u>No</u> | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Documentation of an initial pre-referral intervention meeting, such as an SST or 504 plan, that addresses the behavioral and/or academic concerns and actions to address these concerns.

<input type="checkbox"/> Report Card <input type="checkbox"/> Cum Folder <input type="checkbox"/> SST Form <input type="checkbox"/> IEP p. 3 or 12
<input type="checkbox"/> Other: |
| <input type="checkbox"/> | <input type="checkbox"/> | Documentation of a follow-up pre-referral intervention meeting, such as an SST or 504 plan (at least 3 months after the initial meeting) documenting the results of the interventions and the effect on the behavior.

<input type="checkbox"/> Report Card <input type="checkbox"/> Cum Folder <input type="checkbox"/> SST Form <input type="checkbox"/> IEP p. 3 or 12
<input type="checkbox"/> Other: |
| <input type="checkbox"/> | <input type="checkbox"/> | Evidence of parent participation at the pre-referral intervention meeting, such as an SST and/or parent conference.

<input type="checkbox"/> Report Card <input type="checkbox"/> Cum Folder <input type="checkbox"/> SST Form <input type="checkbox"/> IEP p. 3 or 12
<input type="checkbox"/> Other: |
| <input type="checkbox"/> | <input type="checkbox"/> | Pre-referral teams documentation of the following considerations: <input type="checkbox"/> attendance history; <input type="checkbox"/> recent changes in student's home environment; <input type="checkbox"/> student's primary language (if applicable); and, <input type="checkbox"/> vision and hearing screening. |
| <input type="checkbox"/> | <input type="checkbox"/> | Report card or cumulative file comments indicate behavioral and academic concerns for more than one semester (secondary) or one year, prior to the date of referral. |
| <input type="checkbox"/> | <input type="checkbox"/> | Documentation of one of the following; non-DIS counseling, behavior modification plan, and/or participation in a school-wide discipline program.

<input type="checkbox"/> Report Card <input type="checkbox"/> Cum Folder <input type="checkbox"/> SST Form <input type="checkbox"/> IEP p. 3 or 12
<input type="checkbox"/> Other: |
| <input type="checkbox"/> | <input type="checkbox"/> | Assessment plan and/or other documentation indicating behavioral concerns and consideration for ED as a suspected disability (such as Request for Assessment by parent).

<input type="checkbox"/> Assessment plan |

FOR STUDENTS CURRENTLY RECEIVING SPECIAL EDUCATION SERVICES UNDER ANOTHER ELIGIBILITY (NOT ED)

- | <u>Yes</u> | <u>No</u> | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Behavior support plan (IEP Behavior Support Plan) Need to look at previous IEP |
| <input type="checkbox"/> | <input type="checkbox"/> | Academic modifications and accommodations attempted to address the behavioral concerns
<input type="checkbox"/> p.4 <input type="checkbox"/> p. 12 (of current or previous IEP) |
| <input type="checkbox"/> | <input type="checkbox"/> | Consideration for counseling services and/or referrals to school-wide discipline programs
<input type="checkbox"/> p. 3 <input type="checkbox"/> p. 4 <input type="checkbox"/> p. 12 (Previous IEP) |
| <input type="checkbox"/> | <input type="checkbox"/> | Assessment plan indicating behavioral concerns and consideration for ED as a suspected disability (or statement in <i>IEP p. 3 or 12</i> indicating a re-evaluation due to behavioral concerns) |

OFFICE OF THE INDEPENDENT MONITOR

OUTCOME #18: DISPROPORTIONALITY

COMPREHENSIVE EVALUATION PROCESS

Begin here for students currently identified as emotionally disturbed (triennial or re-evaluation).

2. ASSESSMENT

Present Levels of Performance p. 3

- | <u>Yes</u> | <u>No</u> | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Health assessment |
| <input type="checkbox"/> | <input type="checkbox"/> | Formal academic assessment and consideration of assessments based on curriculum and classroom performance. |
| <input type="checkbox"/> | <input type="checkbox"/> | Cognitive or general ability assessment identifying the student's strengths and weaknesses |
| <input type="checkbox"/> | <input type="checkbox"/> | Multi-disciplinary social-emotional evaluation considering home and community behavior using the following measures: <input type="checkbox"/> observation in various settings (formal and informal); <input type="checkbox"/> ratings scales and/or other psychometric instruments; and, <input type="checkbox"/> interviews with at least one teacher and/or parent. |
| <input type="checkbox"/> | <input type="checkbox"/> | Comprehensive behavioral evaluation such as a functional behavioral analysis, functional assessment analysis or other behavioral evaluation that identifies the function of the behavior, the frequency and duration of the behavior, and the identification of alternative behaviors that may serve to replace the undesired behavior. |
| | | <input type="checkbox"/> Behavior Support Plan <input type="checkbox"/> p. 3 <input type="checkbox"/> other: |

3. DETERMINATION OF ED ELIGIBILITY

- | <u>Yes</u> | <u>No</u> | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Comprehensive ED eligibility statement identifying specific areas of eligibility as per IDEA 1997 regulations (must have at least one within the context of explaining ED as disability) |
| | | <input type="checkbox"/> p.3 (psych) <input type="checkbox"/> p. 4 <input type="checkbox"/> p. 12 <input type="checkbox"/> Other: |
| | | <input type="checkbox"/> an inability to learn that can not be explained by intellectual, sensory, or health factors
<input type="checkbox"/> an inability to build or maintain satisfactory interpersonal relationships with peers/teachers
<input type="checkbox"/> inappropriate types of behaviors or feelings under normal circumstances
<input type="checkbox"/> a general pervasiveness mood of unhappiness or depression
<input type="checkbox"/> a tendency to develop physical symptoms or fears associated with personal or school problems |
| <input type="checkbox"/> | <input type="checkbox"/> | Consideration of exclusionary criteria and other relevant factors (must be in the context of explaining eligibility consideration) |
| | | <input type="checkbox"/> p.3 (psych) <input type="checkbox"/> p. 4 <input type="checkbox"/> p. 12 <input type="checkbox"/> Other: |
| | | <input type="checkbox"/> are behaviors a result of intellectual, sensory or health factors?
<input type="checkbox"/> are behaviors due to a specific environmental stress or situational trauma?
<input type="checkbox"/> are behaviors a function of social maladjustment without evidence of an emotional disturbance? |
| <input type="checkbox"/> | <input type="checkbox"/> | Justification of co-morbid disabilities (i.e. additional disabilities) |
| <input type="checkbox"/> | N/A | Statement providing an explanation or reason for more than one eligibility
<input type="checkbox"/> p. 3 <input type="checkbox"/> p. 12 <input type="checkbox"/> SLD certification form (at the back of IEP) |

4. IEP TEAM RECOMMENDATIONS

- | <u>Yes</u> | <u>No</u> | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Consideration of a behavior support plan (BSP) |

OFFICE OF THE INDEPENDENT MONITOR

OUTCOME #18: DISPROPORTIONALITY

COMPREHENSIVE EVALUATION PROCESS

4. IEP TEAM RECOMMENDATIONS (CONT.)

- IEP team considerations for placement in the least restrictive environment, including appropriate supports and modifications to ensure participation in the LRE, with responsible personnel
 p. 6 Section I p. 12
Placement recommendations p. 8 Section M: IEP team recommendations
Location of Services: School of residence Non-residence school SPED center
 Nonpublic school (NPS) **no need to indicate instructional setting**
Instructional Setting: Gen. Ed. RSP SDC SDC ED DIS
Identify placement prior to IEP: initial evaluations should be General Ed
 Gen. Ed. RSP SDC DIS only (counseling)
- Consideration of DIS counseling services, and/or referral to mental health agency for such services (AB3632)
 p. 4 p. 12
- Counseling goals, if appropriate (If counseling not provided but there is evidence of consideration, mark N/A: not applicable)
 N/A p. 5
- Parent participation at the IEP meeting determining eligibility and placement
 p. 10 Section Q (date must be the same as IEP date)

