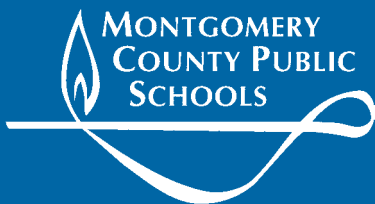
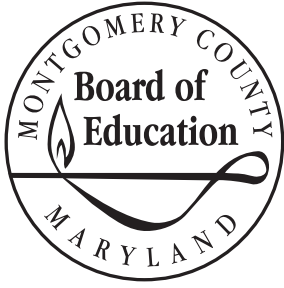


# Report on Disproportionality in Montgomery County Public Schools



**June 2009**



## VISION

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***A high-quality education is the fundamental right of every child. All children will receive the respect, encouragement, and opportunities they need to build the knowledge, skills, and attitudes to be successful, contributing members of a global society.***

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## INTRODUCTION



“Disproportionate representation of culturally and linguistically diverse students in special education programs has been a national concern for nearly four decades.”

*Truth in Labeling: Disproportionality in Special Education, 2007*



Data indicate that within Montgomery County Public Schools (MCPS) special education disproportionality chiefly impacts African American students with disabilities. MCPS recognizes a moral imperative to achieve equity for all student subgroups and eliminate racial disparities, including disproportionality among African American students with disabilities.

MCPS has a lengthy history of actions undertaken to address and eliminate the overidentification of African American students in special education. Despite these actions, data demonstrate continuing patterns of disproportionality of African American students in the special education categories of emotional disturbance, mental retardation, and specific learning disability. In addition, a disproportionate number of African American students with disabilities are educated in more restrictive educational settings and African American students with disabilities are suspended at disproportionate rates.

The following examples demonstrate continuing patterns of disproportionality in MCPS:

- There continues to be a greater likelihood that African American students will be identified as students with mental retardation, emotional disturbance, and specific learning disability than all other racial and ethnic student groups;
- Between 2004–2005 and 2007–2008, African American students with disabilities received services in more restrictive educational settings (e.g., inside the regular classroom for less than 40 percent of the day) in comparison to other racial and ethnic student groups;

- Between 2004–2005 and 2007–2008, both multiple and single suspensions, greater than 10 days, were disproportionate for African American students with disabilities.

MCPS recognizes a critical need to take immediate actions that will address patterns of disproportionality negatively impacting African American students. *Our Call to Action: Pursuit of Excellence, 2008–2013* reflects a special focus on issues of equity and race that contribute to gaps in performance for specific student subgroups. The recent update to the strategic plan reflects the continuing commitment of the Board of Education to milestones and data points addressing equity and disproportionality for measuring the progress of the school system. Three of these milestones are the focus of this report:

- MCPS will eliminate the disproportionate representation of minority students in special education;
- All schools will provide students with disabilities access to the general education environment, to the maximum extent appropriate; and,
- All schools will eliminate the disproportionate suspension rate of African American and Hispanic students.

MCPS established a Disproportionality Steering Committee to review current policies and practices that may be contributing to the disproportionate identification of students with disabilities based on race and ethnicity; placement within particular educational settings; and incidence, duration, and type of disciplinary actions, including suspension and

expulsion. The committee recognized that a comprehensive strategy for addressing disproportionality must begin with an examination of current data.

Staff recognizes that a successful plan must also identify factors contributing to disproportionality; identify systemic solutions; and monitor results to foster accountability. The committee believes that an array of corrective actions have been implemented; however, they have inadequately addressed the impact of educators' beliefs about race and culture upon student performance and therefore, they have had limited success. In order to reduce disproportionality and achieve equity, the Disproportionality Steering Committee proposes that MCPS address educators' fundamental beliefs about race and culture. The committee also determined that previous efforts to address disproportionality have been unsuccessful because corrective actions did not result in systemic and sustained organizational change. The committee advises that systemic and sustained actions should include monitoring for local school and system wide accountability.

The Disproportionality Steering Committee identified three recommendations that will have far-reaching impact on both general and special education practices. This type of systemic impact is essential since disproportionality in special education

begins in general education. The committee's recommendations are consistent with effective practices identified in educational research and are aligned with MCPS' work to promote the cultural competency of its staff while closing gaps in achievement and opportunity among all student groups.

The Disproportionality Steering Committee recommends that MCPS:

1. Provide enhanced professional development in cultural competence and evidence-based practices.
2. Implement tiered instructional support using research-based and evidence-based instructional and behavioral practices in the general education setting.
3. Improve local school and system wide accountability for implementation of recommended actions.

An Action Plan has been developed and approved by executive staff. The Action Plan outlined in this report demonstrates an intentional, systemic response to patterns of disproportionality. The Action Plan identifies specific, measurable actions to address disproportionality, and it identifies responsible and supporting offices for each action, and processes for monitoring and evaluating actions.





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## THE HISTORICAL CONTEXT

Disproportionality in special education is a national issue. The disproportionate representation of culturally and linguistically diverse students in special education programs is one of the most critical and enduring problems confronting the field of special education (Skiba et al., 2008). Since the United States Office for Civil Rights first started to sample school districts in 1968, African American students have been overrepresented in special education programs, particularly within the categories of emotional disturbance, mental retardation and specific learning disability (U.S. Department of Education, 2006; Artiles, Trent, & Palmer, 2004; Hilliard, 1992; Harry, 1992).

Disproportionality has been studied extensively at both the national and local levels, and various strategies have attempted to address it. Nevertheless, MCPS data demonstrate continuing patterns of disproportionality impacting African American students in the special education categories of emotional disturbance, mental retardation, and specific learning disability. In addition, a disproportionate number of African American students with disabilities are educated in more restrictive educational settings and African American students with disabilities are suspended at disproportionate rates. In order to accurately identify effective solutions, it is essential to accurately identify causes that contribute to ongoing patterns of disproportionality. In order to fully understand continuing disproportionality in MCPS, it is essential to know the history and strategies that have already been identified and attempted.

For years, Montgomery County has recognized the moral imperative of addressing the overidentification of African American students in special education. During the past decades, numerous MCPS and community groups have studied the matter. In 1983, an evaluation of the MCPS public and nonpublic special education programs, funded by the Board of Education and conducted by the Virginia Polytechnic Institute and State University, revealed an overrepresentation of minority students in special education. The researchers suggested that a review of placement

practices was necessary to ensure that decisions were being made based on individual student need.

The following studies initiated by MCPS, and reports generated by the Maryland State Department of Education (MSDE) and community groups, have specifically addressed disproportionality in special education and offered recommendations:

- *Maryland State Department of Education Monitoring and Evaluation Report* (1984)
- *MCPS Initiatives for Special Education Plan* (1985) endorsed by the Board of Education
- *The Special Education Initial Referral and Placement Process in MCPS Elementary School Study* conducted by the MCPS Department of Educational Accountability (1989)
- *MCPS Study of Minority Achievement* (Gordon Report) (1990)
- *The National Association for the Advancement of Colored People (NAACP) Report* (1990) submitted to MCPS
- Annual Reports from the Citizens Minority Relations Monitoring Committee (1983–1992) submitted to MCPS
- MCPS Commission on the Restructuring of the Office for Special and Alternative Education (1992)

In 1992, the MCPS Board of Education approved the *Success for Every Student* plan, which was designed to improve the achievement of all students. The *Success for Every Student* plan proposed program outcomes, including Outcome J: eliminate disproportionate representation of African American students within special education programs, specifically in the categories of emotional disturbance and learning disabilities. The MCPS Board of Education received updates on the progress of Outcome J during 1995, 1996, and 1998.

## **Making a Difference: A Strategic Plan to Ensure Equity for All Students in Special Education**

In 1995, the MCPS Board of Education recommended full implementation of *Making a Difference: A Strategic Plan to Ensure Equity for All Students in Special Education*. The plan identified six critical issues affecting the overrepresentation of minorities in special education: referral, assessment, and identification processes; monitoring of Educational Management Team (EMT) and Admission, Review and Dismissal (ARD) processes; in-service and pre-service preparation; the influence of ethnic prejudices, socioeconomic factors, and cultural insensitivity; the overall climate of schools; and enabling African American families to participate effectively and serve as advocates for their children. Activities were identified to address each of the critical issues.

MCPS implemented many of the actions recommended in the *Making a Difference* plan, including the following:

- Conducted training for all administrative and supervisory staff on overrepresentation in special education.
- Developed and disseminated the *State of the Art Manual* for classroom teachers to promote instructional methods that enabled the success of students, particularly African American students, prior to referral, and after dismissal from, special education.
- Developed and disseminated *Procedures for Confirming Emotional Disturbance and Mental Retardation*.
- Developed and disseminated *Referral Procedures Prior to Coding Students Seriously Emotionally Disturbed*.
- Conducted training for Individualized Education Program (IEP) teams on the critical components of Least Restrictive Environment (LRE).
- Established the Advocacy Review Committee (ARC).

The ARC reviewed case summaries of all African American students newly identified as either emotionally disturbed or mentally retarded. The ARC

made recommendations for corrective action, and outlined patterns and trends to define operational guidelines for assessment and identification.

In 1996, MCPS entered into a partnership agreement with the United States Department of Education, Office for Civil Rights (OCR). The partnership agreement obligated MCPS to develop and implement general education early intervention guidelines; assess the extent to which disproportionality exists; create partnership agreements with community and parents to address the issues; and report annually. MCPS reported activities and outcomes to OCR twice yearly through Fiscal Year 1999 and continued reporting on a voluntary basis until, by mutual agreement, OCR closed its monitoring activities in December 2003.

## **Our Call to Action**

In 1999, under the leadership of Dr. Jerry D. Weast, superintendent of schools, the district developed a landmark report, *Our Call to Action*. The report, developed by staff, parents, community, and business leaders, identified specific strategies for system reform. The new plan focused on closing the gap in student achievement by race and ethnicity and among students challenged by disabilities, limited English proficiency, and poverty, while at the same time raising the achievement of all students.

The Board of Education adopted an overarching curriculum policy that encompasses all facets of curriculum design and revision, including professional development and monitoring. A standards-based curriculum framework was developed and organized into instructional guides that include model lessons and strategies for re-teaching and enrichment. An assessment program, aligned with the curriculum, enables teachers to monitor student progress and plan appropriate instruction for student learning.

To address inequities among students, a comprehensive plan was developed for the district's youngest learners—the *Early Success Performance Plan* (2003). Fundamental elements included a comprehensive and aligned curriculum; ongoing diagnostic assessments; a technology-based monitoring system; full-day kindergarten programs; extended-day and extended-year programs; reduced class sizes; aligned

professional development, support systems, and evaluation processes; and meaningful family involvement and community collaboration.

Beginning with the 2000–2001 school year, every school was allocated a staff development teacher to provide a consistent focus on curriculum implementation, instructional strategies, and expectations for student achievement. MCPS developed a *Framework for Improving Teaching and Learning* (2002). The framework clarified the main elements in the teaching and learning process.

### **Our Call to Action: Pursuit of Excellence, 2003–2008**

In 2003, the Board of Education adopted a detailed strategic plan, *Our Call to Action: Pursuit of Excellence: The Strategic Plan for the Montgomery County Public Schools 2003–2008*. This strategic plan formed the keystone of a five-year master plan. The master plan was submitted to the Maryland State Board of Education in September 2003. The Maryland State Department of Education approved the Montgomery County plan and subsequent annual updates through the Bridge to Excellence plan. The plan and corresponding budgets reflect the school system's commitment to addressing inequities of opportunity. *Our Call to Action: Pursuit of Excellence* led to full-day kindergarten and reduced class size for kindergarten–Grade 2 students in 56 schools with the highest poverty levels. While full-day kindergarten is now mandatory, MCPS continues to provide reduced class size staffing for the primary grades at over 60 schools.

The following system wide strategies and processes were implemented to close the achievement gap that fosters disproportionality and the overidentification of minority student groups in special education:

- **Staff Support to Differentiate Reading and Mathematics Instruction.** Each elementary school and 23 middle schools have reading specialists. Since the implementation of Middle School Reform in 2007–2008, 11 middle schools were allocated accelerated and enriched instruction literacy coaches, to help teachers develop literacy and critical thinking in all content areas. High-poverty elementary schools have math content

coaches to increase the content knowledge and instructional strategies of teachers of mathematics.

- **Extended-Day and Extended-Year Programs.** Extended-day and extended-year programs exist in Title I schools and all middle schools.
- **Formative Assessment and Data Monitoring.** Students in kindergarten through Grade 8 are periodically assessed using the following developmentally appropriate measures:
  - MCPS Assessment Program–Primary Reading
  - m-CLASS Reading 3D program
  - Measures of Academic Progress–Reading (MAP-R)
  - Reading and English formative assessments
  - End of unit assessments in mathematics recorded using the MCPS Instructional Monitoring System.

Schools systematically review and analyze data through “data dialogues” which provide the forum for early identification of student needs as well as the opportunity to re-teach, reassess, and provide targeted intervention and support.

- **Equity Training.** Since 2005, bimonthly Superintendent’s Administrative and Supervisory (A&S) meetings have been focused on issues surrounding race and its impact on teaching and learning. The Equity Training and Development Team works with schools and offices to recognize and remove institutional barriers to student success, replacing them with equitable practices to eliminate racial disparities in achievement.
- **M-Stat.** The M-Stat process provides a framework for the systematic and systemic monitoring of critical student achievement and performance data that enables the district and school leadership teams to identify issues regarding disaggregated data by race, ethnicity, disability status, English proficiency, and economically disadvantaged status.

At the same time that system wide strategies and processes were implemented to close the achievement gap, strategies focused on students with disabilities were implemented with a goal of accelerating the achievement of students with disabilities and eliminating issues of disproportionality:

■ **School Improvement.** Annually, MCPS publishes *Special Education at a Glance*, a document that reports special education data, including students' race, ethnicity, and disability categories; academic achievement; and least restrictive environment data for each individual school. This information is intended to guide school improvement teams, inform instructional practices, and improve the performance outcomes of students with disabilities. *Special Education at a Glance* includes a "Guide to Planning and Assessing School-based Special Education Programs." The guide contains a series of reflective questions that the school improvement team must consider during planning. Each team must address disproportionality within special education. The team is asked to examine some of the factors that may have contributed to disproportionality in their school and ensure strategies are embedded in the school improvement plan to address the issues.

■ **Centralized Monitoring of Newly Identified Students with Disabilities.** In collaboration with the Office of School Performance (OSP) and Office of Shared Accountability (OSA), the Office of Special Education and Student Services (OSESS) monitors the identification of students with disabilities. Since the 2005–2006 school year, each school has received a *Special Education Identification Report* that contains information about students newly identified for special education in their school along with the *Montgomery County Public Schools Identification Rates by Cluster Report* that includes identification rates by cluster. Since the distribution of the reports began, MCPS is no longer disproportionately identifying Hispanic students for special education at any level; in addition, the overidentification of African American students is substantially reduced.

■ **Least Restrictive Environment.** The *Least Restrictive Environment (LRE) Report*, published on an annual basis, identifies schools that may need assistance supporting special education students in general education environments. In collaboration with the Office of Curriculum and Instructional Programs (OCIP), the Office of Organizational Development (OOD), and OSP, OSESS works to ensure that inclusive practices

are consistent throughout county schools. LRE has been supported through the provision of job-embedded professional development, implementation of hours-based staffing and the home school model, additional staffing at the secondary level, and the use of county-wide itinerant LRE resource teachers. The hours-based staffing model provides special education staffing based on the cumulative hours of special education instructional services recommended in all students' IEPs for each school rather than on an individual child count. Hours-based staffing has resulted in more students receiving services in least restrictive environments. Hours-based staffing has been implemented in 16 middle schools.

■ **Phase-out of Secondary Learning Centers and Mark Twain Program.** The decision to phase out the secondary learning centers was made for a number of compelling reasons, including a concern that African American and Hispanic students were overrepresented in this setting, with less access to a rigorous, high-quality education. During 2005–2006, African American and Hispanic students collectively comprised 42.6 percent of the MCPS middle school enrollment, yet the two groups accounted for 54.3 percent of middle school students with disabilities and even more significantly, 67.7 percent of students enrolled in middle school learning centers. During 2005–2006, African American and Hispanic students collectively comprised 40.8 percent of the MCPS high school enrollment, yet the two groups accounted for 53.0 percent of high school students with disabilities and 65.8 percent of students enrolled in high school learning centers. In February 2007, the Board of Education passed the *Superintendent's Recommended Operating Budget*, which included a plan to phase out the secondary learning centers over a six year period. MCPS began to phase out the secondary learning centers during the 2007–2008 school year.

The plan to phase out the Mark Twain Program in June 2008, had the following goals—improving academic performance of students with disabilities; reducing disproportionate representation of African American and Hispanic students in restrictive settings; and increasing the number of

students serviced in the least restrictive environment. During 2006–2007, African American and Hispanic students collectively comprised 41.6 percent of the MCPS high school enrollment. These two groups accounted for 53.2 percent of high school students with disabilities, and even more significantly, 78.0 percent of high school students enrolled at the Mark Twain Program.

■ **Targeted and Intensive Interventions to Improve the Academic Performance of Students with Disabilities.** MCPS is committed to expanding and supporting the implementation of tiered reading interventions that compliment the curriculum and address students’ needs by purchasing materials, providing professional development, coaching school-based staff, and monitoring student progress. During the 2007–2008 school year, MCPS implemented and provided ongoing, job-embedded support for the following reading interventions:

- *Read 180* at all secondary schools;
- *Corrective Reading* at 24 elementary schools, 30 middle schools, and five high schools;
- *Read Naturally* at three elementary schools, 15 middle schools, and four high schools;
- *Lexia—Reading Strategies for Older Students* at four elementary schools, eight middle schools, and four high schools;
- *Wilson Reading System* at four middle schools and one high school;
- *Rewards* at one middle school and 14 high schools;
- *Soliloquy Reading Assistant* at six middle schools;
- *Horizons* at 20 elementary schools;
- *Read Well* at nine elementary schools; and
- *Edmark Reading* at one elementary school, one middle school, and three high schools.

During the 2007–2008 school year, MCPS implemented and provided ongoing job-embedded support for the following mathematics interventions:

- *FASTT Math* at 19 elementary schools and 38 middle schools;
- *Understanding Math* at 9 middle schools and 11 high schools; and
- *Above and Beyond Math*, for students with severe cognitive disabilities, at all middle schools with Learning for Independence (LFI) programs, 4

high schools with LFI programs, and Rock Terrace School.

Two academic intervention instructional specialists, a special education supervisor of academic interventions, and two itinerant resource teachers coordinate the distribution of resources, provide the professional development and coaching, and monitor student progress with the interventions.

■ **Focused Professional Development for Teachers of Students with Disabilities.** OSESS supervisors, instructional specialists, and itinerant resource teachers (IRTs) support school teams. Support is provided to address the diverse needs of students through participation in Achievement Steering Committees (ASCs), school-based leadership team meetings, school improvement team meetings, and by developing and facilitating focused professional development activities for staff members who support students with disabilities.

During the 2007–2008 school year, OSESS staff provided high-quality professional development for over 5,000 participants at various levels and on a variety of topics including:

- Coteaching strategies to support students with disabilities in the LRE;
- Reading and mathematics interventions for students with disabilities;
- Discipline policies for students with disabilities;
- Positive Behavioral Interventions and Supports (PBIS) and behavior management;
- Differentiation of instruction, accessibility planning, and assistive technology; and
- Universal Design for Learning

In an effort to build the capacity of general and special education teachers to serve students with disabilities in an inclusive environment, OOD, OSESS, and OCIP conducted required professional development during the summers of 2007 and 2008. General and special education teachers of students with disabilities in Grades 6, 7, and 9 participated in these sessions. The purpose of these professional development activities was to deliver a clear, systemic message about coteaching and inclusive practices. The mandatory professional development incorporated equitable

practices, which were explicitly modeled and debriefed throughout the sessions. Participants discussed how they could implement these practices in their classrooms to engage all students while enabling them to access the general education curriculum.

The summer required professional development helped participants:

- Define and apply the principles of Universal Design for Learning (UDL) into planning instruction and assessment;
- Identify the characteristics of students with high incidence disabilities who will participate in the general education environment;
- Examine the components of effective coteaching;
- Identify strategies that promote appropriate behavior and social skills for middle school students;
- Develop awareness of effective instructional practices that promote access to, and progress in, the general education curriculum;
- Promote equitable practices to create an inclusive environment that meets the needs of diverse adolescent learners;
- Develop a plan for collaborating with colleagues to use data to plan and monitor instruction; and
- Plan lessons that purposefully integrate best practices for effective coteaching.

As of August 2008, over 500 general educators and special educators had participated in the coteaching training. Staff from OSESS and OOD provided follow-up support in schools following the summer training sessions. In addition, nearly 400 paraeducators have completed training on the same content and strategies.

- **Collaborative Problem Solving for Student Success.** Collaborative problem solving in the general education setting helps students experience greater success in the general education setting, and it helps reduce the disproportionate identification of African American and Hispanic students for special education services. Collaborative problem solving also helps address the issues that can result in the disproportionate suspension of African American and Hispanic students.

Because collaborative problem solving promotes the success of all students, all schools are expected to implement a problem-solving process within the general education setting.

In response to recommendations to improve the Educational Management Team (EMT) process, MCPS developed and implemented the Collaborative Action Process (CAP) in selected schools. CAP was intended to refine and expand the EMT process through a collaborative problem solving approach. During 2007–2008, the Office of Shared Accountability evaluated CAP. Due to the complexity of bringing the model to scale, inconsistency of implementation across schools, and staff complaints about time, paperwork, and documentation, CAP was discontinued at a system level at the end of 2007–2008 school year.

Currently, a variety of collaborative problem solving processes are utilized in schools. When a student is referred to the EMT, evidence of problem solving and early interventions are required. *Collaborative Problem Solving for Student Success, Guidelines for Schools, 2008–2009*, a document that delineates expectations and provides guidance for collaborative problem solving, identified the five essential steps in problem solving. It is the system's expectation that any collaborative problem solving practice implemented by a school will include these five steps. The guidelines were introduced to all school and central office administrators and to student services staff. The guidelines have been disseminated to schools with the expectations that school administrators will introduce them to their staff. During 2008–2009, information will be gathered about the status of current problem solving practices in schools. Data will be analyzed to inform decision making about strategies to make problem solving processes more consistent, effective and efficient. During 2009–2010, additional professional development about collaborative problem solving, EMT, and special education procedures will be provided to school administrators, special education and student services personnel.

- **Suspension Monitoring.** The decision to suspend a student is made after considering whether the student's behavior is disruptive and detrimental to

the operation of the school. Principals and their administrative teams work together to assess and determine whether the behavior exhibited by a student meets the criteria of being disruptive and detrimental to the operation of the school. The administrative team reviews each incident and the ensuing response to ensure objective decision making was practiced and to discuss whether there were possible alternative consequences. These recommendations are referred to the principal who has the final decision on suspension. Suspension data is reviewed monthly and an analysis is conducted of the quantity and type of suspensions disaggregated by race, gender, special education, types of infractions, and the progress being made in eliminating disproportionate rates of suspensions.

Each suspension, with supporting details, is entered into a systemwide serious incident database. These individual suspensions are reviewed by community superintendents to ensure that consequences for specific behaviors are fair and reasonable and fall within the guidelines practiced by MCPS. Additionally, systemwide suspension data is reviewed on a monthly basis by OSP. Community superintendents and directors of school performance are a part of this monthly review. Those schools that are successfully decreasing their suspension rates and those schools that appear to be experiencing challenges in decreasing or maintaining low suspension rates are highlighted.

OSESS staff reviews suspension information for students with disabilities on a weekly basis. In collaboration with OSP, OSESS provides consultation and technical assistance to schools with higher rates of suspensions of students with disabilities. OSESS staff also provides consultation and supports for students with disabilities experiencing higher rates of suspensions.

### **Individuals with Disabilities Education Act (IDEA, 2004)**

Disproportionality has become a key monitoring priority for the federal government. Under IDEA 2004, states must monitor disproportionate representation by race or ethnicity in disability categories,

placement in particular settings, or disciplinary actions, and states must require review of local policies, practices and procedures when disproportionate representation is found (IDEA, 2004). Local school systems that are identified as significantly disproportionate are required to reserve the maximum amount of their federal allocation (i.e., fifteen percent of federal allocation) under §300.646(b)(2) to provide comprehensive coordinated early intervening services, particularly to serve children in those groups that are significantly over-identified under §300.646(a). As of June 2008, MCPS has been identified by the Maryland State Department of Education as significantly disproportionate in Fiscal Years 2005, 2006, and 2007.

### **Our Call to Action: Pursuit of Excellence, 2008–2013**

In July 2008, the Board of Education approved a new edition of the strategic plan. *Our Call to Action: Pursuit of Excellence, 2008–2013* reflects a special focus on issues of equity and race that contribute to gaps in performance for specific student subgroups. The update reflects the commitment of the Board of Education to using student, staff, school, and system performance data to monitor and improve student achievement. The update continues to focus on monitoring and accountability using milestones and data points that identify clear targets for continuous improvement.

The milestones and data points included in *Our Call to Action: Pursuit of Excellence, 2008–2013* reflect the ongoing commitment of the Board of Education to eliminating disproportionality. The identified milestones reflect a sustained commitment by the Board of Education, evident for decades, to the elimination of the disproportionate representation of African American students within special education programs. The milestones and data points provide identifiable ways to measure the progress of the school system in areas such as minority student achievement, special education, and disproportionality.

*Our Call to Action: Pursuit of Excellence, 2008–2013*, contains milestones that relate to disproportionality among students with disabilities. These milestones address disproportionate representation, access to

the general education environment, and rates of suspension.

MCPS has a lengthy record of vigorously confronting issues of equity and race that contribute to gaps in performance for specific student subgroups. Despite the school system's steadfast commitment to equity, current data demonstrate that disproportionality in special education remains an issue. MCPS reaffirms its steadfast commitment to addressing the disproportionate identification of African American students receiving special education, the

over-representation of African American students in more restrictive settings, and the disproportionate suspension rates of minority students with disabilities. Actions to date have included a wide variety of strategies aimed at eliminating gaps in achievement among student subgroups. Clear evidence of continuing disproportionality requires a new and different response and a commitment to continuous monitoring of disproportionality for local school and system wide accountability.

## REVIEW OF THE DATA

The *Individuals with Disabilities Education Act of 2004* (IDEA 2004) requires that significant disproportionality based on race must be addressed and eliminated with respect to:

1. The identification of students as students with disabilities, including the identification of students with disabilities with a particular impairment;
2. The placement in particular educational settings of these students; and
3. Incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

MSDE has determined that within MCPS there is significant disproportionality of African American students in each of the three above-mentioned categories.

### **Measures of Disproportionality**

Composition indices, risk ratios, and index formulas are measures commonly used to identify disproportionate representation. Each measure emphasizes a different aspect of disproportionality.

Composition indices compare the percentage of students in a given ethnic or racial group identified with a disability to all students in the disability category. Composition indices describe the make-up of the category and answer questions such as, “What percentage of students identified with mental retardation are African American?” Composition indices are calculated for the high incidence disabilities of specific learning disability (SLD), emotional disturbance (ED), and mental retardation (MR).

A risk ratio compares the likelihood or risk of identification with a disability for one racial or ethnic group of students to the risk for all other students. Risk ratios help answer questions such as, “What is the risk of identification as a student with emotional disturbance for African American students as compared to the risk for all other students?”

An index formula compares the percentage of a racial or ethnic group of students within a particular category (e.g., suspension category; LRE category) to

the percentage of students from the racial or ethnic group within the student population. Index formulas help answer questions such as, “Is the percentage of African American students with disabilities who have received extended suspensions significantly greater than the percentage of African American students in the general population?” An index formula also identifies a specified range of acceptable variance. MSDE utilizes a 0.2 index formula to indicate the range of variance that is considered permissible and is referred to as an acceptable range. A comparison that exceeds the acceptable range is considered disproportionate. The 0.2 index is calculated by taking the percentage of a racial or ethnic group in the overall student population and multiplying it by 0.2. The product is added and subtracted to total enrollment percentage to create the upper and lower end of an acceptable range. MSDE identifies significant disproportionality when the percentage of students in a particular category is greater than the upper end of the acceptable range.

### **Identification Data**

The *Making a Difference* report (1995) included composition data about African American students as a percentage of selected disability categories from 1983–1984 through 1993–1994. The report concluded that the disproportionate representation of African American students in special education was a persistent problem in the categories of mental retardation, emotional disturbance, and specific learning disabilities. White students were proportionately represented in each of the three high incidence categories and Hispanic students were proportionately represented in two categories (i.e., MR and SLD) and underrepresented in one (i.e., ED).

Since 1993, the student population has become more diverse. The MCPS student population has grown from 113,853 students in 1993–1994 to 139,282 in 2008–2009. During the same time period, the percent of Hispanic students more than doubled from 10.8 percent in 1993 to 22.1 percent in 2008 (see Table 1). The percentages of African American

**TABLE 1: All MCPS Students**

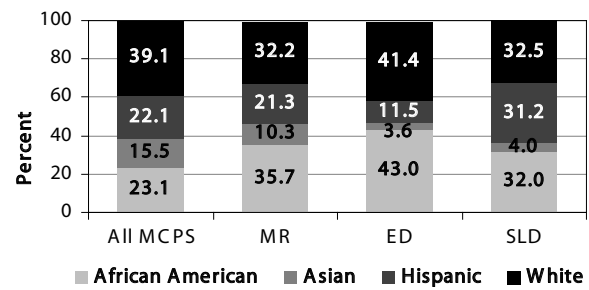
	African American		American Indian/ Alaskan Native		Asian/ Pacific Islander		Hispanic		White	
	Num.	%	Num.	%	Num.	%	Num.	%	Num.	%
1993/94	21,192	18.6	391	0.3	14,200	12.5	12,345	10.8	65,725	57.7
2008/09	32,172	23.1	401	0.3	21,549	15.5	30,747	22.1	54,413	39.1

and Asian students have also increased. The percent of African American students increased from 18.6 percent in 1993 to 23.1 percent in 2008, and the percent of Asian students increased from 12.5 percent in 1993 to 15.5 percent in 2008. During the same period of time, the percent of White students declined from 57.7 percent in 1993 to 39.1 percent in 2008.

As shown in Table 2 and Figure 1, patterns of disproportionality differ by ethnic/racial group. The African American composition of each of the three high incidence categories (i.e., emotional disturbance, mental retardation, and specific learning disability) is significantly disproportionate. In September 2008, African American students comprised 23.1 percent of all students; however, African American students comprised 28.6 percent of all students with disabilities. In contrast, Hispanic students comprised 22.1 percent of all students in MCPS, 23.8 percent of all students with disabilities, and 21.3 percent of students identified with mental retardation. Relatively fewer Hispanic students are identified with emotional disturbance (11.5 percent). In comparison, while 39.1 percent of all students are White, a slightly higher percentage of White students (41.4 percent) are identified with emotional disturbance. Hispanic students are slightly more disproportionate in the

category of specific learning disability (31.2 percent). Asian students comprise 15.5 percent of all students, 7.8 percent of all students with disabilities, 10.3 percent of students identified with mental retardation, 4 percent of students identified with specific learning disabilities, and 3.6 percent of students identified with emotional disturbance.

**FIGURE 1. MCPS Students in Selected Disability Categories by Race, 2008–2009**



Data Source Special Education Data: 2008–2009 Official MSDE Special Education Enrollment File.

Data from 1993–1994 serve as a baseline for comparing composition indices of African American students with disabilities (see Table 3). In 1993, African American students were disproportionate in the three high incidence categories of mental retardation,

**TABLE 2. MCPS Students in Selected Disability Categories by Race, 2008–2009**

	African American		Asian/Pacific Islander		Hispanic		White	
	Number	%	Number	%	Number	%	Number	%
All MCPS	32,172	23.1	21,549	15.5	30,747	22.1	54,413	39.1
MR <sup>1</sup>	232	35.7	67	10.3	138	21.3	209	32.2
ED	273	43.0	23	3.6	73	11.5	263	41.4
SLD	1,795	32.0	227	4.0	1,753	31.2	1,826	32.5
SWD	4,720	28.6	1,293	7.8	3,930	23.8	6,494	39.4

<sup>1</sup>MR = Mental Retardation; ED = Emotional Disturbance; SLD = Specific Learning Disabilities; SWD = Students with Disabilities

Data Source Special Education Data: 2008–2009 Official Special Education Enrollment File.

Data Source MCPS Enrollment: 2008–2009 September 30th Enrollment File

emotional disturbance, and specific learning disability. In 2008, African American students continue to be disproportionate in each of these categories. The percent of African American students in the student population increased 4.5 percentage points between 1993–1994 and 2008–2009 (18.6 percent in 1993–1994; 23.1 percent in 2008–2009). In comparison, each of the three composition indices has increased more than 4.3 percentage points. The percentage of African American students identified as MR increased 7.2 percentage points, the percent identified as ED increased 7.5 percentage points, and the percent identified as SLD increased 5.6 percentage points.

**TABLE 3. African American Students as a Percentage of Selected Disability Categories**

	ALL MCPS Students	All SWD	Mental Retardation	Emotional Disturbance	Specific Learning Disability
1993–1994	18.6	25.2	28.5	35.5	26.4
2004–2005	22.6	27.6	43.8	36.7	30.3
2005–2006	22.8	28.2	41.6	40.1	30.9
2006–2007	22.9	28.2	40.5	41.9	31.3
2007–2008	22.9	28.0	34.9	41.3	31.6
2008–2009	23.1	28.6	35.7	43.0	32.0

Data Source 1993–1994 data: SEDS December data.

Data Source Special Education Data 2004–2005 through 2008–2009: Official Special Education Enrollment File.

Data Source MCPS Data 2004–2005 through 2008–2009 data: MCPS Schools At A Glance data files.

**FIGURE 2. African American Students as Percentage of Selected Disability Categories, 1993–1994 through 2008–2009**

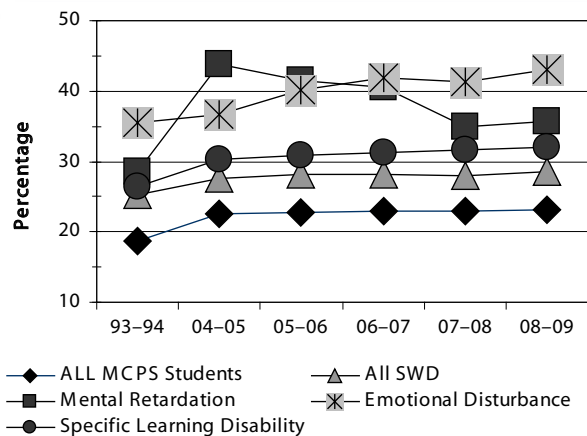


Figure 2 represents African American students as a percent of the high incidence disability categories of emotional disturbance, mental retardation, and specific learning disability. The percentage of African American students identified with mental retardation increased significantly between the baseline year 1993–1994 and 2004–2005 (28.5 percent in 1993–1994; 43.8 percent in 2004–2005). The percentage of African American students identified with mental retardation declined between 2004–2005 and 2007–2008. The percentage of students with emotional disturbance that are African American remained fairly consistent between 1993–1994

and 2004–2005. Since 2004–2005, the percentage of students with emotional disturbance that are African American has been increasing, and it is currently the most disproportionate of the three high incidence disability categories. While disproportionate, the percentage of students with specific learning disabilities that are African American has

experienced the least percentage growth; however, it is the category of disability with the greatest number of students. That is, there are 1,795 African American students identified with specific learning disability in comparison to 232 African American students identified with mental retardation and 273 African American students identified with emotional disturbance. Because the category of specific learning disability has more than six times the number of African American students than the category of emotional disturbance, efforts to reduce disproportionality in the category of specific learning disability will impact a greater number of students.

In addition to monitoring the composition of each racial and ethnic group receiving special education services, MCPS also monitors the identification by race and ethnicity of students newly identified for special education. Trend data suggest that identification rates of minority students are beginning to decline.

Data is disaggregated by race and ethnicity and weighted risk ratios for each subgroup are reported both at the system level and school level (i.e., elementary, middle and high). A risk ratio greater than 1.5 is considered significant. In Table 4, cells are shaded to reflect significant disproportionality. During 2007–2008, African American students in lower elementary grades were the only racial or ethnic group identified at a significantly disproportionate rate. During 2007–2008, 293 students enrolled in lower elementary grades (i.e., kindergarten, first, or second grades) were among the total of 1,076 students newly identified for special education services. Ninety African American students were identified from a total of 293 students in the lower elementary grades. While there had been disproportionate identification of Hispanic students in 2005–2006 and 2006–2007, and disproportionate identification of African American students at the middle and high school levels in 2005–2006 and 2006–2007, none of these groups were disproportionate during 2007–2008.

There is a greater likelihood that African American students will be identified as students with mental retardation, emotional disturbance, and specific learning disability than all other racial and ethnic student groups (see Appendix A). Figure 3 indicates the likelihood that an African American student will be identified as a student in each of the three high incidence disability categories between 2004–2005 and 2007–2008. The Maryland State Department of Education (MSDE) has established a threshold in which a weighted risk ratio greater than 1.5 is considered significant. In the disability category of mental retardation, the risk ratio has declined from 2.77 in 2004–2005 to 1.96 in 2007–2008. The risk ratio for emotional disturbance has remained approximately the same and the risk ratio for specific learning disability has remained about the same increasing only slightly from 1.51 in 2004–2005 to 1.56 in 2007–2008.

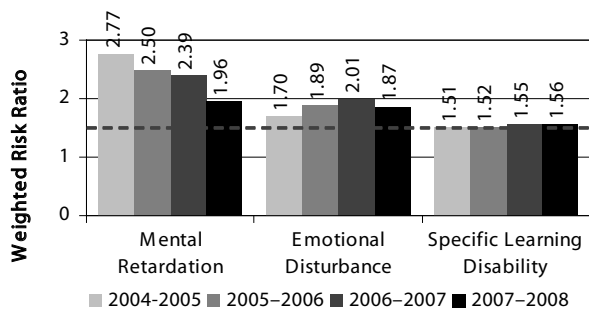
**TABLE 4. Risk Ratio of Newly Identified Students by Race and School Level, 2005–2006 through 2007–2008**

		September Enrollment	Total Newly Identified	African American	Asian	Hispanic	White
<b>2005–2006</b>	MCPS	136,389	1,533	1.6	0.4	1.6	0.7
	Lower Elem (K-2)	–	–	–	–	–	–
	Upper Elem (3-5) or (3-6)	–	–	–	–	–	–
	Elem (K-5)	59,369	1,137	1.5	0.5	1.5	0.8
	Middle	31,374	229	2.3	0.2	1.6	0.6
	High	44,765	155	1.6	0.3	1.4	0.8
<b>2006–2007</b>	MCPS	134,792	1,303	1.7	0.5	1.3	0.7
	Lower Elem (K-2)	28,464	374	1.4	0.6	1.0	1.0
	Upper Elem (3-5) or (3-6)	29,924	586	1.6	0.5	1.6	0.7
	Elem (K-5)	58,388	960	1.5	0.5	1.3	0.8
	Middle	30,856	214	2.4	0.3	1.2	0.6
	High	44,515	129	2.0	0.1	1.3	0.8
<b>2007–2008</b>	MCPS	134,671	1,076	1.4	0.5	1.3	0.9
	Lower Elem (K-2)	29,329	293	1.6	0.5	1.1	0.9
	Upper Elem (3-5) or (3-6)	29,473	481	1.3	0.5	1.5	0.8
	Elem (K-5)	58,712	774	1.4	0.5	1.3	0.9
	Middle	30,760	197	1.5	0.3	1.2	1.0
	High	44,201	105	1.3	0.5	0.9	1.2

Data Source: Department of Special Education Operations Newly Identified Data Files.

“–” school level not calculated for the school year.

**FIGURE 3. Weighted Risk Ratio of African Americans Identified for Selected Disability Groups, 2004–2005 through 2007–2008**



Dashed line indicates the MSDE threshold in which a weighted risk ratio greater than 1.5 is considered significant.

Data Source 2004–2005: Letter from Dr. Carol Ann Baglin to Dr. Jerry D. Weast, 6 June 2008, regarding MSDE Early Intervening Services.

Data Source 2005–2006 through 2007–2008: MSDE Special Education Disproportionality Reports.

### Least Restrictive Environment Data

Once it has been determined that a student is eligible for special education, the IEP team identifies special education services and the environment(s) where service will be provided to the student. Least restrictive environment (LRE) means that students with disabilities are educated with students without disabilities to the maximum extent appropriate. Students with disabilities must not be placed in special classes or separate schools unless education in regular education classes with supplementary aids, services, program modifications, and supports cannot be achieved satisfactorily. LRE categories identify the amount of time a student spends in the general education classroom environment. For students 6 to 21 years of age and receiving special education and related services in a comprehensive school, LRE A describes the placement of the student inside general education settings 80 percent or more of the school day. LRE C describes placement of the student in a comprehensive school and outside the general education setting for more than 60 percent of the school day.

MSDE monitors the rate of placement of African American students in LRE C. MSDE uses a .20 index formula to identify disproportionality in LRE. The .20 index is calculated by multiplying the percentage of African Americans in MCPS by 1.2. The product, identified as a “threshold” level, is the upper end of

the expected range. A significant disproportionality exists if the percentage of African American students with disabilities and receiving services exceeds the threshold. A racial or ethnic group that exceeds the threshold is considered disproportionately represented in LRE C.

Table 5 indicates that African American students with disabilities are the only racial or ethnic group of students receiving disproportionate services in LRE C.

Between 2004–2005 and 2007–2008, the percentage of African American students with disabilities inside the regular classroom for less than 40 percent of the day (LRE C) has been above the MSDE threshold. Figure 4 shows the percentage of African Americans that make up the MCPS population, the MSDE threshold for placement, and the percentage of African Americans that account for students inside the regular classroom for less than 40 percent of the school day (LRE C). See Appendix B for similar figures for other racial and ethnic student groups.

**TABLE 5. Percentage of MCPS Population by Race in LRE C (Placement Inside the Regular Classroom < 40% of the Day), 2004–2005 through 2007–2008**

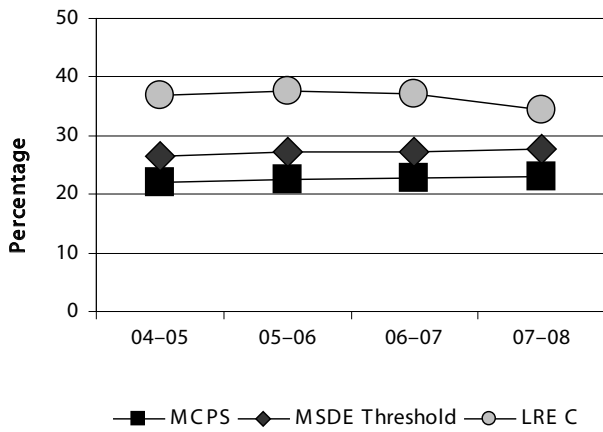
		Percent of MCPS Population	Threshold*	LRE C
<b>2004–2005</b>	African American	22.08	26.50	36.82
	Asian	14.3	17.16	7.16
	Hispanic	18.72	22.46	20.73
	White	44.6	53.51	35.11
<b>2005–2006</b>	African American	22.61	27.14	37.56
	Asian	14.67	17.60	7.95
	Hispanic	19.49	23.38	20.98
	White	42.94	51.53	33.29
<b>2006–2007</b>	African American	22.79	27.34	37.11
	Asian	14.86	17.84	8.21
	Hispanic	20.15	24.18	21.66
	White	41.89	50.27	32.85
<b>2007–2008</b>	African American	23.08	27.70	34.40
	Asian	15.19	18.22	8.74
	Hispanic	20.69	24.83	21.96
	White	41.17	49.40	34.79

\*Threshold established by MSDE each year and based on percentage of SWD in racial/ethnic group.

Shaded cells represent disproportionality for that particular racial/ethnic group.

Data Source 2004–2005 through 2007–2008: MSDE Special Education Disproportionality Reports.

**FIGURE 4. Percentage of African Americans in MCPS in LRE C (Inside Regular Education < 40% of the Day) Compared to the Percentage of African Americans in MCPS**



Data Source 2004–2005 through 2007–2008 LRE data: MSDE Special Education Disproportionality Reports based on Official Special Education Enrollment File and September 30th Enrollment File.

### Suspension Data

During 2007–2008, minority students in Maryland were more likely to be suspended than were White students. Across Maryland, African American students were almost two-and-a-half times more likely to receive suspensions than White students (Advocates for Children and Youth, 2009). While disproportionality in suspensions of students remains a serious concern, it is important to recognize the relative risk of suspension in general is significantly lower in MCPS than in other school systems. In 2007–2008, the unduplicated count of MCPS student suspensions (combined in-school and out-of-school suspensions) was 6,587. This

figure is markedly lower than neighboring school systems, including Prince George’s County (14,256), Baltimore County (11,482), Baltimore City (9,196), and Anne Arundel County (7,261) (Maryland State Department of Education, 2009).

MSDE is required to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in local school systems with respect to the incidence, duration, and type of disciplinary actions applied to students with disabilities. Since Fiscal Year 2004, MSDE has identified local school systems as disproportionate with regard to suspension of students for more than 10 days using a .20 index formula similar to the 0.2 index formula used to determine disproportionate LRE. For suspension data, the expected percentage of a racial/ethnic group in a suspension category is the same as that group’s representation in all disabilities.

Table 6 summarizes suspension data for students with disabilities (SWD) by racial/ethnic group for the school years between 2004–2005 and 2007–

**TABLE 6. Percentage of MCPS Special Education Population and Out of School Suspension Events Greater than 10 days by Race, 2004–2005 through 2007–2008**

		SWD Special Education Population	Threshold*	SWD Multiple Suspension >10 days	SWD Extended Suspension >10 days
<b>2004–2005</b>	African American	28.27	33.92	72.92	50.00
	Asian	6.10	7.32	1.39	1.47
	Hispanic	20.82	24.99	15.97	25.00
	White	44.51	53.41	8.33	22.06
<b>2005–2006</b>	African American	28.96	34.75	65.99	48.19
	Asian	6.42	7.70	1.36	1.20
	Hispanic	21.44	25.73	19.05	33.73
	White	42.90	51.47	13.61	14.46
<b>2006–2007</b>	African American	29.03	34.84	53.26	55.56
	Asian	6.54	7.85	2.17	0.00
	Hispanic	22.02	26.42	32.61	24.44
	White	42.18	50.61	11.96	20.00
<b>2007–2008</b>	African American	28.84	34.61	58.23	44.44
	Asian	6.83	8.20	1.27	3.70
	Hispanic	22.88	27.45	24.05	35.19
	White	41.13	49.36	16.46	16.67

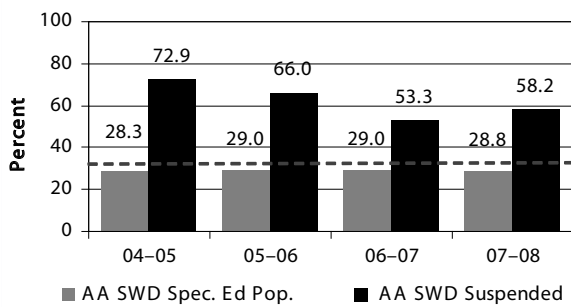
Data Source 2004–2005 through 2007–2008: MSDE Special Education Disproportionality Reports.

2008. Cells are shaded to reflect disproportionality for that particular racial or ethnic group.

Both multiple suspensions greater than 10 days and single suspensions greater than 10 days were significantly disproportionate for African American students with disabilities during the 2004–2005, 2005–2006, 2006–2007 and 2007–2008 school years. Multiple suspensions greater than 10 days were significantly disproportionate for Hispanic students with disabilities during the 2006–2007 school year, but were not significantly disproportionate any of the three other school years (i.e., 2004–2005, 2005–2006, 2007–2008 school years). The percentage of single suspensions greater than 10 days was significantly disproportionate for Hispanic students with disabilities during the 2004–2005, 2005–2006, and 2007–2008 school years, but was not significantly disproportionate during the 2006–2007 school year. Multiple suspensions greater than 10 days and single suspensions greater than 10 days of Asian and White students with disabilities were not significantly disproportionate during 2004–2005, 2005–2006, 2006–2007, and 2007–2008 school years.

Figure 5 displays the percentage of students with disabilities who are African American, the percentage of students with disabilities with multiple suspension events of more than 10 days who are African American, and the MSDE threshold for each year. The percentage of students with disabilities who are African American and have multiple suspension events of more than 10 days has been significantly disproportionate during each of the four school years. See Appendix C for similar figures for other racial and ethnic student groups.

**FIGURE 5. Multiple Suspensions > 10 Days, African American Students with Disabilities**

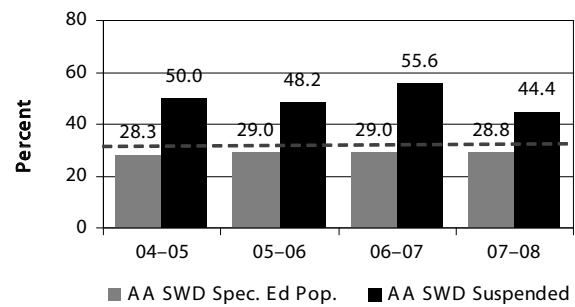


Dashed line indicates the threshold established by MSDE each year and is based on percentage of SWD in racial/ethnic group (33.92 in 2004–2005; 34.75 in 2005–2006; 34.84 in 2006–2007; and 34.61 in 2007–2008).

Data Source: 2004–2005 through 2007–2008 MSDE Special Education Disproportionality Reports.

Figure 6 displays the percentage of students with disabilities who are African American, the percentage of students with disabilities with a single suspension event of more than 10 days who are African American, and the MSDE threshold for each year. The percentage of students with disabilities who are African American and have a single suspension event of more than 10 days was significantly disproportionate during each of the four school years. See Appendix D for similar figures for other racial and ethnic student groups.

**FIGURE 6. Single Suspensions > 10 Days, African American Students with Disabilities**



Dashed line indicates the threshold established by MSDE each year and is based on percentage of SWD in racial/ethnic group (33.92 in 2004–2005; 34.75 in 2005–2006; 34.84 in 2006–2007; and 34.61 in 2007–2008).

Data Source: 2004–2005 through 2007–2008 MSDE Special Education Disproportionality Reports.

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## CRITICAL ISSUES

MCPS established a Disproportionality Steering Committee to review current policies and practices that may be contributing to the disproportionate identification of students with disabilities based on race and ethnicity; placement within particular educational settings; and incidence, duration, and type of disciplinary actions, including suspension and expulsion. The steering committee represented a wide variety of MCPS stakeholders, including administrators, school psychologists, speech/language pathologists, parents, teachers, and representatives from the Maryland State Department of Education and advocacy groups. The committee analyzed school system data, reviewed professional literature, and consulted external experts.

After reviewing the data and current professional literature, the steering committee identified three critical issues that must be addressed in order to promote equity and reduce disproportionality in each of the identified areas: educators' cultural beliefs and cultural competencies; availability of tiered instructional and behavioral supports; and school and systemwide accountability. Each issue is briefly discussed below.

### **Educators' Cultural Beliefs and Cultural Competencies**

MCPS has already attempted a broad range of actions to address disproportionality however they have yielded limited success. Previous reports have identified issues such as ethnic prejudice, cultural insensitivity, and the lack of meaningful involvement of African American families. The steering committee concluded that MCPS needs to intentionally address the impact that educators' beliefs about race and culture have upon student performance and educators' decision-making and professional practices. There also needs to be a greater emphasis on culturally competent parent outreach to African American families of students at risk for identification, more restrictive placement, or disciplinary action.

Educators must be able to deliver culturally competent and evidence-based instruction that helps

all students achieve regardless of race, ethnicity, or disability. Staff has identified a need for a systemic equity framework to clarify expectations and supports, and has identified processes to help eliminate racial disparities, including disproportionality.

### **Availability of Tiered Instructional and Behavioral Supports**

Access to evidence-based, instructional and behavioral supports must be predicated by students' needs. The committee determined that disproportionality is exacerbated when there is inadequate access to tiered instructional and behavioral supports. General education supports must be tiered or differentiated so that students access increasingly more intense interventions as the intensity of their needs also increases. There is a need for culturally responsive behavioral supports, effective pre-referral intervention systems, and more active and meaningful parent and family involvement—in particular, for African American students who may otherwise be referred to special education.

Staff needs an up-to-date, comprehensive technical assistance manual on systemwide collaborative problem solving and Educational Management Team procedures. There is also a need for an instructional support model that organizes assessments, interventions, and extended learning opportunities by tiers based upon the intensity of students' learning needs.

### **School and Systemwide Accountability**

The committee determined that previous efforts to address disproportionality have been unsuccessful because corrective actions have not resulted in systemic and sustained organizational change. Therefore, the committee identified a need for focused and sustained, school and systemwide accountability. Systemwide data analysis, monitoring, and accountability need to be institutionalized so that disproportionality receives focused and sustained attention until it abates at the system, cluster, and school levels.

Targeted professional development needs to be provided to administrators, and school improvement and IEP teams, in schools identified as disproportionate or at risk of becoming disproportionate. There is a need for additional central services support when African American and Hispanic students with disabilities are being considered for suspension.

Central services staff need to be more actively engaged during decision-making involving African

American students in any of the targeted areas of disproportionality, but particularly when African American students are evaluated for either mild Mental Retardation or Emotional Disturbance, and prior to IEP meetings for African American students when considering LRE Category C or a more restrictive environment.

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## RECOMMENDATIONS AND RATIONALE

The committee developed broad recommendations to address current system needs. The committee's recommendations have far-reaching impact on both general and special education practices since disproportionality in the identification of students for special education begins in general education. Similarly, a student's success in less restrictive settings depends upon adequate interventions and supports in general education. The committee's recommendations are consistent with effective practices identified in educational research and are aligned with MCPS' work to promote the cultural competency of its staff while closing gaps in achievement and opportunity among all student groups.

The Disproportionality Steering Committee recommends that MCPS:

1. Provide enhanced professional development in cultural competence and evidence-based practices.
2. Implement tiered instructional supports using research-based and evidence-based instructional and behavioral practices in the general education setting.
3. Improve local school and systemwide accountability for implementation of recommended actions.

An Action Plan has been developed with input from the executive leadership. The Action Plan identifies specific actions to support each of the broad recommendations. Each recommended action description identifies the office responsible for implementing the action and proposed indicators of implementation.

### **Professional Development in Cultural Competence and Evidence-Based Practices**

#### **Deficit Perspective Contributes to Disproportionality**

Poverty makes a weak and inconsistent contribution to predictions of disproportionality across a number

of disability categories (Skiba et al., 2008). When a student's behavior and learning do not conform to adults' expectations, educators may perceive the student as possessing a shortcoming (Milner, 2006; Harry and Klingner, 2006; Lindsey, Robins, and Terrell, 1999). This viewpoint is generally known as a "deficit perspective" where the problem is viewed as a deficit that resides in the student rather than a problem that stems from the interaction between the educator, the student, and the curriculum. Traditionally, the educational response has been to remediate the student deficit by addressing or "fixing" the student. Deficit thinking negatively affects a teacher's belief about the impact that they can have on a student's learning. They may believe that they do not have the teaching skills or strategies necessary to overcome the student's learning challenges. The negative consequences have been the overrepresentation of African American and Hispanic students in special education, the overrepresentation of African American students in more restrictive special education environments, and disproportionate suspension and expulsion rates.

#### **Culturally Competent Beliefs, Attitudes, and Behaviors**

The Disproportionality Steering Committee concluded that all staff must demonstrate the beliefs, attitudes, and behaviors that enable them to work cross-culturally in effective ways. Professional development designed to ensure excellence and equity must build capacity for staff to manage the dynamics of change, acquire cultural knowledge, and adapt to the cultural contexts of the community. Effective professional development will enable educators to develop awareness, knowledge, and understanding of their own culture as well as the beliefs, values, and assumptions that frame institutional practice. Uncovering and identifying personal attitudes and behaviors related to diverse groups permits educators to surface hidden biases and stereotypes that are at the root of low expectations and inequitable behaviors. Staff must also increase their knowledge and understanding of the cultures of students and their families.

Understanding the cultural characteristics, perspectives, and strengths of students—particularly students with disabilities—allows educators to engage in asset thinking, instead of deficit thinking, when planning, delivering, and evaluating instruction. The committee decided that educators must be able to use their knowledge and understanding of culture to create culturally sensitive learning environments; deliver culturally reflective and evidence-based instruction; establish high expectations for students; demonstrate positive relationships with students and their families; and help students with disabilities achieve success.

Professional development will be provided to target audiences through current meeting structures (Superintendent’s Administrative and Supervisory Meetings, Quad and Quint Cluster Meetings, Curriculum Updates, etc.), summer professional development, alternative training opportunities, and online experiences.

### **Tiered Instructional and Behavioral Supports**

Since teacher referral is one of the strongest predictors of eligibility for special education (National Education Association, 2007), the Disproportionality Steering Committee concluded that reducing the referral of nondisabled African American and Hispanic students to IEP teams is the key to eliminating the overrepresentation of African American students in special education. Research demonstrates that a tiered instructional and behavioral approach reduces disproportionality in special education and supports student achievement. Schools are encouraged to turn towards proactive approaches that match the service a student receives with his/her level of need. Maryland’s tiered approach, described in *A Tiered Instructional Approach to Support Achievement for All Students: Maryland’s Response to Intervention Framework* (Maryland State Department of Education, 2008), is a systematic, multi-tiered framework that delivers research-based and evidence-based interventions at increasing levels of intensity and matched to the academic and behavioral needs of students. Culturally responsive behavioral supports, effective pre-referral intervention systems, and more active parent and family involvement show evidence of decreasing disproportionality (Skiba, 2008).

MCPS has many of the components of tiered instructional and behavioral approaches (e.g., tiered levels of high quality instruction and intervention; systematic progress monitoring; problem-solving and decision-making practices for individual students; mechanisms for family involvement). As schools incorporate the *Collaborative Problem Solving for Student Success, Guidelines for Schools, 2008–2009* into their problem solving practices, an increased number of tiered instructional and behavior interventions may be implemented.

Targeted, group interventions and intensive, individual interventions matched to the academic and behavioral needs of students should be implemented and monitored as a standard protocol for all African American and Hispanic students with academic and behavioral needs. A student’s access to, and response to, both targeted, group and intensive, individual interventions should be considered by IEP teams whenever a student is referred for suspicion of a high incidence disability or consideration of more restrictive special education services. Targeted professional development should be provided to expand the use of positive behavioral supports, including culturally competent, function-based logic and behavior intervention plans, particularly for African American students with behavioral needs.

MCPS will need to: deliver professional development to educators; provide interventions to students based upon level of need; and assess implementation of the tiered instructional and behavioral supports model and its impact upon disproportionality of African American students.

### **Local School and Systemwide Accountability**

The Disproportionality Steering Committee determined that there is a need to improve school and systemwide accountability for implementation of the recommended actions. The recommended action plan describes a set of actions to improve school and systemwide accountability. It is critical that the school system institutionalize data analysis, monitoring and accountability that identifies and responds to special education disproportionality at the school system, cluster, and school levels. Results of this data analysis and monitoring should regularly inform the school system’s equity framework.

The data analysis and monitoring should disaggregate special education identification and special education setting data for students exhibiting a mild intellectual disability because the identification of a mild intellectual disability is considered more subjective than moderate or severe mental retardation.

Several recommendations in the proposed action plan are critical for promoting accountability. Central office leadership recommends that central services staff be represented during IEP team meetings convened to review evaluations of African American students being considered for identification due to either emotional disturbance or mental retardation, and during IEP meetings for African American students who are being considered for either LRE C or a more restrictive environment. Central office leadership strongly recommends that schools ensure the continued involvement of the community superintendent or a designee prior to suspending African American and Hispanic students with disabilities.

There is a need for targeted and culturally competent professional development for IEP teams, administrators, and instructional leadership teams at schools identified as either disproportionate or at risk of being disproportionate. There is a need for professional development modules about culturally competent functional behavior assessment, behavior intervention planning, and parent involvement for administrators and educators of students whose behavior is interfering with the learning of self or others.

While the Disproportionality Steering Committee addressed known causes of disproportionality, there remains a need to further examine student records and team decision-making to identify factors that may be contributing to continued disproportionality in MCPS. It is important that MCPS accurately determine reasons why disproportionate numbers of African American students are referred to special education due to a suspected disability. Next, there is a need to confirm that evaluations and team decision-making accurately identify eligible students. Therefore, the proposed Action Plan includes some focused actions to review records of current students to identify reasons for referral for special education service eligibility and identify professional development needs that may exist.

MCPS is committed to equity for all students. The school system has made real progress in eliminating gaps in achievement among student subgroups, yet issues of disproportionality remain. Current data demonstrate a need for a renewed commitment to eliminating disproportionality, and a new and different systemic response. Previous actions have not adequately addressed causes that contribute to continued disproportionality within MCPS. The next section outlines a detailed action plan, developed with input from the executive leadership and members of the Disproportionality Steering Committee, to address the root causes of continued disproportionality in MCPS.



**RECOMMENDATION 2: Implement a tiered instructional support model using research-based and evidence-based instructional and behavioral practices in the general education setting.**

Actions	Responsible Office(s)	Supporting Office(s)	Projected Start Date	Evidence of Implementation
			Projected End Date	
2.1 Develop a comprehensive manual that includes: collaborative problem solving guidelines; updated Educational Management Team (EMT) procedures; special education procedures; and documentation forms.	OSESS	OOD OCIP OSP ODSS OCFO	June 2009	<ul style="list-style-type: none"> <li>Professional development provided to principals, student services personnel, staff development teachers, parent outreach staff, and other designated groups to introduce and distribute manual</li> <li>Collaborative problem solving guidelines are implemented by every school</li> <li>EMT procedures are implemented by all schools</li> <li>Documentation forms are utilized in all schools</li> </ul>
			December 2009	
2.2 Offer professional development modules on collaborative problem solving guidelines and EMT procedures.	OOD	OSESS OSP	June 2009	<ul style="list-style-type: none"> <li>Modules presented to designated school and central office personnel</li> </ul>
			December 2009	
2.3 Develop a document that describes the tiered instructional support model and organizes by tiers the existing MCPS curriculum-based assessments, interventions, extended learning opportunities, and standardized assessments into a tiered model that is consistent with MSDE guidelines.	OCIP	OSESS OOD OSP	June 2009	<ul style="list-style-type: none"> <li>Document reviewed by designated advisory groups and approved by MCPS Leadership</li> <li>Professional development provided to principals, student services personnel, staff development teachers, and other designated staff</li> <li>Tiered instructional support model embedded in MCPS curriculum</li> </ul>
			June 2010	
2.4 Expand comprehensive and multi-tiered, positive behavioral interventions framework to schools with identified needs.	OSESS OOD	OSP	June 2009	<ul style="list-style-type: none"> <li>Schools and effective practices identified</li> <li>Professional development provided to school administrators, student services personnel, staff development teachers, and all personnel in designated schools</li> <li>Evidence of practices in schools</li> </ul>
			Ongoing	
2.5 Identify needs and additional resources that may be necessary to implement the recommendation to implement a tiered instructional support model in the general education setting.	OSESS	OCIP OCFO ODSS OOD OSP	August 2009	<ul style="list-style-type: none"> <li>Superintendent's Recommended Operating Budget</li> </ul>
			December 2009	

**RECOMMENDATION 3: Improve local school and system wide accountability for implementation of recommended actions.**

Actions	Responsible Office(s)	Supporting Office(s)	Projected Start Date	Evidence of Implementation
			Projected End Date	
3.1 Institutionalize disproportionality data analysis, monitoring and accountability system that identifies special education disproportionality at three levels: school system, cluster, and local school.	OSA OSESS	OCTO OOD OSP	June 2009	<ul style="list-style-type: none"> <li>Quarterly and annual disproportionality accountability system reports rates of identification; Least Restrictive Environment; and suspensions and expulsions of students with disabilities at three levels: school system, cluster, and local school.</li> <li>Reduction in annual rates of disproportionality in the areas of: special education identification of Emotional Disturbance, Mental Retardation, and Specific Learning Disability; Least Restrictive Environment, and suspensions of students with disabilities.</li> </ul>
			Ongoing	
3.2 Ensure central office special education attendance at IEP meetings for African American students being considered for identification due to either emotional disturbance or mental retardation.	OSESS	OSP	June 2009	<ul style="list-style-type: none"> <li>Reduction in disproportionate, annual rates of African American students newly identified with Emotional Disturbance or Mental Retardation.</li> </ul>
			Ongoing	
3.3 Ensure central office special education involvement prior to IEP meetings for African American students when considering LRE Category C or more restrictive environments.	OSESS	OSP	June 2009	<ul style="list-style-type: none"> <li>Reduction in disproportionate rate of African American students with disabilities receiving services in LRE C or more restrictive environments</li> </ul>
			Ongoing	
3.4 Involve community superintendent or designee prior to suspending African American and Hispanic students with disabilities.	OSP	OSESS	June 2009	<ul style="list-style-type: none"> <li>Reduction in disproportionate rates of suspensions of African American and Hispanic students with disabilities</li> </ul>
			Ongoing	
3.5 Provide targeted professional development to IEP teams, administrators, and instructional leadership teams at schools identified as either disproportionate or at risk of being disproportionate.	OSESS	OOD OSP	June 2009	<ul style="list-style-type: none"> <li>Reduction in the number of schools identified as either disproportionate or at risk of being disproportionate.</li> </ul>
			Ongoing	

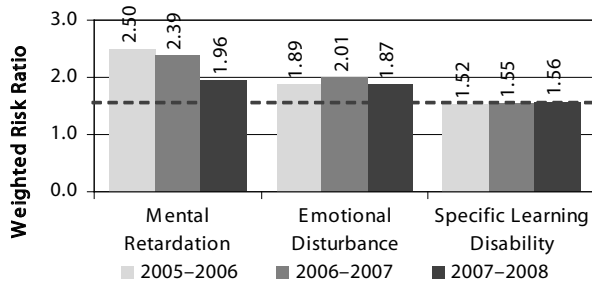
Actions	Responsible Office(s)	Supporting Office(s)	Projected Start Date	Evidence of Implementation
			Projected End Date	
3.6 Develop a system of peer reviews to support and confirm accurate assessment practices are followed during psychological and educational assessments of African American students being considered for initial identification due to either Emotional Disturbance or Mental Retardation.	OSESS	OSP	June 2009	<ul style="list-style-type: none"> <li>Assessment reports reflect signatures of peer reviewers for all psychological and educational reports regarding African American students being considered for initial identification due to either Emotional Disturbance or Mental Retardation.</li> </ul>
			Ongoing	
3.7 Develop a handbook of special education services/resources and contact information.	OSESS OCFO		June 2009	<ul style="list-style-type: none"> <li>Handbook developed in six languages. Lists Department of Family and Community Partnerships as a resource for parents.</li> </ul>
			October 2009	
3.8 Offer professional development modules on culturally competent functional behavior assessment, behavior intervention planning, and parent involvement for administrators and educators of students whose behavior is interfering with the learning of self or others.	OOD OSESS	OCFO	September 2009	<ul style="list-style-type: none"> <li>Modules presented to designated school and central office personnel.</li> </ul>
			December 2010	
3.9 Review the educational records of the one hundred African American students most recently referred for special education service eligibility.	OSESS		June 2009	<ul style="list-style-type: none"> <li>Summary of primary reasons for referral.</li> <li>Recommendations for professional development based on the findings.</li> </ul>
			November 2009	
3.10 Review the educational records of all African American students currently identified with Mental Retardation, and in particular wherein the disability is considered a mild intellectual disability.	OSESS		June 2009	<ul style="list-style-type: none"> <li>Verify that evaluations identifying Mental Retardation conform to MCPS procedures for confirmation of Mental Retardation.</li> <li>Develop recommendations for action and professional development, as appropriate, based on findings.</li> </ul>
			November 2009	
3.11 Review every evaluation and re-evaluation that results in the initial identification of an African American student as a student with Mental Retardation wherein the disability is considered a mild intellectual disability.	OSESS		June 2009	<ul style="list-style-type: none"> <li>Develop recommendations for follow-up action, if appropriate.</li> <li>Develop recommendations for professional development, if appropriate, based on findings.</li> </ul>
			Ongoing	
3.12 Identify needs and additional resources that may be necessary to implement the recommendation to improve local school and system wide accountability for implementation of recommended actions.	OSESS	OCIP OCFO ODSS OOD OSP	August 2009	<ul style="list-style-type: none"> <li>Superintendent's Recommended Operating Budget</li> </ul>
			December 2009	

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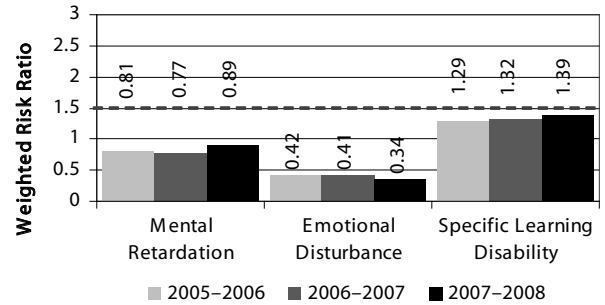
# APPENDICES

## Appendix A

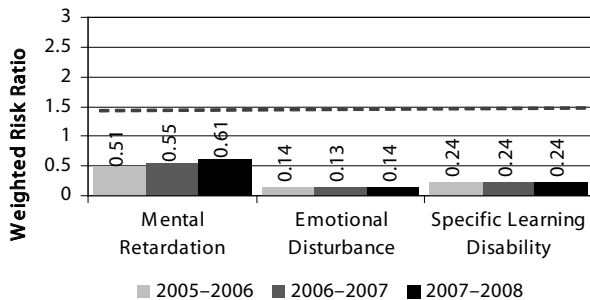
**FIGURE A1. Weighted Risk Ratio of African Americans Identified for Selected Disability Groups, 2005–2006 through 2007–2008**



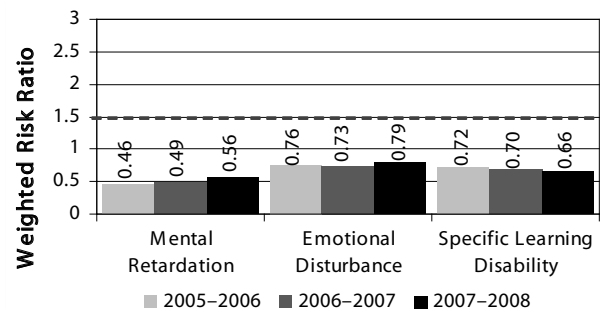
**FIGURE A3. Weighted Risk Ratio of Hispanics Identified for Selected Disability Groups, 2005–2006 through 2007–2008**



**FIGURE A2. Weighted Risk Ratio of Asians Identified for Selected Disability Groups, 2005–2006 through 2007–2008**



**FIGURE A4. Weighted Risk Ratio of Whites Identified for Selected Disability Groups, 2005–2006 through 2007–2008**

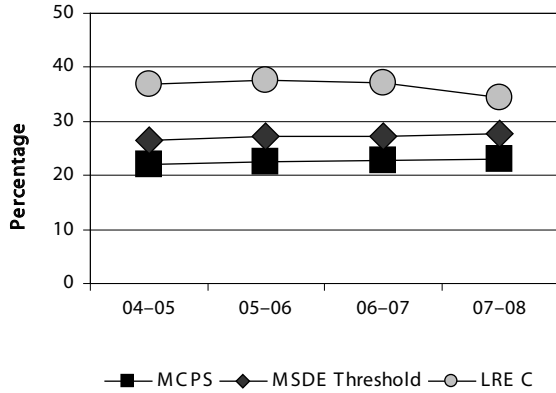


Dashed line indicates the MSDE threshold in which a weighted risk ratio greater than 1.5 is considered significant.

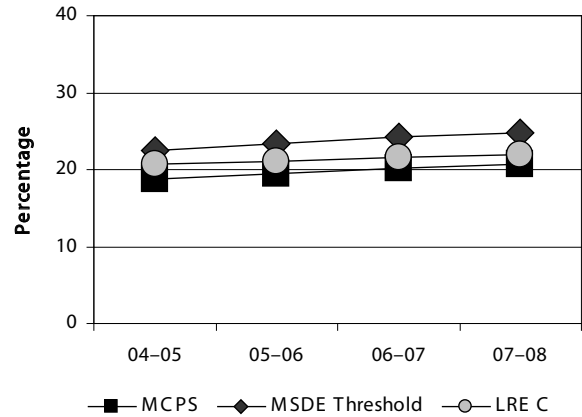
Data Source 2005–2006 through 2007–2008: MSDE Special Education Disproportionality Reports.

## Appendix B

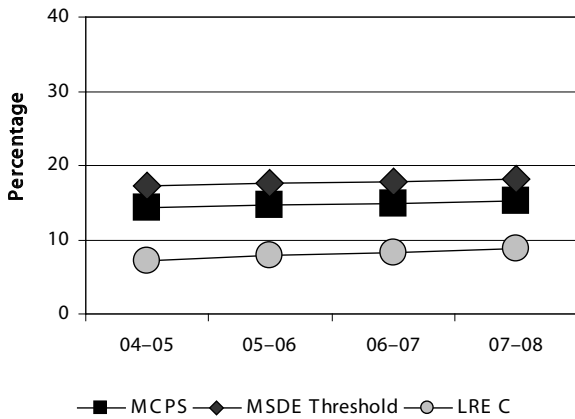
**FIGURE B1. Percentage of African Americans in MCPS in LRE C (Inside Regular Education < 40% of the Day) Compared to the Percentage of African Americans in MCPS**



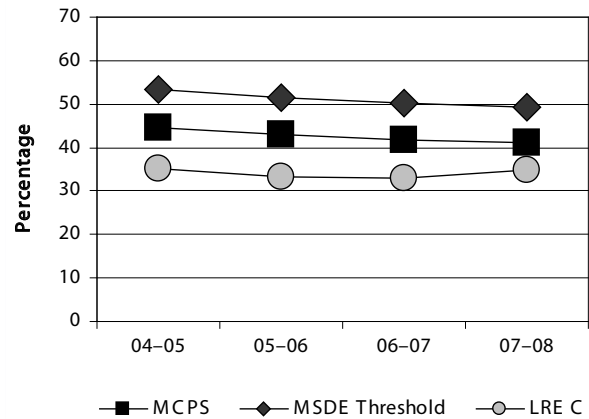
**FIGURE B3. Percentage of Hispanics in MCPS in LRE C (Inside Regular Education < 40% of the Day) Compared to the Percentage of Hispanics in MCPS**



**FIGURE B2. Percentage of Asians in MCPS in LRE C (Inside Regular Education < 40% of the Day) Compared to the Percentage of Asians in MCPS**



**FIGURE B4. Percentage of Whites in MCPS in LRE C (Inside Regular Education < 40% of the Day) Compared to the Percentage of Whites in MCPS**

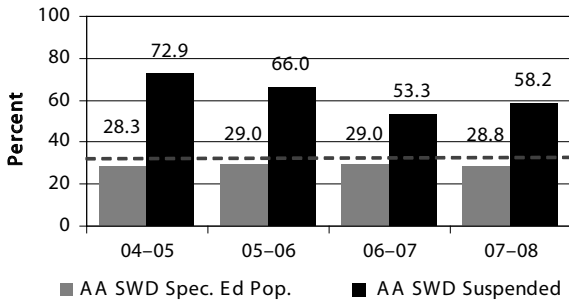


Data Source MCPS: September 30th enrollment file.

Data Source 2004–2005 through 2007–2008: MSDE Special Education Disproportionality Reports.

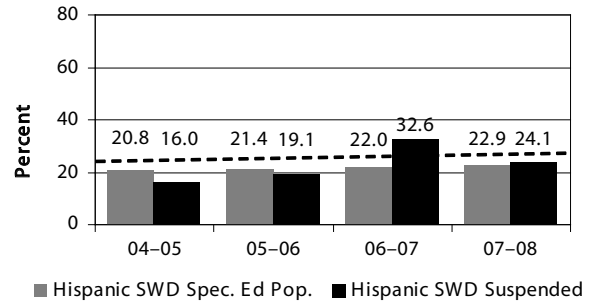
## Appendix C

**FIGURE C1. Multiple Suspensions > 10 Days, African American Students with Disabilities**



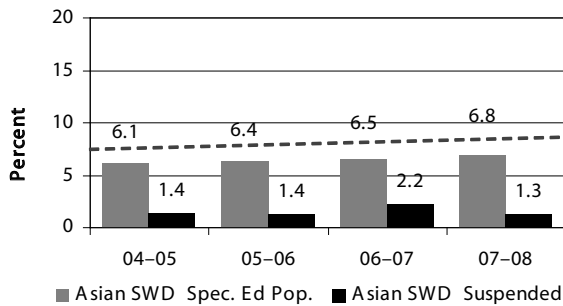
Dashed line indicates the threshold established by MSDE each year and is based on percentage of SWD in racial/ethnic group (33.92 in 2004–2005; 34.75 in 2005–2006; 34.84 in 2006–2007; and 34.61 in 2007–2008).

**FIGURE C3. Multiple Suspensions > 10 Days, Hispanic Students with Disabilities**



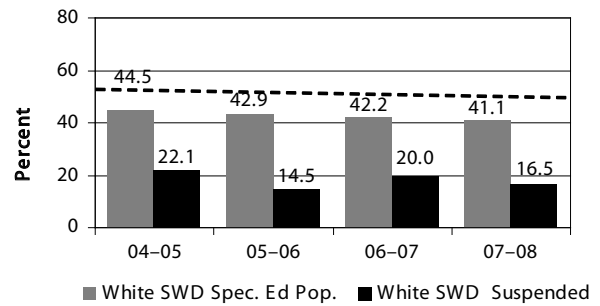
Dashed line indicates the threshold established by MSDE each year and is based on percentage of SWD in racial/ethnic group (24.99 in 2004–2005; 25.73 in 2005–2006; 26.42 in 2006–2007; and 27.45 in 2007–2008).

**FIGURE C2. Multiple Suspensions > 10 Days, Asian Students with Disabilities**



Dashed line indicates the threshold established by MSDE each year and is based on percentage of SWD in racial/ethnic group (7.32 in 2004–2005; 7.70 in 2005–2006; 7.85 in 2006–2007; and 8.2 in 2007–2008).

**FIGURE C4. Multiple Suspensions > 10 Days, White Students with Disabilities**

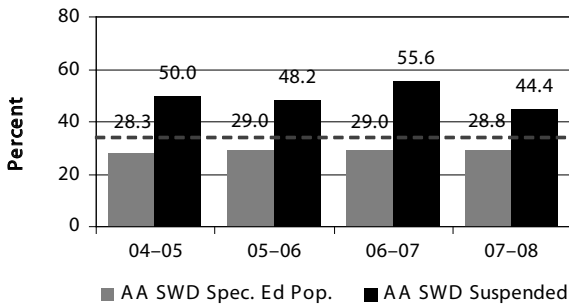


Dashed line indicates the threshold established by MSDE each year and is based on percentage of SWD in racial/ethnic group (53.41 in 2004–2005; 51.47 in 2005–2006; 50.61 in 2006–2007; and 49.36 in 2007–2008).

Data Source: 2004–2005 through 2007–2008 MSDE Special Education Disproportionality Reports.

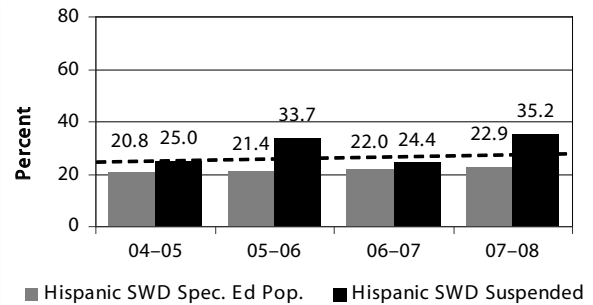
## Appendix D

**FIGURE D1. Single Suspensions > 10 Days, African American Students with Disabilities**



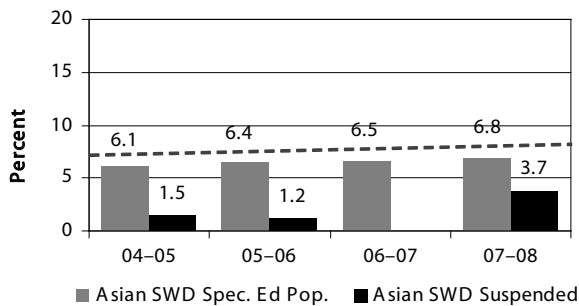
Dashed line indicates the threshold established by MSDE each year and is based on percentage of SWD in racial/ethnic group (33.92 in 2004–2005; 34.75 in 2005–2006; 34.84 in 2006–2007; and 34.61 in 2007–2008).

**FIGURE D3. Single Suspensions > 10 Days, Hispanic Students with Disabilities**



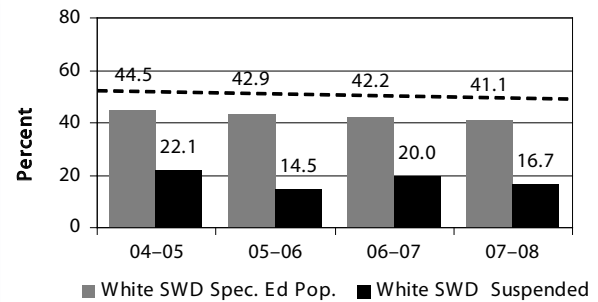
Dashed line indicates the threshold established by MSDE each year and is based on percentage of SWD in racial/ethnic group (24.99 in 2004–2005; 25.73 in 2005–2006; 26.42 in 2006–2007; and 27.45 in 2007–2008).

**FIGURE D2. Single Suspensions > 10 Days, Asian American Students with Disabilities**



Dashed line indicates the threshold established by MSDE each year and is based on percentage of SWD in racial/ethnic group (7.32 in 2004–2005; 7.70 in 2005–2006; 7.85 in 2006–2007; and 8.2 in 2007–2008).

**FIGURE D4. Single Suspensions > 10 Days, White Students with Disabilities**



Dashed line indicates the threshold established by MSDE each year and is based on percentage of SWD in racial/ethnic group (53.41 in 2004–2005; 51.47 in 2005–2006; 50.61 in 2006–2007; and 49.36 in 2007–2008).

Data Source: 2004–2005 through 2007–2008 MSDE Special Education Disproportionality Reports.



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