

## Executive Summary

### EXECUTIVE SUMMARY

From the enactment of the 1975 federal law requiring states to provide a free and appropriate education to all students with disabilities, children in some racial/ethnic groups have been identified for services in disproportionately large numbers. Public concern is aroused by the pattern of disproportion. In the low-incidence categories (deaf, blind, orthopedic impairment, etc.) in which the problem is observable outside the school context and is typically diagnosed by medical professionals, no marked disproportion exists. The higher representation of minority students occurs in the high-incidence categories of mild mental retardation (MMR), emotional disturbance (ED), and to a lesser extent learning disabilities (LD), categories in which the problem is often identified first in the school context and the disability diagnosis is typically given without confirmation of an organic cause.

The concern is not new. In 1979 the National Research Council (NRC) was asked to conduct a study to determine the factors accounting for the disproportionate representation of minority students and males in special education programs for students with mental retardation, and to identify placement criteria or practices that do not affect minority students and males disproportionately (National Research Council, 1982). Twenty years later, disproportion in special education persists: while about 5 percent of Asian/Pacific Islander students are identified for special education, the rate for Hispanics is 11 percent, for whites 12 percent, for American Indians 13 percent, and for blacks over 14 percent. The NRC, at the request of Congress, has been asked to revisit the issue. In this case, however, the Office for Civil Rights in the U.S. Department of Education extended the committee's charge to include the representation of minority children in gifted and talented programs as well, where racial/ethnic disproportion patterns are, generally speaking, the reverse of those in special education.

### CURRENT CONTEXT

Since the 1982 NRC report, much has changed in general education as well as in special education. The proportion of minority students in the population of school-age children has risen dramatically--to 35 percent in 2000--increasing the diversity of students and of primary languages spoken in many schools. And state standards have raised the bar for the achievement expected of all students. More than 1 in 10 students is now identified for special education services: in the past decade alone, there has been a 35 percent increase in the number of children served under the Individuals with Disabilities Education Act (IDEA). And many more of these students are receiving special education and related services in general education classrooms.

The distribution of students across special education categories has changed as well. Identification rates for students with mental retardation today are about a quarter lower than in 1979. While the decline has applied across race/ethnic groups, disproportionate representation of black students in that category has persisted. Just over 1 percent of white students but 2.6 percent of black students fall into that category.

Two decades ago, fewer than 3 percent of students were identified with learning disabilities (LD). That number approaches 6 percent of all students today. Only American Indian students are represented in disproportionately large numbers in that

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category. But for all racial/ethnic groups, the LD category accounts both for the largest number of special education students and for the largest growth rate in special education placements.

While these demographic and policy changes create a somewhat different context today from that confronting the earlier NRC committee, the problems are conceptually quite similar. At the outset, both committees confronted a paradox: if IDEA provides extra resources and the right to a more individualized education program, why would one consider disproportionate representation of minority children a problem? The answer, as every parent of a child receiving special education services knows, is that in order to be eligible for the additional resources, a child must be labeled as having a disability, a label that signals substandard performance. And while that label is intended to bring additional supports, it may also bring lowered expectations on the part of teachers, other children, and the identified student. When a child cannot learn without the additional supports, *and* when the supports improve outcomes for the child, that trade-off may well be worth making. But because there is a trade-off, both the need and the benefit should be established before the label and the cost are imposed. This committee, like its predecessor, does not view the desirable end necessarily as one in which no minority group is represented in disproportionate numbers, but rather one in which the children who receive special education or gifted program services are those who truly require them and who benefit from them.

Who requires specialized education? Answering that question has always posed a challenge. The historic notion of a child with an emotional or learning disability or a talent conveys a “fixed-trait” model, in which the observed performance is the consequence of characteristics internal to the child. Assessment processes have been designed as an attempt to isolate those children with internal traits that constitute a “disability” or a “gift.” And clearly there can be within-child characteristics that underlie placement in one of the high-incidence categories. Neurobiological investigations, for example, reveal different patterns of brain activity in dyslexic and nondyslexic children while reading.

However, in the past few decades a growing body of research has pointed to the critical role that context can play in achievement and behavior. The same child can perform very differently depending on the level of teacher support, and aggressive behavior can be reversed or exacerbated by effective or ineffective classroom management. In practice, it can be quite difficult to distinguish internal child traits that require the ongoing support of special education from inadequate opportunity or contextual support for learning and behavior.

### COMMITTEE’S APPROACH

The conceptual framework in which the committee considered the issue of minority disproportion in special education and gifted and talented programs, then, is one in which the achievement or behavior at issue is determined by the interaction of the child, the teacher, and the classroom environment. Internal child characteristics play a clear role: what the child brings to the interaction is a function both of biology and of experience in the family and the community. But the child’s achievement and behavior

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outcomes will also reflect the effectiveness of instruction and the instructional environment.

The committee did not view the problem of disproportionate representation in special education as one of simply eliminating racial/ethnic differences in assignment. If special education services provide genuine individualized instruction and accountability for student learning, we consider it as serious a concern when students who need those supports are passed over (false negatives) as when they are inappropriately identified (false positives). Likewise with respect to gifted and talented programs, we consider it a problem if qualified minority students are overlooked in the identification process, but consider it an undesirable solution if minority students are selected when they are not adequately prepared for the demands of gifted and talented programs.

The committee's goal, then, was to understand why disproportion occurs. To address our charge, the committee asked four questions:

1. Is there reason to believe that there is currently a higher incidence of special needs or giftedness among some racial/ethnic groups? Specifically, are there biological and social or contextual contributors to early development that differ by race or ethnicity?

Our answer to that question is a definitive “yes.” We know that minority children are disproportionately poor, and poverty is associated with higher rates of exposure to harmful toxins, including lead, alcohol, and tobacco, in early stages of development. Poor children are also more likely to be born with low birthweight, to have poorer nutrition, and to have home and child care environments that are less supportive of early cognitive and emotional development than their majority counterparts. When poverty is deep and persistent, the number of risk factors rises, seriously jeopardizing development.

Some risk factors have a disproportionate impact on particular groups that goes beyond the poverty effect. In all income groups, black children are more likely to be born with low birthweight and are more likely to be exposed to harmful levels of lead, while American Indian/Alaskan Native children are more likely to be exposed prenatally to high levels of alcohol and tobacco. While the separate effect of each of these factors on school achievement and performance is difficult to determine, substantial differences by race/ethnicity on a variety of dimensions of school preparedness are documented at kindergarten entry.

2. Does schooling independently contribute to the incidence of special needs or giftedness among students in different racial/ethnic groups through the opportunities that it provides?

Again, our answer is “yes.” Schools with higher concentrations of low-income, minority children are less likely to have experienced, well-trained teachers. Per-pupil expenditures in those schools are somewhat lower, while the needs of low-income student populations and the difficulty of attracting teachers to inner-city, urban schools suggest that supporting comparable levels of education would require higher levels of per-pupil expenditures. These schools are less likely to offer advanced courses for their students, providing less support for high academic achievement.

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When children come to school from disadvantaged backgrounds, as a disproportionate number of minority students do, high-quality instruction that carefully puts the prerequisites for learning in place, combined with effective classroom management that minimizes chaos, can put students on a path to academic success. While some reform efforts suggest that such an outcome is possible, there are currently no assurances that children will be exposed to effective instruction or classroom management before they are placed in special education programs or are screened for gifted programs.

3. Does the current referral and assessment process reliably identify students with special needs and gifts? In particular, is there reason to believe that the current process is biased in terms of race or ethnicity?

The answer here is not as straightforward. The majority of children in special and gifted education are referred by teachers. If a teacher is biased in evaluating student performance and behavior, current procedures provide ample room for those biases to be reflected in referrals. Some experimental research suggests that teachers do hold such biases. But whether bias is maintained when teachers have direct contact with children in the classroom is not clear. For example, research that has compared groups of students who are referred by teachers find that minority students actually have greater academic and behavior problems than their majority counterparts.

Once students are referred for special education, they must be assessed as eligible or ineligible. Whether the assessment process is biased is as controversial as the referral process. However research shows that context, including familiarity with test taking and the norms and expectations of school, may depress the scores of students whose experiences prepare them less well for the demands of classrooms and standardized tests. Whether the referral and assessment of students for special and gifted education is racially biased or not, are the right students being identified—students who need and can benefit from those programs? Here the committee’s answer is “no.” The subjectivity of the referral process allows for students with significant learning problems to be overlooked for referral, and the conceptual and procedural shortcomings of the assessment process for learning disabilities and emotional disturbance give little confidence that student need has been appropriately identified. Importantly, current procedures result in placements later in the educational process than is most effective or efficient.

4. Is placement in special education a benefit or a risk? Does the outcome differ by race or ethnic group?

The data that would allow us to answer these questions adequately do not exist. We do know that some specific special education and gifted and talented interventions have been demonstrated to have positive outcomes for students. But how widely those interventions are employed is not known. Nor do we know whether minority students are less likely to be exposed to those high-quality interventions than majority students. What evidence is available suggests that parent advocacy and teacher quality, both of which

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would be expected to correlate with higher-quality interventions, are less likely in higher-poverty school districts where minority children are concentrated.

At the core of our study is an observation that unites all four questions: *there is substantial evidence with regard to both behavior and achievement that early identification and intervention is more effective than later identification and intervention.* This is true for children of any race or ethnic group, and children with or without an identifiable “within-child” problem. Yet the current special education identification process relies on a “wait-to-fail” principle that both increases the likelihood that children will fail because they do not receive early supports and decreases the effectiveness of supports once they are received. Similarly, the practice of identifying gifted learners after several years of schooling is based on the “wait ‘til they succeed” philosophy rather than a developmental orientation.

While this principle applies to *all* students, the impact is likely to be greatest on students from disadvantaged backgrounds because (a) their experience outside the school prepares them less well for the demands of schooling, placing them at greater risk for failure and (b) the resources available to them in general education are more likely to be substandard. Early efforts to identify and intervene with children at risk for later failure will help all children who need additional supports. But we would expect a disproportionately large number of those students to be from disadvantaged backgrounds.

The vision we offer in the report is one in which general and special education services are more tightly integrated; one in which no child is judged by the school to have a learning or emotional disability or to lack exceptional talent until efforts to provide high-quality instructional and behavioral support in the general education context have been tried without success. The “earlier is better” principle applies even before the K-12 years. The more effective we are at curtailing early biological harms and injuries and providing children with the supports for normal cognitive and behavioral development in the earliest years of life, the fewer children will arrive at school at risk for failure.

## CONCLUSIONS AND RECOMMENDATIONS

A discussion of all conclusions and recommendations appears in Chapter 10. Here we give the conclusions we consider key, along with the recommendations. They are organized here in the following major categories: referral and eligibility determination in special education (SE) and gifted and talented education (GT); teacher quality (TQ); biological and early childhood risk factors (EC); data collection (DC); and expanding the research and development base (RD).

### Special Education Eligibility

From our review of the current knowledge base, several important conclusions have led the committee to rethink the current approach to special education:

1. Among the most frequent reasons for referral to special education are reading difficulties and behavior problems.

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2. In recent years, interventions appropriate for the general education classroom to improve reading instruction and classroom management have been demonstrated to reduce the number of children who fail at reading or are later identified with behavior disorders.
3. There are currently no mechanisms in place to guarantee that students will be exposed to state of the art reading instruction or classroom management before they are identified as having a “within-child” problem.
4. Referral for the high-incidence categories of special education currently requires student failure. However, screening mechanisms exist for early identification of children at risk for later reading and behavior problems. And the effectiveness of early intervention in both areas has been demonstrated to be considerably greater than the effectiveness of later, postfailure intervention.

These findings suggest that schools should be doing more and doing it earlier to ensure that students receive quality general education services to reduce the number of students with pronounced achievement and behavior problems. The committee’s proposed alternative would require policy and regulatory changes at both the federal and state levels of government.

### **Federal-Level Recommendations**

**Recommendation SE.1: The committee recommends that federal guidelines for special education eligibility be changed in order to encourage better integrated general and special education services. We propose that eligibility ensue when a student exhibits large differences from typical levels of performance in one or more domain(s) *and* with evidence of insufficient response to high-quality interventions in the relevant domain(s) of functioning in school settings. These domains include achievement (e.g., reading, writing, mathematics), social behavior, and emotional regulation. As is currently the case, eligibility determination would also require a judgment by a multidisciplinary team, including parents, that special education is needed.**

The proposed approach would not negate the eligibility of any student who arrives at school with a disability determination, or who has a severe disability, from being served as they are currently. But for children with milder high-incidence disabilities, the implications for referral and assessment are considerable. Assessment for special education eligibility would be focused on gathering information that documents educationally relevant differences from typical levels of performance, and that is relevant to the design, monitoring, and evaluation of treatments.

While eligibility for special education would by law continue to depend on establishment of a disability, in the committee view, noncategorical conceptions and classification criteria that focus on matching a student’s specific needs to an intervention strategy would obviate the need for the traditional high-incidence disability labels of LD, MMR, and ED. If traditional disability definitions are used, they would need to be

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revised to focus on behaviors directly related to classroom and school learning and behavior (e.g., reading failure, math failure, persistent inattention and disorganization).

### **State-Level Recommendations**

Regulatory changes would be required in most states for implementation of a reformed special education program that uses functional assessment measures to promote positive outcomes for students with disabilities. Some states have already instituted changes that move in this direction and can serve as examples. These states' rules require a systematic problem-solving process that is centered around quality indicators associated with successful interventions.

#### **Recommendation SE.2: The committee recommends that states adopt a universal screening and multitiered intervention strategy in general education to enable early identification and intervention with children at risk for reading problems.**

For students who continue to have difficulty even after intensive intervention, referral to special education and the development of an individualized education program (IEP) would follow. The data regarding student response to intervention would be used for eligibility determination.

**Recommendation SE.3: The committee recommends that states launch large-scale pilot programs in conjunction with universities or research centers to test the plausibility and productivity of universal behavior management interventions, early behavior screening, and techniques to work with children at risk for behavior problems.** Research results suggest that these interventions can work. However a large-scale pilot project would provide a firmer foundation of knowledge regarding scaling-up the practices involved.

### **Federal Support of State Reform Efforts**

**Recommendation SE.4: While the United States has a strong tradition of state control of education, the committee recommends that the federal government support widespread adoption of early screening and intervention in the states.**

### **Gifted and Talented Eligibility**

The research base justifying alternative approaches for the screening, identification, and placement of gifted children is neither as extensive nor as informative as that for special education.

**Recommendation GT.1: The committee recommends a research program oriented toward the development of a broader knowledge base on early identification and intervention with children who exhibit advanced performance in the verbal or quantitative realm, or who exhibit other advanced abilities.**

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This research program should be designed to determine whether there are reliable and valid indicators of current exceptional performance in language, mathematical, or other domains, or indicators of later exceptional performance. Research on classroom practice designed to encourage the early and continued development of gifted behaviors in underrepresented populations should be undertaken so that screening can be followed by effective intervention.

### **School Context and Student Performance**

School resources, class size, and indicators of teacher quality are associated with learning and behavior outcomes. However, their influence is exerted primarily through teacher-student interactions. Moreover, in the prevention and eligibility determination model the committee is recommending, general education assessments and interventions not now in widespread use are proposed as standard practice. Key to our proposals, then, are sustained efforts at capacity building, and sufficient resources, time, and coordination among stakeholders to build that capacity.

### **State-Level Recommendations**

***Teacher Quality:*** General education teachers need significantly improved teacher preparation and professional development to prepare them to address the needs of students with significant underachievement or giftedness.

**Recommendation TQ.1: State certification or licensure requirements for teachers should systematically require:**

- **Competency in understanding and implementing reasonable norms and expectations for students, and core competencies in instructional delivery of academic content;**
- **Coursework and practicum experience in understanding, creating, and modifying an educational environment to meet children’s individual needs;**
- **Competency in behavior management in classroom and noninstructional school settings;**
- **Instruction in functional analysis and routine behavioral assessment of students;**
- **Instruction in effective intervention strategies for students who fail to meet minimal standards for successful educational performance, or who substantially exceed minimal standards.**
- **Coursework and practicum experience to prepare teachers to deliver culturally responsive instruction. More specifically, teachers should be**

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**familiar with the beliefs, values, cultural practices, discourse styles, and other features of students' lives that may have an impact on classroom participation and success and be prepared to use this information in designing instruction.**

While a foundational knowledge base can be laid in preservice education, often classroom experience is needed before teachers can make the most of instructional experiences.

- **States should require rigorous professional development for all practicing teachers, administrators, and educational support personnel to assist them in addressing the varied needs of students who differ substantially from the norm in achievement and/or behavior.**
- **The professional development of administrators and educational support personnel should include enhanced capabilities in the improvement and evaluation of teacher instruction with respect to meeting student's individual needs.**

**Recommendation TQ.2: State or professional association approval for educator instructional programs should include requirements for faculty competence in the current literature and research on child and adolescent learning and development, and on successful assessment, instructional, and intervention strategies, particularly for atypical learners and students with gifts and disabilities.**

**Recommendation TQ.3: A credential as a school psychologist or special education teacher should require instruction in classroom observation/assessment and in teacher support to work with a struggling student or with a gifted student. These skills should be considered as critical to their professional role as the administration and interpretation of tests are now considered.**

### **Federal-Level Recommendations**

This committee joins many others at the National Research Council and elsewhere in calling for improved teacher preparation. How to move from widespread agreement that change is needed to system reform is a challenge that will itself require careful study.

**Recommendation TQ.4: The committee recommends that a national advisory panel be convened in an institutional environment that is protected from political influence to study the quality and currency of programs that now exist to train teachers for general, special, and gifted education. The panel should address:**

- **the mechanisms for keeping instructional programs current and of high quality;**

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- **the standards and requirements of those programs;**
- **the applicability of instructional programs to the demands of classroom practice;**
- **the long-term influence of the programs in successfully promoting educational achievement for preK, elementary, and secondary students.**

Direct comparison to other professional fields (e.g., medicine, nursing, law, engineering, accounting) may provide insight applicable to education.

### **Biological and Social Risk Factors in Early Childhood**

Existing intervention programs to address early biological harms and injuries have demonstrated the potential to substantially improve developmental outcomes. The committee concludes that the number of children, particularly minority children, who require special education can be reduced if resources are devoted to this end. In particular, the committee calls attention to the recommendation of the President's Task Force on Environmental Health Risks and Safety Risks to Children to eliminate lead from the housing stock by 2010.

### **Federal-Level Recommendations**

The committee also looked at social and environmental influences on development with no clear biological basis that might differ by race or ethnicity. Because there is evidence that early intervention on multiple fronts, *if it is of high quality*, can improve the school prospects for children with multiple risk factors and reduce the likelihood that they will require special education, the committee recommends a substantial expansion and improvement of current early intervention efforts. Our recommendation is addressed to both federal and state governments, both of whom currently play a major role in early childhood education.

### **Recommendation EC.1: The committee recommends that all high-risk children have access to high-quality early childhood interventions.**

- For the children at highest risk, these interventions should include family support, health services, and sustained, high-quality care and cognitive stimulation right from birth.
- Preschool children (ages 4 and 5) who are eligible for Head Start should have access to a Head Start or another publicly funded preschool program. These programs should provide exposure to learning opportunities that will prepare them for success in school. Intervention should target services to the level of individual need, including high cognitive challenge for the child who exceeds normative performance.

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- The proposed expansion should better coordinate existing federal programs, such as Head Start and Early Head Start, and IDEA parts C and B, as well as state-initiated programs that meet equal or higher standards.

While much is known about the types of experiences young children need for healthy development, improving the quality of early childhood programs will require refinement of the knowledge base in ways that are directly useful to practice and bridging the chasm between what is known from research and best practice and is done in common practice. This will require a sustained vision and a rigorous research and development effort that transforms knowledge about what works and what does not work into field-tested program content, supporting materials, and professional development.

**Recommendation EC.2: The committee recommends that the federal government launch a large-scale, rigorous, sustained research and development program in an institutional environment that has the capacity to bring together excellent professionals in research, program development, professional development, and child care/preschool practice for students from all backgrounds and at all levels of exceptional performance.**

### **Improving Data Collection and Expanding the Research Base**

The data documenting disproportionate representation are compromised in a variety of respects that make them a weak foundation on which to build public policy. Moreover, the data provide little if any insight into factors that contribute to placement or services that students receive.

### **Federal-Level Recommendations**

**Recommendation DC.1: The committee recommends that the Department of Education conduct a single, well-designed data collection effort to monitor both the number of children receiving services through the Individuals with Disabilities Education Act or through programs for the gifted and talented, and the characteristics of those children of concern to civil rights enforcement efforts.** A unified effort would eliminate the considerable redundancy, and the burden it places on schools, in the current data collection efforts of the Office for Civil Rights and the Office of Special Education Programs.

While a more careful data collection effort of the sort outlined here would improve the understanding of who is being assigned to special education and gifted and talented programs, it would do little to further understanding of the reasons for placement, the appropriateness of placement (or nonplacement), the services provided, or the consequences that ensue.

**Recommendation DC.2: The committee recommends that a national advisory panel be convened to design the collection of nationally - representative longitudinal data that would allow for more informed study of minority disproportion in special**

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**education and gifted and talented programs.** The panel should include scholars in special education research as well as researchers experienced in national longitudinal data collection and analysts in a variety of allied fields, including anthropology, psychology, and sociology.

In our study of the issues related to the representation of minority children in special education and gifted and talented programs, the existing knowledge base revealed the potential for substantial progress. We know much about the kinds of experiences that promote children's early health, cognitive and behavioral development and set them on a more positive trajectory for school success. We know intervention strategies that have demonstrated success with some of the key problems that end in referral to special education. And we know some features of programs that are correlated with successful outcomes for students in special education.

Between the articulation of what we know from research and best practice, and a change in everyday practice, lies a wide chasm. It is the distance between demonstrating that vocabulary development is key to later success in reading, and having every Head Start teacher trained and equipped with materials that will promote vocabulary development among Head Start children. It is the distance between knowing that classroom management affects a child's behavior, and the school psychologist knowing how to help a specific teacher work with a specific child in the classroom context. It is the distance between those who are most knowledgeable and experienced agreeing on what teachers need to know, and every school of education changing its curriculum. Bridging the chasm will require that we become better at accumulating knowledge, extending it in promising areas, incorporating the best of what is known in teacher training efforts and education curricula and materials, and rigorously testing effectiveness. It will require public policies that are aligned with the knowledge base and that provide the support for its widespread application.

**Recommendation RD.1: We recommend that education research and development, including that related to special and gifted education, be substantially expanded to carry promising findings and validated practices through to classroom applicability. This includes research on scaling up promising practices from research sites to widespread use.**

For medical problems like cancer, federal research programs create a vision, focus research efforts on areas with promise for improving treatments, conduct extensive field tests to determine what works, and facilitate the movement of research findings into practice. If the nation is serious about reducing the number of children who are on a trajectory that leads to school failure and disability identification as well as increasing the number of minority students who are achieving at high levels, we will need to devote the minds and resources to that effort commensurate with the size and the importance of the enterprise.