

Disproportionate Representation of Minority Students in Special Education

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**By
Amy Denise Streicher**

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Amy Denise Streicher

APPROVED FOR THE SCHOOL OF EDUCATION

 6/9/09
Dr. Lillian Castaneda Date

APPROVED FOR THE UNIVERSITY

 6/9/09
Dr. Joan M. Karp Date
Senior Associate Dean and Director

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Table of Contents

ABSTRACT.....	vi
LIST OF TERMS.....	vii
LIST OF TABLES.....	viii
CHAPTER 1: Introduction.....	1
CHAPTER 2: Case Law Review.....	5
CHAPTER 3: Methodology.....	28
CHAPTER 4: Findings and Discussion.....	33
CHAPTER 5: Conclusion.....	45
REFERENCES.....	49

Abstract

Disproportionate Representation of Minority Students in Special Education

By Amy Streicher

Chairperson of the Supervisory Committee:

Professor Lillian Castaneda

Department of Education

The purpose of this thesis is to present the history of minority students in special education. This study is especially significant since the population of language minority students, whose native languages are other than English, is increasing. Along with the increase, there has also been an increased number of minority students becoming eligible for special education services. There are thirteen different categories to which an individual can be eligible for special education; however, in my current practice, I have seen three areas that are over-represented by minority students. Those three areas are Mental Retardation (MR), Emotional Disturbance (ED), and Specific Learning Disability (SLD).

This thesis will examine the federal laws affecting school districts' legal obligations with respect to minority children and additionally discuss the issues of the disproportionate representation of minority students in Special Education. In this study, the guiding question is: *with such a disproportionate representation of minority students in special education, what laws have been created to implement change, and what can schools do in order to reduce the ethnic over representation?*

List of Terms

1. APE- Adapted Physical Education
2. AUT- Autism
3. DB- Deaf-Blindness
4. ED- Emotional Disturbance
5. HH- Hard of Hearing
6. HHT- Home Hospital Teaching
7. IDEA- Individuals with Disabilities Act
8. LEA- Local Education Agency
9. MD- Multiple Disability
10. MR- Mental Retardation
11. NPS- Non Public School
12. OHI- Other Health Impairment
13. OI- Orthopedic Impairment
14. RTI- Response to Intervention
15. SAI- Specialized Academic Instruction
16. SDC- Special Day Class
17. SH- Severely Handicap
18. SLD- Specific Learning Disability
19. SLI- Speech or Language Impairment
20. TBI- Traumatic Brain Injury
21. VI- Visual Impairment

List of Tables

TABLE 3.1 Student Enrollment Adolfo Camarillo High School	30
TABLE 3.2 Oxnard Union High School District Enrollment	30
TABLE 3.3 Teacher Enrollment Adolfo Camarillo High School	31
TABLE 3.4 Teacher Enrollment Oxnard Union High School District.....	31
TABLE 4.1 Oxnard Union High School District Demographics.....	35
TABLE 4.2 Special Education Enrollment Oxnard Union High School District.....	37
TABLE 4.3 Special Education Enrollment Ventura County.....	38
TABLE 4.4 Special Education Enrollment California.....	39
TABLE 4.5 Staff and Pupil Count Oxnard Union High School District.....	40
TABLE 4.6 9 th Grade Demographics Adolfo Camarillo High School.....	41
TABLE 4.7 10 th Grade Demographics Adolfo Camarillo High School.....	41
TABLE 4.8 11 th Grade Demographics Adolfo Camarillo High School.....	42
TABLE 4.9 12 th Grade Demographics Adolfo Camarillo High School.....	42

Chapter 1

Introduction

The population of language minority children, or whose native languages are other than English, is increasing. In fact, in some school districts, language-minority children account for close to half of the entire school population. With this significant and growing proportion of students who do not speak English fluently, American schools face the tremendous challenge of meeting these students' special needs and providing them with the same opportunities as English-speaking students.

Background / Purpose of Study

The task is complicated by the number of languages schools must address. According to the 2000 U.S. Census, 60.5% of Californians speak only English; however 39.5% speak another language either instead of or in addition to English. Of the 39.5%, the most popular language was Spanish by 25.8% of Californians, Chinese by 2.6%, Tagalog by 2.0%, Vietnamese by 1.3%, and Korean by 0.9%, Armenian, Japanese, German, and Persian are spoken by 0.5% each. While most language minority children in the United States speak Spanish, the fact still remains that with so many language groups in American schools, educators must find adequate means to serve the needs of this diverse group of students. The 2007 U.S. Census stated that California's population was 42.7% Anglo, 36.2% Hispanic, 12.4% Asian, 6.7% African American, 1.2% American Indian, and the remainder was a mix of people with two or more races. In comparison to

the United States percentages in the same census there is 66% Anglo, 15.1% Hispanic, 4.4% Asian, 12.8% African American, and 1.0% American Indian, with the remaining as a mix of people with two or more races. Schools must also handle unique legal issues related to serving these students. Congress has enacted a number of important legal mandates that have helped to create bilingual education programs in our schools which I will be discussing in a case law review with in chapter 2. The purpose of this paper is to examine the federal laws affecting school districts' legal obligations with respect to language-minority children and additionally discuss the issues of the disproportionate representation of minority students in Special Education.

Statement of the Problem

The problem currently in special education classes is that there is a disproportionate amount of minority student in special education. There are many factors that contribute to a student's eligibility into a special education program. However, many of the minority students have been inappropriately place in special education classes due to ethnicity, and even their socio economics. The most prominent ethnicity of minority students in special education classes varies based upon geographic location.

Research Questions

1. How has history changed overtime in reference to minority students in special education?
2. What laws have been created to establish guidelines for eligibility and testing procedures?
3. What changes have been made in order to help close the achievement gap?

4. How do the demographics of students in special education programs differ at the school / district / county / and state level?

Researchers Perspective

I have been teaching special education classes for the past five years. I was drawn to the special education population as an aid in a Special Day Class at a junior high in Conejo Valley Unified School District. Upon completion of my student teaching in the Oxnard Union High School District I was hired and chosen to be at Adolfo Camarillo High School. I was a student of Thousand Oaks High School, and while I attended the school the majority of students were white, with the second highest percentage of the students being Hispanic. I graduated in 1997 and upon reflecting about Thousand Oaks High School I have seen it has many similarities to the demographics of Adolfo Camarillo High School. My new position at the high school was as a special education teacher in a Special Day Class. I teach in a self contained classroom Science, Algebra, and Reading courses.

After starting my teaching position at Camarillo I noticed that my special education classes were mainly composed of Hispanic students. Likewise my caseload of 18 students had almost 705 Hispanic students. The large amount of Hispanic students came as a surprise to me especially since the numbers were not reflecting upon the demographics of the school as a whole. In comparing the special education population demographics it was easy to see the disconnect which was at 54% White and 29%

Hispanic. The population of special education students was clearly not representative of the school.

The organization of this thesis is as follows. Chapter 2 is the Case Law Review in which I discuss the evolution of special education and minority students. Chapter 3 includes a discussion of the methods in which I collected data. In Chapter 4, I compared the demographics of the districts special education department and additionally discussed the district/county and state demographics. In Chapter 5 includes my concluding thoughts.

Chapter 2

Case Law Review

Although the focus of this paper is on present day educational practices, which will be discussed in Chapter 4, upon the minority representation and classification fairness in special education programs, a discussion of historical explanations is necessary for a complete understanding of our modern day proposals, such as socio economics, increases in immigration, assessment procedures, and intervention programs. The break down and organization of this chapter is as follows: first I will discuss chronologically the case laws that developed the framework for minority students in special education. Next I discuss how each case is important to the development of changing the disproportionality of minority students in special education. I review data and recent theories as to why so many minority students exist in special education programs, and what can be done in order to reduce the ethnic over representation.

Plessy v. Ferguson

On June 7th a thirty year old African American shoemaker named Homer Plessy was jailed for sitting in the white railroad car of East Louisiana Railroad. Plessy was 7/8th Anglo and 1/8th African American however under Louisiana law he was considered Black and therefore was required to sit in the colored section of the train (Lofgren, 1987). Plessy argued that the Separate Car Act was unconstitutional and violated the 13th and 14th amendments. The judge John Howard Ferguson found Plessy guilty of refusing to

leave the white car. Plessy appealed to the Supreme Court of Louisiana who found him guilty and upheld Ferguson's decision. In 1896, the Supreme Court of the United States heard Plessy's case and found him guilty once again. The Plessy decision set the precedent that "separate" facilities for both blacks and white were considered constitutional if they were in fact equal.

Plessy v Ferguson is still mentioned today due to its significance in creating equality for materials and facilities for African Americans. Prior to this Supreme Court decision there was an enormous difference in facilities for African Americans and White students. The decision allowed for Black students to be offered the same educational tools as their White peers. Historically Blacks were denied service to the same facilities as Whites, and an alternative setting was provided to them at substandard levels. This case is significant to minority students in special education settings because it was the first case that allowed for students to have more equality. Not until 1954, in the equally important *Brown v Board of Education* would the doctrine change (Brook, 1997).

Brown v Board of Education of Topeka

The Supreme Court in 1896 decided in *Plessy v Ferguson* that as long as a segregated facility is equal for each race, constitutionally they are equal. Fifty-eight years later in 1954 the Supreme Court reversed its decision in the historic case *Brown v Board of Education of Topeka*. In 1951, Linda Brown a young African American girl in Topeka, Kansas was attending third grade. She lived a few blocks from a white elementary

school; however when her father tried to enroll her he was denied. Linda Brown was forced to travel a mile everyday to get to the nearest black elementary school.

The NAACP (National Association for the Advancement of Colored People) stepped in to assist in challenging the segregation law. In the south schools were separate, but definitely not equal, the NAACP argued that separate races in schools were creating inferiority, and that education provided could not be equal. A class action was filed against the Board of Education of the city of Topeka Kansas. Thirteen Topeka parents and 20 children were the plaintiffs. Linda Brown became the poster child in this highly political case which was a consolidation of five different cases from four different states, all of which shared the same common issue. This case was the eleventh case to challenge Kansas law, and finally on May 17, 1954 the U.S. Supreme Court agreed that separate school facilities deprive minority children of equal education opportunities [Brown v Board of Education, 347 U.S. 483 (1954)].

The courts stated the separate facilities were in fact unequal, and the facilities for the colored were not of the same quality as those for the whites [Brown v Board of Education, 347 U.S. 483 (1954)]. For example schools for ethnically diverse minority students often lacked proper school supplies, and the school facilities were sometimes run down, and in a dilapidated state. Schools for white students rarely had these problems; in fact, their facilities were in far better condition than those of the colored students. *Brown v Board of Education* decision stated that the facilities were unequal, and that segregation was unconstitutional, and therefore schools needed to be desegregated.

The decision paved the way for special education as well, because prior to the Supreme Court decision special education students were separated from the public. However, placements were challenged in the courts, and they brought about the beginning of special education, and minority students to make their change of placement apparent to the public (Harry & Klingner 2006). Examples of these can be found in the *Chandra Smith v. Los Angeles Unified School District Consent Decree* in which the District failed to test a student after multiple attempts to complete the tenth grade courses. It was found that the student had the academic skills of a second grader.

Civil Rights Act of 1964

According to Loevy (1990), Congress enacted the Civil Rights Act of 1964, in order to have schools desegregate, or else they would loss all public funding. The purpose behind the civil rights act was to end all forms of discrimination based upon ones race, religion, color, or gender. Embedded within the Civil Rights Act of 1964 is the Equal Educational Opportunities Act. The act states that an educational agency needs to take actions to overcome language barriers that impede learning (www.maec.org).

The Civil Rights Act of 1964 serves as a defining piece of Civil rights legislation, being the first time the national government had declared equality for Blacks. The civil rights movement was a campaign led by a number of organizations who wanted to achieve equality for all Americans. Civil Rights began with the adoption of the Thirteenth, Fourteenth and Fifteenth Amendments which ended slavery and freed blacks. In 1875

and again in 1886 civil rights acts were passed, originally they were an attempt to guarantee the rights of blacks in the courts and access public accommodations. Originally when the Civil Rights Act of 1886, and 1875 were passed, they attempted to guarantee the rights of Blacks in the courts and access to public accommodations. The Fourteenth Amendment was declared unconstitutional by the Supreme Court because it did not protect blacks from violation of civil rights (Loevy, 1990). The repercussions of this were felt by members of conservative leadership groups that tried to make laws and policies regarding Blacks. Throughout this discrimination, Black Americans began to gather and form new organizations to further, and in many cases create civil rights for themselves. Organizations such as the national Association for the Advancement of Colored People (NAACP), and the National Urban League (NUL) formed civil rights leaderships.

In 1896 when the Supreme Court handed down its decision in Plessy v Fergusson it stated that segregation was legal as long as facilities were equal. In 1954 with the passage of Brown v board of education the courts ruled that facilities were unequal and segregation was unconstitutional. In 1964 congress delivered a mandate to desegregate the schools or lose all public funding. President John F. Kennedy had been elected and called on congress to bring forth new legislation. After his assassination on November 22nd 1963, Vice President Lyndon B. Johnson had to step in to keep the legislative wheels turning, and eventually the act was agreed upon and signed in July of 1964 (Whalen, 1985).

The Civil Rights Act of 1964 was groundbreaking legislation that aimed to end all forms of discrimination based on race, color, gender, religion or national origin. According to the United States Department of Justice, Title I removes registration requirements and procedural bias, to guarantee equal voting rights. Title II, bans discrimination in places of public accommodation involved in interstate commerce. Title III prohibited states from denying access to public facilities. Title IV calls for the desegregation of schools which puts into effect the Supreme Court decision of Brown vs. Board of Education. Title V expands the duties of the Civil Rights Commission, set up by President Truman after the shameful treatment of black military personnel during World War II. Title VI establishes a government agency, the Equal Employment Opportunity Commission, to enforce the provisions that prohibit discrimination by employers dealing with the federal government or interstate commerce. Title VII prohibited discrimination against an individual because of association with another individual. Title VIII established voter registration compilation. Title IX allowed for civil rights cases to be heard in any court. Title X established community relations service.

One of the benefits to this act was that it allowed the courts the opportunity to take discrimination further than it had ever been in courts previously. Most specifically linked to this research topic is Title IV of the Civil Rights Act in which the Supreme Court required the desegregation of schools. As stated in the Plessy v Ferguson and Brown v Board of Education cases schools were allowed to be separate as long as they were equal. White communities were outraged at the courts decision and rallied together to expel of their unwanted students. Slowly Black students were transferred to the

traditionally White schools in order to be integrated. This court decision was particularly important to the development of minority students being over-represented in special education because of their performance once integrated minority students were enrolled in all required course-work. Therefore students were also evaluated for their academic progress and in many cases found eligible for special education services. The goal of the Civil Rights Act of 1964 was to strike discrimination down with regulations that would ensure that it would never rise again. Overall it was an act whose impacts swept beyond the movement, but increased the civil rights of Americans.

Lau v. Nichols

A class action law suit on behalf of Chinese speaking children in San Francisco Schools stating that there was a violation of the Civil Rights Act of 1964. The Supreme Court decided that students who in this case did not understand English were denied their equal education rights. The court ordered that not only should the students have access to the same facilities, text books, teachers and curriculum, but that “students who do not understand English are effectively foreclosed from any meaningful education when their opportunities to learn are limited to exposure to instruction in a language they don’t understand” (www.mace.org). More importantly, the Supreme Court ruled that identical education did not constitute equal education under the Civil Rights Act of 1964. The minority and English language learners were being taught the same curriculum with no modifications in place for them to learn the English language. On May 25, 1970 the United States Department of Health, Education, and Welfare issued a memorandum to clarify a school districts responsibility to national origin minority children. The

memorandum stated that if there is an inability to speak or understand the English language then the student is excluded from effectively participating in an educational program offered by the school district. The district was required to take affirmative steps to rectify language deficiency (United States Department of Education).

Lau v. Nichols was instrumental in establishing a proper educational home for minority students who were English language learners. By creating a class for these students the schools are able to tailor make programs in the students native language and present the English language with their own modified curriculum. Prior to Lau v Nichols and the memorandum by the United States Department of Health, Education, and Welfare minority students struggled to keep up with their English speaking peers and fell between the cracks of education. The Supreme Court decision is still talked about today because it finally gave minority students an opportunity for an equal education.

Soria v. Oxnard School District Board of Trustees

A 1970's class action composed of Mexican American and African American elementary students living in Oxnard, California. Plaintiffs asserted that the imbalanced school system deprived them of their 14th Amendment rights. The ninth circuit ruled that the district court must apply proper legal standards. Evidence from Oxnard School District board meeting minutes was reviewed. It was found that the school board maintained segregated classrooms in racially mixed schools. Additionally, school officials prevented Anglo and Mexican American children from playing together, and staggered their playground time and release times. The 1930's school board minutes

exposed the ‘roots’ of the board’s discriminatory intent to segregate the schools, and therefore the school district was ordered to implement a desegregation plan [Soria v Oxnard School District Board of Trustees Supra, 488 F. 2d 579]. The once segregated facilities in which students attended school in Oxnard prior to the 1970’s, still exist today. One school on one side of the road was for the White students and across the street was the school for the minority students. Now both schools are fully integrated. The city of Oxnard today has a majority demographic of Hispanics. This is obviously apparent upon reviewing the Oxnard Union High School District demographics which can be found in Chapter 4 and shows between 70% and 95% Hispanic population at almost every site. In the Soria v Oxnard School District Board of Trustees the board refused to a proposed finding of fact that “the imposition of a neighborhood school plan on a racially segregated residential pattern had the foreseeable result of causing racially imbalanced attendance areas and therefore such actions cast de jure overtones” [Soria v Oxnard School District Board of Trustees Supra, 488 F. 2d 579].

Equal Educational Opportunities Act

A subcategory to the Civil Rights Act of 1964 was the addition of the Equal Educational Opportunities Act of 1974 (www.maec.org). The Act provides that “no state shall deny equal opportunity to an individual on account of his or her race, color, sex, or national origin by -

- Deliberate segregation of students on the basis of race, color or national origin

- Failure of an educational agency who once practices deliberate segregation to take affirmative steps
- Assigning a student to an alternate school setting rather than in the district they reside as a means of lessening the degree of segregation
- Discrimination by an educational agency in the employment conditions or assignments to school
- Transferring a student to another school for the purpose of increasing segregation
- Failing to take appropriate action to overcome language barriers that impede equal participation

Ironically many in the civil rights community opposed the act since it was partly trying to put an end to the use of busing to desegregate schools. With the implementation of the Equal Education opportunities Act the new law stated that the “neighborhood is the appropriate basis for determination of school assignments” (www.mace.org). This change meant that students had to go to schools that were in the closest proximity to the home. Often times these schools were lacking in structure, facilities, materials for students, and low quality teaching staff. The Equal Educational Opportunities Act allowed for a private right of action which has become critical in Supreme Court cases such as *Alexander v. Sandoval*, 534 U.S. 275 (2001) which required litigants to establish intentional discrimination while working within the Civil Rights Act of 1974. In 1990 Alabama made English their official state language, and Director of Public Safety, James Alexander, made the drivers license test English only. Martha Sandoval sued under Title

VI of the Civil Rights Act of 1964, which prohibited discrimination based on race color, or national origin in federally funded programs. The courts agreed with Sandoval stating that the English only test had a disparate impact on individuals that were born outside of United States (United States Department of Justice).

Public Law 94-142

Although discrimination against any group is illegal, it nevertheless persists. The issue of disproportionate representation of minority groups in special education was discussed in professional literature as early as 1986. In 1975 Public Law 94-142 was introduced as the Education for all Handicapped Children Act. The law changed the way that individuals with disabilities were identifies, and how they are provided with services (Smith, 2005). With the passage of P.L. 94-142, professionals and the court attempted to address the issue of over-representation of minority groups in special education. There are an abundant amount of ethnic minority groups in special education, and many of these students do not have learning disabilities. P.L. 94-142 helps students find the resources that they need in order to access differentiated instruction.

Prior to 1970's schools often denied education to students who appeared to have disabilities and many times these students either stayed at home, and some were even put away in asylums or homes that dealt with people who were different. Those who appeared to be 'normal' were forgotten amongst the masses and left to their own devices (Itkonen, 2007). These students stayed in the public school system and struggled in their placement with a curriculum that was far beyond challenging, and educators who lacked

training for students with special needs. While other students could follow along with class discussions and instructions, students with disabilities struggled to keep up and blend in. In 1976 federal support for special education became a reality. The Education for all Handicapped Children Act of 1975, also known as, Public Law 94-142 could be one of the most influential federal laws that affected the delivery of education to students in special education. It provided free appropriate public educational opportunities for handicapped children and young adults.

The law provided that handicap children and adults ages 3-21 be educated in the least restrictive environment. This means that students with disabilities are incorporated as much as possible with the general education population. Special education classes, separate schools, or other removal of children from general education environment only occurs when the disability exceeds the ability to achieve an education in the class (Itkonen, 2007). Specific examples of this are Resource students and Special Day students. Resource students have mild disabilities and are enrolled in mostly general education classes. Special Day students have moderate disabilities and majority of the classes that they are enrolled in are in a separate classroom with modified instruction taught by a special education teacher.

The law requires each state to ensure that all children with disabilities had the rights to nondiscriminatory testing, evaluation, and placement, the right to be educated in the least restrictive environment, due process, and a free, appropriate education (Yell, 1998). P.L. 94-192 defines students with learning disabilities as follows:

Children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, speak, read, write, spell or do mathematics calculations. [P.L. 94-142, 121a. 5b (9)]

Larry P. v. Riles

In the late 1970s Supreme Courts established that tests administered to minority students must be validated for that population. This case began in 1971 when five African American children in the San Francisco Unified School District were inappropriately placed in Educable Mentally Retarded (EMR) classrooms solely based on their IQ score. The case argued that the IQ tests were racially biased and discriminatory and in 1979 the courts ruled in favor of the students (Sherman, 1982).

The court held that IQ tests were culturally biased against African American children and banned California schools from using the test for any special education purpose. Additionally the courts required that schools keep records and track the number of minority students in Educable Mentally Retarded classrooms, and be able to justify the presence of children in those settings.

Bersoff (1981) describes the key components of the directive to include:

- Local Education Agency (LEA) can not give IQ tests to African Americans
- Alternative test can be given
- Tests are still not permitted even with parent permission
- IQ scores are not part of student records

- There are no special education purposes for IQ tests
- IQ tests can not determine eligibility for African Americans in special education settings

The court remedy required that each school district with a disproportionate relationship of students in the Educable Mentally Retarded pupil enrollment is required to adopt a plan in order to correct the imbalance. If changes do not happen then the school district is subject to further orders. *Larry P. v. Riles*, 793 U.S. 969 (1984). This case is a California class action case that focused on IQ testing of Black students in Educable Mentally Retarded settings. In this case test validity became an important issue. The court set standards for validity stating that the scores in tests should correlate with relevant criterion measures. *Larry p. v Riles* is significant to this study because it established a legal precedence that tests that are administered to minority children must be validated for use with that population. This was a 9th circuit court decision which covered Alaska, Arizona, California, Guam, Hawaii, Idaho, Mariana Islands, Montana, Nevada, Oregon, and Washington. Although this is an extremely well know case the law only covers the areas within the 9th circuit boundaries at their state and local level.

Castaneda v. Pickard

This case was important in determining a schools degree of compliance with the Equal Educational Opportunities Act. In 1981, the Castaneda parents of Hispanic children charged the Raymondville Independent School District in Texas with violating the children's educational rights. The concerns were, ability tracking students which caused segregation, discriminating against Hispanic individuals in the recruitment and

hiring of school personnel, and not developing a bilingual program for language minority students. The courts agreed and required three criteria to be in place in order to be in compliance with the Equal Educational Opportunities Act.

- Schools must pursue programs based on educational theory
- Schools must implement the program with instructional practices, resources and all personnel needed
- Schools must not pursue a program that does not yield results (www.mace.org)

Disproportionality of minority students in special education causes have been attributed to tests that have caused placement of minority students in lower ability tracks. There have been cases such as Larry P. v Riles and Castaneda v Pickard that were based upon the argument that tests were biased against the lower scoring group or that they reflect the effects of past segregation in the school. This case is significant to the topic of this paper because it focuses on how Hispanics were discriminated against in educational settings and how that discrimination led to tracking and segregation.

Chandra Smith v Los Angeles Unified School District

In 1993 a lawsuit was filed against Los Angeles Unified School District on behalf of Chandra Smith. Most civil lawsuits are settled prior to a trial date in arbitration; however certain lawsuits require courts to issue a consent decree. She was a seventeen year old when the lawsuit was filed at the time she had failed tenth grade two times parents of Chandra Smith expressed concern for special education needs. Eventually Los Angeles Unified School district conducted tests to determine Chandra had the academic skills of a tenth grader. However the damage was done, the lawsuit alleged that the

school district “failed to search for, identify, track and, in a timely and proper manner, serve the educational needs of children with disabilities” (Barber & Kerr, 1995). Additionally the school district was also in violation of IDEA, section 504 of the Rehabilitation Act of 1973, and the Fourteenth Amendment. The results of an investigation into the Los Angeles Unified School District concluded that nearly every aspect of the special education program was out of compliance and therefore formed the consent decree that was signed March 1996 (Chandra Smith, et al. v Los Angeles Unified School District, et al.). In this situation the Los Angeles Unified School District was out of compliance. They had failed to implement an IEP, which is an individualized education plan, and in turn had done a disservice to the student who struggled academically without accommodations and modifications. This case shows how failure to implement an IEP can clearly lead to academic failure. Most special education students require modified instruction in a specialized setting with smaller classrooms and more individualized instruction. Chandra Smiths consent decree is an example of what happens when the needs of special education students is ignored.

Individuals with Disabilities Act

In 1990 P.L. 94-142 was reauthorized to P.L. 101-476 the Individuals with Disabilities Act (IDEA), and then underwent subsequent renaming and amendments in 1997, and in 2004. In order to receive federal funding Special Education states had to comply with the requirements of these laws (Harry & Klinger, 2006). IDEA changed the language of the law, identified 13 categories of disability, including a transition page, and

added several procedural safeguards to protect students with disabilities. These include the following:

- Testing materials used for evaluation must be administered as not to be racial or culturally discriminatory
- Testing materials used for evaluations are administered in the student's native language
- Tests and other evaluation materials must have been validated
- Tests are administered by trained personnel
- Tests assess specific educational needs
- Tests are administered so that test results accurately reflect the students achievement rather than the students impaired sensory, manual, or speaking skills
- Multiple tests are given to determine an appropriate educational program for a student
- The student is assessed in all areas related to the suspected disability, including, health, vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities
- The evaluation is made by a multidisciplinary team or group of people (Gonzales, Ahearn, and Osher, 1994).

A requirement by the state education agency is to collect and examine data on statistics and determine the significant disproportionality in each disability, educational

setting and discipline. The categories of disproportionality are items such as overall enrollment, disability category, educational environment, English Language Learner, gender, and achievement data. For the purpose of this paper the focus is on the three most over-represented disability groups Mental Retardation (MR), Emotional Disturbance (ED), and Specific Learning Disability (SLD). These three disabilities have been chosen because they are the three most over-represented disabilities nationwide. See chapter 4 for statistics on national results. The goal in choosing these three disabilities is to be able to compare national results to the state of California, and then do a comparison on the local level. With the identification of the 13 categories of eligibility students with disabilities are able to be placed in programs that are formatted to meet their specific academic needs and teachers can be trained to be able to work with modifications that can better suit their disabilities. Disproportionality is a problem because access to core curriculum could be compromised and peer relationships could also be affected by students developing poor academics and increased discipline problems (Hosp & Reschly, 2004).

Current Changes

As stated previously, there are thirteen categories to which an individual can be eligible for special education, however only three are over-represented by minority groups. The three over-represented groups are mental retardation, emotional disturbance, and specific learning disabilities. Black students are over-represented in mental retardation, and emotional disturbance, while specific learning disabilities are most prevalent among American Indians. Hispanic students however, are not over-represented in special education nation wide (Hosp & Reschly, 2004).

“Recent data shows that; African Americans tend to be over-represented in mild to moderate and emotionally disabled classrooms and that 75% of mild mental retardation cases are linked to socio economics. In addition Poor African Americans children are 2 to 3 times more likely to be identified as having mental retardation. Although Latino students are often not over-represented on state and national data, they are more likely to be over-represented in special education when their proportion of a district’s diverse student body increases” (Meyer and Patton, 2006, p.4). The writers of the Harvard University Civil Rights Project state that when students come from low income areas the instructional support is of a very low quality, and is taught as a “water-down curricula.” Additionally they state that an individual that is poverty stricken holds an increased incidence of having disabilities when compared to individuals in more financially secure environments. Lastly, they state that “even with socioeconomic factors considered, race and ethnicity remain significant factors in placing children in special education.”

Upon reviewing the information it is reasonable to assume that students from low socio economic levels will exhibit problems in academics and behavior at a higher rate which could in turn inappropriately make them candidates for special education. Without having access to the same early childhood educational tools that more affluent students have students are entering schools behind. Students are left to their own devices, with a hope that their parents ensure the best learning possibilities. However, under current IDEA law, students must be tested and show a discrepancy between intellectual ability and achievement in order to determine whether a child has a specific learning disability.

Theories

Connor and Fernandez (2006), state that if someone is raised in a poor household with little to no economic resources, they are likely to not be exposed to valuable educational tools. Those educational tools can vary from access to reading material and technology, to a variety of developmental delays do to environmental circumstances. When a student is not prepared for school developmentally, they struggle to play catch up and many times that lack of preparedness increases the need for special education. When entering school at a level behind, remedial classes are being taken, and in subsequent years the student is only moving up one level at a time and never truly closing the achievement gap. Additionally Harry & Klingner (2006) state that race has been a major factor in the foundations of the educational system. They state that in the last century general and special educations have struggles for equality. It wasn't until forty years ago that students with developmental disabilities "were relegated to the margins of the educational system."

It is projected that the same students that are referred to as minority students will be the majority of the nations population. According to the 2007 U.S. Census results, the United States percentage for foreign born persons is 11.1% that number greatly increases in California to 26.2%, which is mostly due in part to our proximity to the Mexican / American border. Due to the great increase in immigration there are now a large amount of issues surrounding how to best educate the English language learners and also take into account their vast cultural differences. Baca (1997) explains that in the past people

would refer to minority students in special education classes as “triple threats” because they had three strikes on them before even coming to school. The first strike was their disability, the second was their limited English, and the third was their low socio economic level. He also states that we need to change our focus from poverty levels and limited proficiency being the cause of academic troubles and start trying to figure out why the factors are related. According to Connor & Fernandez (2006), “minority students disproportionately attend under-funded, under-resourced schools that are plagued by low teacher quality and less competitive courses.”

Spencer, Duhaney & Montgomery (2002) state that the 1997 reauthorization of IDEA (the Individuals with Disabilities Act) requires schools to be accountable for the amount of students represented in each of their classes. According to Smith (2005), IDEA states that when there is a gap between ability and achievement you are not necessarily required to label an individual with a learning disability. Schools can also use RTI (response to intervention) to see how and if a student qualifies. For example if the school chooses to utilize a certain reading program such as “Reach”, and the school is successful, then the child is not eligible under IDEA. However, if they are not successful then the student may be considered for special education services. The United States Department of Education lists the IDEA regulations. The schools are told to examine the population and address the nature of any problems to be sure that policies and procedures are followed in order to prevent inappropriate over identification. Schools are also required to collect and observe data about disproportionality, which includes the

identification, and placement. Furthermore schools are required to monitor their LEA, and examine their own suspension and expulsion rate by race and ethnicity.

Davison, Seo, Davenport, Butterbaugh, & Davison, (2004) suggest that when children have proper exposure to reading and mathematics, they will develop better language skills. When parents provide these educational opportunities students understand material in the school setting faster and more effectively than students who may not have been exposed to the same opportunities. And unfortunately those students who do not have the same exposure are starting off behind, and therefore are playing catch up, and sometimes these students are categorized into special education. There is not only a concern for the over-representation of minority students in special education, but that there is an under representation of minority students in programs for the gifted and talented. Therefore, conventional methods for identifying giftedness have failed (Singhal, 1999).

In order to reduce the ethnic over-representation it is necessary to create a successful school environment for students who have been distinguished as having disabilities. Meyer and Patton (2001) offered six suggestions in order to make a difference:

- State the issues conflicting variables between race, culture class and gender issues.
- Engage educators in self assessment where the educator evaluates their own attitude, values, and beliefs in order to see where change is needed.

- Refine assessment and evaluation procedures in general and special education classes, in order to design practices that understand the difference between disability and culture.
- Design teacher and administration professional development programs to include cultural knowledge, instruction of culturally diverse individuals.
- Expand the discussion of race, disability and over-representation to communities and families in order to implement social and political change.
- Conduct research that is empirically grounded and research based, therefore teachers are provided a better understanding of the variables contributing to over-representation of minority students.

The purpose of this study was to examine the case law and determine how it has changed overtime with reference to minority students in special education. Additionally this chapter included research and discussion which was based upon testing and eligibility procedures. In the following chapter I will compare demographics and eligibility of minority special education students throughout the district, county, and state level.

Chapter 3

Methodology

In conducting a historical research paper it is important to remember that, “the most time honored rationale for knowing and doing history is that we can learn from the past. The challenge, however, is in knowing which lessons to draw on and how best to make use of them. Straightforward applications of the past to the present can distort events and lead to erroneous conclusions. At its best, history provides us with possible rather than probable understandings, and the ability to take precautions rather than control possible futures” (Monaghan and Hartman, 2001). In order to develop a better understanding as to the reason why there are so many minority students in special education classes I gathered evidence of the disproportionate relationship over the last century.

Historical research is done for a variety of reasons. One reason is that if you look at history you can better understand events by understanding the time and place in which it occurred. For example the impact of *Brown v Board of Education of Topeka*, which occurred during the height of segregation and eventually led to the development of the *Civil Rights Act of 1964*. These historical events led to the desegregation of classrooms and mandated that minority students have the same rights as their white peers. Monaghan and Hartman (2001) state that “history is a vital sign of any community’s maturity,

vitality, and growing self-awareness, and it provides the basis for a collective sense of direction and purpose.”

Contextual Information

Setting and Sample

The school in which I am currently employed is nestled at the base of the Conejo Grade. Adolfo Camarillo High School is one of the six comprehensive high schools in the Oxnard Union High School District. The high school serves students for the central and eastern portions of the city of Camarillo, the Santa Rosa Valley, and the city of Somis. The city of Camarillo is the fourth largest city in Ventura County. Most people in the community are employed by the military, high tech, and specialty industries. The average median family income is approximately \$68,500. Adolfo Camarillo High School offers a varied program that meets the needs of all students, from those who struggle to learn to the most gifted, and is dedicated to raising academic standards in all areas, and in increasing student retention. Adolfo Camarillo High School received recognition as a California Distinguished School in 1996, also recently in 2008-2009, and was further honored in 1997 as a National Blue Ribbon School. These honors reflect the combined efforts of the students, staff, parents and community.

The Oxnard Union High School District serves approximately 1700 students with special needs through a variety of programs. The function of a special education program is to provide a free appropriate education which in conjunction with special education services allows the student to opportunity to reach their full potential. The Individuals

with Disabilities Act (IDEA) requires that students must be educated in an environment which provides maximum interaction with non handicapped students. A student must also by IDEA standards be assessed of their learning needs and be placed in an Individual Education Program designed to teach basic skills and qualities need in order to have a rewarding life in home and the community.

Students who are eligible for special education services in California Public Schools are required to meet the same standards for graduation as their peers. Students on an alternative curriculum will receive a Certificate of Achievement. The special Education curriculum for Adolfo Camarillo High School frameworks are, in most cases, identical to the Language Arts, Mathematics, Science and Social Science frameworks for all OUHSD students. The same textbooks are made available to the students. When appropriate, supplemental texts are used.

There are six high schools in the Unified School District; the demographics of Adolfo Camarillo High School in comparison to the Oxnard Union High School District are as follows:

Table 3.1: Adolfo Camarillo High School

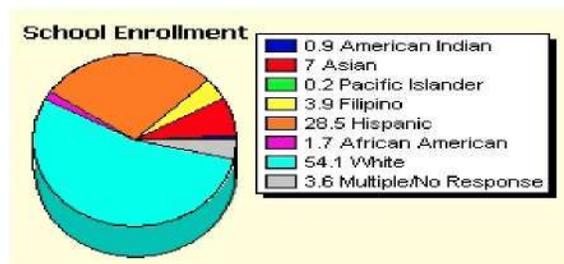
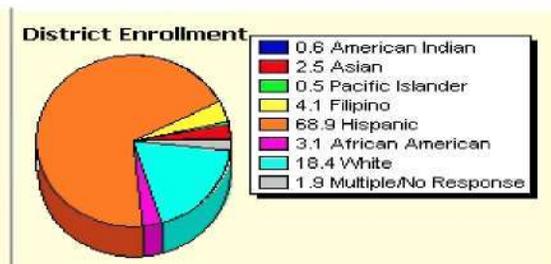


Table 3.2: Oxnard Union High School District



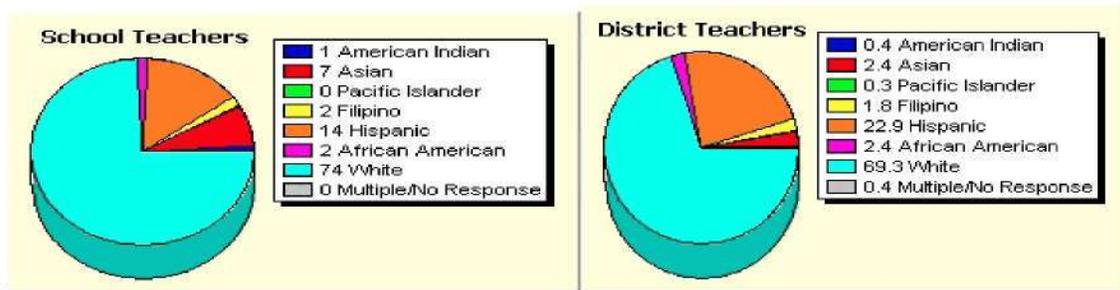
When comparing Table 3.1 and 3.2 you can see that there is a large difference in the amount of Hispanic students in Adolfo Camarillo High school in comparison to the Hispanic students at the district level. The difference between the two is 40.4% in which

Oxnard Union High School District having the higher percentage. The other comparison that can be made is in observing the amount of White students, which there is a 35.7% difference with Adolfo Camarillo High School having the higher percentage.

Teacher Demographics:

Table 3.3: Adolfo Camarillo High School

Table 3.4: Oxnard Union High School District



With such an influx of minority students, it is shocking to see that the demographics of the Adolfo Camarillo High School and Oxnard Union High School District teachers do not more closely compare to the demographics of the students.

For this historical research paper regarding minority students in special education, the methods for data collection included reading and reviewing case laws as well as gathering statistical data on student demographics. The information about specific court cases and laws were individually researched and then analyzed in order to establish relevance. The cases were found using the United States Department of Education Civil Rights Department. Information regarding student demographics was retrieved by using Ed-data, and United States Census. Information regarding the Special Education program and demographics within Oxnard Union High School District was retrieved while working in conjunction with staff members within the district and accessing each school site for individual demographic information. Additionally I reviewed the programs in

place at each of the school sites for the special education program and narrowed my focus on the reach program and RTI which have been implemented as a means of closing the achievement gap. Quantitative data regarding the amount of minority students in special education programs was reviewed in comparison to the school site, and compared the data to patterns found in the case law analysis.

Chapter 4

Findings and Discussion

This chapter reports on the statistical information regarding minority students in special education. First, I begin by discussing the demographics of the Oxnard Union High School Districts demographics for the entire student body. As the percentage of Hispanic students continues to grow the population of students in the Oxnard Union High School District reflects these changes and according to the United States Census minority students are expected to be the majority by the end of 2010.

Second, I examine the amount of students eligible for special education services under different ethnicities. I start with the Oxnard Union High School District, and then focus on Ventura County, and finally I focus on the state of California. In each one of these tables I reflect upon three primary groups, the Hispanic population, African Americans, and White. The reason why I have chosen these groups is due to the national studies which indicate that African Americans are over represented in Mental retardation (MR), and Emotional Disturbance (ED). I wanted to see how that varied when the population of minority students was different then the national average.

Third I discuss the special education allocation throughout the district while focusing on each of the given areas of special education in the Oxnard Union High School District and in turn also reflecting upon the staff allocated to each site. Fourth, I

examine the breakdown of special education students at Adolfo Camarillo High School based on ethnicity and grade level.

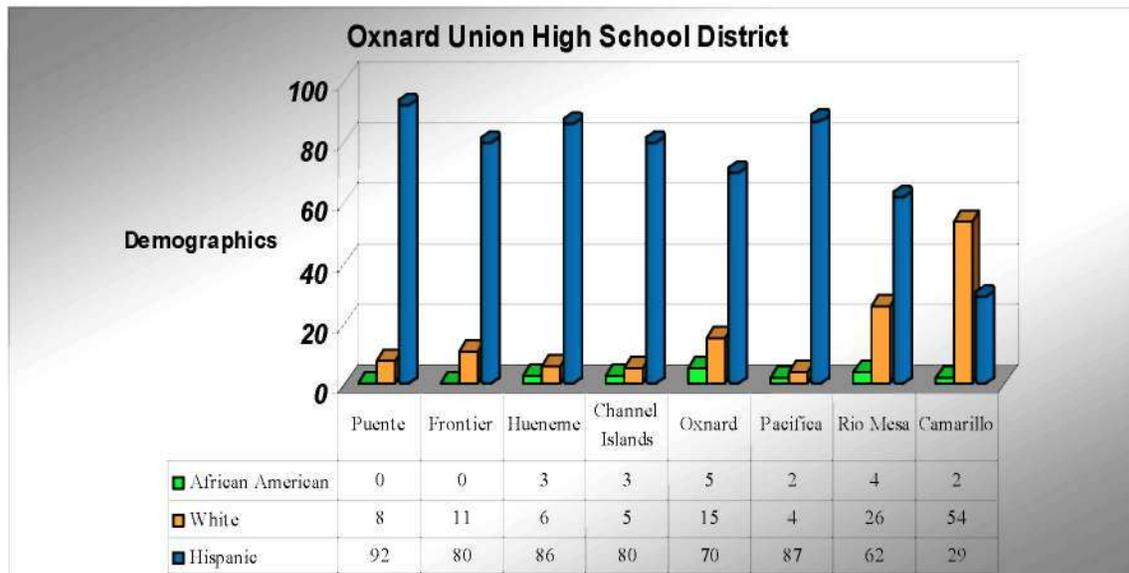
A lot of attention has been given to the concerns of African American students. There is very little information about Native Americans, and other groups are typically categorized under “culturally and linguistically diverse students” (Baca 1997). Unfortunately allowances have not been made for the varying cultural elements within the larger “geographic” context, for example, the Hispanic population. By ignoring the existence of the distinct cultures it will in turn result in a lack of sensitivity to their language acquisition, attitudes toward teachers and education, and ill feelings toward the roles of family members within the culture. By society ignoring these factors we are led to a disproportionate representation.

As seen in Table 4.1, the demographics of the Oxnard Union High School District is not entirely consistent throughout all of its school sites. The district is comprised of 6 comprehensive high schools, one continuation school, and one school for pregnant teens. Each of these school sites is located within either Oxnard or Camarillo city limits. The population of students through Channel Islands, Hueneme, Oxnard, and Pacifica all show that the Hispanic population is the majority on campus, and range between 70% and 87%. Puente High, the school for our pregnant teens has 92% Hispanic students, and Frontier has 80%. The changes start showing more drastically when you compare the sites to both Rio Mesa High School and Adolfo Camarillo High School. Rio Mesa demonstrates an increase in the number of White students in comparison to the remainder of the district.

However, Adolfo Camarillo High School is where you see the drastic changes occur -- at 54% White, and only 29% Hispanic.

Table 4.1

Oxnard Union High School District Demographics



The demographics within the district have a majority of Hispanic students in Special Education classes, when compared to the nationwide results that state African American were the most over-represented group, it is clear to see that some theories may prove to be correct. Drawing back on a quote from Meyer and Patton 2006, “Although Latino students are often not over-represented on state and national data; they are more likely to be over-represented in special education when their proportion of a district’s diverse student body increases.”

For the purpose of the next section I focused on three ethnicities and three disabilities. I have chosen the Hispanic population, African Americans and White

students because they are the majority within our district and are the focus of disproportionality in special education classes. The disabilities I have chosen to focus on are Mental Retardation, Emotional Disturbance, and Specific Learning Disability. I chose to focus on these three disabilities because data has shown that they are the same three areas of over representation in special education nationwide. My goal in researching these three areas is to disseminate the percentage of students in each of the focus areas and to compare those results to the district, county, and state levels. To find each total I divided the specific total and specific ethnicity against the grand total for that disability with all ethnicities being considered. From there I was able to establish a percentage from each category and be able to compare the results side by side.

In the charts below you will see the Oxnard Union High School District totals, the Ventura County totals, and the State of California totals. I have chosen to show the results of all thirteen categories of disability in order to have a basis of comparison, and to additionally show the disparity among the given population.

Table 4.2 shows the breakdown of students in the Oxnard Union High School District. The district totals represented show that the Hispanic population is the highest in all three categories.

Table 4.2

Special Education Enrollment Oxnard Union High School District

Special Education Enrollment by Ethnicity and Disability
 Oxnard Union High School District

Ethnicity	MR	HH	DEAF	SLI	VI	ED	OI	OHI	SLD	DB	MD	AUT	TBI	Total
Native American	1	0	0	0	0	1	0	0	4	0	0	0	0	6
Asian	5	0	0	2	1	3	2	1	2	0	1	1	0	18
Pacific Is.	2	0	0	0	0	0	0	0	5	0	0	0	0	7
Filipino	9	0	0	5	0	0	0	1	7	0	0	5	0	27
Hispanic	113	7	8	51	7	58	17	34	746	1	15	33	1	1091
African American	6	2	0	1	0	11	0	9	44	0	0	5	1	79
White	38	2	2	23	6	48	8	23	131	0	4	31	2	318
Total	174	11	10	82	14	121	27	68	939	1	20	75	4	1546
County Total	790	103	78	5128	90	603	411	1277	5837	4	82	1095	40	15538
State Total	43113	8481	4185	176256	4530	27199	15294	47232	297933	204	5476	46196	1776	677875

The breakdowns of percentages are as follows:

Hispanic: Mental Retardation 65%, Emotionally Disturbed 48%, Specific Learning Disability 79%

African American: Mental Retardation 3%, Emotional Disturbance 9%, Specific Learning Disability 4%

White: Mental Retardation 22%, Emotional Disturbance 40%, Specific Learning Disability 14%

As seen in Table 4.3 I have compared the results for the county using the same parameters. When reviewing the data the results vary slightly with regard to White students and each of the three categories of eligibility being reviewed. In Mental retardation there was an increase of 10%, and increase in Emotional Disturbance of 22%, and an increase in Specific Learning disability of 17%. On the other hand the Hispanic population percentage has slightly gone down.

Table 4.3

Special Education Enrollment Ventura County

Special Education Enrollment by Ethnicity and Disability
Ventura County

Ethnicity	MR	HH	DEAF	SLI	VI	ED	OI	OHI	SLD	DB	MD	AUT	TBI	Total
Native American	4	0	0	20	0	4	0	9	46	0	0	7	0	90
Asian	21	1	3	187	3	12	18	19	40	0	3	52	0	359
Pacific Is.	3	1	1	8	0	2	0	4	21	0	0	2	0	42
Filipino	23	2	2	66	2	1	4	7	27	0	2	27	0	163
Hispanic	466	52	44	2668	35	170	180	298	3450	2	28	324	19	7736
African American	19	5	1	106	3	42	6	43	168	0	3	39	1	436
White	254	42	27	2073	47	372	203	897	2085	2	46	644	20	6712
Total	790	103	78	5128	90	603	411	1277	5837	4	82	1095	40	15538
State Total	43113	8481	4185	176256	4530	27199	15294	47232	297933	204	5476	46196	1776	677875

The breakdowns of percentages are as follows:

Hispanic: Mental Retardation 59%, Emotionally Disturbed 28%, Specific Learning Disability 59%

African American: Mental Retardation 2%, Emotional Disturbance 7%, Specific Learning Disability 3%

White: Mental Retardation 32%, Emotional Disturbance 62%, Specific Learning Disability 36%

Table 4.4 varies quite a bit since the polling group was covering the entire state of California. The results state that The Hispanic population is the highest in Mental Retardation and Specific Disability, with White students having the highest population for Emotional Disturbance. Additionally it can also be seen that every category for the African American subgroup had an increase, however it still does not reflect the same

national data results, but once again ties in to Meyer and Patton’s theory on over-representation.

Table 4.4

Special Education Enrollment California

Special Education
Enrollment by Ethnicity
and Disability
Statewide

Ethnicity	MR	HH	DEAF	SLI	VI	ED	OI	OHI	SLD	DB	MD	AUT	TBI	Total
Native American	327	51	16	1451	32	382	88	468	2746	3	37	242	19	5862
Asian	2543	648	281	11614	326	576	906	1378	7252	12	432	5112	87	31167
Pacific Is.	260	55	26	965	36	105	88	214	1339	1	41	188	13	3331
Filipino	953	253	123	3841	77	195	309	487	2486	5	120	1802	23	10674
Hispanic	22753	4238	2219	83752	1979	6983	7108	15347	165616	100	2333	14270	800	327498
African American	4975	539	337	11880	398	6034	1220	5823	39623	11	593	3895	213	75541
White	11302	2697	1183	62753	1682	12924	5575	23515	78871	72	1920	20687	621	223802
Total	43113	8481	4185	176256	4530	27199	15294	47232	297933	204	5476	46196	1776	677875

There are four different subgroups with in the special education department.

Special Education students enrolled in the Resource program have mild to moderate handicapping conditions in learning, communicating or physical functions. Special Day Class students have moderate handicapping conditions. Students categorized as Emotionally Disturbed are students that display severe personality disorganization. Severely Handicap students present moderate to severe learning, communication or physical functions.

Table 4.5 shows the Staff and pupil count for each site through the Oxnard Union High School District. The table is divided into Severely Handicap (SH), Emotionally Disturbed (ED), Special Day Class (SDC), Resource, Speech, Adaptive PE, and Vision.

Table 4.5

Staff and Pupil Count Oxnard Union High School District

Sped groups	ACHS	Tchr	Ave	CIHS	Tchr	Ave	HHS	Tchr	Ave	OHS	Tchr	Ave	PHS	Tchr	Ave	RMHS	Tchr	Ave
SH	26	3	8.7	31	3	10	38	3	13	28	3	9.7	60	5	12	54	5	11
SH Autism					0											6	1	
ED enhanced	9	1	9	0	1	0	10	1	10	7	1	7	0	0	0			
ED non enhanced	13	1	13	16	4.3	0	6	0	0	12	1	12	9	1	9	9	1	9
SDC Non Severe	53	4	13	72	8.3	17	40	4	10	80	4.3	14	59	4.4	13	31	3	10
Total SDC	101	9	11	119	5.7	14	96	8	12	108	9.3	12	128	10	12	100	10	10
Resource	110	4	28	136	1	24	100	4	25	114	4.7	24	171	6.8	25	99	5	20
Speech	5	1		4	0		4	1		6	1		6	1		0	1	
APE	0	0.2		0			0	0.4			0.2		0	0.2		0	0.4	
Vision Services	2	0.2		0			0	0.2		3	0.3		0	0		0	0.4	
Total Sped	218	14	15	265	15	18	200	13.8	12	234	16	15	309	18	17	209	16.8	12

Below are the list of school totals and the percentage of their total based on a comparison of the grand total in special education:

Adolfo Camarillo High School - (individual) 11.9% SH, 10% ED, 24.3% SDC

(against total) 11% SH, 4.1% ED, 15.8% SDC

Channel Islands High School- (individual) 11.7% SH, 6% ED, 27.1% SDC

(against total) 16% SH, 17.6% ED, 21.5% SDC

Hueneme High School- (individual) 19% SH, 8% ED, 20% SDC

(against total) 16% SH, 17.6% ED, 11.9% SDC

Oxnard High School- (individual) 12% SH, 8.1% ED, 34.1% SDC

(against total) 11.8% SH, 20.9% ED, 23.9% SDC

Pacifica High School

(individual) 19.4% SH, 3% ED, 19.1% SDC

(against total) 25.3%, 9.9% ED, 17.6% SDC

Rio Mesa High School

(individual) 26.8% SH, 4.3% ED, 14.8% SDC

(against total) 22.8% SH, 9.9% ED, 9.3% SDC

When focusing specifically on Adolfo Camarillo I wanted to breakdown each of the grade levels demographics. Below is each of the grade levels for the 2007-2008 school years.

Table 4.6

9th Grade Special Education Demographics Adolfo Camarillo High School

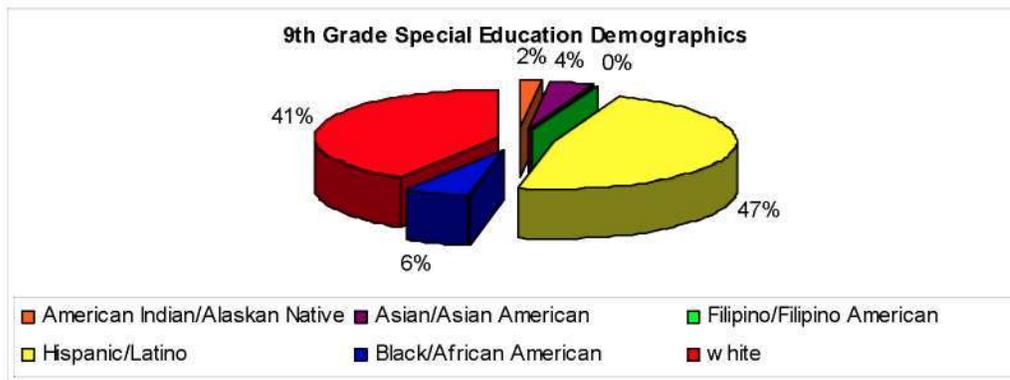


Table 4.7

10th Grade Special Education Demographics Adolfo Camarillo High School

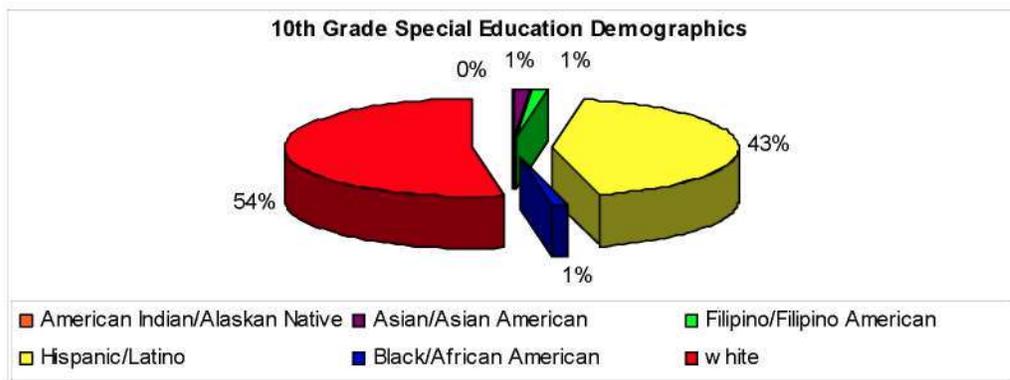


Table 4.8

11th Grade Special Education Demographics Adolfo Camarillo High School

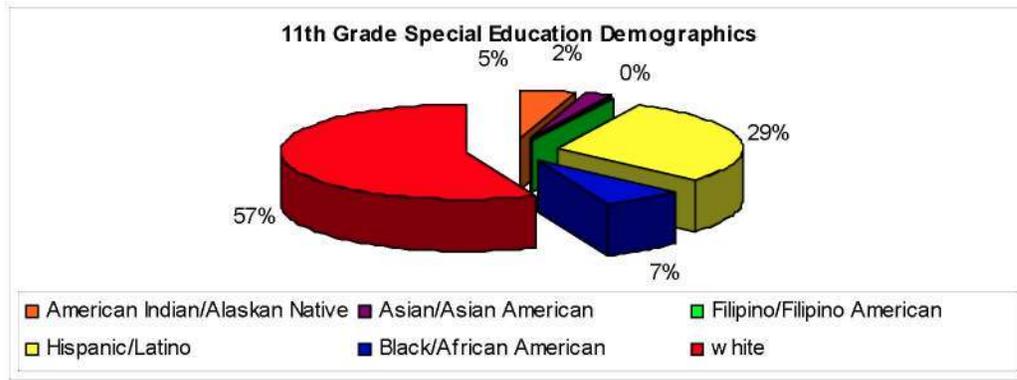
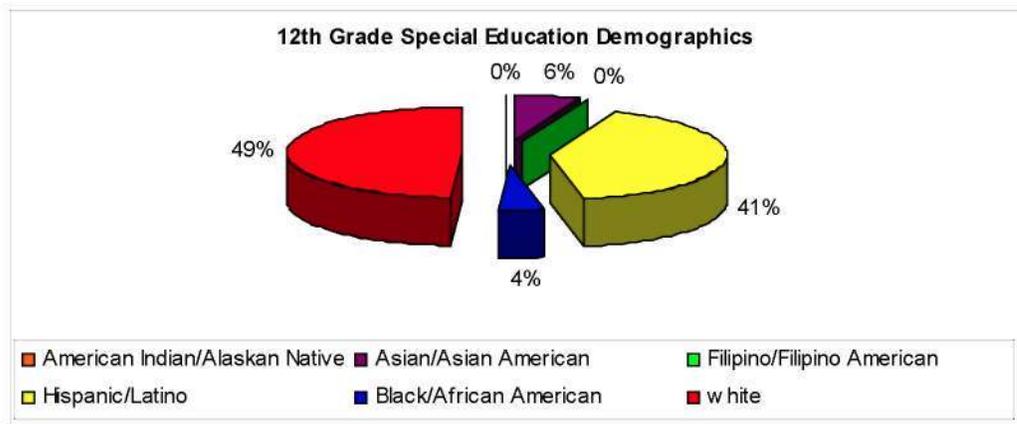


Table 4.9

12th Grade Special Education Demographics Adolfo Camarillo High School



Each of the groups have a similar look, they all have the majority of White students, and then are followed closely by Hispanic students. The freshmen and senior classes are close to being equal in their division of White and Hispanic students. The remained of the other students in each of the classes are a “melting pot” of nationalities that adds to the high schools limited diversity.

Closing the Achievement Gap

In reviewing the material it is clear to see that there is a significant achievement gap in the general education population and our special education students. An achievement gap refers to an observable disparity on a number of educational measures between the performances of groups of students. The achievement gap can be observed on a variety of measures, including standardized test scores, grade point average, drop out rates, and college-enrollment rates. Students with disabilities can make progress toward grade level standards when they receive high quality instruction and are assessed with alternate assessments based on modified achievement standards. Many students have started using after school tutoring sessions and remedial programs to help narrow the achievement gap associated with special education students. The problem with such programs is that in order to narrow the gap, special education students must learn at a rapid speed in order to “catch up” with their general education peers.

In the past three years Adolfo Camarillo High School has been collaborating on affective ways to increase their Academic Performance Index (API), Annual Yearly Performance (AYP), Standardized Testing and Reporting (STAR), and California High School Exit Exam (CAHSEE) scores. Some of the intervention programs that we have begun on campus are: Silver Stinger Program, Silver Star Program, CAHSEE prep courses, free tutoring after school with teachers from each of the core areas.

- The Silver Stinger, and Silver Star programs are after school tutoring programs for students that are failing their at least two of their core areas. A contract is signed by the parent, the child, and the counselor.
- CAHSEE prep courses are additional courses offered during the day in which students can receive elective credits for additional tutorial assistance in Math and English. Students are given test taking strategies for both subjects and are evaluated on their sample writing portions.
- After school tutoring is offered every Tuesday, Wednesday, and Thursday after school in the library. There are between 2-4 teachers from each core area there to assist the students in projects, tests, quizzes and homework assignments. This program is helpful for a lot of students, especially those who do not have assistance at home.
- A differentiated bell schedule was also proposed and is currently being discussed at each of the faculty meetings. The bell schedule establishes time for teacher collaboration on a weekly basis, and a tutorial class for every student in the middle of the school day regardless of current grades. Many of the details are still being worked out with this schedule.

After examining the statistical information across the district, county, and state level the data clearly indicates that minority students are clearly over-represented in special education programs. This conclusion was based upon the shift in case law and information from state and national levels. The findings indicate that the percentage of minority students is dependant upon the state demographics and varies from state to state.

With an emphasis being placed on schools to close the achievement gap and provide equal education rights students should begin to experience a more fair educational system.

Chapter 5

Conclusion

Much attention has been given to the issue of disproportionality of minority students in special education. Over-representation occurs when the percentage of a racial/ethnic group is higher than the resident population. This is clearly a problem because when children are misplaced into special education it does an enormous disservice to them and the students are almost trained to underachieve. Historically minorities have been denied opportunities to excel in our society, and by over selecting them for special education we are in turn reverting back to the days of treating them as innately inferior, which is against the law and did not provide them their equal education rights.

Research has shown that most of the instructional planning and activities conducted by special education teachers are still based on the traditional models of instruction, with little consideration being given to students' cultural and linguistic background. The literature on disproportionate representation of minority students in special education has a long history of describing national trends of representation patterns. Only recently have researchers started examining additional variables, which may help predict those patterns. Achievement is an important predictor of disproportionate representation, and therefore for the benefit of the students we must address modifications to assessment procedures, curricula, teacher attitudes, and classroom management.

The work of an educator is never static. Some of the best and most effective educators truly understand change and embrace the ideas of best practice, even if it means changing your teaching styles and adding more tasks to your day to day activities. This concept is especially true for teachers in special education. In the past four years I have noticed a focus on accountability and giving students legitimate access to the core curriculum in special education.

One of the most critical parts of providing services for a student is identifying the student's strengths and weaknesses. This can be done with formal and informal assessments. These assessments are key resources to helping students increase their academic skills in order to make progress on closing the achievement gap. Since the reauthorization of IDEA, all Individualized Education Plan (IEP) goals need to obtain baseline data teachers need to assess their students reading, writing, and comprehension and additionally their math levels. Not only have these assessments been used for IEP's they have also been a great starting point for Response to Intervention (RTI). Response to Intervention is an alternate way for schools to identify a student with a disability. This process uses assessments and interventions done in the general education setting, to prove that the student does or does not respond to research-based intervention strategies. Using various assessments and intervention strategies in my classroom and with my case load students I am able to assist teachers when they are trying to help students achieve in their classroom.

Students should exhibit a discrepancy in one or more domains in testing, and show an insufficient response to interventions. But unfortunately as research states minority students placed in special education still struggle due in part to insufficient instruction, shortage of qualified teachers, and limited parent participation. However, disproportionate representation of minority students is not the result of any single factor such as testing bias, poverty level, teacher referrals, or lack of parent involvement. Yet it is a complex combination of each of the factors. In the future we can hope for improved federal monitoring, early identification and interventions for at risk students, increased use of research based instructional strategies and interventions, improvement in teacher training, and an increase in providing information and resources for low income and minority families. By increasing the quality of our special education services for students regardless of their language, ethnicity, or socioeconomics we can provide a better chance at educational success.

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