

A COMPARATIVE CASE STUDY ANALYSIS OF THE TEACHERS' PERCEPTIONS
CAUSING THE OVERREPRESENTATION OF AFRICAN AMERICAN MALES IN
SPECIAL EDUCATION

by

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A CASE STUDY

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DEDICATION

I would like to dedicate this comparative case study to my son, Timothy Jr., for his understanding, support, and patience. I also dedicate my research to my sister, Sonya Allen, who has been my protector, cheerleader, confidant, and giggle partner. Lastly, I would like to dedicate this case study to my grandmother, the late Helen Johnson, and my aunt, the late Eugenia Johnson who always showed me what hard work looks like and how it can pay off. Hopefully, I made everyone proud!

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ABSTRACT

This comparative case study analyzes the overrepresentation of African American males in special education.

The overrepresentation of African American children and youth in special education programs for students with learning disabilities, severe emotional or behavioral disabilities, and mental disabilities has remained a persistent reality, even after nearly 50 years of discovery and research. The disproportionality of African American students is one of the most critical problems in the field of special education within the United States (Skiba, 2006). African American males have historically been overrepresented in all categories of special education (Harry and Anderson, 1994). Twice as many African American male students in the United States are receiving services for Emotional Disturbance as their Caucasian counterparts.

The Individuals with Disabilities Education Act (2004) (IDEA) established the legal guidelines for the protection of students with disabilities. The literature has identified a variety of theories to answer why African American males continue to be overrepresented in special education. The review of literature presents the history of this issue, the history of IDEA, and shows how legislation has fallen short in decreasing the overrepresentation of African American males in special education. The examination of overrepresentation of African American males in special education and the factors that may contribute to this disproportionality frame this case

study. This case study analysis explores the factors that influence the overrepresentation of African American males in special education programs. This comparative case study analysis will answer the following research questions:

Question 1 What factors contribute to the overrepresentation of African American male students in special education?

Question 2 What is the association in teachers' roles, perceptions, and demographics with the overrepresentation of African American males in special education programs?

The researcher has dissected several reasons and factors that have caused this disproportionality, such as socio-economic status of the student, student demographic, teacher' perceptions of African American males, lack of cultural responsiveness training for teachers, teacher demographics, and the teacher's role in the referral process of special education.

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COMMON ABBREVIATIONS

PIT Pre-referral Intervention Team

SST Student Support Team

MR Mental Retardation

EMR Educable Mental Retardation

TMR Trainable Mental Retardation

SLD Specific Learning Disability

SI Speech-Language Impaired

HI Hearing impaired

VI Vision impaired

OI Orthopedically impaired

OHI Other health impaired

SED Seriously Emotionally Disturbed

NUL National Urban League

IDEA Individuals with Disability Education Act

EHA Education for all Handicapped Children Act or PL 94-142

NEA National Education Agency

LEA Local Education Agency

OCR Office of Civil Rights

NRC National Research Council

SES Socioeconomic Status

IEP Individualized Education Plan

RTI Response to Intervention

FAPE Free Appropriate Public Education

LRE Least Restrictive Environment

CHAPTER I: INTRODUCTION

1.1.Introduction

The passage of the Education for All Handicapped Children Act in 1975, which is now referred to as the Individuals with Disabilities Education Act (IDEA), has brought tremendous benefits to children with disabilities. Because of IDEA, millions of children with disabilities in the United States of America are now receiving a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). The graduation rate of children with disabilities has increased, as well as the number of children who go on to college. Despite these benefits, however, the overrepresentation of minority students, especially African American males, is a serious problem in today's special education system. African American students make up 17% of the public-school population nationwide. According to Kunjufu (2005), 41 % of students in special education are African American. Much research and many opinions have been developed to explain these alarming high ratios and why this phenomenon has historically impacted education to include socio-economic status, lack of teachers' cultural diversity, and societal perceptions on African American males. Regardless of the reasons, the fact remains that the lives of African American males are being jeopardized because of schools' failure to properly understand and implement special education procedures and the professional development necessary for teachers who teach at-risk students (Kunjufu, 2005).

There are a disproportionate number of African American males in special education classroom settings nation-wide. The rate at which this population is entering special education or being given specialized services is increasing at an alarming rate. This is contributing more and more to the achievement gap between African American and Caucasian students. Current literature indicates that there are several possible reasons why there is such an overrepresentation

of American male students in special education classes. The literature review focuses on some of the factors that have been known to contribute to this overrepresentation. Those factors consist of the following:

- a) Teacher quality;
- b) Teacher demographics;
- c) Teacher's roles;
- d) Teacher's perceptions of African American males;
- e) Poverty levels;
- f) Student learning styles and gender differences; and
- e) History of special education and the special education referral process (Individuals with Disabilities Education Act, 20 U.S.C. § 1400 (2004)).

In 1968, Lloyd Dunn called attention to the disproportionate numbers of African American students placed in segregated classrooms for students with educable mental retardation. Just two years later, Evelyn Deno (1970) called attention to what she considered to be a preoccupation with, and use of, a pathological model to place and serve students in special education programs. Both authors presented an analysis of the problems in special education and outlined agendas for change. The contributions made by these child advocates helped to shape special education as we know it today. Their analysis of problems and recommendations contributed to the emergence of litigation, the enactment of legislation, and the field. However, even though 47 years have passed, many of the problems identified by Dunn and Deno continue to plague the field today. Arguments about overrepresentation of African American male students and the overreliance on the medical model remain as critical issues to be resolved.

Furthermore, these issues have continued to surface as a source of conflict among special educators, advocacy groups, and policymakers.

Nationwide, African American males are overrepresented in special education. Artiles, Kozleski, Trent, Osher and Ortiz (2010) state “Placement data suggest African Americans ... are overrepresented in high-incidence disability categories at the national level” (p. 280). Research shows that African Americans are more likely to be given a special education label than any other race in all types of school districts, including the urban school district. O’Connor (2009) states the following:

“For example, in California, a Black student is twice as likely to be labeled LD as a White student, and in Montana, over five times more likely (Parrish 2002). Furthermore, when data is averaged from all fifty states, Black students are almost 1.5 times as likely to be labeled LD, almost twice as likely to be labeled emotionally disturbed, and thrice as likely to be labeled mentally retarded.” (Losen and Orfield 2002, p. 2)

The African American male students, across the nation, are more likely to receive a special education classification and be placed into a specialized classroom setting than any other race, despite the type of school district in which they are enrolled. Franklin (2006) argues that “African American males also spend less time in advanced and college preparation classes and more time in special education than any of the other ethnic groups in the United States” (p.2).

1.2.Theoretical Framework

To gain a perspective of how the overrepresentation of African American students occurs, one must understand the three different types of sociocultural theories through which special education is viewed. Most educators operate from one or more of these three conceptual framework theories - functional, critical or deficit.

According to Patton (1998), the functional theorists adhere to the belief that deviation from the norm in regular education is regarded as a reflection of deficits or pathologies. When

students fail in the regular education environment, they are perceived as having deficits.

Therefore, special education is seen as the answer for their academic or behavioral difficulties.

The critical theorists entertain the premise that education is designed to serve the needs of the dominant social, economic and political classes, and special education is designed to place minority students in a system of education that is compartmentalized and devalued. Critical theorists view the maintenance of a separate "special" educational system as being unjust to minority students and the regular education system as catering to the needs of the dominant social, economic and political classes of the society (Townsend, Thomas, Witty & Lee, 1996).

The popularity and widespread support of achievement testing and increased support for the deficit model may be why this next model is responsible for laying the groundwork for the social construction of different types of classifications under which students can qualify for special education services and supports. The widespread use of achievement testing continues to expand the development of a body of educational theorists who subscribe to the deficit model.

McDermott and Varenne (1995) contend that, for many years, the anthropology of education has been dominated by the question of how to address students who fail in the regular education setting with rigor and respect. Two categories of responses have been evident. The first response has been to focus on the student and his/her family to identify cognitive, social, emotional or linguistic deficits. The second response has been to focus on the outside environment in which the child survives to determine a cause of his/her failure.

Another conceptual framework for understanding overrepresentation is influenced by the work of Heller, Holtzman, and Mesnick (1982), who agree that disproportionality becomes a problem when students are unduly exposed to the likelihood of special education placement by virtue of receiving poor-quality regular instruction and when the quality and academic relevance

of the special education instruction block their educational progress, including decreasing the likelihood of their return to the regular classroom. When children show signs of academic and/or behavioral difficulties, there are guidelines that schools such as the district in this study are required to follow, regardless of the students' motivation, cultural differences, ethnic origin, gender or socioeconomic background. These guidelines should involve early identification and intervention for students who are experiencing any type of academic and/or behavioral difficulties coupled with culturally relevant and responsive education.

1.3. Background of the Problem

Overrepresentation refers to the identification of a group served in special education that is higher than their population in general. For over five decades both advocates and educators have been interested in the overrepresentation of African American males in special education (Dunn, 1968; Artiles & Trent, 1994; Gollnick, 2006; Losen & Orfield, 2002; Gresham, 2005). There are likely many causes of African American male overrepresentation in special education programs (Arnold & Lassmann, 2003). School systems across the nation are implementing various strategies to decrease the incidence of overrepresentation of African American males in special education (Harris-Murri, King, & Rostenberg, 2006). Many districts and states are working tirelessly to provide educators with strategies to minimize this problem.

Federal concerns over the educational outcomes of culturally and linguistically diverse students were apparent when IDEA was amended in 1991 and 1997. In 1991, IDEA (P.L. 101-476) stated, “a need for culturally and linguistically diverse children with disabilities to obtain a higher quality of education” (p. 1). The amendment to IDEA 1997 (P.L. 105-17) required states to collect data for the purpose of monitoring and reducing disproportionality (Section 674).

Since the number of children from diverse backgrounds was steadily increasing, Congress regarded this matter as significant.

Culturally and linguistically diverse students have always been overrepresented in special education programs, especially in programs such as the Special Day Class (SDC) and Emotionally Disturbed (ED). Special education students who are racial and ethnic minorities and/or are second language learners are protected from discrimination in the Equal Protection Clause of the 14th Amendment to the United States Constitution. Title VI of the Civil Rights Act of 1974 and Section 504 of the Rehabilitation Act of 1973 also afford minorities protection.

1.4. Purpose of the Study

The purpose of this study is to examine the overrepresentation of African American males in special education programs, the teachers' perceptions causing the overrepresentation of African American males in special education programs, and the experience and perspectives of African American male students in special education programs.

1.5. Need for the Study

Previous research has provided long-standing, empirical support for the magnitude of the overrepresentation problem (Artiles, Harry, Reschly, & Chinn, 2002; Cahalane, 1996; Colarusso, Keel, & Dangel, 2001; Coutinho & Oswald, 2000; Dunn, 1968; Hosp & Reschly, 2003; Oswald, Coutinho, Best, & Singh, 1999; Zhang & Katsiyannis, 2002). One criticism of much of the overrepresentation literature is that most is limited to examining disproportionality in special education placement, which is the final stage of the special education process. Limited empirical research is available examining precursors to the special education process to determine where disproportionality begins (Gibb, Rausch, & Skiba, 2006; Gordon, 1980; Hosp & Reschly, 2003;

Mercer, 1972). A considerable amount of literature has been published about the impact of prereferral interventions (PITs) on special education, and thus disproportionality (Chalfant, Pysh, & Moultrie, 1979; Fuchs, Fuchs, & Bahr, 1990; Graden 1985; Rosenfield & Gravois, 1996); however, the empirical research examining the impact of PITs on special education referrals is inconsistent (Burns and Symington, 2002). Although most literature on PITs supports their use, the generalizability of the results is limited because of contextual factors (e.g., university-supported, small number of teams, lack of appropriate controls) (Chalfant & Pysh, 1989). Because few studies have examined the 16 characteristics of field-based PITs (Truscott, Cohen, Sams, Sanborn, and Frank (2005) believe more research is needed about their implementation and impact on systemic and student outcomes. It is imperative that PIT implementation and its impact on overrepresentation are further examined to help create effective solutions to the persistent problem. Secondly, much of the available research supports the effectiveness of PITs on reducing special education referrals (Burns & Symington, 2005; Chalfant, Pysh, & Moultrie, 1979; Fuchs, Fuchs, & Bahr, 1990; Graden, Casey, & Christenson, 1985; Rosenfield & Gravois, 1996, Waltollor, Artiles, Cheney, 2010; Parker, 2013; Nicks, 2012).

1.6. Significance of the Study

The goal of this research is to provide information on the factors of overrepresentation of African American male students in special education programs; to determine if teacher demographics, roles, and perceptions have any correlation to the overrepresentation of African American males in special education programs; and to examine ways to evaluate programs and policies designed to decrease inappropriate referrals to special education. This type of research is timely and significant for four reasons:

- (a) Many researchers have suggested the importance of school districts establishing and maintaining a systematic approach to monitoring and decreasing the ethnic/racial composition of their special education programs (Brady, Manni, & Winikur, 1983; Coutinho & Oswald, 2000; Hosp & Reschly, 2002);
- (b) PITs are widely implemented as a means of diminishing academic and behavioral difficulties that can lead to school failure;
- (c) With the reauthorization of IDEA (2004), PITs have a cardinal role in special education eligibility; and
- (d) it will add to the current debate in the literature about the role of ethnic/cultural bias in education.

The current study extends the available literature in several ways. First, this comparative case analysis examines the key factors of the overrepresentation of African American males in special education programs. Researchers have framed themes to address the diverse learning needs of this student population. Secondly, the current analysis focuses on the teacher's role, demographics, and perceptions that may impact the overrepresentation of African American males in special education programs. Third, it provides information about students at-risk for special education placement, not just those already placed in special education as in previous studies (Flugum & Reschly, 1994; Gravois & Rosenfield, 2006). Additionally, the importance of African Americans becoming producers of knowledge and partners in the discourse, offering their emic perspectives of the disproportionality problem, has been emphasized in the literature (Artiles, 1998; Patton, 1998).

1.7. Definitions of Key Terms

The key terms used throughout this case study are defined below:

1. **African American:** African American is the term used to define the ethnic group which historically has been referred to as Afro-American, Black, Negro, or Colored. African Americans make up approximately 13.4% of the U.S. population (Banks & Banks, 2007).
2. **At-Risk:** Students who are (a) unable to complete high school; (b) students who are unable to leave high school with an adequate level of basic skills; (c) students who have failed one or more grades; or (d) students who have been found eligible for special or compensatory education programs (Miller, 1991).
3. **Emotional Disturbances (ED):** A condition exhibiting one or more of the following characteristics over a long period of time and to a large adversely affects a child's performance:
 - (a) an inability to learn which cannot be explained by intellectual, sensory, or health factors;
 - (b) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - (c) inappropriate types of behavior or feelings under normal circumstances exhibited in several situations;
 - (d) a general pervasive mood of unhappiness or depression, or a tendency to develop physical symptoms or fears associated with personal or school problems (Federal Register, 1977).
4. **Highly Qualified Educators:** the federal government has a set of mandates and criteria in place used to identify educators as highly qualified based on the completion of college courses, training, and professional development. Requirements of No Child Left Behind

(NCLB) state all teachers be fully licensed by the state of current employment in the grade and subject areas taught (U.S. Department of Education, 2007).

5. **IDEA:** the used to describe The Individuals with Disabilities Education Act is the federal law that outlines rights and regulations for students with disabilities in the United States who require special education. Under the IDEA, all children with disabilities are entitled to a Free Appropriate Public Education (FAPE) in the Least-Restrictive Environment (LRE), and some are entitled to Early Intervention (EI) and Extended School Year (ESY).
6. **IEP:** The Individualized Educational Plan is a plan or program developed to ensure that a child who has a disability identified under the law and is attending an elementary or secondary educational institution receives specialized instruction and related services.
7. **Least Restrictive Environment (LRE):** providing disabled students with access to general education with non-disabled peers and educational activities whenever possible (U.S. Department of Education, 2007).
8. **Low Socio-Economic Status (SES):** this variable will be defined by a student's participation in the free or reduced lunch programs on their campus. This criterion for SES is used in Federal programs' calculation formula to determine the allocation of monies to local school districts in the U.S.
9. **N Vivo coding software:** a textual internet database used in qualitative coding procedures (Coviello & Jones, 2004).
10. **No Child Left Behind (NCLB) of 2001:** a federally funded educational goal for the curriculum areas of reading, math, and science for public education systems in the United

States. This federally mandated act also established criteria for professional development for educators (U.S. Department of Education, 2007).

11. **Overrepresentation:** refers to the identification of a group served in special education that is higher than their population in general education (National Research Council, 2002) The high occurrence of minority, particular African American youth, inappropriately placed in disability categories like mentally retarded, emotionally disturbed, and learning disabled (Hosp & Reschly, 2004).
12. **Semiotic Phenomenology:** a research approach related to qualitative research where the researcher aims to understand a particular phenomenon through in-depth interviews with a small number of subjects where the researcher seeks to understand signs and patterns exposed through communicating with research participants (Merriam, 2002).
13. **Special Education Services:** programming designed for students identified with learning needs who cannot meet learning goals set by state standardized curriculum without accommodations (U.S. Department of Education, 2005).

1.8. Research Questions

The research questions in this study are as follows:

- Question 1 What factors contribute to the overrepresentation of African American male students in special education?
- Question 2 What is the association in teachers' roles, perceptions, and demographics with the overrepresentation of African American males in special education programs?

1.9. Chapter Summary

As discussed above, the research conducted on the overrepresentation of African American males in special education has been a blatant issue in today's educational realm. This case study analysis will analyze three of the studies conducted on this issue. The next chapter will provide an overview of the published literature regarding the factors that may influence the overrepresentation of African American males in special education programs, the perceptions teachers have on African American males and students; teacher demographics and the roles teachers play in referring African American males to special education programs.

CHAPTER II: LITERATURE REVIEW

2.1. Introduction

The purpose of this chapter is to examine the relevant literature related to the overrepresentation of African American males in special education programs in public school settings. This chapter will provide an overview of the published literature regarding the various factors that have an impact on the overrepresentation of African American male students in special education programs in public school settings for African American males. The review of the literature also focuses on teacher demographics, roles, and perceptions on referring African American male students to special education programs. The review of the literature contains:

- (a) Background of race and disability;
- (b) History of IDEA;
- (c) Overrepresentation of African American males in special education;
- (d) Theories of overrepresentation;
- (e) The special education referral process.

2.2. Background on Race and Disability

For more than five decades, Lloyd Dunn (1968) exposed the deplorable reality of many poor and African American children within New York's public-school system (Arnold & Lassmann, 2003; Artiles, Harry, Reschly, & Chinn, 2002; Blanchett, Mumford, & Beachum, 2005; Hosp & Reschly, 2003; MacMillan & Reschly, 1998). He reported that African American children were being placed in EMR classes at an alarming rate. Dunn (1968) estimated that 60% to 80% of the students enrolled in these classes were minority or low SES students (Dunn;

MacMillan & Reschly, 1998). African Americans who had not previously been identified as “disabled” were labeled and excluded from rigorous curricula and separated from their “nondisabled” White peers (Ferri & Connor, 2005; Hosp & Reschly). Caucasians were surprisingly underrepresented in these classes, even when their cognitive disabilities were accompanied by physical abnormalities (Mercer, 1972). On the West Coast, Jane Mercer reported a similar phenomenon for Hispanic and Black children in California (Blanchett, Mumford, & Beachum, 2005; Hosp & Reschly, 2003). Hispanic and African American children were two to four times more likely than White children to be labeled as MR and placed in segregated classes (Mercer, 1973; Smith, 1983). The purposeful desegregation being implemented within the schools was eloquently described by Ferri and Connor (2005a): “ironically, history illustrates that at the very moment when difference is on the verge of being integrated or included, new forms of containment emerge to maintain the status quo” (p. 97). It is believed by some that within this environment of exclusion, the intentions and purpose of the special education system were exploited and used as means of desegregation (Connor & Ferri, 2005; Dunn, 1968; Ferri & Connor, 2005; Kunjufu, 2005).

Civil rights activists became concerned with the overrepresentation of minority students in “special” programs and the ensuing segregation of these students from their White peers (NRC, 1982). In the *Larry P. v. Riles* (1972) ruling, the placement of African American students in EMR programs using standardized intelligence tests was deemed discriminatory. As a result, schools in California were banned from using intelligence tests to place African American students in EMR classes and required to reassess those remaining in such classes, as well as eliminate overrepresentation of minorities in their programs (Coutinho & Oswald, 2000; de la Cruz, 1996; Ferri & Connor, 2005a). *Lora v. Board of Education of the City of New York*

(1977) was brought to court on behalf of minority students placed in segregated classes for the emotionally disturbed. Court findings supported previous renderings-culturally and linguistically diverse students with disabilities must be educated along with nondisabled peers to the greatest extent appropriate (de la Cruz, 1996; Harry & Anderson, 1994). As a result of the overidentification of minority groups in certain disability categories, much attention was given to special education policy and procedures. Despite efforts to improve the quality of general and special education, minority students continue to be overrepresented in special education. In 2003, African Americans were more likely to receive special education services than all other ethnic groups combined under IDEA, Part B (U.S. Department of Education 2005). According to the U.S. Department of Education et al. report, in 2003 African Americans were three times more likely to receive special education services in the MR program and 2.3 times more likely to receive special education services in the ED program.

2.3. History of IDEA

In 1975, President Gerald Ford signed into law the Education for All Handicapped Children Act (Public Law 94-142), now known as the Individuals with Disabilities Act (IDEA). The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children. The IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children, and youth with disabilities (U.S. Department of Education).

According to the IDEA website:

The IDEA law provides federal grants and funds to states, state educational agencies, institutions of higher education, and non-profit organizations. IDEA is comprised of four parts to aid with youth m birth to 21 years of age. Part A outlines IDEA's general provisions, including the purpose of IDEA and the definitions used throughout the statute. Part B includes provisions related to formula grants that assist states in providing a free appropriate public education in the least restrictive environment for children with disabilities ages three through 21. Part C includes provisions related to formula grants that assist states in providing early intervention services for infants and toddlers birth through age two and their families. Part D includes provisions related to discretionary grants to support state personnel development, technical assistance and dissemination, technology, and parent-training and information centers. The U.S. Department of Education issues regulations to implement the requirements of the Individuals with Disabilities Education Act (IDEA). Since these regulations are statutes that must be followed, all agencies must follow the regulations with fidelity or face sanctions or fines. (p.1)

In 2004, Former President George W. Bush revised the IDEA law to what is now known as the *Individual with Disabilities Education Improvement Act of 2004* (Yell, Shriner, & Katsiyannis, 2006). The reauthorization of the law made changes to regulations that provided more clarity, specifics, and inclusion of parental rights and roles, additional learning disorders or injuries to children, court awarded legal fees to parents if they prevailed under the law and made extensive changes to the IEP.

According to Yell, Shriner, & Katsiyannis, (2006) the primary goal of IDEA is to improve outcomes for students with disabilities. The law accomplishes this in a number of ways, including:

- emphasizing the substantive requirements of the special education process;
- aligning IDEA with NCLB's provisions such as adequate yearly progress (AYP), highly qualified personnel, and evidence-based practices;
- altering eligibility requirements.

The reauthorization of IDEA has streamlined the process of IEP implementation and provided educators with opportunities to ensure their special education students are provided with meaningful opportunities for educational success.

2.4. Reflections on the 25th Anniversary of the Individuals with Disabilities Education Act

The evolution of federal legislation regarding the historical Individuals with Disabilities Education Act celebrated the 25th anniversary on November 29, 2000. This momentous occasion brought together a ceremony led by then president, Bill Clinton, to address the millions of Americans about the recognition of how far the IDEA law has brought our American students with disabilities. The article begins with an overview of the first 25 years of the seminal law. Prior to 1975, access for students with disabilities to education opportunities were very limited in two major ways (Katsiyannis, Yell, & Bradley, 2001). Initially, students were completely excluded from public schools. Congressional finding in 1974 indicated that more than 1.75 million students with disabilities did not receive educational services. Second, parents were led to believe they were responsible both physically and financially to find schools and the services needed for their children to receive a quality education. Public schools implied they were unable to provide the necessary services, accommodations, and education for those students. While some states outlawed identified disabled students from attending their public schools, those that did not, still were not providing an appropriate education to fulfill the needs correctly for students with disabilities. In the 1970s only 20% of children with disabilities in U.S. school were being educated (Katsiyannis, Yell, & Bradley, 2001).

Parents and advocacy groups began to stand up to Congress and political law makers regarding the appropriate education for their students. In *Brown v. Board of Education* (1954), the U.S. Supreme Court outlawed segregation by race in public education. This was deemed a

violation of the 14th Amendment to the U.S. Constitution. This was a major breakthrough for all children of any race to receive an equal opportunity for an appropriate education. After this ruling, advocates of children with disabilities argued a similar thought. If segregation by race was a denial of an equal education opportunity, then the exclusion of students with disabilities from schools was also a violation (Yell, 1998). This brought about a movement of parent advocacy groups to begin suing states to get the free and appropriate education for their students. Eventually, 28 states were forced by court rulings to follow this law; however, many students were still denied the proper services needed once enrolled in those public schools.

Given the challenges that students with disabilities face in their efforts to access educational services, Congress enacted legislation to assure the educational rights of students with disabilities (Turnbull & Turnbull, 2000). This led to several additional federal laws to protect children with disabilities. The Elementary and Secondary Education Act of 1965 was the first law to provide direct federal aid to states to assist with educating student whose families were below the poverty line. The money was to be used to improve the education of students with disabilities in state schools for the blind, deaf, and retarded (Huefner, 2000). The Education of the Handicapped Act of 1970 was the first law that exclusively addressed students with disabilities, the Education of the Handicapped Act (EHA) (Katiyannis, Yell, & Bradley, 2001). This law assisted the ESEA with providing grants to colleges and university to develop programs to train teachers of students with disabilities. After one year, an amendment to the EHA, the EAHCA became the first major federal effort to ensure a free, appropriate public education (FAPE) for students with disabilities (Katiyannis, Yell, & Bradley, 2001). The EAHCA of 1975 provided states with federal funding if they provided appropriate education programs for students with disabilities. These states had to prove they were educating students appropriately in

accordance with the law. The law required that students with disabilities receive special education and related services that:

- a) are provided at public expense;
- b) meet the standards of the state education agency;
- c) include an appropriate preschool, elementary, and secondary school education in the state involved; and
- d) are provided in conformity with an Individualized Education Program (IEP) that is designed for each student. (p. 27)

There have been several amendments to the law throughout the years. One amendment is for Congress to reauthorize the continued funding every four years or so (Katsiyannis, Yell, & Bradley, 2001) to ensure the delivery of special education is being offered with fidelity.

Subsequently, the next decade proved to have a major amendment to EAHCA by changing it to the IDEA. The IDEA is a comprehensive law that not only provides supportive funding to the states but also governs how students with disabilities will be educated (Katsiyanni, Yell, & Bradley, 2001). This law is designed to ensure all states receiving federal funding will meet the needs of students with disabilities by providing the unique related services of those students. IDEA is divided into part A, B, C, and D. Part A provides the definitions of terms that are used throughout the IDEA, as well as the findings of fact regarding the education of students with disabilities. Part B is the section with which teachers and administrators are most familiar. It contains principles to which states must adhere when educating students with disabilities. States must submit a plan that allocates funds to local school districts based on their needs. Unlike Part A, this portion of the IDEA has to be reauthorized by Congress as often as necessary.

Katiyannis, Yell, and Bradley (2001) describe Part C as an amendment requiring states to

develop and implement statewide interagency programs of early intervention services for infants and toddlers with disabilities and their families. Perhaps the least know part of IDEA is Part D. This section makes significant contributions to improved practices in special education. It provides an infrastructure of practices in education of students with disabilities (Katsiyannis, Yell, & Bradley, 2001).

Katsiyannis, Yell, and Bradley (2001) noted the challenges of the next 25 years for IDEA. The emphasis will be improving the effectiveness of special education by requiring demonstrable improvements in the educational achievement of students with disabilities. Researchers conclude the hope for the next 25 years will be for teachers, administrators, and parents to work together on students' IEP teams to assist with development of meaningful accommodations and goals.

2.5. History Grounded in Disability Studies

Researchers are completing studies on the overrepresentation of students identified in high incidence categories, legally defined labels such as Learning Disabled (LD), Mentally Retarded (MR), and Emotionally Disturbed (ED). The findings in these reports are suggesting the identify factors and history are now becoming the “new normal” when minority students have been referred to special education.

Reid and Knight (2006), in their article, “*A Demonstration That a Critical History Grounded in Disability Studies (DS)*”, sheds a productive light on the problem of overrepresentation of minority students in the high incidence disability groups in K – 12 special education and the underrepresentation of such students in college admissions. The researchers will show how history penetrates current practice, by providing an example of how labeling minority students as LD affects college admissions.

Disability Studies is an interdisciplinary field of scholarship that unites critical inquiry with political advocacy by using approaches from the arts and humanities and humanistic and post-humanistic social sciences to improve the lives of disabled people on the basis of their self-expressed needs and desires (Gabel, 2005). First, DS challenges the idea of normalcy as a regime of truth (Davis, 1997) and exposes the destructive consequences of “othering” framing disabled persons as outsiders (Goffman, 1963). However, it is deemed impossible to discuss federal funding for disproportionality without labeling students. Additionally, DS questions who gives the right to whom to speak for disability issues (where disabled people should receive services). The so-called experts should not have the final or only “say” about these services and who shall be deemed identified to receive them. Third, DS counters hegemony and promotes democratic participation through a critique of pathologizing beliefs about disability and examination of the politics of exclusion (Ware, 2004).

Reid and Knight (2006) will show how today’s society has deemed it normal to see students of color and those living in poverty as “Other” by associating them with disability (Gallagher, 1999). Because many teachers and the public judge students as acceptable or unacceptable (i.e.. normal or abnormal; (Youdell, 2003) according to a set of standards that conform to the historical White European ideal, they consider the dialects of African American and Latinas as inferior to Standard American English (Delpit, 2003) and believe students that do not do well in school, are often students of color, the poor, and those labeled disabled (Bartolome, 2003). These normal justifications make it seem normal for teachers to hold students to an unfamiliar standard and identify them as to having some type of impairment. This system is created for students of color and minority students to be at a disadvantage. Most special education programs, while are supposed to be inclusive, tend to exclude special education

students from general education curriculum and activities. As noted by Harry and Kilnger (2006), studies suggest that K – 12 minority students in special education actually receive fewer and more technically oriented services in more segregated settings. The logic assumes that special education will improve these students' school outcomes. Nevertheless, the evidence is mixed.

Reid and Knight (2006) found that because of conflation of disability with race and class identity markers, DS scholars question the practice of labeling students at all and argue against the need to deliver remedial instructional services in segregated settings. Many, instead, promote inclusive education based on constructivist, differentiated instruction and universal design (Broderick, Mehta-Parekh, & Reid, 2005; Reid and Valle, 2004). The hope is that providing respectful, integrated, age-appropriate classroom for students of all races, classes, genders, and abilities will facilitate more equitable K-12 educational opportunities and improve other life chances.

2.6. Overrepresentation of African American Males in Special Education

The overrepresentation of African Americans in certain special education programs has been a persistent problem negatively affecting large numbers of African Americans and their families, the field of special education, and society at large (Patton, 1998). Overrepresentation of African American males in special education has been identified by researchers as the misdiagnosis from general education teachers that may be having difficulties with addressing the needs of African American males in the classroom. The consequences of this misidentification, classification, and placement are often exacerbated by the fact that many African American youth today fail to receive a quality and life-enhancing education in those special education programs (Patton, 1998).

There have been concerns of violations of civil rights for these students and the disproportionality in special education. Recently renewed attention has been made regarding these issues with Congress. This brought about two initiatives from the U.S. Office of Education. The first initiative required LEA's to critique the use of intelligence tests in special education settings and provide possible alternatives to those tests and the second was to provide additional funding to the National Association of State Directors of Special Education to examine policy issues around the disproportionality problem and recommend practical solutions (Patton, 1998).

Patton (1998) explored persistent patterns within the overrepresentation problem of African American youths. He notes the factors range from failure of the general education system (Artiles & Trent, 1994) to inequities associated with the special education referral, assessment and placement processes (Harry & Anderson, 1994). General education teachers have proven to be deficient with cultural diversity for African American males. This causes the placement of African American males at great risk of being falsely referred to special education and possibly falsely labeled with a learning disability.

2.7. The Miner's Canary: A Review of Overrepresentation Research and Explanations

Overrepresentation research of culturally and linguistically diverse (CLD) learners has been reviewed since the late 1960s. The focus on the overrepresentation has been to answer two questions: a) What are the characteristics of overrepresentation studies; b) How do studies frame the problem? The unequal proportion of culturally diverse students in special education programs has become the pattern of disproportionality. While both over- and under-representation are present, this article focuses on the overrepresentation because it has received by far the most attention in the research literature.

Waitollor, Artiles, Cheney (2010) compare the complex problem overrepresentation to the “The Miner’s Canary”. “Their distress is the first sign of danger that threatens us all” (Guiner & Torres, 2002, p.11). Following this metaphor, the canary warns us about potential unequal distribution of access to opportunities and participation in society that might result from inadequate use of educational practices. This problem does not involve only the canary (i.e., overrepresentation of certain groups), but everyone in the coal mine, which in this case is the educational system (Waitollor et al, 2010).

This metaphor has awakened the powers that be in such a manner that legislators have sprung into action by monitoring, regulating, and addressing the disproportionality patterns. Additionally, there has been an increase in research grants and publications and funded technical assistance and professional development put into place for SEAs to get a handle on the problem. In order to continue these efforts, a review of literature will continue to provide information on what has be learned from the previous studies and the kinds of research questions, theories, and methodologies that have received the most or least attention. Secondly, this review will inform policy makers and funding agencies about what kinds of interventions are worthy of support.

There have been manifolds of reviews on disproportionality of CLD, classification of students’ disabilities, gifted students, its history, court cases, policy initiatives, and professional approaches published elsewhere. The two National Research Council (NRC) reports on disproportionality and the review published by Coutinho and Oswald (2000) represent good examples. In this research, Heller, Holzman, and Messick (1982) identified plausible explanations for students classified as mild mentally retarded (MMR) and categorized them in six rubrics:

- a) legal and administrative requirements;

- b) students' biological and emotional characteristics;
- c) quality of instruction;
- d) biases in the assessment process (cultural mismatch);
- e) characteristics of students; home and family environment;
- f) historical and cultural processes that "collectively influence" minority status (p. 37).

Many other researchers have noted and studied exemplary factors and characteristics to assist in providing solutions and explanations for what seems to be plaguing students in the United States. Nonetheless, the lack of academic achievement for CLDs is what gains the most attention. Donovan and Cross (2002) argue three contributing arenas, such as the characteristics of the child (i.e., biological, family context, and community context), teacher characteristics (i.e., education, experiences, classroom management style), and the characteristics for the classroom (i.e., classroom size, curriculum and resources). They continue to conclude a key component to addressing the disproportionality of gifted and special education students will require an evaluation of the entire educational system.

2.8. Overrepresentation of African American Males in Special Education: Strategies for School Counselors

Popular court cases such Brown vs. Board of Education of Topeka 1954, have put racial segregation to rest for the public-school education. However, another popular issue that some researchers have noted is the "new system of segregation" (Bradley, Johnson, Rawls, & Plunkett, 2014) is the overrepresentation of African American males in special education. Current statistics indicate that African American boys represent only 9% of the total student enrollment in public schools, yet in the category of mental retardation their enrollment percentage is more than double (20%). In other categories such as emotional disturbance and learning disability,

African American males are again overly represented accounting for 21% and 12% respectively (US Department of Education NCES, 2000).

The counseling profession, with the exception of Lee (1991), has remained relatively silent on this issue, even though extensive writing has been published within educational literature (Bradley, Johnson, Rawls, & Plunkett, 2006). Many scholars have contributed to expressing the reasons, factors, and even remedies for the overrepresentation of African American males in special education programs. The researchers of this article illuminate information pertaining to the overrepresentation as well and include strategies for school counselors to intervene and advocate for African American males and their families.

Within the past five decades, studies continue to reveal a pattern of overrepresentation of African American students in special education classrooms for mental retardation, specific learning disabilities, behavior disorders, physical impairments, visual impairments, and speech impairments (Watkins & Kurtz, 2001). For example, 14.9 percent of African Americans between the age of three to 21 years old received services under IDEA in 2000 (US Department of Education NCES, 2000). Yet, African American students only made up 16.6 percent of the total school population in that same year (US Department of Commerce, 1972-2000).

While there has yet to be an exact reason for the common cause for the placement of African American males in special education programs, many scholars have concluded explanations such as:

- (a) Caucasian teachers may have fear of African American men and youth in general;
- (b) the demographics of the majority of educators (Caucasian and female)
- (c) inadequate culturally responsive instruction of teacher education programs at colleges/universities;

(d) subjective and unreliable referral procedures into special educational programs.

Teachers' perception of African American males has been skewed by social and news media outlets. Therefore, teachers see the African American man and youth as a threat to them or society. The demographics of today's teacher is Caucasian and female, with an upbringing from a suburban, if not affluent, neighborhood. This makes it difficult for the teacher to be able to relate to the cultural differences of her African American male student. Additionally, the number of multicultural or culturally responsive courses that are available in post-secondary instructions are minimal, if any at all. Without those type of courses, teachers go into the classroom culturally incompetent, which then may cause the African American male student to feel inferior. It is important to note that research has shown that many teachers make their special education referral decisions primarily on the extent to which they believe a child is "teachable" or non-threatening (Harry & Anderson, 1994; Hale-Benson, 1982, and Kunjufu, 1985). Lastly, that same teacher (Caucasian and female) will be hasty to refer her African American male student to special education programs because she will deem him as a behavior problem and unteachable.

The effects of frequent placement of African American male students in special education programs can cause severe outcomes for the youth as he becomes an adult. The chance for dropping out of high school is a great possibility, as well as an increased chance of incarceration and the limited career preparation and employability. Harry and Anderson (1994) assert that special education programs do not prepare African American males to take their places as productive members of American society, nor do they provide the same academic and social curricula in general education. Rather, special education programs place students at a greater risk of dropping out of school (Harry & Anderson, 1994). A high early drop-out rate has devastating effects for African American men because students who leave school early increase

their chances of being incarcerated. Furthermore, up to 80% of the prison population has dropped out of school (Whaley & Smyer, 1998). Since seventeen percent of all African American males between the ages of 18-29 are incarcerated, the combination of high drop-out rate and increased chances for incarceration has a negative effect on African American males.

In 2016, American School Counselor Association (ASCA) revised a position statement that included eight roles that school counselors can take in working with students with disabilities (ASCA, 2016). Although substantial literature acknowledges that school counselors do not have much training in working with students with disabilities (Myer, 2005), the ASCA position statement identifies advocacy, and working as a part of the multidisciplinary team as roles that school counselors can take in making changes to the referral system for special education as it relates to African American male students.

- providing school counseling curriculum lessons, individual and/or group counseling to students with special needs within the scope of the comprehensive school counseling program
- providing short-term, goal-focused counseling in instances where it is appropriate to include these strategies as a part of the IEP or 504 plan
- encouraging family involvement in the educational process
- consulting and collaborating with staff and families to understand the special needs of a student and understanding the adaptations and modifications needed to assist the student
- advocating for students with special needs in the school and in the community

- contributing to the school's multidisciplinary team within the scope and practice of the comprehensive school counseling program to identify students who may need to be assessed to determine special education or 504 plan eligibility
- collaborating with other related student support professionals (e.g., school psychologists, physical therapists, occupational therapists, special education staff, speech and language pathologists) in the delivery of services
- providing assistance with developing academic, transition and postsecondary plans for students with IEP's and 504 plans as appropriate
- *Racism and School Counselors.* School counselors of all races and ethnicities have the potential to work successfully with Afro-American youth, but it is important that they engage in active exploration and resolution of their own biases (Fusick & Bordeau, 2004). The attitudes and beliefs school counselors hold about race and racism may also contribute to this education problem even though teacher bias and racism has been identified as a major factor in the disproportional representation of African Americans males in special education (Neal, Davis McCray, & Webb-Johnson, 2001). School counselors should be in the position to not only be aware of their racist attitudes, but also those of other staff personnel. Although racism can manifest in various forms ranging from stereotyping to committing acts of violence against persons of color, school counselors must address the range of racist attitudes (Holcom-McCoy, 2004). Moreover, school counselors who have a genuine interest in addressing the overrepresentation of African American males should be in a position to identify and respond to some

of the systemic, institutional, and social-political forces at work in the school system in order to advocate for African American males (p.72).

2.9. School Discipline and the Policies that Govern

Behavioral problems within United States public school contexts are generally handled by the suspension and/or expulsion of students who are deemed disruptive. These practices are, in large part, due to the widespread and continuous adoption of the rigid zero tolerance approach to discipline (Leone, Mayer, Malemgren, & Meisel 2000). Broadly speaking, zero tolerance refers to policies that harshly punish all forms of student misconduct and wrongdoings with little or no regard to the severity of the offense that is committed. These policies have continued to gain momentum and have subsequently spawned the Gun Free Schools Act of 1994, an act which mandates that local educational agencies (LEAs) expel students, for a minimum length of one year, if they are caught with a weapon on school premises (USC Chapter 70, Dec 8921). According to Fuentes (2003), the most extremely wicked implication of this policy is its negative impact on students' academic performance; students are essentially rendered incapacitated when they are suspended from the classroom setting in a time span as short as two or more days (Fuentes, 2003). Thus, one of the major criticisms of the zero-tolerance policy is that it not only contributes to the loss of critical classroom instructional time, but also inherently gives way to unsupervised activities that students engage in outside of the school setting.

Findings from these investigations yield evidence that support a strong correlation among negative outcome variables such as:

- (a) dropping out;
- (b) disaffection and alienation;
- (c) delinquency;

- (d) retention;
- (f) academic failure; and
- (g) school suspensions/expulsions when applied to this group (Ekstrom, Goertz, Pollack, & Rock, 1986).

These investigations conclude that, if African American students are removed from educational environments for extended periods of time, there is less time dedicated toward learning. Hence, these students are not actively engaged in the classroom learning context, and opportunities for their academic development become severely weakened.

2.10. Disproportionate Representation of Students of Color in Exclusionary Discipline

The overrepresentation of ethnic minority students, particularly African American males, in the exclusionary discipline consequences of suspension and expulsion is not a new finding. Skiba and colleagues (2000) have taken the lead in examining the validity of three commonly offered explanations. These explanations all focus on factors related to the student or perceived miscalculations of the actual data. For example, one explanation is that socioeconomic differences among African American and White students, rather than race itself, account for overrepresentation in school discipline. The data do not support this, as disproportionate ethnic representation in discipline remains, even after controlling for SES (Skiba, 2000; Wu, Pink, Crain, & Moles, 1982). Second, it has been intimated that African American youth engage in more severe behaviors to warrant such severe discipline. To test this supposition, Skiba (2000) reviewed 1994-1995 school discipline data in a large, urban, Midwest middle school. Their sample was primarily African American and White, with a large percentage of students qualifying for free or reduced lunch. African American youth did not receive more referrals for

severe behaviors. On the contrary, they received disproportionately more referrals for subjective and nonviolent offenses, such as disrespect and excessive noise.

Finally, the validity of the most common formulas used to calculate ethnic disproportionality in discipline has been challenged. The baseline ethnic distribution and the absolute proportion method, followed using ratios, are the most prevalent methods used when calculating disproportionate representation in discipline and other categories, such as special education placement (Coutinho & Oswald, 2000; MacMillan & Reschly, 1998; Reschly, 1997; Reschly, Kicklighter, & McKee, 1988). The baseline ethnic distribution is a measure of the percentage of students in a category of interest (e.g., those who are suspended or expelled) by ethnic group (MacMillan & Reschly, 1998; Reschly, 1997). As an example, African American students in a school could receive 30% of all suspensions yet comprise 15% of the total school population. In this method, one would examine the percentage of African American students who are suspended or expelled compared to the percentage of African American students in the school. The absolute proportion method is typically a more conservative estimate, as it tends to result in lower percentages (MacMillan & Reschly, 1998).

2.11. Punitive Nature of Written Discipline Policies and the Impact on Students of Color

The empirical research reviewed illustrates the general targeting of those who do not fit within the school norms (e.g., poor students of color with academic problems). I would argue that, coupled with the issue of over identification of students of color at the classroom level as troublemakers or threatening “classroom control”, are the limited proactive alternatives to traditional punitive consequences once any student is removed from the classroom (Fenning & Bohanon, 2006; Fenning et al., 2004). It may be the case that overrepresentation of students of color is related to these individuals receiving significantly more referrals in the first place (Skiba

et al., 2000). In this section, I will more closely examine the findings of content analyses of written discipline codes of conduct. Despite the important role of written policies, such as discipline codes of conduct mandated under the No Child Left Behind Act (NCLB, 2001), there has been relatively limited formal study of these documents. Content analyses of discipline codes of conduct provide further support that these written documents emphasize a few punitive responses, such as suspension and expulsion, to the exclusion of proactive alternatives (Fenning, Wilczynski, & Parraga, 2000). Recently, a content analysis of 64 secondary school discipline codes of conduct was completed using the Analysis of Discipline Codes Rating Scale, a coding system used to classify formal written responses to behaviors ranging from mild to severe. Reactive measures were the most commonly stated responses to code infractions, even for minor behaviors unrelated to school safety (Fenning et al., in press). For example, suspension was listed as an option in 33% of policies reviewed for tardy behavior. Reactive measures were defined as those that are punitive in nature without any direct teaching of behaviors. Reactive means, such as suspension and expulsion, were the most likely consequences offered, regardless of the problem behavior. Proactive consequences, those with the potential to directly teach alternative expected behaviors, were offered very infrequently, even for behaviors that were not violent in nature. When proactive consequences were offered, they tended to be global in nature (e.g., counseling), as opposed to focusing on the direct teaching of the expected behavior. Certainly, the lack of school responses found in policies that proactively teach alternative expected behaviors and the reliance on suspension/expulsion are troubling for all students. The limited efficacy of suspension and expulsion is well documented (Skiba & Rausch, 2006). Therefore, changing the punitive nature of discipline policies and finding more proactive responses to address behavioral concerns of all students are of paramount importance.

2.12. Overrepresentation in Discipline Consequences

The consistency of empirical research previously reviewed in and outside of the United States, and content analyses of discipline codes of conduct, is compelling evidence for the need to examine the ways in which school personnel invoke discipline procedures for students perceived as troublemakers or as threatening classroom control. These labeled students are most likely to be poor students of color and those with academic problems (Morrison & D’Incau, 1997; Skiba et al., 2000). Once removed from the classroom because of fear of control and being labeled in this manner, there are relatively limited responses in the schoolwide discipline policy other than suspension and expulsion. With the emerging line of research that increasingly is documenting the school-to-prison pipeline, one would believe that researchers cannot ignore the contribution that these school variables make to the over-identification of students of color as troublemakers and the resulting exclusionary discipline administered to them. Rather than continuing to look at factors internal to the students or trying to disprove more than 30 years of consistent research findings about ethnic disproportionality in discipline, we need to consider how school factors may be contributing to this long-standing problem. Classroom management and interaction procedures that target students of color for removal from the classroom and the limited available alternatives to suspension and expulsion in policies are two general areas to address.

To achieve the goal of creating equitable discipline policies and practices, the collection of data is critical to evaluate progress. Similar to conducting a functional analysis of behavior for individual students, schoolwide data can be examined to evaluate discipline policies and to determine whether these policies are appropriate for the student body in general, consistent with PBS models described earlier (Sugai et al., 1999). Data like those commonly reported by the

Office for Civil Rights (U.S. Department of Education, 2002) could be routinely used in schools to review discipline responses by ethnicity and to track, in general, the most common issues faced in the school building. Basic frequency counts and percentages of the types of school responses for infractions by ethnicity should be routinely calculated and reviewed by the discipline team. This information, coupled with information about the ethnic representation of students in the school, will help determine whether ethnic minority youth are overrepresented in discipline consequences. It would be critical to know, by discipline infraction and ethnicity, the percentage of cases that result in exclusionary consequences (e.g., suspension or expulsion), which is already mandated under IDEA (2004) for students in special education.

The review of schoolwide discipline data is critical to evaluate the efficacy of school discipline procedures, potentially measured by the number and type of office disciplinary referrals and the impact of discipline policy on discipline outcomes for ethnic minority students. The data can be continually fed back to the system to drive discipline policy decisions that are equitable, are proactive, and result in positive changes in behavior.

2.13. Teacher Perception

Cultural identity makes life secure and meaningful (Tatum, 1997; Neal, McCray, Webb-Johnson, & Bridgest, 2003) and knowledge of culture provides a sense of power (Delpit, 1995; Neal, McCray, Webb-Johnson, & Bridgest, 2003). General educators may take some time to learn their students' interest, learning styles, abilities, grades, social connections, and any type of problems they may have. Accord to Reschly (1980), some educators responsible for teaching African American male students are not aware of the cultural differences and backgrounds of African American students, and therefore view these differences as a learning disability. These

perceptions of culture related identities and their manifestations in the classroom are especially relevant to school achievement by students.

Researchers have indicated that teachers' perceptions and lack of cultural responsiveness can result in student psychological discomfort and low achievement (Hilliard, 1976; Obiafor, 1999; Neal, McCray, Webb-Johnson, & Bridgest, 2003) and in social and academic failure (Banks & Banks, 1993; Gay, 1994, Payne, 1995; Pollack, 1998; Neal, McCray, Webb-Johnson, Bridgest, 2003). Gay (2000) noted African American students, for example, have been found to benefit from a culturally responsive pedagogy that is theoretically grounded in teaching-effectiveness research. Ladson-Billings (2001) argued, "Students of color may become alienated from the schooling process because schooling often asks children to be something or someone other than who they really are...It asks them to dismiss their community and cultural knowledge. It erases things that the students hold dear" (p. xiv). Since teachers are the people that spend the most time with students, when they fail to connect with their students' culture and schooling, the risk for teacher referral for special education services increases and should be examined more closely (Hilliard, 1992 et al.).

Neal, McCray, Webb-Johnson, and Bridgest (2003) examined teachers' perceptions of African American males' aggression and achievement and the need for special education services' cultural movement styles (i.e., walking). A significant emphasis on African American development is from cultural movement, rhythm, percussion, music, and dance. Movement, in particular, has been an integral part of the African American experience in the United States. Examples of this movement is the "cool pose" and "stroll". Most of these movements are indicative characteristics of the African American male. According to Billson (1992), the cool pose is "a ritualized form of masculinity that entails behaviors, scripts, physical posturing,

impression management, and carefully crafted performances that deliver a single, critical message: pride, strength, and control” (p.4). Neal (1997) characterized walking styles as standard or nonstandard. He identified the standard style as an erect posture with leg and arm swing synchronized with posture and pace, a steady stride, and a straight head. This style was mostly being used by Caucasian adolescents. The nonstandard walking style (the stroll), used mostly by African American adolescents, was described as a deliberately swaggered or bent posture, with the head held slightly tilted to the side, one foot dragging, and an exaggerated knee bend (dip). For purposes of this study, the researchers used the term *stroll* to refer to the walking style of African American males. The researchers also make note of other stereotypes about African American males in today’s society. They are labeled by Caucasians as being hostile, angry, and prone to violence (Carby, 1998; Fujioka, 1999; Sue & Sue, 1990). Additionally, the label is more prominent today as depicted by the news and social media.

This study explored teachers’ perceptions of African American males’ aggression, achievement, and need for special education services based on their cultural movement, such as their stroll (Neal, McCray, Webb-Johnson, Bridgest, 2003). The participants included 136 middle school teachers from six different middle schools in a suburban school district in a southwestern state. The teachers participated on a voluntary basis; however, they were not informed of the specifics of the actual study, just that it was a study about middle school students and teachers. This was done to alleviate any biases. Teachers were given a questionnaire and had to view one of four video tapes. The questionnaire included demographics for all participants, except for one teacher who declined to provide her information. The majority of the participants were Caucasian female teachers who had grown up in suburban communities and received schooling with predominately Caucasian students. Less than one fourth of the teachers

in the study had been a student in school with racially and ethnically diverse student bodies (Neal, McCray, Webb-Johnson, & Bridgest, 2003). The researchers reported the majority of the participants reported credentials as general education teachers, with only 12% to 21% being special education teachers; participants' years of teacher experience ranged from 9 years to nearly 12 year. Finally, the participants' ages ranged from 22 years to 46 years (Neal et al., 2003).

There were four videotapes developed that depicted two students walking and a questionnaire with adjectives to indicate perceptions of aggression and achievement were used to ascertain teachers' perceptions of student aggression and achievement. Additionally, a 4-point Likert scale was also included in the questionnaire to determine whether the participants would perceive students as needing special education services.

Each videotape illustrated movement style (walking) of two eighth grade boys, one African American and one Caucasian. They separately demonstrated both the walking movement of the standard walking style and the stroll style. They began next to a locker, walked into a classroom, and sat down at the rear of the classroom. They were dressed in clothing of an average middle school boy (jeans, white T-shirt, and a professional team basketball jersey). The boys were also similar in height and weight.

The questionnaire given to participants was an Adjective Checklist (ACL; Gough & Heilbrun, 1983) as the basis for the development of a questionnaire to use in conjunction with the videotapes (Neal et al., 2003). The researchers used ANOVA to analyze the interaction effects between student ethnicity and student movement and teachers' rates of student achievement, aggression, and special education placement. The analysis of variance included the

two levels of ethnicity (African American and Caucasian) and two levels of the student movement (standard walk and stroll).

Results of the findings are as follows:

Teachers' Perceptions of Students' Achievement showed teacher participants perceived the students with a stroll to be lower in achievement, then the students with the standard movement style. They rated the Caucasian with a stroll lower in achievement than the African American student with a stroll. They rated the African American student with a standard walk as higher in achievement than the Caucasian student. For the variable of ethnicity, teachers rated the African American student higher in achievement than the Caucasian student (Neal, et al, 2003).

Teachers' Perception of Students' Aggression results indicated teachers perceived the students with a stroll as higher in aggression, than students with the standard movement style; no statistically significant differences were found in teachers' perceptions of aggression for the African American student with a stroll and his Caucasian peer with a stroll. Finally, on statistically differences were found between teachers' rating of aggression for the African American student with the standard walk and the Caucasian student with the standard walk.

Teachers' Perception of Students' Need for Special Education found that there was no statistically significant interaction effect between movement and ethnicity, however, there a statistically significant difference for the main effect of movement style was found, but not for the ethnicity. Therefore, teachers perceived the student with a stroll as more likely to need special education services than the student with a standard walk. No statistically significant differences were found in teacher's rating of a need for special

education for the African American student with stroll versus the Caucasian student with a stroll.

In conclusion, a major finding was that teachers perceived African American and Caucasian students with a stroll to be lower in achievement than African American and Caucasian students with a standard movement style. Another finding was that teachers perceived African American and Caucasian students with a stroll to be higher in aggression than African American and Caucasian students with a standard movement style. Finally, teachers perceived African American and Caucasian students with a stroll as more likely to need special education services than African American and Caucasian students with the standard movement style.

Given the long history of African American males being perceived as behaviorally deviant and intellectually inferior, it should come as no surprise that other non-African American students perceived as “acting Black” also may be at risk for low teacher expectation and school underachievement. It stands to reason, therefore, that ethnicity and culture are inextricably linked variables for investigating and interpreting how teachers might react to behavioral differences (Neal et al., 2003).

2.14. The Overrepresentation of African American Males in Special Education and the Effects on Self-Esteem Based on Teachers’ Perceptions.

The overrepresentation of African American males in Special Education has been researched for over 50 years. However, this study includes how a teacher’s perceptions of African American males in special education programs may be affecting the self-esteem of those students. Parker (2013) tells us that, historically, the state of public education in the United States has been an issue surrounded with controversy and conflict. Overrepresentation of African American males in special education has been at the forefront. According to studies

conducted in the field of special education, African American students are three times more likely to be designated *special education* as compared to their European American counterparts (“Report: Black More Likely,” 2002). Kunjufu (2005) found that African American boys are perceived by Caucasian, female teachers and administrators as *disabled, delinquent, aggressive or insolent* in relation to their behaviors. Afro-centric education theories question such labeling as discriminatory and based on fundamental ignorance and misunderstanding of Black boy culture (Brooks, West-Olatunji, & Baker, 2006; Kunjufu, 2005; Sherwin & Schmidt, 2003). The overrepresentation of African American males in special education can be seen as an aspect of de facto segregation. Finkelman (2009) found that de facto segregation exists whenever social, political, and economic or public policies occur, despite a lack of legal requirement for such segregation to exist.

This study examines not only the factors that may play a major role in African American males in special education, but also how the teacher’s perception and the effects of that perception may have on African American males’ self-esteem. Self-esteem is described as a process of integration, where the individual becomes a member of the group and internalized ideas and attitudes as a mirror image, via key figures and by observing actions and attitudes. Bosson, Brown, Zeigler-Hill and Swann (2003) suggested four major factors that are important in the development of self-esteem:

- (a) the treatment and acceptance received from significant others in life,
- (b) past successes,
- (c) the values and aspirations that modify and interpret our experiences, and
- (d) how a person responds to devaluation (p.19).

Bosson et al. (2003) concluded that there were several types of self-esteem: explicit, implicit, optimal, and global. Explicit self-esteem is expressed, conscious, and verbal. Implicit self-esteem is automatic and non-verbal. Self-esteem may affect achieving certain goals or increasing coping in various situations; whereas, low self-esteem would cause one to avoid situations and people (Hendy, Eggen Gustitus, McLeod, & Ng, 2003). Self-esteem could also influence decision-making, which would have a critical effect on a person's life (D'Amico & Cardaci, 2003). Hendy et al. concluded that self-esteem can also play a role on having protected or unprotected sex, age of losing virginity, attendance in school, involvement in crime, drug and alcohol use, suicide, obtaining a job, career choice, choosing friends, diet, parenting skills, and domestic violence. Self-esteem has also been linked to achievement, poor performance in school, teenage pregnancy, bullying peers, and involvement in the court system (D'Amico & Cardaci, 2003).

African American males may experience ongoing stressors related to racial discrimination, acculturation, and academic difficulties due to general adaptation issues that relate to the mainstream culture (Brems, 2008). With the lack of resources to address low self-esteem, many become aggressive or display violent behaviors in the classroom.

The study will focus on African American males in special education as compared to their general education counterparts based on their teachers' perceptions. Based on teachers' perception and to what extent, the goal of the researcher was to determine if the overrepresentation of African American males in special education affects their self-esteem compared to their general education counterparts. The findings could assist teachers and administrators in developing awareness and differential learning styles that would promote an increase in the academic success of African American boys. The study takes place in a large

urban school district in Memphis, Tennessee, using teachers from one elementary school. The goal of the author was to choose a school with African American males being the minority of the total school population, but at the same time making up most of the special education population. The participants included twenty-five certified teachers of both general and special education. The population used was random and included teachers who volunteered to participate. They were informed of why the study was conducted and given a description of their roles as the participants. Participants provided their gender, number of years teaching, and if he or she taught as special education teacher or general education teacher (Parker, 2013).

A quantitative method using a correlational research design was used for this study to measure self-esteem of African American male students in special education. The researcher's goal was to determine the relationship between the independent and dependent variable. A Revised Coopersmith Self-Esteem Inventory Adult Form (Francis, Hills, & Jennings, 2011) was used in the form of a survey. It included 25 items and the option of a Likert Scale. The Likert Scale options were 1 = unlike them, 2 = somewhat unlike them, 3 = don't know; 4 = somewhat like them, and 5 = like them. Following are example questions: Things usually don't bother my students. My students feel they are a lot of fun to be with. My students give in very easily. My student's family understands them. My students feel they can't be depended on. There were not any right or wrong answers (Parker, 2013). Four sub-categories were included in this inventory: general self, social-self/peers, home/parents, and school/academics.

The data analysis included descriptive statistics along with Pearson for correlational purposes and ANOVA (one-tailed) to test the data (Parker, 2013). The results revealed all types of African American males, regardless of the class type, have low self-esteem (Parker, 2013). According to Parker (2013), 13/25 survey questions were statistically significant. Parker (2013)

also noted recommendations for future research, administrators, teachers, parents/families, and community members on how to possibly address the overrepresentation of African American males in special education. In conclusion, the researcher claims there are several factors that align with the overrepresentation of African American males in special education programs. As noted by Parker (2013), there was no significant difference in correlation regarding self-esteem for special education African American males as opposed to general education African American males regarding teachers' perceptions. However, Parker (2013) revealed in this study that all types of African American male students are experiencing low self-esteem.

2.15. The Impact of Teacher Demographics on the Overrepresentation of African Males in Special Education in a Coastal School District

Many educators have noted the alarmingly high numbers of African American males receiving special education services (Conahan, Burggraf, Nelson, Bailey, & Ford, 2003). This overrepresentation of African American males continues to be a serious problem in many public education schools across the country. African American students make up 17% of the public-school population nationwide. Ironically, 41% of students in special education are African American (Kunjufu, 2005). There is a range of opinions as to why this phenomenon has historically impacted education to include unfair housing after World War II through poor communities providing sub-par education to minority students. Regardless of the reasons, the fact remains that the lives of African American males are being jeopardized because of schools' failure to properly understand and implement special education procedures and the professional development necessary for teachers who teach at-risk students (Kunjufu, 2005). Placing African American males in special education programs when they may not necessarily need to be there has become the norm for teachers who may not be able to understand the culture and diversity of

African American males. These teachers begin to deem the African American male as disruptive, aggressive, violent, and unable to be taught in the general education setting, when, in fact, the dilemma could possibly be the lack of knowledge on how to educate African American males, the minimum amount of professional development on cultural and responsive diversity of students, and teacher demographics.

According to McIntyre and Parnell, there may be many considerations for referring a student to special education and race itself place a significant stigma on non-white students, in particularly, African American males (McIntyre & Parnell, 1985). Nationally, it is estimated that nearly 20,000 African American male students are inappropriately classified as mentally retarded (Moore, Henfield, & Owens, 2008). Ineffective teachers who feel unable to teach at-risk students could inadvertently use special education placement as a tool for their personal bias. According to research, this problematic situation is very difficult to document (Artiles & Harry, 2005).

This study will identify how many African American males are in special education in one coastal school district's student population as compared to other ethnic groups and their special education number (Nicks, 2012). Secondly, Nicks (2012) will determine to what extent teacher demographics play on the overrepresentation of African American males in special education. Teacher demographics will refer to teachers' gender, ethnicity, degree level, certification level, and/or years of experience. Lastly, Nicks' study examined the perception of teachers at different grade levels and see if there was a difference between elementary and secondary teachers' perceptions.

The Gresham (date) survey was used as a questionnaire in this study. The researcher was granted permission from Dr. Doran Gresham of George Washington University prior to utilizing

the survey. The 34-item survey addressed research questions of the study. For example, in section one of the Gresham survey, questions 12 through 23 dealt with the ethnic differences between teachers and students and the bias that may exist according to the teachers' responses. In addition, the second research question asked for the demographic data of teachers and the correlation it may have on the perceptions of "African American students in special education. Section three requested data from teachers regarding their demographic information" (p. 40). A five-point Likert scale was used for participants to indicate their responses:

- (1) Strongly Disagree;
- (2) Disagree;
- (3) Undecided;
- (4) Agree;
- (5) Strongly Agree.

The survey was administered to and data were gathered from all regular education teachers at 18 schools in a coastal school district that include elementary, middle and high school teachers. Regular education teachers were the targeted population as participants as they have the ability to refer a child to special education programs. This school district had "449 general education teachers, 6,915 students with 919 receiving special education services" (Nicks, 2012, p. 41). No students were surveyed.

Upon all the necessary approvals and permissions, the researcher was able to review the district's school data regarding the special education students and their enrollment in the 2010 school year. These data also included the number of African American males, Caucasian males, African American females, Caucasian females, males and females of all other remaining ethnic groups (Nicks, 2012, p. 44). Principals of 15 schools within the district granted permission for

their teachers to participate in the survey. The survey was disseminated to teachers via the principal during a staff development training. Each survey included an explanation of the study, information regarding anonymity, participation, and a time frame of one week to complete the survey.

The researcher used a quantitative research design for this study. A Pair t-test was used to analyze the data to determine if there is, in fact, overrepresentation of African American males in special education in the coastal school district. The data from the Gresham Survey were analyzed using SPSS to conclude if there was a correlation between teacher bias towards African American males referred to special education and demographics that were specific to teachers (Nicks, 2012).

After all the data were analyzed, the findings were as follows: The null hypotheses for the first research question was rejected. It was determined from the quantitative data, there was an overrepresentation of African American males in special education in a coastal school district. The data concluded there was an overrepresentation in African American males in special education; with African American males having a 32% population in the special education, yet only being represented at 26% in the general population (Nicks, 2012, p. 66-67). Additionally, there was an overrepresentation of Caucasian male students in the special education population within the same coastal school district. Caucasian males made up 20% of the general population but yield a 29% population in special education (Nicks, 2012).

The null hypotheses states there is not a correlation in teachers' perceptions about overrepresentation of African American males in special education related to:

- a) teacher's gender;
- b) teacher's ethnicity;

- c) teacher's degree level;
- d) teacher's certification level; and/or
- e) teacher's experience level.

Overall, the researcher was able to answer all research questions and provide some recommendations for policy and practice for the coastal school district. Additionally, the researcher determined there is still a need for future research on this problem in our education system and it would give understanding of such litigation and whether it has proven successful in rectifying the wrongs of overrepresentation (Nicks, 2012).

Over a two decade span (1989-2009), the percentage of "minority" students in public schools (referring to Hispanic American, African American, Asian American, and Native American students) increased from 32% or 45% (Ford, 2012). This article presents an overview of demographics in schools and special education, discusses overrepresentation, and provides suggestions for much-needed changes now and in the future.

There have been several studies providing reasons, factors, and experiences to explain the disproportionality and overrepresentation of African American males in special education or even an underrepresentation in gifted and talented programs. In, 2011, the U.S. Department of Education's annual reported both major and minor findings on the demographics of school-aged students, how they are being placed and served in special education, and who is teaching them. Ford (2012) reports The Condition of Education periodical presents three undeniable realities: (a) U.S. public schools are more racially, ethnically, and linguistically diverse and different than ever before and (b) this diversity is expected to continue; and conversely, (c) the racial and ethnic demographics of educators remain relatively unchanged or stable. More recently, studies

show there is too little progress being made to remedy this situation of overrepresentation of, not only African American, but includes Hispanic and students that are not proficient in English.

The future for these African American, Hispanic, and non-English students can be seen as bleak as the all-too-common false positive presence of African American and Hispanic students in special education has been a disgrace in the field of education. Ford (2012) noted there have been decades of studies, reports, theories, and folklore address (many times inaccurately) why too many African American, Hispanic, and ELL students are referred to and placed in special education. Attitudes, expectations, and testing are the fundamental contributors to overrepresentation (Ford, Grantham, & Whiting, 2008; Trent, Kea & Oh, 2008; Valencia, 2010).

Ford (2012) expresses special education professionals must remember the past and move into the future. Special educators have to figure to be prepared to be culturally responsive, own up to past barriers and considerable reduce racial inequities in special education, especially since “minority” students are becoming the numerical majority of the public-school population nationally (U.S. Department of Education, 2011). This trend is predicted to continue. While the majority of student population will change from Caucasian to African American, Hispanic, ELL students, ironically the demographic of the majority of educators will remain the same (Caucasian and female). According to Ford (2012), racially, ethnically, and linguistically different (RELD) students comprised 32% of public schools in 1989, 39% in 1999, and 45% in 2009. As for the teaching population, 85% of teachers are Caucasian, and 75% are female (Aud et al., 2011). With such alarming differences between the demographics of majority teachers and the majority of students, researchers are screaming for cultural competency. It is becoming more important and necessary for teacher education institutions to provide multicultural courses and

degrees. However, this option is becoming more of an option than a requirement in previous years (Ford & Kea, 2009). Ford notes the first step toward becoming culturally competent is knowing and understanding more about students and families. Who are educators teaching? What are the histories of culturally different students? What is their culture? How can educators be culturally competent decrease misunderstandings and clashes with, unnecessary referrals of, and inappropriate special education identification and placement of those whose cultures are different from educators and decision makers? Educators must recognize “minority” students are very different and refrain from grouping them homogeneously. They have a vastly different history and they all experience our nation and school in a contrasting way. For instance, although Asian Americans undeniably face prejudice, expectations for them are often high and positive. These students are underrepresented in special education, and extensively represented in gifted education and Advance Placement (AP) classes.

More to the point, Obgu and Davis (2003) have highlighted meaningful differences between voluntary minorities (i.e., immigrants) and involuntary minorities (i.e., immigrants). Immigrants have come to the United States in search of the proverbial American Dream: America is the land of the opportunity and hard work or effort will be rewarded, regardless of one’s race, gender, language, and income. Even faced with prejudice, they are likely to believe that living in the United States is better than their homeland. Conversely, involuntarily minorities, such as Native Americans and slaves and their descendants, have had a different experience. The American Dream was not their dream.

Moving into the future is the *future* for special education. Overrepresentation of African American minorities, particularly African American males, in special education is not a new topic. Many research reports and books have addressed, tested theories, and made

recommendations about the issue. Several scholars, such as Gwendolyn Cartledge, Gwendolyn Webb-Johnson, Alfredo Artiles, and Russell Skiba (Artiles, 2009; Cartledge et al., 2008; Losen & Skiba, 2011; Neal, McCray, Webb-Johnson, Bridgest, 2003) have used educators to be mindful of the pipeline and to work proactively to become more culturally competent so as to (a) neither ignore or negate cultural differences, (b) not misunderstand cultural differences, and (c) not penalize children for their cultural differences. Doing so holds promise for decreasing unnecessary referrals, identification, and placement.

In addition, other actions must be prevalent to continue to move forward into the future. Accurate statistical formula should be used to calculate representation, especially for African Americans. A close eye is needed for researchers to investigate high incidence categories, such as emotional and behavior disorders and intellectual disabilities. High-stakes testing are in need of a redesign or at the very least continued attention to eliminate bias for African American students and ELL students.

Ford (2012) claims the field of special education needs to examine the pipeline to special education, which often begins with suspensions and expulsions, primarily among Black and Hispanic males. As noted by Sullivan, (2011), “for a field built on the principle of fairness and grounded in the rhetoric of the civil rights movement, ongoing disproportionality strongly indicates systemic problems of inequity, prejudice, and marginalization with the education system” (p. 318).

In the future, there must be more of a focus on prevention than on intervention, and this focus should include research, theory, and practice/strategies. The achievement gap between “minority” and Caucasian students and the United States and other countries must decrease. When students of color (in this case, African American males) are the constant referral to special

education program, they are less likely to be able to participate in college preparatory classes or even to enter college (Ford, 2012). On a broader spectrum, this path could have a very good chance for a life of unemployment or crime. Ford (2012) notes that ample scholarship demonstrates that overrepresentation is the bane of the special education field.

2.16. Creation and Implementation of Prereferral Intervention Teams (PIT)

The earliest form of Prereferral Intervention Teams (PITs), called Teacher Assistance Teams (TAT), came into existence in the late 70s (Chalfant, Pysh, & Moultrie, 1979) as an outgrowth from EHA (Reynolds & Gutkin, 1999), and in response to the high number of referrals to special education (Papalia-Berardi & Hall, 2007). TATs were a function of general education with the goal of reducing inappropriate referrals to special education by providing academic and behavioral interventions for students and training teachers to become more effective at resolving student, classroom, and schoolwide problems (Flugum & Reschly, 1994; Graden, Casey, & Christenson, 1985; PapaliaBerardi & Hall, 2007). More recently, the 1997 reauthorization of IDEA mandated the implementation of prereferral interventions prior to special education referral (Knotek, 2003). There were no guidelines provided by IDEA around the implementation of prereferral interventions (Cohen, 2003; Buck, Polloway, Smith-Thomas, & Cook, 2003); consequently, the prereferral process is inconsistently implemented among the states (Buck et al., 2003). A recent study shows that although 67% of state departments of education require prereferral interventions to be implemented prior to special education referral, only 39% of states mandate the implementation of PITs (Truscott et al., 2005). Yet, 86% of states strongly recommends implementation of PITs to meet this requirement of IDEA (Truscott et al., 2005).

Prior to the establishment of mandatory pre-referral interventions by IDEA, some state departments of education were already implementing PITs. In 1985, the state of Georgia found itself a litigant in a civil suit, accusing the state of implementing discriminatory educational practices. In *Marshall v. Georgia* (1985), several school districts were accused of placing disproportionate numbers of African American students on low ability tracks and in special education. Reschly (1991) described the ruling in the Marshall case as “permitting] overrepresentation and intelligence test use if other protections were rigorously implemented...” (p. 258). Although the court’s ruling supported the practices of the school district and did not find them to be discriminatory, the litigants were required to submit proposals about ways to remediate overrepresentation and some of the other issues that were uncovered with the special education process. The proposal that was eventually accepted created the Student Support Team (SST) initiative, a form of pre-referral intervention team that is now mandated in every public-school system across the state. Yet, the state of Georgia continues to struggle with the issue of overrepresentation, with several school districts identified as overrepresenting minority students in special education.

2.17. Using PITs to Diminish Disproportionality for Minority Students

In 2002, The Council for Exceptional Children published a report entitled “Addressing Overrepresentation of African American Students in Special Education: The Prereferral Intervention Process- An Administrator’s Guide”. This project was in collaboration with the National Alliance of Black School Educators (NABSE) and the IDEA Local Implementation by Local Administrators Project (ILLIAD). The focus of the project was to inform school administrators about the use of the prereferral intervention process, school climate, family involvement, and professional development to prevent the overrepresentation of African

American students in special education. The report suggests that when PITs are functioning properly (e.g., high fidelity implementation), special education referrals are significantly reduced, and student improvements are obtained. Kovalesski (1999) insisted that consistent, high integrity implementation of PITs was necessary to reduce the overrepresentation of students with disabilities. The literature reveals that ethnicity, quality of PIT implementation, and referrals to special education are important variables when examining the overrepresentation problem of minorities in special education. Therefore, the purpose of the current study is two-fold: (a) to identify the relative risk inherent in each phase of the special education process for students of color; and (b) to determine whether an association exists between the quality of PIT implementation, referrals for initial psychoeducational evaluations, referrals for special education, and student ethnicity. The present investigation differs from previous research in several important ways. First, few studies have empirically examined the impact of PITs on disproportionality. Second, this study will examine the quality of implementation of the PIT process, its relationship with student ethnicity, its association with referral for comprehensive evaluations, and its association with special education referrals. There are no known studies that have examined these variables simultaneously. Third, analysis of direct work products of PITs, rather than assessing team members' perceptions of the functioning of the team, provides research on PITs that is limited in the available literature. Lastly, the study will determine if the quality indices of the PIT process significantly differs for students of color, which also have not been explicitly investigated. Disproportionality has been linked to bias in the special education eligibility process, poverty, poor quality instruction, prejudicial attitudes, and low cognitive abilities. There has been a great amount of emphasis placed on investigating many of the aforementioned variables; however, there has been substantially less examination of the efficacy

of the recommendations made for decreasing disproportionality, such as implementing PITs (Arnold & Lassman, 2003). The prereferral process is widely implemented, yet there is a need for information about the quality of the process and its impact on disproportionality. The current study will address these issues and incite further research about solutions to decrease the problem of disproportionality. This research includes literature related to disproportionality, special education, and the prereferral intervention process. The research reviewed demonstrates the significance of the disproportionality problem, especially related to minority students and their families. The effects of stigmatizing labels segregated educational placements, and low expectations can have diminishing and long-lasting negative consequences on the education and psychological development of minority students. The focus on diminishing disproportionality is much greater than merely wanting minority students in regular education classrooms. It is about ensuring that all students, regardless of race, color, sexual orientation, religion, etc. have access to educational opportunities that will help them become successful citizens.

2.18. Chapter Summary

As discussed above, the literature and research in the area of overrepresentation of African American males in special education demonstrates an array of factors that may contribute to this disproportionality. The common factors that are present include, but are not limited to, socio-economic status of African American families, poverty, teachers' attitudes regarding cultural characteristics of African American males, teachers' role in referring African American males to special education programs, and teacher demographics. However, despite all of the research, studies, and recommendations for solutions to this problem, the issue still remains to be at the forefront of educational problems in the United States educational system. The next chapter will review and analyze three case studies with the purpose of examining the

detrimental problem of the overrepresentation of African American males in special education.

It is my hope that this chapter will help explicate my research questions and shed light on the some of the problem in today's public schools and the experiences of African American males in special education. In the next chapter, I will go on to discuss the three case studies and my method of analysis for this topic.

CHAPTER III: METHODOLOGY

3.1. Introduction

This chapter will review and analyze three case studies with the purpose of examining the factors that may cause the overrepresentation in African American male students in special education, the impact of teacher demographics and teachers' roles on the increased representation of African American male students in special education. The three case studies in this chapter were selected to provide convincing arguments and descriptive qualitative data to support the claim of this comparative case study analysis. The problem of overrepresentation of African American males in special education programs is still plaguing the American education realm, with many studies and research to explain the reasons behind this disproportionality. The cases chosen for this study consistently identified some very common rationales. The case studies examine the perspective of some African American males in special education programs, as well as some teachers' perceptions on African American males in special education program.

This study review is a non-experimental qualitative comparative case study analysis, using a research design that will include identifying methodologies used in the studies, participants and/or populations, research questions posed by the studies' authors, and findings of the researchers. This research design method is best suited for this discussion, according to Robert Yin (2009), who has stated that, "Compared to other methods, the strength of the case study method is its ability to examine, in-depth, a "case" within its "real life" context" (p.1). Additionally, (Creswell, 2003) states the qualitative research studies a phenomenon and its intricacies while developing meaning from individual experiences.

Comparisons of themes will be examined and recorded to identify similarities among the results and discussions section for each case study. The researcher anticipates the common

theme will include the teachers' perception of African American male students and the lack of training for teachers on how to education African American males will emerge as the analysis of each case is conducted. According to Yin (2009), the goal of qualitative data analysis is to uncover emergent themes, patterns, concepts, insights, and misunderstandings. Qualitative studies often use an analytic framework – a network linked concepts and classifications-to understand an underlying process; that is, a sequence of events or constructs and how they relate.

3.2. Case Study 1

“An Examination of Critical Factors in the K – 12 Public School Setting that Contribute to the Overrepresentation of African American Males in Special Education” (Esrom Pitre, 2007)

3.3. Research Design

The researcher (Pitre, 2007) conducted a qualitative research design to determine the factors of what the experiences were like for the African American males who were placed in special education ED programs, the impact on the type of services students are receiving, how the findings could inform the teacher education programs as to the kinds of classroom and training perspective teachers need to meet the needs of African American male students more effectively, and lastly, the finding will lead to further research studies on the experiences of African American males in special education programs (Pitre, 2007). The qualitative study allowed the researcher to answer the following research questions:

1. What are the experiences of African American males in special education emotional disorder programs?
2. What do African American males think about the type of the education they are receiving in special education (p.6)?

The research questions focused on the experiences of African American males in special education ED programs and provides a voice for them and their feelings about being in special education ED programs.

3.4. Study Participants

The participants consisted of ten African American males from the 11th and 12th grade in special education ED programs. These students had been in the ED program for two or more years. The students were chosen by an Administrator of the school district. The participation was completely voluntary. The school district was in the southern part of the United States. The convenience sampling was used as the method for selecting the school district. Patton (1998) argued the convenience sampling is not recommended, but the researcher deemed it appropriate for this study. According to Weiss (1991), convenience sampling is the only feasible means to proceed when attempting to acquire information about a group for which it is difficult to gain access (Pitre, 2007).

3.5. Data Collection

The researcher conducted face-to-face interviews with each participant. Each interview was approximately one hour to one and a half hours long (Pitre, 2007). All participants were free to leave at any time without any consequences for stopping or not participating. The researcher provided copies of the interview questions two weeks in advance of the actual interview. Consent to interview the students was given in advance from all parents of the participants, their Administrator or special education designee. All names of the participants were replaced with pseudonyms (Pitre, 2007); therefore, all participant confidentiality was also fully preserved. All interviews were recorded with a tape recorder to capture all information

from the participants. The tapes were transcribed by the researcher and themes were developed.

The researcher determined Seidman's (2006) approach was the most appropriate for this study. Seidman's approach uses in-depth phenomenological qualitative interviewing approach (Pitre, 2007). This approach uses open-ended questions to build upon exploring the participants reconstruction of their experience (Pitre, 2007). Additionally, the researcher modified the interviewing process by using one session instead of three sessions. The primary questions asked were:

1. Describe your background
 - a. What happened in school for you to be placed in special education?
 - b. How did you feel being in special education?
 - c. How did you get along with other people?
2. Explain a typical day for you (Start from the time you awake to time asleep).
 - a. What are your experiences in special education?
 - b. What was it like when you were first placed in special education?
 - c. Were you ever given an opportunity to get out of special education?
 - d. How did you get along with other students?
3. What do you see yourself doing in the future?
 - a. Do you think special education was beneficial?
 - b. Have your experiences in special education affected you?
 - c. What would you recommend to students being placed in special education programs?
 - d. What would you recommend to regular education teachers and special education teachers (p.66).?

Interview sites were private, relatively free from disruptions, and comfortable and convenient for the participant (Pitre, 2007).

3.6. Data Analysis

The researcher used a professional medical/legal transcriptionist who is used to dealing with confidential content to transcribe the tapes (Pitre, 2007). The interviews were transcribed immediately after face-to-face interviews to capture the perspective of the participants. Additionally, the researcher re-read the transcriptions to allow for accuracy and get a sense of the text (Darlington & Scott, 2002). According to Patton (1990), the researcher should search for meaning in the data, reduce non-essential information, and identify significant patterns. The researcher synthesized the data by using constant comparative for coding. This analyzing technique allowed the development of concepts in a systematic and innovative manner. The researcher began to color code the text and bracketed interesting passages. This method allowed him to categorize all the information into themes. Open coding allows the researcher to closely examine the data for similarities and differences. This analysis stage allowed the researcher to develop questions, make new discoveries and form initial categories (Strauss & Corbin, 1990). The final analysis stage involved comparing and contrasting the initial codes, and then conceptualizing and clustering the codes into larger categories based on common properties (Pitre, 2007).

3.7. Findings

The researcher (Pitre, 2007) in this study provided an extensive account of the participants' feelings toward their educational setting, their teachers, and how they feel they are perceived by their teachers. The students in this district that are classified as having an

emotional disorder in this school district are required to spend 80% of their school time in a self-contained setting. In this district, there were 70 students in special education ED programs. Of the 70 students, five were African American females, two were White males and sixty-three were African American males (Pitre, 2007). The researcher discovered many of the participants were referred to special education by a white teacher. They also indicated most of their teachers had low expectations for them and before being placed into special education, they were A, B, and C students. The researcher also discovered other themes dictated by the participants' responses such as: "They Don't Understand Me; We've been tricked, We've been had, We've been bamboozled; Low expectations and self-fulfilling prophecy; "They don't care" (Pitre, 2007, p.100).

This study uncovers the need for educators to be aware of cultural differences, caring, biases and stereotypes they may have regarding classroom behavior. Additionally, the school district should provide effective teacher training on cultural diversity and sensitivity to assist with understanding students from diverse backgrounds.

3.8. Case Study 2

"Teachers' Role on the Increased Representation of African American Males in Special Education" (Simeco Stephens, 2010)

3.9. Research Design

This study (Stephens, 2010) was conducted using a qualitative phenomenology. The process used to collect the data was taken from the phenomenological reduction model (Husserl, 1990). This model is defined as the data collection procedures and in-depth explanation of one's natural attitude. Husserl (1990) tells us the natural attitude is the perspective of everyday life.

The word “reduction” is used philosophically. It doesn’t mean diminishing something but instead relies upon one of the meanings of reduction’s Latin root: to restore or return something to a more primordial mode (Husserl, 1990). This method was used to gather descriptive rich explanations of teacher experiences with African American males. The study was designed to provide conversation, literature, and strategies to improve overall educational advancement of African American males in special education (Stephens, 2010). The researcher also obtained reported teaching styles to address the nature of the research and teacher commentary to provide some indication into how teacher pedagogical practices may affect the phenomena of over-population of African American males in special education programs.

The foundation of pedagogical practices in this research (Husserl, 1990) comes from using two major research methodologies as a consideration for improving pedagogical practices for educators: (a) Howard Gardner’s theory of multiple intelligences and (b) Bloom’s taxonomy for developing higher level of thinking. Howard Gardner’s (2000) theory of multiple intelligences helped identify different learning modalities. Bloom’s taxonomy of learning (Barton, 1997) provides teachers with strategies for implementing higher order thinking skills for learners. Lastly, the N Vivo Codes software was used to help identify themes to code the data collected.

3.10. Study Participants

The participants of this study (Husserl, 1990) include eight teachers who work with African American males in special education program. These teachers were selected based on their availability, access, and willingness to participate. The selections for these particular teachers were very purposeful in that:

- (1) They were a homogenous market;

- (2) They come from different levels of experiences and exposure to African American males in special education programs;
- (3) The variables were separated and applied consecutively;
- (4) There is a reduction of non-sampling error results and validity due to small number of participants;
- (5) The information gathered allowed the interviewer to modify the questionnaire to address explicit situations (p.63).

A qualitative phenomenological approach to research is recommended when the aim of the research is to address the lived experiences where perceptions are analyzed (Merriam, 2002).

All teachers were identified as highly qualified educators, who were from different locations, had varied educational experience, and were in environments where they had worked with African American male students in special education programs. Creswell (2003) affirmed that in qualitative studies, participants should have interactions with the environment being studied.

3.11. Data Collection

Prior to the official data collection process, teachers were provided with information about the purpose of the study and given general details about the problems being addressed through research (Stephens, 2010). A pilot study on a similar sample of teachers revealed their concern for confidentiality and ability to express experiences better and in more detail through writing rather than direct interviews. Therefore, the approach used for collecting data was the phenomenological reduction model (Husserl, 1990). An open-ended questionnaire was developed and given to teachers during their preferred availability. Most were done in the school setting after all students had gone for the day. Others were given via direct telephone interviews

during evening and/or weekends. The following variables were taken into consideration when developing the research questions: (a) background information on the training and level of expertise to describe the experiences with African American males in special education programs, (b) experiences with addressing the diverse needs of African American males in special education programs, (c) classroom experiences with African American males that could lead to special education referrals (Stephens, 2010). The questions were presented to the participants in progressive levels, beginning with yes/no responses and leading to more detailed answers. Progressive levels of questioning were prepared to compare with themes that were identified in the research. The participants had to answer the initial questions with a response of yes in order to progress through the interview process. The initial question that qualified participants to take part in the pilot study was: Do you or have you served African American males within special education programs? (Stephens, 2010).

3.12. Questions and Sub questions

Teachers were interviewed and asked questions:

- 1) What is your experience working with African American males in special education programs?
- 2) What pedagogical practices do you implement to deal with the diverse learning needs of African American male students in relations to behavior, learning styles, communication styles, and individual learning differences?
- 3) How do you respond to a student who appears to have learning difficulties?
- 4) What is the initial level of intervention used to address students you suspect

to have learning difficulties?

- 5) Do you use the same strategy to address students with reported learning difficulties?
- 6) Do you find that strategies are different for students based on race and gender (p.82)?

Additional open-ended qualitative interview questions: Do you serve African American males in special education programs?

1. How long have you instructed this student population (describe your level of expertise in addressing this student population)?
2. Do you see the current trend of high numbers of African American males in your special education program?
3. What are your current teaching strategies (are any of your teaching strategies research based)?
4. What learning needs do you think you can apply to help the African American male succeed?
5. As a professional, what do you suggest can be done, or is currently being done, to address the high numbers of African American males in special education programs, if applicable?
6. Do you feel you are adequately prepared to address the diverse needs of African American male students in special education programs? Explain.

7. If you are not prepared to address the needs of African American males in special education programs, what do you suggest as a method for improvement in this area (p.82)?

3.13. Data Analysis

The data collected from the interviews were analyzed immediately by the researcher. Stephens (2010) completed a review of the responses provided, identified and synthesized the common themes that arose, and coded the data. The data collected indicated the participants were aware of the issues and problems and provided solutions to address the African American male students and their daily challenges. In generating codes, the researcher uncovered verbs by using a semiotic interaction theory (Stephens, 2010). N Vivo Codes, a textual internet database, complimented the qualitative coding procedures to finalize any other coding that did not emerge initially.

3.14. Findings

This study (Stephens, 2010) examined teacher experiences of African American male students in special education program in Georgia. The teachers in this study were provided a qualitative questionnaire of open-ended question to help the researcher understand how teachers are prepared to address the diverse learning needs of African American male students in special education programs. The researcher conducted a comparative analysis of the teacher experiences determine common themes and research paradigms were bracketed to control research bias.

This study was significant in that (a) it revealed five of the 8 participants expressed their inability to properly address the diverse needs of the African American male students in the

study; (b) participants expressed a need for more cultural diversity training to properly educate the diverse student cultures, especially African American male students (Stephens, 2010).

Ultimately, the researcher determined the teachers from this study are not properly prepared for addressing the disproportionate number of African American males in special education programs and a call for reform may be needed of current teaching practices that isolate the African American male student because they do not complement their learning styles (Stephens, 2010).

3.15. Case Study 3

“The Impact of Teacher Demographics on the Overrepresentation of African American Males in Special Education in a Coastal School District” (Myrick Nicks, 2012)

3.16. Research Design

The researcher (Nicks, 2012) used a quantitative research design to examine the overrepresentation of African American males in a coastal school district and the teacher perceptions of teacher bias towards African American males in special education related to teacher demographics. The study also focused on the perception of teachers at different grade levels to see if there was a difference between elementary and secondary teachers’ perceptions (Nicks, 2012). The Gresham Survey, a questionnaire instrument designed by Dr. Doran Gresham of George Washington University, was used in this study to address the following research questions:

1. Is there overrepresentation of African American males in special education classes in a coastal school district?

2. Is there a correlation in teachers' perceptions about overrepresentation of African American males in special education related to: a) teachers' gender; b) teachers' ethnicity; c) teacher's degree level; d) teacher's certification level; and/or e) a teacher's experience level.
3. Is there a difference between elementary and secondary teachers' perceptions about the overrepresentation of African American males in special education (p.41)?

Within the study was a five-point Likert scale to indicate responses: (1) Strongly Disagree; (2) Disagree; (3) Undecided; (4) Agree; (5) Strongly Agree (Nicks, 2012).

3.17. Study Participants

The study included a target population of all regular education teachers in one coastal school district. The district includes 18 schools of elementary, middle and high schools. It is made up of 449 regular education classroom teachers (Nicks, 2012). The district has 6,915 students in total with 919 receiving special education services. The student demographic population was broken down as 48% African American, 39% Caucasian, and 13% other (which include Latino, Asian, and Native American. No students were surveyed for the purpose of this research (Nicks, 2012). All teacher participants provided demographic information (i.e. age, years of experience, gender, and ethnicity). The identities and information collection from participants in the research were protected and conducted on a voluntary basis.

3.18. Data Collection

The data were collected using the Gresham Survey. Permission to use the survey was granted by Dr. Doran Gresham prior to the dissemination (Nicks, 2012). The permission

allowed the participants to include elementary, secondary, and special education students and word modification to make the survey conducive for those student participants to comprehend at their functional level.

Upon the actual data collection and analysis of the responses from the survey, the researcher also acquired information from district personnel, such as the Director of Special Education; and obtained permission from district principals requesting the opportunity to provide teachers with the Gresham Survey. The Director of Special Education provided the number of students enrolled in special education for the 2010 school year, and the number of the Black males, White males, Black females, White females, males and females of all other remaining ethnic groups for their special education population (Nicks, 2012). In addition, demographic data for the general population were collected.

The survey (Nicks, 2012) was distributed to, and collected from, teachers of 15 schools within the district at the discretion of their principals. All teachers were identified as highly qualified regular education teachers. An explanation and information regarding anonymity and participation was attached to each survey. Participants were given one week to complete the surveys. Any incomplete surveys were removed from the study upon analyzing the data.

3.19. Data Analysis

First the researcher determined that a quantitative study was needed to gather the data to answer the first research question. A paired t-test was used to analyze the data in the following manner: the numbers of African American male students in special education were compared to the overall population of the African American males in the school district; the number of White males, Black Females and White females in the school district were compared to the number of special education students representing their respective populations; all others (Hispanic, Asian,

Native American, etc.) were categorized as one group, and divided between male and female (Nicks, 2012).

SPSS was used to analyze the data obtained from the Gersham Survey. The descriptive statistics were calculated to learn if there was a difference between teacher bias (dependent variable) on the elementary and secondary levels (independent variables). These data were able to inform the researcher if any bias of African American males was more prevalent at the elementary level or secondary level (Nicks, 2012).

3.20. Findings

The results of the study (Nicks, 2012) indicated there was a correlation between some teacher demographics and overrepresentation of African American males in special education. There was a higher response from the elementary grade levels regarding their perceptions of African American males in special education than on the secondary level. These data would imply that elementary school teachers have a greater need to notice characteristics of their students and a greater responsibility to detect students with disabilities. The researcher concludes there was a significant correlation of teacher grade level and their perceptions of African American males in special education primarily due to the perception of elementary teachers. Therefore, the null hypothesis was rejected.

In conclusion, there is an overrepresentation of African American males in special education in a coastal school district. However, the results of the study (Nicks, 2012) also indicated there was also overrepresentation of Caucasian male students in the special education population within the same coastal school district. Furthermore, the results of the student indicated there were correlations between teacher demographics and the perception of African

American males in special education, but it was only relative to two of the demographics researched; Asian and Pacific Islanders and Grade level.

The findings of the study were given to the Superintendent of the school district for further investigation and the possible considerations for change or redesign in current staff development and operating procedures (Nicks, 2012).

3.21. Chapter Summary

The three cases studies examined in this chapter were selected to provide convincing arguments and data to support the claim that this issue remains a current problem in today's educational system in the United States. Each of the three studies discussed above plays an important role in what actions or inaction can lead to the overrepresentation of African American males in special educational programs. Additionally, each of these studies presented a different perspective on the role's teachers play in referring students to special education and the effects of the lack of teachers' cultural competence regarding African American males.

The researchers (Stephens, 2010, Nicks, 2012, and Pitre, 2007) who conducted each of the three studies provided a concise description of each study, including the research design, a description of the participants, how data were collected and analyzed, and the results. This chapter reviewed each of these elements of all studies. Although the areas of educational examinations were different for each study, the discussions concerning overrepresentation of African American males in special education were aligned. Atlas TI.8 software will be used to semantically code and theme the categories from each study to form a degree of grounding for comparative analysis leading to a more complete answer to the research questions.

The exploratory studies expand upon the experiences of African American males in special education programs and teachers' perceptions. It is impossible to describe these

experiences in numbers; therefore, the qualitative methodology is recommended when the focus of research is on the textual descriptions of participants' experiences. The qualitative approach is good for allowing participants to be studied in their entirety, valuing the introspective and subjective nature of human science research and the process is inductive (Creswell, 2003). Chapter IV will discuss and analyze the results and findings, as well as the methodology of each case study.

CHAPTER IV

COMPARATIVE ANALYSIS

4.1. Introduction of Comparative Analysis

The overrepresentation of African American males in special education has been a continued discussion among many educational stakeholders in the American education system for many decades. The purpose of this comparative case study analysis is to analyze how each of the selected three case studies reviewed examines and presents teachers' perceptions causing the overrepresentation of African American males while in special education. Additionally, the studies will provide an in-depth perspective of the experiences of African American male students in an emotional disorder (ED) special education program. This chapter will highlight each case, the analyzed data from those cases, and provide a summary of the common themes and/or statistical characteristics of the human participants.

A comparative case study methodology, which involves a process of analyzing and synthesizing similarities, differences and patterns that exist across two or more cases that share a common focus or goal (Goodrick, 2014), was chosen to help understand and explain how a teacher's perceptions could be contributing factors of the overrepresentation of African American males in special education programs. The comparative case study analysis in this chapter will help answer the following research questions:

- 1) What factors contribute to the overrepresentation of African American male students in special education?
- 2) What is the correlation in teachers' roles, perceptions, and demographics with the overrepresentation of African American males in special education programs?

4.2. Research Study Design

All three case studies examined the overrepresentation of African American males in special education; however, the studies differed in design. Both the Esome Pitre (2007) and Simeco Stephens (2010) studies were conducted using a phenomenological qualitative research method – focusing the majority of the data collection on interviews with participants. The researcher, Myrick Nicks (2012) used a quantitative method to gather data, specifically relying on the Gresham Survey and a review of school data regarding special education in the school district.

4.3. Case Study 1

The first case study reviewed was conducted by Esom Pitre (2007) titled, “An Examination of Critical Factors in the K – 12 Public School Setting that Contribute to the Overrepresentation of African American Males in Special Education”. The phenomenological study highlighted a qualitative research design to determine the factors of what the experiences were like for ten African American males who were placed in special education ED programs, the impact on the type of services students are receiving, and the findings will inform the teacher education programs as to the kinds of classroom and training perspective teachers need to meet the needs of African American male students more effectively. Lastly the findings will lead to further research studies on the experiences of African American males in special education programs.

Phenomenological studies, sample size recommendations range from 6 (Morse, 1994) to 10 (Creswell, 2002). Specifically, it uncovered extensive accounts of the participants’ feelings toward their educational setting, their teachers, and how they feel they are perceived by their

teachers. The participants consisted of ten African American males from the 11th and 12th grade in special education ED programs. These students had been in the ED program for two or more years. The students were chosen by an Administrator of the school district. The participation was completely voluntary. The school district was in the southern part of the United States. The convenience sampling was used as the method for selecting the school district. Patton (1998) argued the convenience sampling is not recommended, but the researcher deemed it appropriate for this study.

4.4. Table 4-1: Participants Profile

Participants	Guardian	Referred in grade:	Referred by	Years in Self-contained ED	I wanted to be:	Current Grade
Student 1	Both parents	2 nd	White Female	10 years	Actor, singer, movie producer	12 th
Student 2	Single parent	2 nd	White Female	9 years	Architect, Chef	11 th
Student 3	Single parent	2 nd	White Female	9 years	Professional football player, computer engineer	11 th
Student 4	Group Home	3 rd	White Female	8 years	Teacher	11 th
Student 5	Group Home	2 nd	Black Male	10 years	Teacher	11 th
Student 6	Group Home	2 nd	White Female	9 years	Contractor	11 th
Student 7	Single Parent	3 rd	White Female	10 years	Firefighter, Policeman	12 th
Student 8	Single Parent	7 th	White Female	4 years	Engineer	11 th
Student 9	Single Parent	4 th	White Female	7 years	Navy or Air Force Pilot	11 th
Student 10	Single Parent	5 th	White Female	8 years	Computer Artist	12 th

The five major themes that emerged from this study were, *I wanted to be somebody. “We’ve been had, we’ve been tricked, we’ve been bamboozled,” they don’t care, low expectations and self-fulfilling prophecy and they don’t understand me.*

4.5. Case Study 2

In the second case study, “Teachers’ Role on the Increased Representation of African American Males in Special Education” (Simeco Stephens, 2010) a method of qualitative phenomenology was used to analyze the data. This method was used to gather descriptive rich explanations of teacher experiences with African American males. The study was designed to provide conversation, literature, and strategies to improve overall educational advancement of African American males in special education (Stephens, 2010). The researcher also obtained self-reported teaching styles to address the nature of the research and teacher commentary to provide some indication into how teacher pedagogical practices may affect the phenomena of over-population of African American males in special education programs.

The participants of this study (Stephens, 2010) include 8 teachers who work with African American males in special education program. These teachers were selected based on their availability, access, and willingness to participate. All teachers were identified as highly qualified educators who were from different locations, had varied educational experience, and were in environments where they had worked with African American male students in special education programs. Creswell (2003) affirmed that in qualitative studies, participants should have interactions with the environment being studied.

This study (Stephens, 2010) examined teacher experiences of African American male students in special education program in Georgia. The teachers in this study were provided a

qualitative questionnaire of open-ended question to help the researcher understand how teachers are prepared to address the diverse learning needs of African American male students in special education programs. The researcher conducted a comparative analysis of the teacher experiences determine common themes and research paradigms were bracketed to control research bias.

This study was significant in that (a) it revealed five of the eight participants expressed their inability to properly address the diverse needs of the African American male students in the study; (b) participants expressed a need for more cultural diversity training to properly educate the diverse student cultures, especially African American male students (Stephens, 2010).

Ultimately, the researcher determined the teachers from this study are not properly prepared for addressing the disproportionate number of African American males in special education programs and a call for reform may be needed of current teaching practices that isolate the African American male student because they do not complement their learning styles (Stephens, 2010).

4.6. Case Study 3

In the third and final study reviewed, “The Impact of Teacher Demographics on the Overrepresentation of African American Males in Special Education in a Coastal School District” the author Myrick Nicks (2012), specifically focused on how, if at all, teacher demographics impact the overrepresentation of African American males in special education in a coastal school district. In looking at the impact of teacher demographics on overrepresentation, an analysis was conducted on teachers’ gender, ethnicity, degree level, certification level and experience level. It was also necessary for the researcher to investigate whether there was indeed overrepresentation of African American males in the district where the data were collected.

Furthermore, the data were analyzed to determine if there was a difference between the perceptions of teachers on African American males in special education in elementary schools versus the teacher perception in secondary schools.

The study included a target population of all general education teachers in one coastal school district. The district includes 18 schools of elementary, middle and high schools. It is made up of 449 general education classroom teachers (Nicks, 2012). The district has 6,915 students in total with 919 receiving special education services. The student demographic population was broken down as 48% African American, 39% Caucasian, and 13% other (which include Latino, Asian, and Native American. No students were surveyed for the purpose of this research (Nicks, 2012). All teacher participants provided demographic information (i.e. age, years of experience, gender, and ethnicity).

A 34-item survey, with 10 additional demographic-type questions, entitled The Gresham Survey (Appendix A) was given to 449 general education school teachers in the district. Out of the 449 surveys administered to teachers, 285 were returned generating a return rate of 63%.

To answer the research questions prepared by Nicks (2012), he reviewed the population of students in the coastal school district. The number of African American male student in special education were compared to the overall population of the African American males in the school district. Likewise, the number of Caucasian males, African American females, and Caucasian females were compared to the number of special education students representing their respective populations. Paired t-tests were used to analyze all data. Additionally, the data from the Gresham survey were analyzed using SPSS to determine if there was a correlation between teacher bias towards African American males referred to special education and demographics

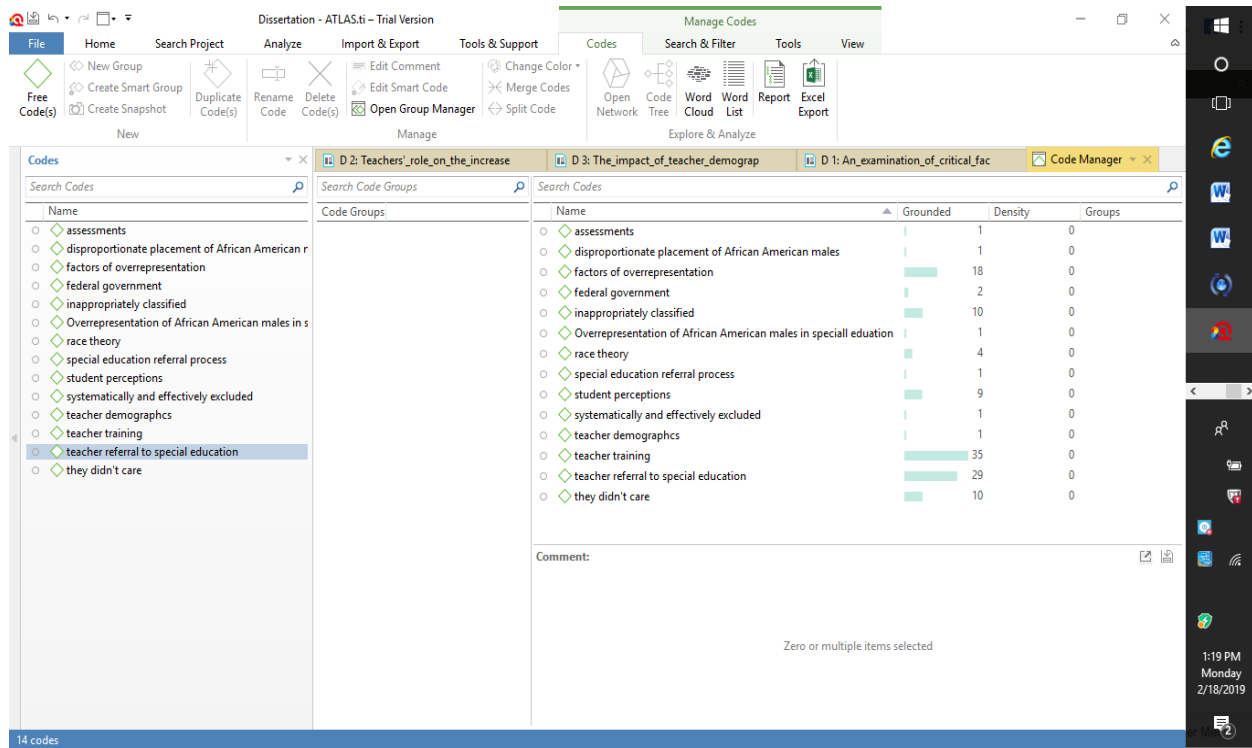
that were specific to teachers. It was important to the researcher to consider the level at which all students were being identified in order to determine if bias of African American males was more prevalent at the elementary level or secondary level. The data collected from the Gresham survey and the descriptive statistics were calculated to learn if there was a difference between teacher bias (dependent variable) on the elementary and secondary levels (independent variables).

4.7. Cross Analysis of Emergent Themes

In this study, emerging themes were highlighted from each study to show how they can overlap and point out strengths and weaknesses in either approach. The two common themes were:

- 1) Caucasian female teachers referring/teaching African American males to special education programs
- 2) The lack and need of teacher training and preparedness for educating African American males.

4.8. Table 4-2: Snapshot of the coding process in ATLAS. Ti software used



These themes were coded into two groups in ATLAS ti.8. The first of these themes - Caucasian female teachers referring/teaching African American males to special education programs –used the largest number of codes to show how common this theme was among the three studies. The lack and need of teacher training and preparedness for educating African American males was the next most common theme discovered using ATLAS ti.8. Additionally, there were ten codes that were prominent among the three studies, one of which discovers the student’s perceptions of themselves as special education students indicates anger and a bit of low self-esteem.

4.9. Table 4-3: Prominent codes resulting from cross-case analysis of themes

Code	Density
Disproportionate placement of African American male students	12
Factors of overrepresentation	16
Federal government	9
Inappropriately classified	19
Race theory	5
Special education referral process	12
Student perceptions	24
Teacher demographics	16
Teacher training	35
Caucasian female teachers referring/teaching African American males to special education programs	29
They didn't care	6

One of the most prominent themes shown from ATLAS ti.8 was Caucasian female teachers referring/teaching African American males in special education programs. All three studies provided evidence of African American male students being referred or currently being taught by Caucasian teachers. In two of the three studies, information is presented from the Caucasian teachers' viewpoints on their perceptions of African American male students in special education or any African American male. This evidence supports several factors of the overrepresentation of African American males in special education programs. Several studies and researchers were cited throughout literature review of each case study to corroborate this position.

In Case Study 1, Pitre (2007) focused on the experiences of ten African American males in special education ED programs. The goal was to describe the experiences of special education ED programs for African American males. However, the researcher discovered 9 out of the 10 students were referred to the special education program by a Caucasian teacher. In the interview of the students, several students expressed the following statements about the referring teacher or

their current teacher: “If I stayed in her general education class, I would fail;” “I could get out of special education next year;” “She told my mother special education was the same as regular classes except the classes were smaller and she could get paid for having me in special education;” The teacher didn’t want to deal with me and used special education as a way of getting me out of her class;” “She would send me to sit in the office or another class every day (p.106)”. In researching students in special education programs and the referrals for special education services, Ysseldyke (2001) has been concerned with African American male students who were at risk of school failure for the past 25 years. He claimed that teacher expectations were the driving force behind the assessment process and that, far too often, these expectations are much too low.

In Case Study 2, Stephens’ (2010) purpose was to examine whether teachers are prepared to address the diverse needs of the African American males in special education programs. In this study, the researcher interviewed eight teachers from a school district in Georgia. The eight teachers came from different teaching backgrounds and had a varying level of experience. The range of education for those educators also varied from bachelor’s degree to doctoral degree. All interview participants indicated they experience the driving phenomena of this research and responded that they do see the current trend where African American males are overrepresented in their special education programs. Some responses indicated that in most cases African American males were represented in special education programs almost exclusively and represented 65% - 90% of the special education population even in a setting where African American males are the minority population. All teachers interviewed were only qualified to participate if they had answered in the affirmative to the first question, “Do you serve African American males in special education programs (p.68)?”

The participants (Stephens, 2010) suggested several strategies that can be employed to address the high number of African American males in special education programs. However, the sentiment expressed regarding whether they felt they were adequately prepared to address the diverse needs of African American males in special education was divided. More educators reported that they felt prepared to address African American males in special education programs than not, a 5 to 3 ratio respectively. Explanations of this phenomenon varied but the generalizations are reflected in the table below:

4.10. Table 4-4: Teacher Preparedness Themes

Feeling of Preparedness	Reason for feelings of Preparedness
No	Not trained
No	Not trained
Yes	Experienced
No	Not trained
Yes	Experienced
Yes	Experienced
Yes	Experienced
Yes	Trained and experienced

Educators reported that they were either not trained to handle the intensity of experiences dealing with the variety of needs of African American males or that they were experienced and/or trained to deal with this student population. The three educators that reported they were not prepared to handle the complexities they encountered with the African American male students expressed that they needed more hands-on internships, more focused teacher training, and more learning activities to prepare them for things they encountered.

Five of the interview participants (Stephens, 2010) reported they are provided with professional learning and/or development activities. Of the five that reported they receive

professional development to address the needs of African American male students, only one reported that the training was adequate “at minimum” to address this student population.

Finally, the educators were asked to provide other information that would contribute to the research and training profession. Several elements were identified as a possible connection with the problem of over-referral of African American males to special education programs (Stephens, 2010).

In Case Study 3 (Nicks, 2012), the purpose of the study was to determine if teacher demographics impacted the overrepresentation of African American males in special education in a coastal school district. This analysis was conducted on teachers’ gender, ethnicity, degree level, certification level and experience level. After the 34-item survey, with 10 additional demographic-type questions was administered to 63% of the teaching staff in this district the following information was extrapolated to develop the following results:

- The teachers that participated were most likely female (62.8%) and most likely to be White (81/8%).
- Out of the 285 participating teachers, 244 (85.65%) reported they had received some multicultural training, versus the 38 (13.3%) teachers in the district who reported not having any type of multicultural training.
- 126 teachers (44.2%) received multicultural training with the district; 42 teachers (14.7%) gained their training in another school district.
- 196 (68.8%) indicated they had received training on how to refer students to special education; 83 (29.1%) stated that they had not been given any training on how to refer students to special education.

- 184 teachers (64.6%) indicated they had received this type of training whereas 99 teachers (34.7%) stated that they had not been given this type of training.
- 109 teachers (38.2%) had referred an African American male or males for special education services; 173 (60.7%) had not referred an African American male to special education,
- 73 teachers (25.6%) reported their referring to special education had resulted in placement of an African American male to special education; 166 (58.2%) indicated their referrals did not result in placement of an African American male to special education (p.57).

Based upon the information presented above, it is evident the themes that emerged from the codes in ATLAS ti.8 were prevalent.

4.11. Chapter Summary

The purpose of this chapter was to analyze the findings from each of the three case studies and identify the common themes that emerged from the analysis. The researchers who conducted each of the three studies provided a precise description of each study, including the research design, a description of the participants, how data were collected and analyzed, and the results. Research has demonstrated the undeniable link between Caucasian female teachers referring/teaching African American male students in special education and the lack and need of teacher training and preparedness for educating African American male students. The studies discussed in this paper are critical because they provide additional information on strategies teachers can use to assist with educating African American male students, the need for additional training for teachers who are experiencing difficulties with educating African American male

students, and bring awareness to the alarming statistics of Caucasian female teachers that are referring African American students to special education programs.

CHAPTER V

FINDINGS, RECOMMENDATIONS, AND CONCLUSION

5.1. Introduction

The purpose of this comparative case study analysis was to determine what factors contribute to the overrepresentation of African American male students in special education, and determine what is the association in teachers' roles, perceptions, and demographics with the overrepresentation of African American males in special education programs. After an in-depth analysis of three case studies, I will be discussing my findings, recommendations, and conclusion to possibly assist all educational stakeholders, to include teachers, administrators, district-level staff, and educational policymakers.

5.2. Findings

The purpose of the comparative case study analysis is to examine teachers' perceptions causing the overrepresentation of African American males in special education. The results of each study analyzed presented a different perspective on the overrepresentation of African American males in special education; examining the African American male student's experience while in a special education program, teacher's role on the increased representation of African American males in special education, and the impact of teacher demographics on the overrepresentation of African American males in special education.

Several studies have recognized that the disproportionality of African American males in special education in the United States has been an alarming problem for decades. This problem persists today and is currently not improving, but yet, it continues to become a huge controversy. Researchers such as Kunjufu (2005) state 41% of students in special education are African

American. Much research and opinions have been developed to explain these alarming high ratios and why this phenomenon has historically impacted education to include socio-economic states of teachers' cultural diversity, and societal perceptions on African American males. Regardless of the reasons, the fact remains that the lives of African American males are being jeopardized because of schools' failure to properly understand and implement special education procedures and the professional development necessary for teachers who teach at-risk students (Kunjufu, 2005).

The issue of overrepresentation of African Americans in special education is similar to the series in a cascade because it is a persistent and long-standing concern that has negatively impacted African American students, their families, school districts, the field of special education and, ultimately, the nation as a whole (Patton, 1998; Dunn, 1968). Researchers contend that the decision made in the 1954 landmark case, *Brown v. the Board of Education* (1954), provided parents and advocates a platform by which to seek educational equality for students with disabilities, but it was not the case for African American students with disabilities. Ironically, students of color have not been the beneficiaries of the *Brown* legacy (Boone & King-Berry, 2007). Indeed, the problem of overrepresentation of African American males in special education programs has generated a great deal of research and much discussion as to its casual factors (Hosp & Reschly, 2004).

Based on data from the Equity Alliance (2010), school districts throughout the nation report higher representation of African American males in special education programs than their presence in the general education environment would indicate should be the case. The 1997 reauthorization of the Individuals with Disabilities Education Act (IDEA) required states to collect data to monitor and decrease disproportionality. To address this IDEA requirement, the

US Department of Education uses 20 monitoring indicators for its State Performance Plan (SPP) and Annual Performance Report (APR). As part of monitoring, local school districts are informed each year by state departments of education on whether they met their State Performance Plan Indicators (Indicators 9 and 10) on measuring racial/ethnic disproportionality in special education. A district's annual count of special education students is reviewed based on a weighted risk ratio which is the comparison of specific groups being represented in special education (Hosp & Reschly, 2003).

In 2016, Delaware Department of Education was informed of their compliance status of Indicators 9 and 10 on the Part B SSP and APR plan (Appendix A). For each indicator the DDOE reported 7 districts with disproportionate representation of racial and ethnic groups in specific disability categories and disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification. The OSEP response required the DDOE to demonstrate compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2017 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

General educators play a critical role in the rates of referral for African American males being considered for special education programs because they are typically the first source of referral (Taylor, Gunter, & Slate, 2001). In order to unravel the dilemma of the

overrepresentation of African American males identified as emotionally disabled, it is important to gain the perspectives from general educators. The information on practice and perception garnered from general educators, the primary source for referrals of African American males, can inform pre-service and in-service development.

Despite all the research demonstrating overrepresentation of African American males in special education and the factors that contribute to the overrepresentation, getting and keeping educational stakeholders, political leaders, etc. to make significant changes in the laws and regulations continues to be difficult to ultimately deleting the problem of the overrepresentation of African American males in special education.

Three selected cases were analyzed, and the findings were compared using coding software (Atlas.ti.8) to understand and identify the factors/causes of overrepresentation of African American males in special education. Additionally, there was some light shed on the experiences and perceptions of African American male students in currently in special education programs. The findings within the three case studies provided suggestions and recommendations for educators who are teaching African American males in special education programs; policy and practice, and future research.

5.3. Recommendations

As with any system, revisions will be made when data supports a needed change. There has been an abundance of data that support the alarming fact of overrepresentation of African American males in special education. It is the goal of this research to contribute information that will influence professional development, policy makers, school districts, and the field of special

education by providing an understanding on how to attack the problem of overrepresentation of African American males.

5.4. Teachers

The recommendations for teachers when addressing the overrepresentation of African American males in special education programs are as follows:

- 1) Hold African American males to the same academic standards as Caucasian students in their classes. Low expectations only lead to self-fulfilling prophecy which can damage a kid for life.
- 2) Acknowledge differences in school and reduce labeling or ability grouping. This will create a culturally responsive environment and promote high expectations for all students.
- 3) Be aware of the connection between culture, identity, and learning. Learning in no way should devalue background or lower your expectations of them.
- 4) Understand how cultural influences can be found in communication style. If teachers are unaware of these differences and the impact they can have on learning, the result may be cultural conflict that leads to failure.
- 5) Have high expectations for your students. See them for who they can become, focusing on their potential – not their past failures.
- 6) Create a classroom where the students feel empowered and capable of achieving whatever they put their minds to. Use your words to motivate students.
- 7) Build relationships with students to get to know them, who they are, and what their everyday life is like. Building positive relationships with your students can help them learn. Pierson, R (2013) of Ted Talks expressed, “James Comer states no significant

learning can occur without a significant relationship. George Washington Carver says, all learning is understanding relationships.”

5.5. Policy and Practice

Findings from case studies provide insight on how educators perceive their level of preparedness in addressing African American males in special education programs. The recurring premise expressed that African American males are over-referred to special education programs. In order to effectively address the learning needs of African American males in special education programs, teacher education programs and policy makers could implement the following suggestions for improvement:

- 1) Provide early intervention. Under Every Student Succeeds Act (2015), the reading first program requires state and local educational agencies to integrate early intervention into instruction when specific learning needs have been identified.
- 2) Effective cultural diversity training for teachers to address different student personalities and characteristics.
- 3) Reading development activities for African American males. Tatum (2005) suggests providing texts that engage boys emotionally and providing new learning material and text that legitimately male positive self-images are all methods to encourage a desire towards reading.
- 4) Provide teachers with training to target learning needs especially when an overwhelming deficit is present.
- 5) Adapt parental involvement strategies to promote active parent involvement. Research according to Jeynes (2005) shows that parental involvement is associated with higher

student achievement outcomes. Also, parental involvement that included parent-child reading activities yielded larger effects for African American children.

- 6) Encouraging learning institutions to utilize research based best practices to address learning deficits.
- 7) Require pre-service teachers and prospective administrators to take classes on the overrepresentation of African American or minority students.
- 8) Create courses that help students understand the importance of caring for students without lowering expectations.
- 9) Superintendents, principals, and teachers should evaluate their practices regarding all male students being recommended for special education.

5.6. Future Research

For decades, the problem of overrepresentation of African American males in special education has been at the forefront of educational discussions throughout the United States. Many researchers and theorists have presented information, data, and reports on why this dilemma not only still exists but seems to continue to grow increasingly. I believe the United States educational system has done and continues to place African Americans at a disadvantage in society.

The cultural deficit theory best describes my comparative case studies. This is the assumption of poor performance and widespread underachievement is attributed to the students' socioeconomic status and family origin. The research that is formulated by Deficit Theory blames the students themselves for their underachievement by latching on and referring to negative stereotypes often affiliated with the population. The school itself is not held

accountable and is "absolved from their responsibilities to educate appropriately, and this charge is shifted almost entirely to students and families" (Irizarry, 2009). This model feeds off negative stereotypes directly linked to the student's ability to work and to perform compared to "systematically marginalized peoples" (Irizarry, 2009). Students of low socioeconomic structure fail due to the lack of exposure and are seen to be culturally deprived. Due to this lack of exposure students enter school lacking cultural capital. Students of low socioeconomic structure fail due to the lack of exposure and are seen to be culturally deprived. However, the cultural deficit theory fails to notice institutional barriers, such as the lack of teacher education and lack of cultural responsiveness from the Caucasian middle-class teachers that make up most school districts. Unfortunately, some educators work from this deficit model, which means they believe that if underserved students worked harder, they would achieve. This is a problem. According to a National Center for Education Statistics' (NCES) study, teachers' expectations impact student success more than a student's own motivation. Stated in their study, tenth-grade students whose teachers had high expectations of them -- compared to poor expectations -- were three times more likely to graduate from college. Students of color and students from low socioeconomic backgrounds are at a disadvantage when it comes to teachers' expectations. The educators' expectations are nuanced to exclude students who may not have the advantages of the middle class. These intangible middle-class advantages include such things as a computer with internet access at home, a quiet place to study and complete homework, working parent(s) above the poverty line, no pressure to get a low-level job in high school to help pay the rent or support the family, and no fear of the streets upon which they live. While many schools are attempting to assist with providing some of these things for our students, it still does not change the expectations that some teachers still have about African American children.

This section provides recommendations for future research about the experiences of African American males in special education program and the overrepresentation of African American males in special education programs. To extend the scope of research, recommendations are necessary for future research.

- 1) An evaluation to ensure the proper implementation of the referral process in all school districts. This would give an understanding of litigation and where it has proven successful in rectifying the wrongs of overrepresentation.
- 2) Schools must work to improve personal attitudes toward parents. Professional development can assist with this. Parents should be viewed as equal members of their child's educational team and should be considered a part of the solution.
- 3) Demographically, these studies were based on responses from the majority of white and female participants. Considering the fact that non-white participants may agree/disagree with causal factors examining African American teacher perspectives of teaching African American male students with special needs would provide more insight on determining the best cultural fit for African American males who are facing behavioral and social-emotional challenges in their school environment.
- 4) These studies were limited to African American males and cannot be generalized to other ethnic groups or gender. A study relevant to culturally and linguistically diverse student would add a wealth of knowledge and would address a diverse and growing Hispanic population as well. There is a growing population of Hispanic families in many regions of the United States and being proactive would result in attacking the problem of the overrepresentation of culturally and linguistically diverse students categorized as emotionally disturbed.

5.7. Conclusion

As noted in Chapter One, because of IDEA, millions of children with disabilities in the United States of America are now receiving a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). Despite these benefits, however, the overrepresentation of minority students, especially African American males, is a serious problem in today's special education system. African American students make up 17% of the public-school population nationwide. According to Kunjufu (2005), 41 % of students in special education are African American. Much research and opinions have been developed to explain these alarming high ratios and why this phenomenon has historically impacted education to include socio-economic status, lack of teachers' cultural diversity, and societal perceptions on African American males. Regardless of the reasons, the fact remains that the lives of African American males are being jeopardized because of schools' failure to properly understand and implement special education procedures and the professional development necessary for teachers who teach at-risk students (Kunjufu, 2005).

The purpose of this study is to examine the overrepresentation of African American males in elementary (K – 8) special education programs, the teacher's perceptions causing the overrepresentation of African American males in special education programs and examine the experience and perspectives of African American male students in special education programs. Additionally, I developed two research questions to be answered within this comparative case study. Research question one aimed to identify the factors that contribute to the overrepresentation of African American male students in special education. Data analysis from the three selected case studies revealed the following factors contributed to the overrepresentation of African American male students in special education:

- 1) Lack of teacher training on cultural responsiveness and diversity
- 2) Mis-identification of African American males being referred and placed in special education programs
- 3) Teacher influence on the referral process of special education programs
- 4) Teacher biases on African American males, based on what they see and hear from society, social media, and news.

The second research question aimed to determine what the association in teachers' roles, perceptions, and demographics with the overrepresentation of African American males in special education is. After careful comparison of case studies, the researcher determined there is a significant association in teacher's roles with the overrepresentation, as each student referred into special education is typically done by his/her teacher. Because the teacher spends most of his/her time with the student, the teacher's input, notes, evaluation is heavily weighted when determining if the student should be referred to special education. As for the teachers' perceptions and demographics of African American males in special education, the comparative analysis of the three case studies revealed there was no significant association with the overrepresentation of African American males in special education.

These comparative case studies provided a view of teacher's role on the increased representation of African American males in special education; an examination of critical factors in the K-12 public school setting that contribute to the overrepresentation of African American males in special education; the impact of teacher demographics on the overrepresentation of African American males in special education in a costal school district. The causal factors were teacher perceptions on African American males, teacher training or lack thereof, cultural biases from Caucasian teachers of African American males, and general educators over-referring

African American males to special education programs. The long-term effects of overrepresentation should not be overlooked. African American males will continue to not be able to compete in this global economy if not given the chance of being educated in general education setting which in turn will increase many students being victims of the “school to prison pipeline.”

Finally, the overrepresentation of African American males is a growing phenomenon. The goal of education is to focus on student achievement where all learners can apply skills and information gathered from classroom experiences to apply this to real world experiences. However, when an area of need is addressed that limits all students from making learning progress, reform efforts and research can be used as a tool to address deficits. As problems continue to arise in education, research continues to penetrate bureaucratic behavior that can negate the purpose of educational institutions-to-educate all students regardless of race, gender, or learning limitation.

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APPENDIX

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

DE Part B

FFY2016 State Performance Plan / Annual Performance Report

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Introduction to the State Performance Plan (SPP)/Annual Performance Report (APR)

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General Supervision System:

The systems that are in place to ensure that IDEA Part B requirements are met, e.g., monitoring, dispute resolution, etc.

Multi-Tiered System of Accountability for IDEA

The Office of Special Education Programs (OSEP) has always required states to focus our efforts and resources on our general supervision responsibilities of procedural compliance through rigorous monitoring and extensive reporting procedures. OSEP's new accountability framework, called Results Driven Accountability (RDA), brings into focus the educational results and functional outcomes for children with disabilities while balancing those results with the compliance requirements of the Individuals with Disabilities Education Act (IDEA). The purpose is to help close the achievement gap for students with disabilities, improve outcomes for our children while preparing them to have range of college and career options appropriate to their individual needs and preferences, move away from a one-size-fits-all compliance focused approach and to craft a more balanced system that looks at how well students are being educated in addition to continued efforts to protect their rights. In addition, children with disabilities are to be a part of, not separate from, the general population. Thus, Special Education Accountability should strengthen and compliment other general education initiatives, including the Every Student Succeeds Act (ESSA).

The Delaware Department of Education (DDOE) Exceptional Children Resources (ECR) Workgroup has developed a **Multi-Tiered System of Accountability** to improve results for children and ensure compliance of IDEA.

Tier I:

All Local Education Agencies (LEAs) are monitored through data analysis, desk audits, self-assessments, review of student records, on-site visits and/or student observations for the following:

Compliance

- Disproportionate Suspension & Expulsion Ethnicity (Indicator 4b)
- Disproportionate Representation in Special Education (Indicators 9 & 10)
- Initial Evaluation Timelines (Indicator 11)
- Transition of Part C to Part B (Indicator 12)
- Secondary Transition (Indicator 13)
- Compliance of IEP Process
- Equitable Services for Parentally Placed Private School Student
- Needs-Based Funding Verification
- Consolidated Grant Reviews – Program and Fiscal Monitoring
- Fiscal Monitoring of MOE and Excess Costs
- Analysis of Dispute Resolution and Mediation issues (Indicator 15 & 16)

Results

- State Assessment Participation (Indicator 3b)
- State Assessment Performance (Indicator 3c)
- Significant Discrepancy Suspension and Expulsion (Indicator 4a)
- Early Childhood Outcomes (Indicator 7)
- Graduation Rate (Indicator 1)
- Drop-out Rate (Indicator 2)
- LRE (Indicator 5)
- LRE Preschool (Indicator 6)
- Post School Outcomes (Indicator 14)
- Performance Management Routines – Student Performance
- Needs-Based Funding Verification
- Consolidated Grant Reviews – Program and Fiscal Monitoring

If an LEA is found noncompliant or they have not met the targets for results, the LEA moves to Tier II. Data from all compliance and results indicators, along with other factors, are considered when identifying the movement to Tier II. In addition to the schedule of LEA

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on-site monitoring, the DDOE conducts a Risk Based Analysis to identify specific LEAs for monitoring.

Tier II:

For compliance issues, the LEA is required to correct all individual student noncompliance, conduct a Root Cause Analysis in the area of noncompliance, and develop a Corrective Action Plan including improvement activities, benchmarks, and a timeline for submitting deliverables and status updates (Prong I). Following the completion of these activities, DDOE reviews randomly selected student files to ensure there are no systemic issues of non-compliance (Prong II). If continued noncompliance exists, the LEA will move to Tier III. For results issues, the LEA is monitored through Corrective Action Plans developed by the LEAs and through monitoring activities of the Exceptional Children Resources Workgroup. In addition, this information is shared with Performance Management Workgroup to be included in the overall performance of the LEA.

Compliance	Results
LEA driven, DDOE monitors through deliverables, Prong I and II, progress/status updates and technical assistance (TA). <ul style="list-style-type: none"> • LEA corrects individual noncompliance • LEA conducts a Self- Assessment including a Root Cause Analysis in the area of noncompliance • LEA develops a Corrective Action Plan including improvement activities, benchmarks, and timeline for submitting deliverables and status updates • TA is provided as requested • DDOE verifies correction of Prong I • DDOE verifies compliance in Prong II • DDOE monitors status of Corrective Action Plan 	LEA driven, DDOE monitors through progress/status updates of Corrective Action Plan and through Performance Management meetings with LEAs. <ul style="list-style-type: none"> • LEA reviews data, conducts a Root Cause Analysis and develops a Corrective Action Plan • DDOE monitors through analysis of LEA data and status of Corrective Action Plan • DDOE reviews alignment of data to Consolidated Grant to Corrective Action Activities to show improvement • TA is offered in area, if necessary

If an LEA is found to continue in the areas of noncompliance, they have not completed the activities in their Corrective Action Plan or they have not met the targets for results for another year, the LEA moves to Tier III. Again, the DDOE conducts a Risk Based Analysis to identify LEAs for on-site monitoring each year. Data from all compliance and results indicators, along with additional data, are considered when identifying the movement to Tier III. Tier III is driven by both LEA and DDOE.

Tier III:

Compliance	Results
LEA and DDOE driven, DDOE monitors through deliverables, Prong I and II, progress/status updates and TA. <ul style="list-style-type: none"> • LEA corrects individual noncompliance • LEA and DDOE conducts a Self- Assessment including a Root Cause Analysis in the area of noncompliance • LEA and DDOE develop an Intervention Plan together to include improvement activities, benchmarks, and timeline for submitting deliverables and status updates • TA provided by DDOE or other entity • DDOE verifies correction of Prong I • DDOE verifies compliance in Prong II • DDOE monitors status of Intervention Plan 	LEA and DDOE driven, DDOE monitors through Intervention Plan progress/status update and Performance Management discussions of data and status of Intervention Plan. <ul style="list-style-type: none"> • LEA reviews data, conducts a Root Cause Analysis and works with DDOE to develop an Intervention Plan • DDOE monitors through analysis of LEA data and status of Intervention Plan • DDOE reviews alignment of data to Consolidated Grant to Intervention Plan Activities to show improvement • TA is offered/provided in necessary areas

For Tier III results issues, progress updates are provided on the LEAs Intervention Plan. TA is offered and provided to LEA by DDOE throughout the year. If an LEA continues to be noncompliant, the LEA moves into Tier IV and enters into a Compliance Agreement with DDOE. DDOE leads a Root Cause Analysis with the LEA in the area(s) of noncompliance and develops the Compliance Agreement which is signed by both parties.

Tier IV:

Compliance	Results
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DDOE driven, DDOE monitors through deliverables, Prong I and II, progress/status updates and TA is directed by DDOE and/or other entity.

- LEA corrects individual noncompliance
- DDOE leads a Root Cause Analysis with LEA in the area of noncompliance
- DDOE develops a **Compliance Agreement** and the LEA and DDOE enter into the **Compliance Agreement** which includes improvement activities, benchmarks, PD, TA and timeline for submitting deliverables and status updates
- TA provided by DDOE or other entity
- DDOE verifies correction of Prong I
- DDOE verifies compliance in Prong II
- DDOE monitors status of **Compliance Agreement**
- Possible direction of IDEA funds

DDOE driven, DDOE monitors through progress updates, deliverables, discussions of data and status of a **Compliance Agreement**.

- DDOE reviews data, conducts a Root Cause Analysis and **develops a Compliance Agreement**
- DDOE monitors through analysis of LEA data and status of the **Compliance Agreement**
- DDOE provides TA to LEAs in areas of improvement

For Tier IV results issues, DDOE monitors the Compliance Agreement closely. If the DDOE is able to verify correction of noncompliance in all of the regulatory areas, the DDOE will close out the findings of noncompliance that are corrected and notify the LEA in writing. If, however, findings of noncompliance remain open in specific regulatory areas, additional actions will be necessary. Depending on the results of the DDOE's verification activities, the DDOE may increase its enforcement actions in accordance with its authority.

In order to accomplish a multi-tiered system of accountability to improve results for children and ensure compliance with IDEA, OSEP has provided Delaware with TA supports/resources through National Center for Systemic Improvement (NCSI), the IDEA Data Center (IDC), the Center for IDEA Fiscal Reporting (CIFR), the National Secondary Transition Technical Assistance Center (NSTTAC), the National Post School Outcomes Center (NPSO) and Early Childhood TA Center. Delaware Department of Education, Exceptional Children Resources Workgroup, greatly appreciates all the technical assistance and support that OSEP has provided, especially regarding Suspension and Expulsion, Secondary Transition, Significant Disproportionality, Comprehensive Early Intervening Services, Timely and Accurate Data, Early Childhood and Fiscal Monitoring. We have engaged in numerous TA opportunities, sought specific resources/support and will continue to accept the support provided to improve results and compliance for Delaware's children with disabilities.

IDEA Data Center: To address timely and accurate state reported data, the DDOE enlisted the support of the IDEA Data Center (IDC) to provide a series of technical assistance days for a combined group of Exceptional Children Resources and the Data Management and Governance Workgroups. This technical assistance has included developing and strengthening policies and procedures using the protocols from the Part B IDEA 618 Data Processes Toolkit. IDC has supported the DDOE with strengthening processes and procedures related to Indicators 4B, Suspension and Expulsion, as well as the other APR indicators. In addition, IDC has engaged in initial problem solving discussions concerning the improvement of a comprehensive corrective action plan for LEAs.

Center for IDEA Fiscal Reporting (CIFR): The DDOE sought support from the Center for IDEA Fiscal Reporting (CIFR) to develop a new workbook for MOE, Excess Costs calculations under IDEA and improve the consolidated grant process including allocations.

The National Center for Systemic Improvement (NCSI): NCSI has been an integral part in the development of Delaware's IDEA State Systemic Improvement Plan and the establishment of the Delaware Early Literacy Initiative to improve results for students with disabilities.

The National TA Center on Intensive Intervention (NCII): NCII has supported the DDOE in developing the Multi-Tiered System of Support framework which is the foundation of our new State Personnel Development Grant (SPDG).

The National Secondary Transition Technical Assistance Center (NSTTAC) and the National Post School Outcomes Center (NPSO) which has now become the National Technical Center on Transition (NTACT): NSTTAC and NTACT have provided support to the DDOE with TA around Indicator 13 through emails, phone calls, informational resources, and guidance for moving from compliance to best practice. Delaware also participated in the NTACT State Capacity Building Institute and Delaware continues to be one of the states who receives intensive technical assistance with secondary transition.

The Delaware Department of Education, Exceptional Children Resources Work Group, greatly appreciates all the technical assistance and support that OSEP has provided, especially regarding Suspension and Expulsion, Significant Disproportionality, Secondary Transition, Timely and Accurate Data, and Fiscal Support. We have engaged in numerous TA opportunities, sought specific resources/support and will continue to accept the support provided to improve results and compliance for Delaware's children with disabilities.

LEA Determinations

Under the IDEA, the Department is required to review the performance of local education agencies (LEAs) on the targets identified in the

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State's Performance Plan (SPP) and make annual determinations on LEA performance. Since the federal Office of Special Education Programs (OSEP) has broadened their focus from holding states accountable for compliance indicators only to now holding states accountable for both compliance and results indicators, DDOE has begun issuing LEA annual determinations based on a combination of the following compliance and results indicators:

Compliance:

- Indicator 4b: Significant Discrepancy, by Race or Ethnicity, in the rate of Suspensions and Expulsions of greater than 10 days in a school year and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements
- Indicators 9 & 10: Disproportionate Representation related to Identification
- Indicator 11: Timely Evaluations
- Indicator 12: Early Childhood Transition from Part C/preschool special education services to Part B/school-age special education services
- Indicator 13: Transition Planning in the IEP
- Other: Equitable Services, Needs-Based Funding, Fiscal Monitoring
- Other: Corrective Action as a result of an Administrative Complaint or Due Process

Results:

- Indicator 1: Graduate Rate
- Indicator 2: Drop Out Rate
- Indicator 3b: Participation in the State Assessment
- Indicator 3c: Proficiency on the State Assessment
- Indicator 4a: Significant Discrepancy in the rates of long-term Suspension of Students with Disabilities
- Indicator 5: LRE (beginning Spring, 2018)
- Indicator 7: Early Childhood Outcomes

General Supervision**Charter School Accountability**

Charter schools are monitored through the DDOE Exceptional Children Resources Work Group and the Charter School Office. Exceptional Children Resources monitors compliance and results issues and works closely with Charter School Office staff to ensure that charter schools are meeting both compliance and results expectations. In addition, a representative from Exceptional Children Resources is part of the Charter School Accountability Committee which reviews all new, renewal, and request for modification applications. This provides an opportunity to ensure that charter schools have an understanding of federal and state special education regulations and that they have provisions in place to ensure requirements are met.

Dispute Resolution Process

The Office of Special Education Programs (OSEP) encourages parents and LEAs to work collaboratively, in the best interests of children, to resolve the disagreements that may occur when working to provide a positive educational experience for all children, including children with disabilities. To this end, the IDEA and its implementing regulations provide specific options for resolving disputes between parents and public agencies, which can be used in a manner consistent with our shared goals of improving results and achieving better outcomes for children with disabilities.

Delaware's Special Education Dispute Resolution Options

Due Process Complaints. A due process complaint may be filed by a parent, school district, or charter school relating to the identification, evaluation, or educational placement of a child with a disability, or the provision of a free, appropriate public education to the child. When a due process complaint is received by the Department, the Secretary of Education will appoint a three member hearing panel (or a single hearing officer in the case of an expedited hearing), and inform the parties who has been appointed. The hearing panel must conduct an evidentiary hearing and issue a final decision within 45 days of the end of the 30 day resolution period.

14 Del. C. §§ 3135 to 3142; 14 DE Admin Code §§ 926.7.0 to 18.0; 34 C.F.R. §§ 300.507 to 518. See also, the Department of Education's "Due Process Hearing Procedures", dated December 2017.

School board members must receive a copy of any due process complaint received by the Department from the district superintendent, as well as a copy of any hearing panel decision or civil action filed by a parent seeking judicial review of a hearing decision. In addition, a decision to seek judicial review of a hearing decision must be made by a majority of school board members.

14 Del. C. § 3110(d); 14 DE Admin Code § 211

State Complaints. State complaints may be filed by any person or organization and must allege a violation of a requirement of Part B of the IDEA or the Department's regulations concerning the education of children with disabilities. Upon receipt of a state complaint, the Department will appoint an investigator and issue a written decision to the complainant within 60 days that addresses each allegation in the complaint.

¹ 14 DE Admin Code §§ 923.51.0 to 53.0; 34 C.F.R. §§ 300.151 to 153. For additional information, See also, the Department of Education's "Special Education State Complaint Procedures", dated May 2009.

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Mediation. The Department offers mediation to parents, districts, and charter schools to resolve special education disputes. Mediation is voluntary on the part of the parties, and conducted by a qualified and impartial mediator trained in effective mediation techniques.

14 DE Admin Code § 926.6.0; 34 C.F.R. § 300.506

IEP Facilitation. The Department offers IEP Facilitation to parents, districts, and charter schools. During a facilitated IEP meeting, a trained facilitator assists members of the team in developing or reviewing a student's IEP and addressing differing opinions. The role of the facilitator is to assist team members in communicating effectively in order to reach decisions that are in the best interest of the student.

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Technical Assistance System:

The mechanisms that the State has in place to ensure the timely delivery of high quality, evidenced based technical assistance and support to LEAs.

Professional Development and Technical Assistance

The DDOE has developed a comprehensive professional development and technical assistance system that moves beyond short-term, episodic training to a community of practice that is sustainable and builds LEA capacity to improve results for students with disabilities. The system focuses on implementation of the Common Core State Standards, as well as academic and behavioral supports. The DDOE engages in an analysis of state-level, as well as LEA level data and in meaningful discussions with LEA leadership to identify LEAs in need of technical assistance. Once identified, the LEA and the DDOE enter into a Memorandum of Understanding which outlines the roles and responsibilities of both the LEA and the Department. Technical assistance is provided through a variety of formats including group training, on-site/online coaching, and consultation.

Following are examples of the professional development and technical assistance provided:

Writing Rigorous IEPs to Teach Educational Standards (WRITES): The DDOE has contracted with the University of Delaware, Center for Disabilities Studies' ACCESS Project to provide training and technical assistance relating to Standards-based IEPs. The ACCESS Project WRITES (Writing Rigorous IEPs to Teach Educational Standards) initiative provides professional development to identified LEAs and schools on developing and implementing standards-based IEPs. WRITES uses group trainings, individual coaching, online collaboration, and a variety of methods necessary in order to successfully support state education professionals in development and implementation of standards-based IEPs.

Systematic Processes for Enhancing and Assessing Communication Supports (SPEACS): The DDOE has contracted with the University of Delaware, Center for Disabilities Studies' ACCESS Project and the University of Kentucky to provide training and technical assistance in the area of communication for students with significant disabilities. Built on the premise that all students can communicate, the SPEACS initiative provides training and technical assistance to school teams who work with targeted students with complex communication needs to increase communication skills with the ultimate goal of symbolic communication.

IEP Development for Behavior & Social/Emotional Skills: The DDOE has contracted with The University of Delaware, Center for Disabilities Studies' PBS Project to provide training and technical assistance focused on IEP development related to behavioral goals and social/emotional supports. This includes group trainings, individual coaching, online collaboration, and a variety of methods necessary in order to successfully support state education professionals in development and implementation IEPs addressing behavioral needs.

Tiered Behavior Supports: The DDOE has contracted with Rose Iovannone to provide training and technical assistance which focuses on tiered behavior supports through Prevent-Teach-Reinforce (PTR). Training and coaching is provided to ensure teachers are able to implement behavior plans with fidelity.

Social Skills/PEERS®: The DDOE has contracted with Dr. Elizabeth Laugeson, Director of the UCLA PEERS Program, to provide technical assistance to improve social skills and social interactions among secondary students with various disabilities. Technical assistance includes school-based training, video demonstrations, and didactic instruction from Dr. Laugeson.

Universal Design for Learning: Open to all LEA staff with a focus universal design and differentiated instructional strategies to support the rigor of the Common Core State Standards.

Grade Level Extensions: Open to all LEA staff with a focus on increasing access to and performance in the general education curriculum for students with significant cognitive disabilities.

Accessibility Guidelines: Open to all LEA staff with a focus on increasing access to all assessments in the Delaware System of Student Assessments.

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DDOE staff engages in ongoing data analysis and evaluation of all professional development and technical assistance to ensure fidelity of implementation of evidenced-based strategies and attainment of measurable outcomes and to drive future technical assistance. The DDOE evaluates professional development and technical assistance using the Guskey's Five Critical Levels of Professional Development: Participants' Reactions, Participants' Learning, Organization Support and Change, Use of New Knowledge and Skills, and Student Learning Outcomes. In addition, other measures are utilized such as coaching rubrics and coaching fidelity checklists based on Participatory Adult Learning Strategy (PALS).

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Professional Development System:

The mechanisms the State has in place to ensure that service providers have the skills to effectively provide services that improve results for students with disabilities.

In addition to the above, the DDOE has established a professional development and technical assistance framework that engages stakeholder groups to foster a collective responsibility and investment in improving results for students with disabilities. Professional development is provided on an ongoing basis and includes DDOE and stakeholder initiated topics such as IDEA regulations, procedural safeguards, policies, procedures, and practices, legislative updates, policy issues, State Performance Plan/Annual Performance Report, State Systemic Improvement Plan, fiscal, updates from agency providers, and other current issues in special education both national and those specific to Delaware.

Professional development and technical assistance are provided through a variety of formats including the following:

Special Education Leadership Group: Meetings are held throughout the year, are open to the public, and include LEA staff, outside agency providers, community members, stakeholder group representatives, and DDOE staff.

Special Education Directors: Meetings are held throughout the year and are open to current LEA Special Education Directors (both districts and charters).

Charter Schools: Targeted professional development is provided for charter school administrators and staff based on topics identified through a needs survey.

Literacy Coalition & Literacy Cadre: Open to LEA identified staff such as district curriculum leaders and reading specialists, with a focus on literacy strategies and Response to Intervention. This work is led by the Curriculum Work Group with support from Exceptional Children Resource Work Group staff.

Secondary Transition: Collaboration with National Centers (National Secondary Transition Technical Assistance Center and National Post School Outcomes Center). Open to all LEAs with a focus on increasing graduation rate/decrease dropout rate, improving transition planning, and improving post-school outcomes.

State-Wide Transition Cadre: Open to all LEAs with a focus on data analysis and developing transition plans specific to LEA population.

State Transition Council: Open to all LEAs with a focus on providing agency updates, TA/PD, and addressing questions/concerns relating to transition. Participants include LEAs, DDOE, agencies, and community members.

Adult Correction Education: Professional development is provided to the Teacher Supervisors and Educational Diagnosticians that work within the prison.

Liaison: TA is provided daily through a varied methodology, including but not limited to: phone calls, emails, on-site visits, and webinars.

Schoology: Web based platform to provide professional development and technical assistance.

Other: Annual conferences such as Transition Conference and Inclusion Conference which is aligned with the priorities of TA projects.

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Stakeholder Involvement: ☐ apply this to all Part B results indicators

The mechanism for soliciting broad stakeholder input on targets in the SPP, including revisions to targets.

Delaware State Performance Plan/Annual Performance Report

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The State Performance Plan/Annual Performance Report development was the result of collaboration between the DDOE's Exceptional Children Resource Group and other DDOE work groups, various statewide committees and groups which include LEA representatives, parents, agency representatives and community members. Stakeholder groups include the following: Governor's Council for Exceptional Citizens (GACEC), Statewide Positive Behavior Support Cadre, Access to the General Education Curriculum Committee, SSIP Advisory Council, 619 Coordinators, Statewide Transition Cadre, NSTTAC State Team, Delaware PTA, Delaware Parent Information Center, Special Education Leadership Group and LEA Special Education Directors, and Charter Leaders.

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No APR attachments found.		

Reporting to the Public:

How and where the State reported to the public on the FFY 2015 performance of each LEA located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days following the State's submission of its FFY 2015 APR, as required by 34 CFR §300.602(b)(1)(i)(A); and a description of where, on its Web site, a complete copy of the State's SPP, including any revision if the State has revised the SPP that it submitted with its FFY 2015 APR in 2017, is available.

The FFY 2015 LEA Annual Determinations are posted on the Department website at:

<https://www.doe.k12.de.us/annualdeterminations>

As soon as the FFY 2016 LEA Annual Determinations are issued, they too will be posted on the Department website.

Attachments

File Name	Uploaded By	Uploaded Date
No APR attachments found.		

Actions required in FFY 2015 response**OSEP Response**

States were instructed to submit Phase III Year Two of the State Systemic Improvement Plan (SSIP) by April 2, 2018. The State provided the required information.

In the FFY 2017 APR, the State must report FFY data for the State-identified Measurable Result (SIMR). Additionally, the State must, consistent with its evaluation plan described in Phase II, assess and report on its progress implementing the SSIP. Specifically, the State must provide: (1) a narrative or graphic representation of the principal activities; (2) measures and outcomes that were implemented since the State's last SSIP submission (i.e., April 2, 2018); and (3) a summary of the infrastructure improvement strategies and evidence-based practices that were implemented and progress toward short- and long-term outcomes that are intended to impact the SIMR.

Required Actions

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 1: Graduation

Monitoring Priority: FAPE in the LRE

Results indicator:

Percent of youth with Individualized Education Programs (IEPs) graduating from high school with a regular high school diploma.

(20 U.S.C. 1416 (a)(3)(A))

Historical Data

Baseline Data: 2011

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target ≥			74.00%	40.30%	81.00%	82.50%	84.00%	85.50%	58.10%	63.00%	66.70%
Data		69.87%	66.42%	69.78%	73.26%	73.26%	76.00%	75.70%	56.80%	59.83%	67.66%

FFY	2015
Target ≥	71.40%
Data	65.61%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2016 - FFY 2018 Targets

FFY	2016	2017	2018
Target ≥	74.10%	77.80%	81.50%

Key:

Targets: Description of Stakeholder Input

The Graduation Rate targets are set in accordance to the DDOE's ESEA Flexibility Request. The DDOE gathered stakeholder input on graduation rate targets through the ESEA Flexibility Waiver process.

The DDOE consulted with the Delaware Education Support System (DESS) Advisory Council and the state's Committee of Practitioners, to provide input and make comments on the Delaware ESEA Flexibility Waiver. Additionally, members of the DESS Advisory were notified of the dates and times of the public town hall meetings.

The DESS Advisory includes representatives from key groups of practitioners throughout the state: Delaware State Education Association (DSEA), Delaware School Boards Association (DSBA), Delaware Association of School Administrators (DASA), State Board of Education (SBE), Chief School Officers Association (CSOA), and the Delaware Charter School Network (DCSN). DESS also includes community members and representatives from the state's Institutes of Higher Education.

Town Hall meetings were held in each of the three counties in Delaware. DDOE staff provided an overview of the ESEA Flexibility Waiver. This was an opportunity for all members of the public to engage with the DDOE regarding the proposal.

Additional feedback regarding the ESEA Flexibility Waiver was received by special education stakeholders groups: National Technical Assistance Center on Transition (NTACT) State Team, State Transition Cadre, Governor's Advisory Council for Exceptional Citizens (GACEC), transition subcommittee, state transition council, Special Education Leadership Group, and County Special Education Directors. Members of these groups include students, parents, teachers, transition specialists, special education directors, State agency representatives, community service providers, and other community members.


Prepopulated Data

Source	Date	Description	Data	Overwrite Data
SY 2015-16 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec C151; Data group 696)	10/12/2017	Number of youth with IEPs graduating with a regular diploma	924	
SY 2015-16 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec C151; Data group 696)	10/12/2017	Number of youth with IEPs eligible to graduate	1,376	null

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FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

Source	Date	Description	Data	Overwrite Data
SY 2015-16 Regulatory Adjusted Cohort Graduation Rate (EDFacts file spec C150; Data group 695)	10/12/2017	2014-15 Regulatory four-year adjusted-cohort graduation rate table	67.15%	Calculate 

FFY 2016 SPP/APR Data

Number of youth with IEPs in the current year's adjusted cohort graduating with a regular diploma	Number of youth with IEPs in the current year's adjusted cohort eligible to graduate	FFY 2015 Data	FFY 2016 Target	FFY 2016 Data
924	1,376	65.61%	74.10%	67.15%

Graduation Conditions

Choose the length of Adjusted Cohort Graduation Rate your state is using: 4-year ACGR

Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular high school diploma. If there is a difference, explain.

Graduation conditions for students in Delaware are as follows:

For graduation credit requirements beginning with the Graduation Class of 2016 (Freshman Class of 2012-2013), a public school student shall be granted a State of Delaware Diploma when such student has successfully completed a minimum of twenty four (24) credits in order to graduate including: four (4) credits in English Language Arts, four (4) credits in Mathematics, three (3) credits in Science, three (3) credits in Social Studies, two (2) credits in a World Language, one (1) credit in physical education, one half (1/2) credit in health education, three (3) credits in a Career Pathway, and three and one half (3 ½) credits in elective courses.

The student shall earn credit upon completion of mathematics course work that includes no less than the equivalent of the traditional requirements of Geometry, Algebra I and Algebra II courses. The student shall complete an Algebra II or Integrated Mathematics III course as one of the Mathematics credits.

Scientific investigations related to the State Science Standards shall be included in all three science course requirements. The student shall complete a Biology course as one of the Science credits.

The student shall complete a U. S. History course as one of the Social Studies credits.

During the senior year the student shall maintain a credit load each semester that earns the student at least a majority of credits that could be taken that semester. A credit in Mathematics shall be earned during the senior year. Further provided, a student participating in a dual enrollment course or dual credit course, as defined in 14 DE Admin. Code 506 Policies for Dual Enrollment and Awarding Dual Credit, shall be considered to be meeting the majority of credits, as long as a credit in Mathematics is earned during the senior year.

Students may fulfill the two (2) credit World language requirement by either: Earning a minimum of two (2) World Language credits in the same language or, demonstrating Novice-high or higher proficiency level on a nationally recognized assessment of language proficiency, except English, in the skill areas of oral or signed expressive and receptive communication, reading and writing, that uses the levels of proficiency as identified by the American Council for the Teaching of Foreign Language, or as approved for use by the Delaware Department of Education.

LEAs may require students to earn additional credits to the above stated state minimal requirements.

Delaware does not currently have any alternate routes for students with disabilities to graduate with a regular high school diploma.

Are the conditions that youth with IEPs must meet to graduate with a regular high school diploma different from the conditions noted above? No

Actions required in FFY 2015 response

none

OSEP Response
Required Actions

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FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 2: Drop Out

Monitoring Priority: FAPE in the LRE

Results indicator:

Percent of youth with IEPs dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

Historical Data

Baseline Data: 2005

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target \square			7.40%	6.80%	6.20%	5.60%	5.00%	4.40%	3.80%	5.50%	5.20%
Data		5.20%	5.51%	4.28%	4.28%	3.30%	6.40%	5.80%	5.88%	5.12%	3.49%

FFY	2015
Target \square	4.90%
Data	3.25%

Key: \square Gray – Data Prior to Baseline \square Yellow – Baseline \square Blue – Data Update

FFY 2016 - FFY 2018 Targets

FFY	2016	2017	2018
Target \square	4.60%	4.30%	4.00%

Key:

Targets: Description of Stakeholder Input

The Delaware Department of Education (DDOE) consulted with various stakeholder groups to receive input into historical and current drop out data to determine targets for the current APR. These groups included the National Technical Assistance Center on Transition (NTACT) State Team, State Transition Cadre, Governor's Advisory Council for Exceptional Citizens (GACEC) transition subcommittee, state transition council, Special Education Leadership Group, and County Special Education Director. Members of these groups include students, parents, teachers, transition specialists, special education directors, State agency representatives, community service providers, and other community members.

Please indicate whether you are reporting using Option 1 or Option 2.

- ☐ Option 1
☐ Option 2

Has your State made or proposes to make changes to the data source under Option 2 when compared to the information reported in its FFY 2010 SPP/APR submitted on February 1, 2012? ☐ No

FFY 2016 SPP/APR Data

Number of youth with IEPs (ages 14-21) who exited special education due to dropping out	Total number of all youth with IEPs (ages 14-21)	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
174	5,966	3.25%	4.60%	2.91%

☒ Use a different calculation methodology

☒ Change numerator description in data table

☒ Change denominator description in data table

Please explain the methodology used to calculate the numbers entered above.

Methodology Used to Calculate Drop out

Delaware uses an Event Rate method for reporting in its Annual Dropout Summary of Statistics. Event rate reporting is a snapshot which

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FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

reflects the total numbers of students in grades 9-12 who dropped out of school in a single year divided by the fall enrollment of that same year. This method aligns with the DDOE's reporting under Title 1 of the Elementary and Secondary Education Act (ESEA).

The calculation is based on students who were included in the September 30 Enrollment Report to the state. A dropout for any particular year is any student who was in the September enrollment report who did not graduate, did not die, or did not transfer to another school and was not included in the end of year enrollment report. Students who are identified as "whereabouts unknown" by a school district or charter school are assumed to be dropouts for this calculation.

Calculation:

of students who did not graduate, did not die, or did not transfer to another school and was not included in the end of the year enrollment

of Special Education Students Enrolled in grades 9-12 on September 30

Provide a narrative that describes what counts as dropping out for all youth.

A dropout for any particular year is any student who was in the September enrollment report who did not graduate, did not die, or did not transfer to another school and was not included in the end of year enrollment report. Students who are identified as "whereabouts unknown" by a school district or charter school are assumed to be dropouts for this calculation.

Is there a difference in what counts as dropping out for youth with IEPs? No

Actions required in FFY 2015 response

none

OSEP Response**Required Actions**

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 3B: Participation for Students with IEPs

Monitoring Priority: FAPE in the LRE

Results indicator: Participation and performance of children with IEPs on statewide assessments:

- A. Indicator 3A – Reserved
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Historical Data

	Group Name	Baseline Year	FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Reading	A Grade 3	2014	Target ≥			98.90%	99.00%	99.10%	99.20%	99.30%	99.20%	99.20%	95.00%	95.00%
			Data		99.20%	98.80%	99.62%	99.15%	99.79%	99.23%	91.85%	96.32%	96.22%	97.16%
	B Grade 4	2014	Target ≥				98.50%	98.60%	98.70%	98.80%	98.70%	98.70%	95.00%	95.00%
			Data		98.30%	98.50%	99.78%	99.14%	99.65%	98.65%	93.20%	96.31%	96.60%	97.32%
	C Grade 5	2014	Target ≥				99.20%	99.30%	99.50%	99.60%	99.50%	99.50%	95.00%	95.00%
			Data		97.80%	99.20%	99.80%	99.21%	99.55%	99.08%	94.06%	96.53%	96.70%	97.76%
	D Grade 6	2014	Target ≥				98.20%	98.30%	98.40%	98.50%	98.40%	98.40%	95.00%	95.00%
			Data		98.00%	99.10%	99.58%	98.05%	98.30%	97.64%	94.90%	96.97%	96.33%	97.45%
	E Grade 7	2014	Target ≥				98.00%	98.10%	98.20%	98.30%	98.20%	98.20%	95.00%	95.00%
			Data		97.80%	98.50%	98.88%	98.06%	98.29%	97.69%	94.38%	96.99%	96.41%	97.57%
	F Grade 8	2014	Target ≥			97.30%	97.40%	97.50%	97.60%	97.70%	97.60%	97.60%	95.00%	95.00%
			Data		96.20%	98.20%	98.34%	98.18%	98.88%	97.39%	95.30%	96.54%	96.87%	96.55%
	G Grade 11	2015	Target ≥			95.50%	95.60%	95.70%	95.80%	95.90%	95.80%	95.80%	95.00%	95.00%
			Data		95.60%	99.50%	96.42%	96.55%	96.20%	92.09%	88.29%	91.44%	90.10%	92.00%
Math	A Grade 3	2014	Target ≥			99.00%	99.10%	99.20%	99.30%	99.40%	99.30%	99.30%	95.00%	95.00%
			Data		99.50%	98.90%	99.62%	98.73%	99.86%	99.12%	97.36%	99.17%	98.60%	97.10%
	B Grade 4	2014	Target ≥				98.80%	98.90%	99.00%	99.10%	99.00%	99.00%	95.00%	95.00%
			Data		98.60%	99.00%	99.85%	99.28%	99.72%	99.27%	98.07%	98.75%	98.78%	97.09%
	C Grade 5	2014	Target ≥			99.00%	99.10%	99.20%	99.30%	99.40%	99.30%	99.30%	95.00%	95.00%
			Data		99.20%	99.90%	99.80%	99.43%	99.68%	99.16%	96.90%	98.87%	98.76%	97.41%
	D Grade 6	2014	Target ≥				98.30%	98.40%	98.50%	98.60%	98.50%	98.50%	95.00%	95.00%
			Data		98.10%	99.10%	99.72%	98.12%	98.30%	98.20%	97.69%	98.31%	97.69%	97.39%
	E Grade 7	2014	Target ≥				98.10%	98.20%	98.30%	98.40%	98.30%	97.40%	95.00%	95.00%
			Data		97.90%	98.60%	98.75%	98.35%	98.61%	97.68%	96.76%	98.01%	97.43%	97.70%
	F Grade 8	2014	Target ≥			97.10%	97.20%	97.30%	97.40%	97.50%	97.40%	97.40%	95.00%	95.00%
			Data		96.30%	98.20%	98.66%	98.05%	99.08%	97.45%	96.09%	98.01%	97.78%	96.23%
	G Grade 11	2015	Target ≥			95.10%	95.20%	95.30%	95.40%	95.50%	95.40%	95.40%	95.00%	95.00%
			Data		95.50%	99.50%	96.60%	97.01%	96.56%	91.54%	90.22%	93.17%	92.45%	92.14%

	Group Name	FFY	2015
Reading	A Grade 3	Target ≥	95.00%
		Data	97.96%
	B Grade 4	Target ≥	95.00%
		Data	97.74%
	C Grade 5	Target ≥	95.00%
		Data	97.42%
	D Grade 6	Target ≥	95.00%
		Data	95.96%
	E Grade 7	Target ≥	95.00%
		Data	95.64%
	F Grade 8	Target ≥	95.00%
		Data	95.11%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

	Group Name	FFY	2015
Math	G Grade 11	Target ≥	95.00%
		Data	90.36%
	A Grade 3	Target ≥	95.00%
		Data	97.98%
	B Grade 4	Target ≥	95.00%
		Data	97.75%
	C Grade 5	Target ≥	95.00%
		Data	97.09%
	D Grade 6	Target ≥	95.00%
		Data	95.64%
	E Grade 7	Target ≥	95.00%
		Data	95.77%
	F Grade 8	Target ≥	95.00%
		Data	95.70%
	G Grade 11	Target ≥	95.00%
		Data	90.44%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2016 - FFY 2018 Targets

	FFY	2016	2017	2018
Reading	A ≥ Grade 3	95.00%	95.00%	95.00%
	B ≥ Grade 4	95.00%	95.00%	95.00%
	C ≥ Grade 5	95.00%	95.00%	95.00%
	D ≥ Grade 6	95.00%	95.00%	95.00%
	E ≥ Grade 7	95.00%	95.00%	95.00%
	F ≥ Grade 8	95.00%	95.00%	95.00%
	G ≥ Grade 11	95.00%	95.00%	95.00%
Math	A ≥ Grade 3	95.00%	95.00%	95.00%
	B ≥ Grade 4	95.00%	95.00%	95.00%
	C ≥ Grade 5	95.00%	95.00%	95.00%
	D ≥ Grade 6	95.00%	95.00%	95.00%
	E ≥ Grade 7	95.00%	95.00%	95.00%
	F ≥ Grade 8	95.00%	95.00%	95.00%
	G ≥ Grade 11	95.00%	95.00%	95.00%

Key:

Targets: Description of Stakeholder Input

The FFY 2013-2016 participation rate targets for students with disabilities were set during the development of Delaware's Elementary and Secondary Education Act (ESEA) Flexibility Waiver. Stakeholder input was an integral part of the ESEA Flexibility Waiver and included public town hall meetings in each county, as well as meetings with stakeholder groups such as the Governor's Advisory Council for Exceptional Citizens. The targets were also presented to the Special Education Leadership Group and State Board for input. The targets of 95% participation across all grades and federal fiscal years align with the targets set through the ESEA Flexibility Waiver process.

Delaware's ESSA plan was approved in July 2017. The Department of Education, in collaboration with our stakeholder groups, will set new participation targets for the APR as to be in alignment with Delaware's ESSA plan.

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

Would you like to use the assessment data below to automatically calculate the actual data reported in your FFY 2013 APR by the grade groups you provided on the Reporting Group Selection page? yes

Would you like the disaggregated data to be displayed in your final APR? yes

Data Source: SY 2016-17 Assessment Data Groups - Reading (EDFacts file spec C188; Data Group: 589) **Date:** 12/14/2017

Reading assessment participation data by grade											
Grade	3	4	5	6	7	8	9	10	11	12	HS
a. Children with IEPs	1867	1851	1817	1745	1645	1646	n	n	1128	n	n
b. IEPs in regular assessment with no accommodations	1663	1683	1624	1535	1449	1420			878		
c. IEPs in regular assessment with accommodations	31	14	17	5	7	n			n		
d. IEPs in alternate assessment against grade-level standards											
e. IEPs in alternate assessment against modified standards											
f. IEPs in alternate assessment against alternate standards	138	126	139	154	147	156			130		

Data Source: SY 2016-17 Assessment Data Groups - Math (EDFacts file spec C185; Data Group: 588) **Date:** 12/14/2017

Math assessment participation data by grade											
Grade	3	4	5	6	7	8	9	10	11	12	HS
a. Children with IEPs	1866	1853	1818	1746	1647	1643	n	n	1128	n	n
b. IEPs in regular assessment with no accommodations	1683	1694	1643	1534	1447	1407			878		
c. IEPs in regular assessment with accommodations	n	n	n	n	n	n			n		
d. IEPs in alternate assessment against grade-level standards											
e. IEPs in alternate assessment against modified standards											
f. IEPs in alternate assessment against alternate standards	136	125	137	154	146	157			130		

FFY 2016 SPP/APR Data: Reading Assessment

Group Name	Number of Children with IEPs	Number of Children with IEPs Participating	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
A Grade 3	1,867	1,832	97.96%	95.00%	98.13%
B Grade 4	1,851	1,823	97.74%	95.00%	98.49%
C Grade 5	1,817	1,780	97.42%	95.00%	97.96%
D Grade 6	1,745	1,694	95.96%	95.00%	97.08%
E Grade 7	1,645	1,603	95.64%	95.00%	97.45%
F Grade 8	1,646	1,577	95.11%	95.00%	95.81%
G Grade 11	1,128	1,008	90.36%	95.00%	89.36%

FFY 2016 SPP/APR Data: Math Assessment

Group Name	Number of Children with IEPs	Number of Children with IEPs Participating	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
A	1,866	1,822	97.98%	95.00%	97.64%

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FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

Group Name	Number of Children with IEPs	Number of Children with IEPs Participating	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
Grade 3					
B Grade 4	1,853	1,819	97.75%	95.00%	98.17%
C Grade 5	1,818	1,780	97.09%	95.00%	97.91%
D Grade 6	1,746	1,689	95.64%	95.00%	96.74%
E Grade 7	1,647	1,594	95.77%	95.00%	96.78%
F Grade 8	1,643	1,565	95.70%	95.00%	95.25%
G Grade 11	1,128	1,008	90.44%	95.00%	89.36%

Reasons for Group G Slippage

We are required by USED to assess each student once in high school. In order to fulfill this requirement, DDOE established a policy to capture the students who did not take the SAT in 11th grade for FFY 2016 reporting. In other words, those students took the SAT as 12th graders and then were counted in our accountability system. Thus, for participation, this caused slippage.

Public Reporting Information

Provide links to the page(s) where you provide public reports of assessment results.

The FFY 2015 LEA Annual Determinations are posted at the following link:

<https://www.doe.k12.de.us/annualdeterminations>

As soon as the FFY 2016 LEA Annual Determinations are issued, they too will be posted on the DDOE website.

Suppression Rules:

Pursuant to the Family Education Rights and Privacy Act (FERPA) (34 CFR §99), the DDOE applies the following statistical methods to avoid disclosure of personally identifiable information in aggregate reporting.

1. For all data, counts for groups or subgroups with 15 or fewer students are suppressed and represented by "- " in data reports. Complementary suppression of one or more non-sensitive cells in a table may be required so that the values of the suppressed cells may not be calculated by subtracting the reported values from the row and column totals.
2. Only report percentages for grade level reporting within a school and district.
3. Percentages are suppressed when the underlying student counts can be derived for groups or subgroups with 15 or fewer students (i.e., if the number tested and proficient are reported, then the percentage may need to be suppressed).
4. Any percentage above 95 or below 5 will be reported as >95% and <5%, respectively.

☒ Provide additional information about this indicator (optional)

Grads360 would not allow for the overwriting of data. Please see the data tables for Indicator 3B which have been provided as an attachment on the first progress page of the APR.

Actions required in FFY 2015 response

In its FFY 2016 SPP/APR submission, the State must indicate in the "Historical Data" table that the baseline year for Grade 11 is FFY 2015.

Responses to actions required in FFY 2015 OSEP response

In the current FFY 2016 APR submission, Delaware changed the baseline year for Grade 11 for both Reading and Math to be FFY 2015. FFY 2015 data reflects Delaware's Grade 11 assessment change to the SAT.

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

OSEP Response

Required Actions

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 3C: Proficiency for Students with IEPs

Monitoring Priority: FAPE in the LRE

Results indicator: Participation and performance of children with IEPs on statewide assessments:

- A. Indicator 3A – Reserved
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Historical Data

	Group Name	Baseline Year	FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Reading	A Grade 3	2014	Target ≥			68.00%	71.00%	74.00%	77.00%	80.00%	35.60%	41.40%	41.40%	19.30%
			Data		60.60%	56.75%	59.16%	58.43%	45.00%	33.00%	43.20%	33.33%	33.87%	25.31%
	B Grade 4	2014	Target ≥				56.00%	62.00%	70.00%	80.00%	35.60%	41.40%	41.40%	19.30%
			Data		50.60%	52.56%	50.15%	49.88%	37.00%	30.00%	42.40%	38.85%	36.45%	21.77%
	C Grade 5	2014	Target ≥			60.00%	65.00%	70.00%	75.00%	80.00%	35.60%	41.40%	41.40%	19.30%
			Data		55.50%	55.13%	54.92%	54.08%	41.00%	29.00%	42.10%	38.19%	38.91%	19.85%
	D Grade 6	2014	Target ≥				45.00%	51.00%	59.00%	69.00%	35.60%	41.40%	41.40%	19.30%
			Data		39.70%	40.74%	43.75%	41.89%	30.00%	28.00%	29.40%	31.84%	30.32%	15.07%
	E Grade 7	2014	Target ≥				46.00%	52.00%	59.00%	68.00%	35.60%	41.40%	41.40%	19.30%
			Data		41.11%	42.41%	47.31%	46.53%	41.00%	26.00%	30.90%	27.51%	30.04%	15.43%
	F Grade 8	2014	Target ≥			42.00%	47.00%	53.00%	59.00%	65.00%	35.60%	41.40%	41.40%	19.30%
			Data		41.10%	42.12%	37.80%	44.76%	34.00%	24.00%	32.50%	32.69%	29.29%	16.49%
	G Grade 11	2014	Target ≥			30.00%	35.00%	40.00%	45.00%	50.00%	35.60%	41.40%	41.40%	19.30%
			Data		26.00%	29.80%	28.66%	28.65%	21.00%	31.00%	29.50%	30.07%	34.56%	18.70%
Math	A Grade 3	2014	Target ≥			57.00%	60.00%	63.00%	66.00%	69.00%	36.00%	41.80%	41.80%	15.00%
			Data		49.50%	51.06%	50.61%	48.07%	46.00%	35.00%	44.60%	34.95%	36.69%	25.00%
	B Grade 4	2014	Target ≥				50.00%	55.00%	61.00%	69.00%	36.00%	41.80%	41.80%	15.00%
			Data		45.90%	43.16%	45.23%	43.49%	39.00%	35.00%	43.00%	38.83%	37.00%	18.60%
	C Grade 5	2014	Target ≥			52.00%	56.00%	60.00%	64.00%	68.00%	36.00%	41.80%	41.80%	15.00%
			Data		46.50%	42.08%	43.54%	44.81%	39.00%	31.00%	40.10%	33.91%	33.08%	13.64%
	D Grade 6	2014	Target ≥				37.00%	42.00%	49.00%	58.00%	36.00%	41.80%	41.80%	15.00%
			Data		32.10%	38.89%	37.94%	37.09%	33.00%	23.00%	24.50%	25.12%	23.21%	9.68%
	E Grade 7	2014	Target ≥				31.00%	37.00%	43.00%	50.00%	36.00%	41.80%	41.80%	15.00%
			Data		26.90%	26.81%	31.63%	32.19%	28.00%	27.00%	28.40%	22.79%	27.61%	11.15%
	F Grade 8	2014	Target ≥			27.00%	32.00%	38.00%	44.00%	50.00%	36.00%	41.80%	41.80%	15.00%
			Data		27.30%	26.46%	27.60%	32.65%	29.00%	26.00%	34.80%	32.88%	27.73%	11.77%
	G Grade 11	2014	Target ≥			24.00%	28.00%	33.00%	39.00%	45.00%	36.00%	41.80%	41.80%	15.00%
			Data		23.10%	24.08%	24.53%	22.90%	22.00%	27.00%	30.90%	27.46%	30.96%	8.71%

	Group Name	FFY	2015
Reading	A Grade 3	Target ≥	26.00%
		Data	24.67%
	B Grade 4	Target ≥	26.00%
		Data	21.66%
	C Grade 5	Target ≥	26.00%
		Data	23.87%
	D Grade 6	Target ≥	26.00%
		Data	15.88%
	E Grade 7	Target ≥	26.00%
		Data	16.51%
	F Grade 8	Target ≥	26.00%
		Data	17.29%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

	Group Name	FFY	2015
Math	G Grade 11	Target ≥	26.00%
		Data	18.03%
	A Grade 3	Target ≥	22.10%
		Data	26.69%
	B Grade 4	Target ≥	22.10%
		Data	19.72%
	C Grade 5	Target ≥	22.10%
		Data	14.89%
	D Grade 6	Target ≥	22.10%
		Data	12.24%
	E Grade 7	Target ≥	22.10%
		Data	12.81%
	F Grade 8	Target ≥	22.10%
		Data	12.29%
	G Grade 11	Target ≥	22.10%
		Data	12.23%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline  Blue – Data Update

FFY 2016 - FFY 2018 Targets

	FFY	2016	2017	2018
Reading	A ≥ Grade 3	32.70%	39.50%	46.20%
	B ≥ Grade 4	32.70%	39.50%	46.20%
	C ≥ Grade 5	32.70%	39.50%	46.20%
	D ≥ Grade 6	32.70%	39.50%	46.20%
	E ≥ Grade 7	32.70%	39.50%	46.20%
	F ≥ Grade 8	32.70%	39.50%	46.20%
	G ≥ Grade 11	32.70%	39.50%	46.20%
Math	A ≥ Grade 3	29.20%	36.30%	43.30%
	B ≥ Grade 4	29.20%	36.30%	43.30%
	C ≥ Grade 5	29.20%	36.30%	43.30%
	D ≥ Grade 6	29.20%	36.30%	43.30%
	E ≥ Grade 7	29.20%	36.30%	43.30%
	F ≥ Grade 8	29.20%	36.30%	43.30%
	G ≥ Grade 11	29.20%	36.30%	43.30%

Key:

Targets: Description of Stakeholder Input

For FFY 2014, Delaware transitioned from the Delaware Comprehensive Assessment System (DCAS) to the Smarter Balance Assessment in grades 3 through 8 and grade 11. New targets will be set by the Delaware Department of Education (DDOE), in collaboration with stakeholder groups, to align with Delaware's ESSA which was approved in July 2017. New targets will be created in collaboration with stakeholder groups to align with this transition.

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

FFY 2016 SPP/APR Data: Reading Assessment

Group Name	Children with IEPs who received a valid score and a proficiency was assigned	Number of Children with IEPs Proficient	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
A Grade 3	1,852	443	24.67%	32.70%	23.92%
B Grade 4	1,838	385	21.66%	32.70%	20.95%
C Grade 5	1,794	412	23.87%	32.70%	22.97%
D Grade 6	1,701	274	15.88%	32.70%	16.11%
E Grade 7	1,612	282	16.51%	32.70%	17.49%
F Grade 8	1,586	261	17.29%	32.70%	16.46%
G Grade 11	1,017	138	18.03%	32.70%	13.57%

Reasons for Group G Slippage

We are required by USED to assess each student once in high school. In order to fulfill this requirement, DDOE established a policy to capture the students who did not take the SAT in 11th grade for FFY 2016 reporting. In other words, those students took the SAT as 12th graders and then were counted in our accountability system. Thus, Delaware's participation and proficiency decreased for Reading.

FFY 2016 SPP/APR Data: Math Assessment

Group Name	Children with IEPs who received a valid score and a proficiency was assigned	Number of Children with IEPs Proficient	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
A Grade 3	1,842	477	26.69%	29.20%	25.90%
B Grade 4	1,834	386	19.72%	29.20%	21.05%
C Grade 5	1,794	268	14.89%	29.20%	14.94%
D Grade 6	1,696	213	12.24%	29.20%	12.56%
E Grade 7	1,602	215	12.81%	29.20%	13.42%
F Grade 8	1,574	186	12.29%	29.20%	11.82%
G Grade 11	1,017	86	12.23%	29.20%	8.46%

Reasons for Group G Slippage

We are required by USED to assess each student once in high school. In order to fulfill this requirement, DDOE established a policy to capture the students who did not take the SAT in 11th grade for FFY 2016 reporting. In other words, those students took the SAT as 12th graders and then were counted in our accountability system. Thus, Delaware's participation and proficiency decreased for Math.

Public Reporting Information

Provide links to the page(s) where you provide public reports of assessment results.

The FFY 2015 LEA Annual Determinations are posted at the following link:

<https://www.doe.k12.de.us/annualDeterminations>

As soon as the FFY 2016 LEA Annual Determinations are issued, they too will be posted on the DDOE website.

Suppression Rules:

Pursuant to the Family Education Rights and Privacy Act (FERPA) (34 CFR §99), the DDOE applies the following statistical methods to avoid disclosure of personally identifiable information in aggregate reporting.

- For all data, counts for groups or subgroups with 15 or fewer students are suppressed and represented by "-" in data reports. Complementary suppression of one or more non-sensitive cells in a table may be required so that the values of the suppressed cells may not be calculated by subtracting the reported values from the row and column totals.
- Only report percentages for grade level reporting within a school and district.
- Percentages are suppressed when the underlying student counts can be derived for groups or subgroups with 15 or fewer students (i.e., if the number tested and proficient are reported, then the percentage may need to be suppressed).
- Any percentage above 95 or below 5 will be reported as >95% and <5%, respectively.

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

Actions required in FFY 2015 response

none

OSEP Response

Required Actions

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 4A: Suspension/Expulsion

Monitoring Priority: FAPE in the LRE

Results indicator: Rates of suspension and expulsion:

- A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
 B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Historical Data

Baseline Data: 2005

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target <input type="checkbox"/>			36.80%	36.80%	36.80%	13.50%	8.10%	0%	0%	0%	0%
Data		21.10%	31.60%	21.10%	21.10%	18.92%	0%	12.20%	10.26%	2.56%	0%

FFY	2015
Target <input type="checkbox"/>	0%
Data	4.65%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline  Blue – Data Update

FFY 2016 - FFY 2018 Targets

FFY	2016	2017	2018
Target <input type="checkbox"/>	0%	0%	0%

Key:

Targets: Description of Stakeholder Input

The Delaware Department of Education (DDOE) Exceptional Children Resources (ECR) Workgroup continues to engage various stakeholder groups regarding suspension and expulsion practices. Stakeholder groups include the Positive Behavior Support (PBS) Cadre which has a state-wide representation including LEA Special Education and Student Services Directors, special education coordinators, school psychologists, PBS coordinators, and school administrators; and the Governor's Advisory Council for Exceptional Citizens (GACEC), which includes parents and serves as our IDEA 611 & 619 State Advisory group. The DDOE also meets with special education leaders and directors in each county, three times a year, and reviews Indicator work and data. This year, the DDOE shared Indicator 4 data with the School Climate Transformation Grant Advisory group, which focuses on implementation of a multi-tiered behavioral framework, as well as the children and youth committee of the GACEC.

Historical data was shared with each group along with explanations of the current targets. Currently, we are continuing to reduce the State bar by .02 through 2018. Other discussions included alternative means to suspension and expulsion and the continuation of technical assistance and professional development through Delaware's state-wide PBS project and the State Personnel Development Grant (SPDG) initiatives that focus on Multi-Tiered Systems of Support (MTSS) for behavioral needs.

In addition to the technical assistance the DDOE provides to the LEAs, the DDOE continues to receive technical assistance from the IDEA Data Center (IDC). Technical Assistance is being received through several avenues including ongoing data retreats with staff from IDC, the DDOE Data Management Workgroup and the DDOE ECR Workgroup to focus on improving data quality and data reporting. In addition, IDC has continued to support DDOE with implementing policies, practices, and procedures that align with new regulations including differentiating between Significant Disproportionality regulations and Indicator 4.

The DDOE will utilize the FFY 2016 data as the new baseline for Indicator 4A. The DDOE will engage multiple stakeholders to reset state bar (rate-ratio) and set new targets for this indicator.

FFY 2016 SPP/APR Data

Has the State Established a minimum n-size requirement? ☒ Yes ☐ No

The State may only include, in both the numerator and the denominator, districts that met the State-established n size. Report the number of districts excluded from the calculation as a result of the requirement. 40

Number of districts that have a significant discrepancy	Number of districts that met the State's minimum n-size	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
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Number of districts that have a significant discrepancy	Number of districts that met the State's minimum n-size	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
4	6	4.65%	0%	66.67%

Reasons for Slippage

In FFY 2015, 2 LEAs were identified with significant discrepancy. In FFY 2016, 4 LEAs were identified with significant discrepancy and did not have policies, procedures and practices in place to support students with disabilities when they were suspended and/or expelled greater than 10 days. The rather large difference between the 2015 data (4.65%) and the 2016 data (66.67%) is due to the changes in the definition of the measurement. For previous calculations the DDOE used the number of LEAs in the state as the denominator. This year, it is required that we use the number of districts that met the State's minimum n-size. If we had used the previous calculation method, the data would be 8.7% rather than 66.67% which appears to be a dramatic increase to our stakeholders. In addition, Delaware has a very low rate-ratio of 1.20 with a reduction of .02 every year, which is low compared to the national average.

Choose one of the following comparison methodologies to determine whether significant discrepancies are occurring (34 CFR §300.170(a)):

- ☐ Compare the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs among LEAs in the State
- ☒ The rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs in each LEA compared to the rates for nondisabled children in the same LEA

State's definition of "significant discrepancy" and methodology

The DDOE compares the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs in each LEA to the rates for students without disabilities in the same LEA using a rate ratio calculation. These rates are then compared to the State bar. The DDOE defines "significant discrepancy" as those LEAs with a rate ratio which exceeds the "State bar," and for which the number of students with disabilities suspended or expelled greater than 10 days equals or exceeds 15 students. The DDOE calculates the LEAs' rate ratio by dividing the percentage of students with disabilities suspended or expelled greater than 10 days by the percentage of general education students suspended or expelled greater than 10 days within each LEA. The "State bar" has been established through consensus with stakeholder groups and is based on the rate ratio for the 2009-2010 school year with an annual reduction of .02. The State bar for data reported for FFY 2016 is 1.20.

The DDOE will utilize the FFY 2016 data as the new baseline for Indicator 4A. The DDOE will engage multiple stakeholders to reset state bar (rate-ratio) and set new targets for this indicator.

Actions required in FFY 2015 response

In the FFY 2016 SPP/APR, the State must clarify whether it identified noncompliance, as a result of the review it conducted pursuant to 34 CFR §300.170(b), in either of the two LEAs identified with significant discrepancy in FFY 2015 based upon FFY 2014 discipline data. If noncompliance was identified, the State must report on the correction of the noncompliance. When reporting on the correction of this noncompliance, the State must report that it has verified that each district with noncompliance identified by the State: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2016 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

Note: Any actions required in last year's response table that are related to correction of findings should be responded to on the "Correction of Previous Findings of Noncompliance" page of this indicator. If your State's only actions required in last year's response are related to findings of noncompliance, a text field will not be displayed on this page.

Responses to actions required in FFY 2015 response, **not including correction of findings**

For FFY 15, based on 2014-2015 data, two LEAs were identified with significant discrepancy. Those two LEAs were directed to conduct a self-assessment of their policies, procedures and practices using a protocol developed by the DDOE. They were provided a list of individual students, who were contributory to their identification of significant discrepancy, to review. Based on a review of the self-assessment data, the DDOE found both of those LEAs to be noncompliant.

FFY 2015 Identification of Noncompliance

Review of Policies, Procedures, and Practices (completed in FFY 2016 using 2015-2016 data)

Provide a description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Review of Policies, Procedures, and Practices (completed in FFY 2016 using 2015-2016 data)

☐ The State DID NOT identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b)

☒ The State DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b). If YES, select one of the following:

☒ The State DID ensure that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

Describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

09-02, dated October 17, 2008.

Based on a DDOE review of the self-assessments, all four of the LEAs identified were found to be noncompliant with their procedures and practices. DDOE then engaged in Prong 1 work with the LEAs to develop Corrective Action Plans which included individual student level corrections. Prong 1 corrections were verified by the DDOE through a desk audit. The DDOE will be conducting Prong 2 verification of systemic changes in Spring of 2018.



The State did NOT ensure that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

Correction of Findings of Noncompliance Identified in FFY 2015

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
2	2	0	0

FFY 2015 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

Once the two LEAs were identified with noncompliance they were instructed to develop a Corrective Action Plan (CAP) approved by the DDOE with a timeline of actions and quarterly progress updates, in order to correct noncompliance. These plans included a review of the LEAs district wide policies, procedures and practices related to suspension and expulsion of students, development and implementation of IEPs, positive behavior support and procedural safeguards. The LEA reported back to the DDOE, through the CAP updates, any changes made along with documentation. The DDOE conducted Prong 2 by reviewing documentation provided by the LEAs and verifying systemic changes through a desk audit of student records. In addition, based on the area of findings, professional development was also required. The LEA provided content of professional development and staff that participated. Close-out letters were sent to the two LEAs.

Describe how the State verified that each individual case of noncompliance was corrected

The DDOE provided the LEAs with a protocol that identified individual students and the area of noncompliance that needed correction. Once the LEAs made corrections and provided documentation, the DDOE reviewed and verified the corrections through a desk audit of same student records.

OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2016, and OSEP accepts that revision.

The State did not demonstrate that the LEA corrected the findings of noncompliance identified in FFY 2015 because it did not report that it verified correction of those findings, consistent with OSEP Memo 09-02. Specifically, the State did not report that it verified that each LEA with noncompliance identified in FFY 2015 is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system.

The State must report, in the FFY 2017 SPP/APR, on the correction of noncompliance that the State identified in FFY 2016 as a result of the review it conducted pursuant to 34 CFR §300.170(b). When reporting on the correction of this noncompliance, the State must report that it has verified that each district with noncompliance identified by the State: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2017 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

Additionally, the State must demonstrate that the two findings the State identified in FFY 2015 as a result of the review it conducted pursuant to 34 CFR §300.170(b) were corrected. When reporting on the correction of this noncompliance, the State must report that it has verified that each district with noncompliance identified by the State is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system, consistent with OSEP Memo 09-02. In the FFY 2017 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

Required Actions

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FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 4B: Suspension/Expulsion

Monitoring Priority: FAPE in the LRE

Compliance indicator: Rates of suspension and expulsion:

- A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
 B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.



(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Historical Data

Baseline Data: 2009

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target			0%	0%	0%	0%	0%	0%	0%	0%	0%
Data						10.81%	8.10%	7.30%	9.75%	12.82%	0%

FFY	2015
Target	0%
Data	4.65%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

FFY 2016 - FFY 2018 Targets

FFY	2016	2017	2018
Target	0%	0%	0%

FFY 2016 SPP/APR Data

Has the State Established a minimum n-size requirement? ☒ Yes ☐ No

The State may only include, in both the numerator and the denominator, districts that met the State-established n size. Report the number of districts excluded from the calculation as a result of the requirement. 40

Number of districts that have a significant discrepancy, by race or ethnicity	Number of those districts that have policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements	Number of districts that met the State's minimum n-size	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
6	6	6	4.65%	0%	100%

Reasons for Slippage

In FFY 2015, 2 LEAs were identified with significant discrepancy. In FFY 2016, 6 LEAs were identified with significant discrepancy and did not have policies, procedures and practices in place to support students with disabilities when they were suspended and/or expelled greater than 10 days. The rather large difference between the 2015 data (4.65%) and the 2016 data (100.00%) is due to the changes in the definition of the measurement. For previous calculations the DDOE used the number of LEAs in the state as the denominator. This year, it is required that we use the number of districts that met the State's minimum n-size. If we had used the previous calculation method, the data would be 13.04% rather than 100% which appears to be a dramatic increase to our stakeholders. In addition, Delaware has a very low rate-ratio of 1.20 with a reduction of .02 every year, which is low compared to the national average.

☒ All races and ethnicities were included in the review

State's definition of "significant discrepancy" and methodology

The Delaware Department of Education (DDOE) compares the rates of suspensions and expulsions of greater than 10 days in a school year for children in each LEA with IEPs in each racial/ethnic category to the rates for all students without disabilities in the same LEA using a rate ratio calculation. These rates are then compared to the State bar. The DDOE defines "significant discrepancy" as those LEAs with a rate ratio which exceeds the "State bar," and for which the number of students with disabilities in each racial/ethnic category who are suspended or expelled greater than 10 days equals or exceeds 10 students (the State established "N" size). The DDOE calculates the LEAs' rate ratio by dividing the percentage of students with disabilities in each racial/ethnic category who are suspended or expelled greater than 10 days by the percentage of students without disabilities in each race/ethnic category suspended or expelled greater than 10 days within each LEA. The "State bar" has been established through consensus with stakeholder groups and is based on the rate ratio for the 2009-2010 school year with an annual reduction of .02.

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FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

The State bar for data reported for FFY 2016 is 1.20.

The DDOE will utilize the FFY 2016 data as the new baseline for Indicator 4b. the DDOE will engage multiple stakeholders to reset the State bar (rate ratio) for this indicator.

Step 1: Calculate Rate Ratio

LEA % of Black SWD Suspended > 10 days

LEA % of SWOD Suspended > 10 days

Step 2: Repeat 1 – 3 for Each Race Category

American Indian/Alaskan Native; Asian; Black or African American; Hispanic/Latino; Native Hawaiian/Pacific Islander; White; Two or More Races

Step 3: Compare LEA Rate Ratio for Each Race Category to “Bar”**Step 4: Examine Cell Size**

4B - \geq 10 SWD Suspended/ Expelled > 10 days

Step 5: Define Significant Discrepancy:

4B - LEAs with Rate Ratio above “Bar” and 10 or more students in cell for any Race/ Ethnicity Category

Actions required in FFY 2015 response

none

Note: Any actions required in last year's response table that are related to correction of findings should be responded to on the "Correction of Previous Findings of Noncompliance" page of this indicator. If your State's only actions required in last year's response are related to findings of noncompliance, a text field will not be displayed on this page.

FFY 2015 Identification of Noncompliance**Review of Policies, Procedures, and Practices** (completed in FFY 2016 using 2015-2016 data)

Provide a description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

For FFY 16, based on 2015-2016 data, four LEAs were identified with significant discrepancy. Those LEAs were directed to conduct a self-assessment of their policies, procedures and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports and procedural safeguards, using a protocol developed by the DDOE. In addition, they were provided a list of individual students, who were contributory to their identification of significant discrepancy to review.

☐ The State DID NOT identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b)

☐ The State DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b). If YES, select one of the following:

☒ The State DID ensure that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

Describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

Based on a DDOE review of the self-assessments, all four of the LEAs identified were found to be noncompliant with their procedures and practices. DDOE then engaged in Prong 1 work with the LEAs to develop Corrective Action Plans which included individual student level corrections. Prong 1 corrections were verified by the DDOE through a desk audit. The DDOE will be conducting Prong 2 verification of systemic changes in Spring of 2018.

☐ The State did NOT ensure that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

Correction of Findings of Noncompliance Identified in FFY 2015

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
2	2	0	0

FFY 2015 Findings of Noncompliance Verified as Corrected
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Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

Once the two LEAs were identified with noncompliance they were instructed to develop a Corrective Action Plan (CAP) approved by the DDOE with a timeline of actions and quarterly progress updates, in order to correct noncompliance. These plans included a review of the LEAs district wide policies, procedures and practices related to suspension and expulsion of students, development and implementation of IEPs, positive behavior support and procedural safeguards. The LEA reported back to the DDOE, through the CAP updates, any changes made along with documentation. The DDOE conducted Prong 2 by reviewing documentation provided by the LEAs and verifying systemic changes through a desk audit of student records. In addition, based on the area of findings, professional development was also required. The LEA provided content of professional development and staff that participated. Close-out letters were sent to the two LEAs.

Describe how the State verified that each individual case of noncompliance was corrected

The DDOE provided the LEAs with a protocol that identified individual students and the area of noncompliance that needed correction. Once the LEAs made corrections and provided documentation, the DDOE reviewed and verified the corrections through a desk audit of same student records.

OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2016, and OSEP accepts that revision.

The State did not demonstrate that the LEA corrected the findings of noncompliance identified in FFY 2015 because it did not report that it verified correction of those findings, consistent with OSEP Memo 09-02. Specifically, the State did not report that it verified that each LEA with noncompliance identified in FFY 2015 is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system.

Because the State reported less than 100% compliance (greater than 0% actual target data for this indicator) for FFY 2016, the State must report on the status of correction of noncompliance identified in FFY 2016 for this indicator. The State must demonstrate, in the FFY 2017 SPP/APR, that the districts identified with noncompliance in FFY 2016 have corrected the noncompliance, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2017 SPP/APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2016, although its FFY 2016 data reflect less than 100% compliance (greater than 0% actual target data for this indicator), provide an explanation of why the State did not identify any findings of noncompliance in FFY 2016.

Additionally, the State must demonstrate that the two findings the State identified in FFY 2015 as a result of the review it conducted pursuant to 34 CFR §300.170(b) were corrected. When reporting on the correction of this noncompliance, the State must report that it has verified that each district with noncompliance identified by the State is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system, consistent with OSEP Memo 09-02. In the FFY 2017 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

Required Actions

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 5: Education Environments (children 6-21)

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

Historical Data

	Baseline Year	FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
A	2005	Target ≥			53.00%	56.00%	59.00%	62.00%	65.00%	65.00%	68.00%	67.00%	68.00%
		Data		49.75%	51.33%	53.20%	55.90%	58.70%	60.50%	63.50%	64.90%	67.20%	67.68%
B	2005	Target ≤			19.70%	19.20%	18.70%	18.20%	17.70%	17.50%	16.00%	15.60%	15.50%
		Data		20.16%	19.03%	18.30%	17.80%	16.90%	16.10%	15.60%	15.30%	15.54%	15.10%
C	2005	Target ≤			4.50%	4.00%	4.00%	3.80%	3.60%	3.60%	3.50%	5.20%	5.00%
		Data		4.92%	6.19%	6.40%	5.00%	5.20%	6.20%	6.30%	6.70%	5.16%	5.43%

	FFY	2015
A	Target ≥	69.00%
	Data	66.18%
B	Target ≤	15.30%
	Data	14.96%
C	Target ≤	4.80%
	Data	5.64%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2016 - FFY 2018 Targets

FFY	2016	2017	2018
Target A ≥	70.00%	71.00%	72.00%
Target B ≤	15.10%	14.90%	14.70%
Target C ≤	4.50%	4.00%	3.50%

Key:

Targets: Description of Stakeholder Input

Targets for this indicator were set through advisement with multiple stakeholder groups. The Delaware Department of Education (DDOE) presented trend data and targets from FFY 2005 to FFY 2013 to the Access to General Education Committee (AGEC), the advisory committee for SPP/APR Indicators 3 and 5. The AGEC developed recommendations for future targets from FFY 2013 to FFY 2018. The trend data and target recommendations were then presented to the Governor's Advisory Council for Exceptional Citizens (GACEC) and to Special Education Leadership Group, who represent all LEAs. The stakeholder groups recommended that the DDOE should focus on steadily increasing the percentage of students in Placement A.

Prepopulated Data

Source	Date	Description	Data	Overwrite Data
SY 2016-17 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/13/2017	Total number of children with IEPs aged 6 through 21	19,137	null
SY 2016-17 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/13/2017	A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day	12,577	null
SY 2016-17 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/13/2017	B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day	2,863	null

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Source	Date	Description	Data	Overwrite Data
SY 2016-17 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/13/2017	c1. Number of children with IEPs aged 6 through 21 in separate schools	852	null
SY 2016-17 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/13/2017	c2. Number of children with IEPs aged 6 through 21 in residential facilities	49	null
SY 2016-17 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/13/2017	c3. Number of children with IEPs aged 6 through 21 in homebound/hospital placements	143	null

FFY 2016 SPP/APR Data

	Number of children with IEPs aged 6 through 21 served	Total number of children with IEPs aged 6 through 21	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day	12,577	19,137	66.18%	70.00%	65.72%
B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day	2,863	19,137	14.96%	15.10%	14.96%
C. Number of children with IEPs aged 6 through 21 inside separate schools, residential facilities, or homebound/hospital placements [c1+c2+c3]	1,044	19,137	5.64%	4.50%	5.46%

Actions required in FFY 2015 response

none

OSEP Response
Required Actions

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 6: Preschool Environments

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of children with IEPs aged 3 through 5 attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility

(20 U.S.C. 1416(a)(3)(A))

Historical Data

	Baseline Year	FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
A	2012	Target ≥									45.00%	45.00%	46.00%
		Data								68.50%	43.50%	45.52%	50.20%
B	2012	Target ≤									35.00%	35.00%	35.00%
		Data								17.10%	37.70%	35.43%	32.59%

	FFY	2015
A	Target ≥	47.00%
	Data	49.01%
B	Target ≤	34.00%
	Data	33.73%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2016 - FFY 2018 Targets

FFY	2016	2017	2018
Target A ≥	48.50%	49.00%	50.50%
Target B ≤	33.50%	32.00%	31.00%

Key:

Targets: Description of Stakeholder Input

Targets for this indicator were set in collaboration with the Governor's Advisory Council for Exceptional Citizens Infant and Early Childhood Committee and LEA Part B 619 Coordinators. Stakeholders reviewed historical data, as well as previous targets for FFY 2005 - FFY 2013 to identify trends for preschool environments. Targets were recommended for FFY 2013 - FFY 2018. Stakeholders also provided recommendations for increasing inclusive opportunities for young children with special needs to receive services within community settings.

Prepopulated Data


Source	Date	Description	Data	Overwrite Data
SY 2016-17 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/13/2017	Total number of children with IEPs aged 3 through 5	2,444	null
SY 2016-17 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/13/2017	a1. Number of children attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program	1,160	null
SY 2016-17 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/13/2017	b1. Number of children attending separate special education class	667	null
SY 2016-17 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/13/2017	b2. Number of children attending separate school	183	null
SY 2016-17 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/13/2017	b3. Number of children attending residential facility	n	null

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FFY 2016 SPP/APR Data

	Number of children with IEPs aged 3 through 5 attending	Total number of children with IEPs aged 3 through 5	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
A. A regular early childhood program and receiving the majority of special education and related services in the regular early childhood program	1,160	2,444	49.01%	48.50%	47.46%
B. Separate special education class, separate school or residential facility	850	2,444	33.73%	33.50%	34.78%

 Use a different calculation methodology

Reasons for A Slippage

Given the significant child count increase of 271 children over the prior year coupled with the lack of increased capacity of inclusive settings to meet child level needs, the ability to meet the target has been hampered at the local district level, resulting in a 1.04 percent decrease in children served in regular early childhood settings. In December 2017 Delaware's Early Childhood Inclusion Committee completed the Early Childhood Technical Assistance Center's (ECTAC) tool: The State Early Childhood Inclusion Self-Assessment, which was newly developed in mid-2017. Next, the SEA will task the LEAs with completion of a Local District Preschool Inclusion Self-Assessment, which will be due in early spring 2018. The data collected from these two activities will be presented to Delaware DOE leadership for consideration in strategic planning to increase capacity to serve children in inclusive settings. In addition, the SEA plans to support LEAs through a tiered system format of technical assistance. This format will follow a general pyramid structure with various levels that build on intensity, going from more general/universal technical assistance (such as providing professional development on the definitions of the educational environments) to more targeted technical assistance (such as ensuring the continuum of placements is available) to more intensive technical assistance (such as providing structured technical assistance to an LEA on how to develop various service delivery models like the use of itinerant services or developing agreements with community programs).

Reasons for B Slippage

Given that there has been an increase of 271 identified children, many of whom have more significant disabilities such as Autism, which accounts for 10.31 percent of identified children which is only exceeded by Speech Language Impairment and Developmental Delay, more children are in separate special education classes given this large increase and coupled with the lack of expanded opportunities for inclusive settings. The reasons for A slippage also apply to the reasons for B slippage as the significant increase in identified children has taxed the LEAs to both serve eligible children and also to serve children in the LRE. With a lack of resources to significantly increase access to inclusive opportunities the end result has been a 1.28 percent increase in identified pre-school children served in separate classes. As mentioned in the Reasons for A slippage the state and local inclusion self-assessments coupled with the tiered system of supports to LEAs also apply to Reasons B slippage.

Actions required in FFY 2015 response

none

OSEP Response

Required Actions

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 7: Preschool Outcomes

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

Historical Data

	Baseline Year	FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
A1	2008	Target ≥						90.50%	90.60%	90.60%	85.20%	85.00%	86.20%
		Data					90.50%	86.30%	90.90%	84.30%	85.00%	86.14%	85.86%
A2	2008	Target ≥						60.20%	60.30%	60.40%	54.20%	54.00%	55.30%
		Data					60.20%	51.40%	63.00%	53.50%	54.00%	48.18%	50.32%
B1	2008	Target ≥						92.90%	93.00%	93.00%	87.30%	88.00%	89.00%
		Data					92.90%	87.20%	89.90%	83.60%	87.40%	86.63%	87.18%
B2	2008	Target ≥						54.30%	54.40%	54.50%	49.80%	50.00%	50.90%
		Data					54.30%	46.00%	52.80%	49.50%	49.60%	45.39%	47.06%
C1	2008	Target ≥						91.80%	91.90%	91.90%	87.30%	87.00%	88.10%
		Data					91.80%	86.30%	91.50%	85.40%	87.10%	85.60%	87.16%
C2	2008	Target ≥						64.80%	64.90%	65.00%	65.00%	65.00%	65.00%
		Data					64.80%	64.90%	73.20%	63.50%	69.00%	61.51%	63.58%

	FFY	2015
A1	Target ≥	87.40%
	Data	89.27%
A2	Target ≥	56.70%
	Data	51.47%
B1	Target ≥	90.00%
	Data	85.60%
B2	Target ≥	51.80%
	Data	48.42%
C1	Target ≥	89.20%
	Data	86.91%
C2	Target ≥	65.20%
	Data	64.27%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2016 - FFY 2018 Targets

FFY	2016	2017	2018
Target A1 ≥	88.60%	89.80%	91.00%
Target A2 ≥	58.00%	59.30%	60.70%
Target B1 ≥	91.10%	92.20%	93.40%
Target B2 ≥	52.70%	53.70%	54.80%
Target C1 ≥	90.20%	91.30%	92.30%
Target C2 ≥	65.30%	65.40%	65.50%

Key:

Targets: Description of Stakeholder Input

Targets for this indicator were set in collaboration with the Governor's Advisory Council for Exceptional Citizens Infant and Early Childhood Committee and LEA Part B 619 Coordinators. Stakeholders reviewed historical data, as well as previous targets for FFY 2005 - FFY 2013 to identify trends for preschool outcomes. Targets were recommended for FFY 2013 - FFY 2018. Stakeholders also

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provided input on professional development to increase preschool outcomes in LEAs that did not meet targets.

FFY 2016 SPP/APR Data

Number of preschool children aged 3 through 5 with IEPs assessed	1399.00
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Outcome A: Positive social-emotional skills (including social relationships)

	Number of Children	Percentage of Children
a. Preschool children who did not improve functioning	7.00	0.50%
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	112.00	8.07%
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	557.00	40.16%
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	501.00	36.12%
e. Preschool children who maintained functioning at a level comparable to same-aged peers	210.00	15.14%

	Numerator	Denominator	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
A1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. $(c+d)/(a+b+c+d)$	1058.00	1177.00	89.27%	88.60%	89.89%
A2. The percent of preschool children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program. $(d+e)/(a+b+c+d+e)$	711.00	1387.00	51.47%	58.00%	51.26%

Outcome B: Acquisition and use of knowledge and skills (including early language/communication)

	Number of Children	Percentage of Children
a. Preschool children who did not improve functioning	7.00	0.50%
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	154.00	11.09%
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	553.00	39.81%
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	560.00	40.32%
e. Preschool children who maintained functioning at a level comparable to same-aged peers	115.00	8.28%

	Numerator	Denominator	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
B1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. $(c+d)/(a+b+c+d)$	1113.00	1274.00	85.60%	91.10%	87.36%
B2. The percent of preschool children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program. $(d+e)/(a+b+c+d+e)$	675.00	1389.00	48.42%	52.70%	48.60%

Outcome C: Use of appropriate behaviors to meet their needs

	Number of Children	Percentage of Children
a. Preschool children who did not improve functioning	6.00	0.43%
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	124.00	8.94%
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	365.00	26.32%
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	606.00	43.69%
e. Preschool children who maintained functioning at a level comparable to same-aged peers	286.00	20.62%

	Numerator	Denominator	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
C1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome C, the percent who	971.00	1101.00	86.91%	90.20%	88.19%

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	Numerator	Denominator	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
substantially increased their rate of growth by the time they turned 6 years of age or exited the program, (c+d)/(a+b+c+d)					
C2. The percent of preschool children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program, (d+e)/(a+b+c+d+e)	892.00	1387.00	64.27%	65.30%	64.31%

Does the State include in the numerator and denominator only children who received special education and related services for at least six months during the age span of three through five years? Yes

Was sampling used? No

Did you use the Early Childhood Outcomes Center (ECO) Child Outcomes Summary (COS) process? Yes

List the instruments and procedures used to gather data for this indicator.

Delaware Approved Assessment Tools

- Ages and Stages Questionnaire-3 AND Ages and Stages SE-2 (referred to as ASQ on the COS Form)
- May only be used for children identified with Preschool Speech Delay, OR receiving itinerant services (if the program is not already using another approved assessment)
- Callier Azusa Scale
- Carolina Curriculum Assessment for Infants and Toddlers with Special Needs
- Carolina Curriculum Assessment for Preschoolers with Special Needs
- Creative Curriculum
- Developmental Assessment for the Severely Handicapped (DASH-3)
- Early Learning Survey (ELS)
- Early Start Denver Model (ESDM)
- Evaluation Summary Report (to be used for entry COS only)
- Goldman Fristoe Test of Articulation-3 (GFTA-3)
- For children identified with Preschool Speech Delay, if GFTA-3 is selected as the primary assessment, a secondary assessment must also be used so all 3 Outcomes are addressed.
- The Ounce Scale
- Teaching Strategies GOLD-Birth to Five (TSG)
- Verbal Behavior Milestones Assessment and Placement Program (VB-MAPP)
- Vineland Adaptive Behavior Scale- 3rd Edition
- Work Sampling

Delaware's procedure to gather data for this indicator involves administration of the above tools by qualified professionals.

Actions required in FFY 2015 response

none

OSEP Response
Required Actions

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 8: Parent involvement

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

Do you use a separate data collection methodology for preschool children?

Historical Data

Baseline Data: 2006

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target ≥			88.00%	85.00%	85.00%	86.00%	86.00%	86.50%	87.00%	87.00%	87.00%
Data		87.70%	83.00%	84.00%	85.30%	85.30%	86.00%	86.50%	89.70%	90.97%	88.24%

FFY	2015
Target ≥	87.00%
Data	90.67%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline  Blue – Data Update

FFY 2016 - FFY 2018 Targets

FFY	2016	2017	2018
Target ≥	88.00%	89.00%	90.00%

Key:

Targets: Description of Stakeholder Input

Targets for this indicator were developed in collaboration with various stakeholder groups including the Governor's Advisory Council for Exceptional Citizens (GACEC), Delaware Parent Teacher Association (PTA), Delaware Parent Information Center (PIC), Special Education Leadership (LEA staff, advocacy groups, state agencies, etc.) and LEA Special Education Directors.

The Delaware Department of Education (DDOE) continues to work closely with stakeholders to ensure that the Parent Engagement Survey is accessible to all families of students with disabilities and to increase response rate.

FFY 2016 SPP/APR Data

Number of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities	Total number of respondent parents of children with disabilities	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
1384.00	1552.00	90.67%	88.00%	89.18%

The number of parents to whom the surveys were distributed.	7.47%	20786.00
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The percentage shown is the number of respondent parents divided by the number of parents to whom the survey was distributed.

Since the State did not report preschool children separately, discuss the procedures used to combine data from school age and preschool surveys in a manner that is valid and reliable.

The DDOE distributes a parent survey to families of all students with IEPs including both preschool and school aged children. The DDOE uses an electronic student tracking system in which every child has a unique single identifying number. LEAs are required to enter and maintain data regarding special education and related services such as the date eligibility is determined, disability code, and IEP meeting, initiation, and end dates. By requiring all LEAs to enter information into the electronic student tracking system, the DDOE is able to identify preschool children receiving special education and related services and include those families in the distribution of the parent survey.

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

The demographics of the parents responding are representative of the demographics of children receiving special education services. No

Describe the strategies the State will use to ensure that in the future the response data are representative of those demographics.

Delaware's Parent Engagement Survey is accessible in multiple languages and in a variety of formats including hard copy, online, and one-on-one individual support.

The DDOE continues to work with stakeholder groups including LEA Special Education Directors, PIC, and GACEC to increase communication with all families of students with disabilities, including underrepresented racial/ethnic groups.

Include the State's analyses of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services.

The demographic data were consistent/within consistent range of statewide representation of disability categories for the following primary disability categories: Mild Intellectual Disability, Moderate Intellectual Disability, Severe Intellectual Disability, Deaf-Blind, Traumatic Brain Injury, Emotional Disability, Orthopedic Impairment, Hearing Impairment, Visually Impaired, and Partially Sighted. However the disability categories of Autism, Speech/Language Impairment, Preschool Speech Delay, and Other Health Impairment were over-represented while Developmental Delay and Learning Disability were under-represented.

Disability Category	State Wide Representation	Representation Of Respondents
Learning Disability	43.49%	29.00%
Mild Intellectual Disability	4.8%	3.0%
Moderate Intellectual Disability	2.18%	4.0%
Severe Intellectual Disability	0.31%	1.0%
Emotional Disability	4.08%	6.0%
Other Health Impairment	12.21%	7.0%
Orthopedic Impairment	1.14%	3.0%
Hearing Impairment	1.06%	2.0%
Autism	7.76%	17.0%
Deaf/Blind	0.25%	0%
Blind/Visual Impairment	0.29%	0%
Speech/Language Impairment	8.13%	13.0%
Traumatic Brain Injury	0.34%	1.0%
Developmental Delay	11.61%	6.0%

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

Preschool/Speech Delay	2.27%	7.0
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The demographic data were consistent/within consistent range of statewide representation of ethnicity categories for the following: American Indian/Alaskan Native, Asian American, and Native Hawaiian/Other Pacific Island. However the ethnicity categories of Hispanic and Black/African American were under-represented while White/Caucasian was over-represented. In addition, Multi-Racial was over-represented which may have impacted the under-representation in the categories of Hispanic and Black/African American.

Race/Ethnicity	State Wide Representation	Representation Of Respondents
Asian American	1.57%	2.0%
Caucasian	43.3%	56.0%
African American	36.26%	19.0%
Native American/Alaskan	0.4%	1.0%
Hispanic/Latino	15.36%	10.0%
Bi-Racial/Multi-Racial	3.02%	12.0%

The DDOE is working with stakeholder groups including LEA Special Education Directors, PIC, and GACEC to increase communication with families of students with disabilities through a variety of communication formats and modalities.

Was sampling used? No

Was a survey used? Yes

Is it a new or revised survey? No

Actions required in FFY 2015 response

none

OSEP Response
Required Actions

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 9: Disproportionate Representation

Monitoring Priority: Disproportionate Representation

Compliance indicator: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.



(20 U.S.C. 1416(a)(3)(C))

Historical Data

Baseline Data: 2005

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target			0%	0%	0%	0%	0%	0%	0%	0%	0%
Data		0%	0%	0%	2.78%	2.78%	0%	0%	0%	4.65%	2.33%

FFY	2015
Target	0%
Data	0%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

FFY 2016 - FFY 2018 Targets

FFY	2016	2017	2018
Target	0%	0%	0%

FFY 2016 SPP/APR Data

Has the State Established a minimum n-size requirement? ☒ Yes ☐ No

The State may only include, in both the numerator and the denominator, districts that met the State-established n and/or cell size. Report the number of districts totally excluded from the calculation as a result of the requirement because the district did not meet the minimum n and/or cell size. 5

Number of districts with disproportionate representation of racial and ethnic groups in special education and related services	Number of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification	Number of districts that met the State's minimum n-size	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
15	7	40	0%	0%	17.50%

Reasons for Slippage

The DDOE has continued to provide targeted professional development and technical assistance relating to child find, referral, evaluation, and identification of children for special education, through state-wide and regional special education leadership meetings and at the individual LEA level. These efforts have resulted in improving the review of policies, practices, and procedures related to child find, referral, evaluation, and identification for special education.

Were all races and ethnicities included in the review? ☒ Yes ☐ No

Describe how the State made its annual determination that the disproportionate overrepresentation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification

The Delaware Department of Education (DDOE) applies a formula to calculate disproportionate representation of racial and ethnic groups in special education using September 30th enrollment data and December 1st child count data. After applying a relative risk ratio methodology, fifteen LEAs were identified with disproportionate representation in one or more racial and ethnic categories.

The DDOE directed each LEA to conduct a self-assessment of their policies, practices, and procedures related to child find, referral, evaluation, and identification for special education.

The DDOE convened an internal committee to review each LEA's self-assessment, including a review of individual student files, using a rubric that aligns with federal and state regulations. Based on the review, seven LEAs were identified with noncompliance concerning the identification and eligibility determination of children with disabilities.

Define "disproportionate representation." Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

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The Delaware Department of Education (DDOE) used its September 30, 2016 student enrollment data and December 1, 2016 child count data for the FFY 2016 SPP/APR submission. Delaware collects enrollment data based on an annual count each September 30. December 1 child count data are used for special education identification and individual educational classification identification.

Delaware uses the relative risk ratio method and one year of data to determine whether there is disproportionate representation of racial and ethnic groups in special education. When using one year of data and the relative risk ratio method, the overall enrollment of all students is considered in relation to the enrollment of special education students. A minimum cell size of 15 is used in the calculation for students with disabilities by race/ethnicity categories.

The calculation used for determining the relative risk ratio is found below:

$$\frac{\begin{array}{c} \text{\# of SWD in } X \text{ ethnic/racial group} \\ \text{Total \# in } X \text{ ethnic/racial group in the school population} \end{array}}{\begin{array}{c} \text{Total \# of SWD} \\ \text{Total \# in the school population} \end{array}}$$

After the relative risk ratio is calculated, the ratio is compared to the State threshold and if the LEA's risk ratio is greater than or equal to the State "bar," the LEA is identified as having disproportionate representation. The "bar" was informed by aggregate data from all LEAs, as well as input from stakeholder groups. For FFY 2016, the State threshold was set at a relative risk ratio of 1.46.

For FFY 2016, 15 LEAs exceeded the risk ratio and were required to complete a State developed self-assessment of their policies, procedures, and practices relating to the identification of students with disabilities. The DDOE reviewed all LEA self-assessments and found 7 LEAs to have policies, procedures or practices that were not compliant with required regulations.

Describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification.

The Delaware Department of Education (DDOE) applies a formula to calculate disproportionate representation of racial and ethnic groups in special education using September 30th enrollment data and December 1st child count data. After applying a relative risk ratio methodology fifteen LEAs were identified with disproportionate representation in one or more racial and ethnic categories.

The DDOE directed each LEA to conduct a self-assessment of their policies, practices, and procedures related to child find, referral, evaluation, and identification for special education.

The DDOE convened an internal committee to review each LEA's self-assessment, including a review of individual student files, using a rubric that aligns with federal and state regulations. Based on the review, seven LEAs were identified with noncompliance concerning the identification and eligibility determination of children with disabilities.

Actions required in FFY 2015 response

none

Note: Any actions required in last year's response table that are related to correction of findings should be responded to on the "Correction of Previous Findings of Noncompliance" page of this indicator. If your State's only actions required in last year's response are related to findings of noncompliance, a text field will not be displayed on this page.

Correction of Findings of Noncompliance Identified in FFY 2015

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
0	0	0	0

OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2016, and OSEP accepts that revision.

Because the State reported less than 100% compliance for FFY 2016 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2016 for this indicator. The State must demonstrate, in the FFY 2017 SPP/APR, that the seven districts identified in FFY 2016 with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2017 SPP/APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2016, although its FFY 2016 data reflect less than 100% compliance (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2016 for this indicator.

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indicator), provide an explanation of why the State did not identify any findings of noncompliance in FFY 2016.

Required Actions

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FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 10: Disproportionate Representation in Specific Disability Categories

Monitoring Priority: Disproportionate Representation

Compliance indicator: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.



(20 U.S.C. 1416(a)(3)(C))

Historical Data

Baseline Data: 2005

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target			0%	0%	0%	0%	0%	0%	0%	0%	0%
Data		0%	0%	0%	2.78%	0%	0%	0%	0%	4.65%	2.33%

FFY	2015
Target	0%
Data	0%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

FFY 2016 - FFY 2018 Targets

FFY	2016	2017	2018
Target	0%	0%	0%

FFY 2016 SPP/APR Data

Has the State Established a minimum n-size requirement? ☒ Yes ☐ No

The State may only include, in both the numerator and the denominator, districts that met the State-established n and/or cell size. Report the number of districts totally excluded from the calculation as a result of the requirement because the district did not meet the minimum n and/or cell size. 8

Number of districts with disproportionate representation of racial and ethnic groups in specific disability categories	Number of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification	Number of districts that met the State's minimum n-size	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
28	7	37	0%	0%	18.92%

Reasons for Slippage

The DDOE has continued to provide targeted professional development and technical assistance relating to child find, referral, evaluation, and identification of children for special education, through state-wide and regional special education leadership meetings and at the individual LEA level. These efforts have resulted in improving the review of policies, practices, and procedures related to child find, referral, evaluation, and identification for special education

Were all races and ethnicities included in the review? ☒ Yes ☐ No

Describe how the State made its annual determination that the disproportionate overrepresentation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification

The Delaware Department of Education (DDOE) applies a formula to calculate disproportionate representation of racial and ethnic groups in special education using September 30th enrollment data and December 1st child count data. After applying a relative risk ratio methodology twenty eight LEAs were identified with disproportionate representation of racial and ethnic groups within specific disability categories.

The DDOE directed each LEA to conduct a self-assessment of their policies, practices, and procedures related to child find, referral, evaluation, and identification for special education.

The DDOE convened an internal committee to review each LEA's self-assessment, including a review of individual student files, using a rubric that aligns with federal and state regulations. Based on the review, seven LEAs were identified with noncompliance concerning the identification and eligibility determination of children with disabilities.

Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell

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and/or n-sizes (i.e., risk numerator and/or risk denominator).

The Delaware Department of Education (DDOE) used its September 30, 2016 student enrollment data and December 1, 2016 child count data for the FFY 2016 SPP/APR submission. Delaware collects enrollment data based on an annual count each September 30. December 1 child count data are used for special education identification and individual educational classification identification.

Delaware uses the relative risk ratio method to determine whether there is disproportionate representation of racial and ethnic groups in special education. When using one year of data and the relative risk ratio method, the overall enrollment of all students is considered in relation to the enrollment of special education students. A minimum cell size of 10 is used in the calculation for students with disabilities by racial/ethnic categories and disability categories.

The calculation used for determining the relative risk ratio is found below:

$$\frac{\text{\# of students in } X \text{ ethnic/racial group in } Y \text{ disability category}}{\text{Total \# of students in } X \text{ ethnic/racial group in the school population}} \div \frac{\text{\# of \textit{Other} students in } Y \text{ disability category}}{\text{Total \# of \textit{Other} students in the school population}}$$

After the relative risk ratio is calculated, the ratio is compared to the State "bar," and if the LEA's risk ratio is greater than or equal to the State "bar," the LEA is identified as having disproportionate representation. The "bar" was informed by aggregate data from all LEAs, as well as input from stakeholder groups. For FFY 2016, the State "bar" was set at a relative risk ratio of 1.50. For FFY 2016, 28 LEAs exceeded the risk ratio and were required to complete a state developed self-assessment of their policies, procedures, and practices relating to the identification of students with disabilities. The DDOE reviewed all LEA self-assessments and found 7 LEAs to have policies, procedures or practices that were not compliant with required regulations.

Describe how the State made its annual determination as to whether the disproportionate overrepresentation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification.

The Delaware Department of Education (DDOE) applies a formula to calculate disproportionate representation of racial and ethnic groups in special education using September 30th enrollment data and December 1st child count data. After applying a relative risk ratio methodology twenty eight LEAs were identified with disproportionate representation of racial and ethnic groups within specific disability categories.

The DDOE directed each LEA to conduct a self-assessment of their policies, practices, and procedures related to child find, referral, evaluation, and identification for special education.

The DDOE convened an internal committee to review each LEA's self-assessment, including a review of individual student files, using a rubric that aligns with federal and state regulations. Based on the review, seven LEAs were identified with noncompliance concerning the identification and eligibility determination of children with disabilities.

Actions required in FFY 2015 response

none

Note: Any actions required in last year's response table that are related to correction of findings should be responded to on the "Correction of Previous Findings of Noncompliance" page of this indicator. If your State's only actions required in last year's response are related to findings of noncompliance, a text field will not be displayed on this page.

Correction of Findings of Noncompliance Identified in FFY 2015

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
0	0	0	0

OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2016, and OSEP accepts that revision.

Because the State reported less than 100% compliance for FFY 2016 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2016 for this indicator. The State must demonstrate, in the FFY 2017 SPP/APR, that the seven districts identified in FFY 2016 with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly

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implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2017 APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2016, although its FFY 2016 data reflect less than 100% compliance (greater than 0% actual target data for this indicator), provide an explanation of why the State did not identify any findings of noncompliance in FFY 2016.

Required Actions

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FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 11: Child Find

Monitoring Priority: Effective General Supervision Part B / Child Find

Compliance indicator: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.



(20 U.S.C. 1416(a)(3)(B))

Historical Data

Baseline Data: 2006

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target			100%	100%	100%	100%	100%	100%	100%	100%	100%
Data			91.00%	94.90%	97.00%	98.20%	100%	97.76%	99.80%	99.79%	99.46%

FFY	2015
Target	100%
Data	97.01%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

FFY 2016 - FFY 2018 Targets

FFY	2016	2017	2018
Target	100%	100%	100%

FFY 2016 SPP/APR Data

(a) Number of children for whom parental consent to evaluate was received	(b) Number of children whose evaluations were completed within 60 days (or State-established timeline)	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
967	957	97.01%	100%	98.97%

Number of children included in (a), but not included in (b) [a-b]	10
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Account for children included in (a) but not included in (b). Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

The Delaware Department of Education (DDOE) reviewed data regarding timeline of initial evaluations and found 10 students in 4 LEAs that were noncompliant. Root cause that contributed to the noncompliance was identified as the need for targeted professional development for staff responsible for scheduling and conducting evaluations.

The number of calendar days that exceeded the state timeline for initial evaluations ranged from 11 to 105. The number of school days that exceeded the timeline for initial evaluations ranged from 13 to 48.

The DDOE will continue to provide targeted technical assistance to individual LEAs along with technical assistance during statewide and regional meetings.

Indicate the evaluation timeline used

- ☒ The State used the 60 day timeframe within which the evaluation must be conducted.
- ☐ The State established a timeline within which the evaluation must be conducted.

What is the source of the data provided for this indicator?

- ☒ State monitoring
- ☐ State database that includes data for the entire reporting year

Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.

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The State uses an electronic student tracking system in which every child has a unique single identifying number. This system is used to collect data regarding the date on which parents provide consent for initial evaluation and the date on which eligibility is determined. The eligibility determination date is the end date used in the calculation to determine whether LEAs are timely. By requiring all LEAs to identify the date of the eligibility determination, the DDOE can monitor the completion of initial evaluations, including any initial evaluations completed outside of the timeline, through use of the state data system.

DDOE staff conduct a query of the data for all initial evaluations. The data query identifies all children whose eligibility determination occurs outside of the timeline. LEAs are provided the data for each evaluation conducted outside of the timeline, as well as the child's specific identification number, the school of attendance, and the date eligibility was determined. The DDOE then requires LEAs to provide written explanations for the delay and corrections for each child evaluated outside of the timeline. After all corrections are made, the final number of children whose evaluations were outside of prescribed timelines is calculated. In all cases, the DDOE verifies through the data tracking system that all evaluations are completed.

Actions required in FFY 2015 response

none

Note: Any actions required in last year's response table that are related to correction of findings should be responded to on the "Correction of Previous Findings of Noncompliance" page of this indicator. If your State's only actions required in last year's response are related to findings of noncompliance, a text field will not be displayed on this page.

Correction of Findings of Noncompliance Identified in FFY 2015

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
21	21	0	0

FFY 2015 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

The DDOE identified 3 LEAs with noncompliance relating to the timeliness of initial evaluations. The LEAs were directed to develop a Corrective Action Plan including steps to ensure correction of individual student noncompliance, as well as to ensure that all staff responsible for initial evaluations are adequately trained and properly implementing regulations related to the provision of timely evaluations. To verify Prong 1, individual student corrections, the DDOE reviewed the LEAs' submission of student data and conducted record reviews to verify 100% correction of individual noncompliance. In addition, technical assistance was provided by the DDOE directly to the LEAs and also during statewide and regional meetings at which time the timeline for initial evaluations was reviewed.

The State verified that the LEAs with noncompliance were correctly implementing the regulatory requirements of the findings in accordance with OSEP memo 09-02 by reviewing subsequent randomly selected student records. All records reviewed demonstrated compliance relating to the regulatory area of timely initial evaluations.

Describe how the State verified that each individual case of noncompliance was corrected

The DDOE verified that each individual case of noncompliance was corrected through a file review process.

OSEP Response

Because the State reported less than 100% compliance for FFY 2016, the State must report on the status of correction of noncompliance identified in FFY 2016 for this indicator. When reporting on the correction of noncompliance, the State must report, in the FFY 2017 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2016 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2017 SPP/APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2016, although its FFY 2016 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2016.

Required Actions

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 12: Early Childhood Transition

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Compliance indicator: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.



(20 U.S.C. 1416(a)(3)(B))

Historical Data

Baseline Data: 2005

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target			100%	100%	100%	100%	100%	100%	100%	100%	100%
Data		81.60%	97.70%	97.70%	99.00%	99.00%	99.75%	99.00%	98.00%	97.00%	97.84%

FFY	2015
Target	100%
Data	98.86%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

FFY 2016 - FFY 2018 Targets

FFY	2016	2017	2018
Target	100%	100%	100%

FFY 2016 SPP/APR Data

a. Number of children who have been served in Part C and referred to Part B for Part B eligibility determination.	708
b. Number of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.	82
c. Number of those found eligible who have an IEP developed and implemented by their third birthdays.	477
d. Number of children for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.	142
e. Number of children determined to be eligible for early intervention services under Part C less than 90 days before their third birthdays.	0
f. Number of children whose parents chose to continue early intervention services beyond the child's third birthday through a State's policy under 34 CFR §303.211 or a similar State option.	0

	Numerator (c)	Denominator (a-b-d-e-f)	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. $[c/(a-b-d-e-f)] \times 100$	477	484	98.86%	100%	98.55%

Number of children who have been served in Part C and referred to Part B for eligibility determination that are not included in b, c, d, e, or f	7
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Account for children included in (a), but not included in b, c, d, e, or f. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed, and the reasons for the delays.

The dates range from a minimum of three days up to thirty days beyond the third birthday. Late referrals from Part C accounted for five of the instances of noncompliance. The remaining two were due to the LEA's noncompliance with meeting the timeline.

What is the source of the data provided for this indicator?

- ☒ State monitoring
- ☐ State database that includes data for the entire reporting year

Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.

The State used a systematic transition collection process which has been in place for ten years. Each school year, the LEAs use an electronic process to report transition data to the DDOE by August 31st. Information is reported on a State tracking spreadsheet: the total

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number of referrals received from Part C, the number of children not eligible for special education services, and the number of children with IEPs in place and receiving special education services begin prior to their third birthday.

LEAs are required to provide additional information including an explanation for children who had an IEP developed and/or implemented after their third birthday, and documentation of the IEP meeting and initiation dates.

Actions required in FFY 2015 response

none

Note: Any actions required in last year's response table that are related to correction of findings should be responded to on the "Correction of Previous Findings of Noncompliance" page of this indicator. If your State's only actions required in last year's response are related to findings of noncompliance, a text field will not be displayed on this page.

Correction of Findings of Noncompliance Identified in FFY 2015

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
5	5	0	0

FFY 2015 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

Five children were identified as noncompliant across three LEAs. The LEAs were informed regarding the noncompliance and were required to develop a corrective action plan which included steps to ensure correction of individual student noncompliance along with the assurance that staff responsible for early childhood transition were appropriately trained in implementing the regulations correctly. To verify Prong 1, individual student corrections, DDOE reviewed LEAs' submission of data and did record reviews to verify correction of individual student noncompliance. Technical assistance on early childhood transition was provided to the LEAs both individually and at state and regional meetings. The DDOE verified that the identified LEAs were correctly implementing the regulations, Prong 2, in accordance with OSEP memo 09-02. All records reviewed during Prong 2 verification were in compliance with early childhood transition requirements.

Describe how the State verified that each individual case of noncompliance was corrected

The DDOE reviewed and verified individual student records for compliance.

OSEP Response

Because the State reported less than 100% compliance for FFY 2016, the State must report on the status of correction of noncompliance identified in FFY 2016 for this indicator. When reporting on the correction of noncompliance, the State must report, in the FFY 2017 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2016 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2017 SPP/APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2016, although its FFY 2016 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2016.

Required Actions

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 13: Secondary Transition

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Compliance indicator: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.



(20 U.S.C. 1416(a)(3)(B))

Historical Data

Baseline Data: 2009

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target			100%	100%	100%	100%	100%	100%	100%	100%	100%
Data						88.30%	80.10%	59.10%	50.50%	48.43%	98.15%

FFY	2015
Target	100%
Data	99.23%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

FFY 2016 - FFY 2018 Targets

FFY	2016	2017	2018
Target	100%	100%	100%

FFY 2016 SPP/APR Data

Number of youth aged 16 and above with IEPs that contain each of the required components for secondary transition	Number of youth with IEPs aged 16 and above	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
7,675	7,734	99.23%	100%	99.24%

What is the source of the data provided for this indicator?

- ☒ State monitoring
- ☐ State database that includes data for the entire reporting year

Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.

Delaware, Indicator 13 reviews include all students age 14 or who have entered the eighth (8th) grade.

Through analysis of the historical data after the 2013-2014 SY, with input provided by stakeholder groups, the DDOE determined that the representative sample used in previous years did not provide a true representation of transition planning state-wide. In addition, the DDOE had moved to a cyclical monitoring process, thus our sample size decreased. After discussions internally at DDOE and with stakeholder groups, it was determined the DDOE needed to increase the data pool to provide a true state-wide representation. The decision was made that beginning with the 2014-2015 SY, the DDOE would begin implementing a new monitoring process for Indicator 13. Through this process, all districts and charters having transition age (age 14 or in the 8th grade) students are monitored for Indicator 13 each year. This process has been implemented in a two-phase process:

Phase 1 – LEA Self-Assessment

LEAs will be required to conduct a self-assessment of all student records for students age 14 or in the 8th grade and above

DDOE will provide LEAs with an electronic spreadsheet to capture all data Self-Assessment will be sent to DDOE.

Phase 2 – DDOE validation of LEA submitted data

DDOE will review a randomly selected sample of the submitted data for validation The data reviewed will represent all schools within the LEA

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

All disability categories will be proportionately represented

At the completion of the DDOE validation of LEA submitted data, if any individual non-compliance is found, the DDOE issues a findings letter directing corrective action in two phases, in accordance with OSEP 09-02 memo, which DDOE refers to as "Prong 1" and "Prong 2". The LEA is required to develop a Corrective Action Plan including a Root Cause Analysis, correction of individual student noncompliance, and provision of professional development in all regulatory areas of noncompliance. When the LEA reports that all corrective action has been completed, the DDOE reviews individual student documentation and documentation of provision of professional development to verify compliance. The DDOE subsequently reviews randomly selected student records to verify compliance with IDEA regulations and compliance across the system.

Do the State's policies and procedures provide that public agencies must meet these requirements at an age younger than 16?

☒ Yes ☐ No

Did the State choose to include youth at an age younger than 16 in its data for this indicator and ensure that its baseline data are based on youth beginning at that younger age? ☒ Yes ☐ No

At what age are youth included in the data for this indicator? 14

☒ Provide additional information about this indicator (optional)

By Delaware State Regulations: Transition services must begin with the earlier of the first IEP to be in effect when the child turns fourteen (14) or enters the eighth (8th) grade.

Actions required in FFY 2015 response

none

Note: Any actions required in last year's response table that are related to correction of findings should be responded to on the "Correction of Previous Findings of Noncompliance" page of this indicator. If your State's only actions required in last year's response are related to findings of noncompliance, a text field will not be displayed on this page.

Correction of Findings of Noncompliance Identified in FFY 2015

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
60	60	0	0

FFY 2015 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

Delaware Department of Education follows OSEP 09-02 memo outlining requirements for states to conduct monitoring of special education records in two phases which DDOE refers to as "Prong 1" and "Prong 2."

Each individual student file found non-compliant was reviewed by DDOE to determine the individual non-compliance was corrected within the one year timeframe.

In addition, DDOE reviewed randomly selected student files for IEP meetings held following completion of steps within LEA corrective action plans to verify that regulatory areas found noncompliant in Prong 1 are now compliant across the system. During the Prong 2 review, all IEPs were found to be in compliance demonstrating the LEAs are correctly implementing the regulatory requirements.

Describe how the State verified that each individual case of noncompliance was corrected

DDOE uses a protocol based on the National Technical Assistance Center on Transition (NTACT) Indicator 13 checklist to review student files. During the 2015-2016 on-site monitoring review, 60 out of 7760 student files reviewed were identified with non-compliance. The 60 non-compliant files were identified across 6 LEAs. A detailed Monitoring Report was sent to each LEA that described all findings of noncompliance based on the protocol at both the LEA and student levels. The findings trigger different levels of required corrective action. During Prong 1 monitoring, all records of noncompliance found at the individual student level must be corrected immediately. All 60 IEPs found out of compliance for Indicator 13 were corrected within the required timeline and validated by DDOE. After the correction of individual non-compliance (Prong 1) was completed in the 6 LEAs, DDOE moved into Prong 2 verification where a review of randomly selected student files for IEP meetings held following completion of steps within the 6 LEA corrective action plans to verify that regulatory areas found noncompliant in Prong 1 are now compliant across the system. During the Prong 2 review, all IEPs across the 6 LEAs were found to be in compliance demonstrating the LEAs are correctly implementing the regulatory requirements.

In addition, each LEA was required to develop a Corrective Action Plan including a Root Cause Analysis. Based on root causes identified, the LEA established action steps including provision of professional development in all regulatory areas of noncompliance.

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The DDOE also offered professional development and technical assistance through the State Transition Cadre and the State Transition Council.

OSEP Response

Because the State reported less than 100% compliance for FFY 2016, the State must report on the status of correction of noncompliance identified in FFY 2016 for this indicator. When reporting on the correction of noncompliance, the State must report, in the FFY 2017 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2016 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2017 SPP/APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2016, although its FFY 2016 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2016.

Required Actions

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FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 14: Post-School Outcomes

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Results indicator: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

Historical Data

	Baseline Year	FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
A	2009	Target ≥							28.00%	30.00%	33.00%	21.00%	25.00%
		Data						24.40%	20.00%	25.00%	17.00%	19.74%	62.86%
B	2009	Target ≥							77.00%	80.00%	83.00%	52.00%	56.00%
		Data						71.00%	51.00%	51.00%	48.00%	52.56%	78.68%
C	2009	Target ≥							100%	100%	100%	100%	100%
		Data						100%	65.00%	64.00%	61.00%	65.64%	82.64%

	FFY	2015
A	Target ≥	29.00%
	Data	63.11%
B	Target ≥	60.00%
	Data	81.27%
C	Target ≥	100%
	Data	85.88%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2016 - FFY 2018 Targets

FFY	2016	2017	2018
Target A ≥	33.00%	37.00%	41.00%
Target B ≥	64.00%	68.00%	72.00%
Target C ≥	100%	100%	100%

Key:

Targets: Description of Stakeholder Input

The DDOE consulted with various stakeholder groups to review historical and current post school data to determine targets for the current SPP/APR. These groups included: National Technical Assistance Center on Transition (NTACT) State Team, State Transition Cadre, Governor's Advisory Council for Exceptional Citizens (GACEC) transition subcommittee, state transition council, Special Education Leadership Group, and County Special Education Directors. Members of these groups include students, parents, teachers, transition specialists, special education directors, state agency representatives, community service providers, and other community members.

Data analysis included reviewing historical data, post school outcomes, and current program implementation. Based on this analysis the stakeholder groups' recommendation was to set new targets in FFY 13 with an annual increase of 4%.

FFY 2016 SPP/APR Data

Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school	471.00
1. Number of respondent youth who enrolled in higher education within one year of leaving high school	233.00
2. Number of respondent youth who competitively employed within one year of leaving high school	156.00

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3. Number of respondent youth enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed)	15.00
4. Number of respondent youth who are in some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed).	2.00

	Number of respondent youth	Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
A. Enrolled in higher education (1)	233.00	471.00	63.11%	33.00%	49.47%
B. Enrolled in higher education or competitively employed within one year of leaving high school (1 +2)	389.00	471.00	81.27%	64.00%	82.59%
C. Enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment (1+2+3+4)	406.00	471.00	85.88%	100%	86.20%

Please select the reporting option your State is using:

- ☐ Option 1: Use the same definition as used to report in the FFY 2015 SPP/APR, i.e., competitive employment means that youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.
- ☐ Option 2: Report in alignment with the term "competitive integrated employment" and its definition, in section 7(5) of the Rehabilitation Act, as amended by Workforce Innovation and Opportunity Act (WIOA), and 34 CFR §361.5(c)(9). For the purpose of defining the rate of compensation for student s working on a "part-time basis" under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school. This definition applies to military employment.

Was a survey used? No

Was sampling used? No

Are the response data representative of the demographics of youth who are no longer in school and had IEPs in effect at the time they left school? Yes

☒ Provide additional information about this indicator (optional)

Through the data collection process DDOE strives to ensure the response group is representative of the population. The data collection process consists of various collection methods. Level one collection is through phone calls to all exters to discuss post school outcome survey questions. Level two is a mailed survey to all exters not captured through phone survey. Level three involves collaboration through our Higher Education Workgroup to ensure phone call responses are accurate and potentially capture any student who was not reached by phone survey. Level four consists of analyzing data obtained through our MOU with Delaware Department of Labor to validate data gathered through phone call responses and potentially capture any student who was not reached by phone survey. After collecting responses through our varied levels of collection an analysis is conducted to ensure the response group is representative of the population. If the response group is not representative of the population, DDOE works with other collaborating state agencies (Division of Vocational Rehabilitation, Division of Developmental Disabilities, Division of Visual Impairments, etc.) to reach a representativeness.

Actions required in FFY 2015 response

none

OSEP Response

The State did not provide its analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, as instructed by the Measurement Table.

Required Actions

In the FFY 2017 SPP/APR, the State must report whether the FFY 2017 data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, and, if not, the actions the State is taking to address this issue. The State must also include its analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school.

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 15: Resolution Sessions

Monitoring Priority: Effective General Supervision Part B / General Supervision

Results indicator: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3)(B))

Historical Data

Baseline Data: 2015

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target ≥											
Data										100%	25.00%

FFY	2015
Target ≥	
Data	50.00%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2016 - FFY 2018 Targets

FFY	2016		2017		2018	
Target	50.00%	-	60.00%	50.00%	-	60.00%

Key:

Targets: Description of Stakeholder Input

The Delaware Department of Education (DDOE) met with several advisory/stakeholder groups to discuss target setting for FFY 2015-2018. Stakeholder groups included LEA special education directors, charter school special education coordinators, the Parent Information Center (PIC), and the Governor's Advisory Counsel for Exceptional Citizens (GACEC).

A description of Indicator 15, as well as historical data was provided to the advisory/stakeholder groups. The groups were provided with an explanation of the need to set targets since State data indicated that there were 10 resolution sessions held during FFY 2015. Discussions included whether to set the targets using a single number or a range. All groups agreed that the targets should be a range. The groups also discussed whether the target range should increase each year or remain stable. All groups agreed to keep the target range stable each year.

The DDOE will continue to provide technical assistance by educating parents and LEAs about conflict resolution, early conflict resolution via IEP Facilitation, and through statewide and regional meetings.

Prepopulated Data

Source	Date	Description	Data	Overwrite Data
SY 2016-17 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints	11/1/2017	3.1(a) Number resolution sessions resolved through settlement agreements	n	null
SY 2016-17 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints	11/1/2017	3.1 Number of resolution sessions	n	null

FFY 2016 SPP/APR Data

3.1(a) Number resolution sessions resolved through settlement agreements	3.1 Number of resolution sessions	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
4	4	50.00%	50.00% - 60.00%	100%

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Actions required in FFY 2015 response

none

OSEP Response

The State reported fewer than ten resolution sessions held in FFY 2016. The State is not required to meet its targets until any fiscal year in which ten or more resolution sessions were held.

Required Actions

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 16: Mediation

Monitoring Priority: Effective General Supervision Part B / General Supervision

Results indicator: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

Historical Data

Baseline Data: 2005

FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Target ≥			88.00%	88.00%	88.00%	88.00%	88.00%	88.00%	88.00%		88.00%
Data		64.00%	86.00%	86.00%	33.00%	0%	75.00%	83.33%	81.80%	62.50%	90.91%

FFY	2015
Target ≥	88.00%
Data	76.92%

Key: Gray – Data Prior to Baseline Yellow – Baseline Blue – Data Update

FFY 2016 - FFY 2018 Targets

FFY	2016		2017		2018	
Target	70.00%	-	80.00%	70.00%	-	80.00%

Key:

Targets: Description of Stakeholder Input

The Delaware Department of Education (DDOE) engages in ongoing collaboration with stakeholder groups, such as the Governor's Advisory Council for Exceptional Citizens (GACEC), LEA special education directors, charter school special education coordinators, and the Parent Information Center (PIC) to review data for this indicator.

Discussing the system of dispute resolution, provided the stakeholders with the opportunity to review and reestablish targets.

A description of Indicator 16, as well as historical data was provided to the advisory/stakeholder groups. The groups were provided with an explanation of the current targets and engaged in discussions to set targets including whether to set the targets using a single number or a range. All groups agreed that the targets should be a range. The groups also discussed whether the target range should increase each year or remain stable. All groups agreed to keep the target range stable each year.

The DDOE will continue to provide technical assistance by educating parents and LEAs about conflict resolution and through statewide and regional meetings.

Prepopulated Data

Source	Date	Description	Data	Overwrite Data
SY 2016-17 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/1/2017	2.1.a.i Mediations agreements related to due process complaints	n	null
SY 2016-17 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/1/2017	2.1.b.i Mediations agreements not related to due process complaints	n	null
SY 2016-17 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/1/2017	2.1 Mediations held	6	null

FFY 2016 SPP/APR Data

2.1.a.i Mediations agreements related to due process complaints	2.1.b.i Mediations agreements not related to due process complaints	2.1 Mediations held	FFY 2015 Data*	FFY 2016 Target*	FFY 2016 Data
0	3	6	76.92%	70.00% - 80.00%	50.00%

Reasons for Slippage

A review of the data indicates that there were less administrative complaints and due process complaints filed during 2016-2017

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compared to the previous year. Therefore, there were less mediations. There were also no mediations held related to due process complaints during 2016-2017.

The DDOE continues to collaborate with the Parent Information Center (PIC) and together have identified the need to educate advocates throughout the state on the various options available for dispute resolution. PIC is working to bring advocates throughout the state together with representatives from the Special Education Partnership for the Amicable Resolution of Conflict (SPARC) program to engage in conversations and provide education as to the various dispute resolution options and how to access them.

The DDOE has also provided IEP Facilitation training (via SPARC) to both district and charter school staff. This training will continue to be offered to LEAs.

Actions required in FFY 2015 response

none

OSEP Response

The State reported fewer than ten mediations held in FFY 2016. The State is not required to meet its targets until any fiscal year in which ten or more mediations were held.

Required Actions

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Indicator 17: State Systemic Improvement Plan

Monitoring Priority: General Supervision

Results indicator: The State's SPP/APR includes a State Systemic Improvement Plan (SSIP) that meets the requirements set forth for this indicator.

Reported Data

Baseline Data: 2014

FFY	2013	2014	2015	2016
Target ≥			74.69%	73.69%
Data		74.69%	75.30%	76.08%

Key: Gray – Data Prior to Baseline Yellow – Baseline
 Blue – Data Update

FFY 2017 - FFY 2018 Targets

FFY	2017	2018
Target ≥	71.69%	69.69%

Key:

Description of Measure

Targets: Description of Stakeholder Input

Overview

Data Analysis

A description of how the State identified and analyzed key data, including data from SPP/APR indicators, 618 data collections, and other available data as applicable, to: (1) select the State-identified Measurable Result(s) for Children with Disabilities, and (2) identify root causes contributing to low performance. The description must include information about how the data were disaggregated by multiple variables (e.g., LEA, region, race/ethnicity, gender, disability category, placement, etc.). As part of its data analysis, the State should also consider compliance data and whether those data present potential barriers to improvement. In addition, if the State identifies any concerns about the quality of the data, the description must include how the State will address these concerns. Finally, if additional data are needed, the description should include the methods and timelines to collect and analyze the additional data.

Analysis of State Infrastructure to Support Improvement and Build Capacity

A description of how the State analyzed the capacity of its current infrastructure to support improvement and build capacity in LEAs to implement, scale up, and sustain the use of evidence-based practices to improve results for children with disabilities. State systems that make up its infrastructure include, at a minimum: governance, fiscal, quality standards, professional development, data, technical assistance, and accountability/monitoring. The description must include current strengths of the systems, the extent the systems are coordinated, and areas for improvement of functioning within and across the systems. The State must also identify current State-level improvement plans and initiatives, including special and general education improvement plans and initiatives, and describe the extent that these initiatives are aligned, and how they are, or could be, integrated with, the SSIP. Finally, the State should identify representatives (e.g., offices, agencies, positions, individuals, and other stakeholders) that were involved in developing Phase I of the SSIP and that will be involved in developing and implementing Phase II of the SSIP.

State-identified Measurable Result(s) for Children with Disabilities

A statement of the result(s) the State intends to achieve through the implementation of the SSIP. The State-identified result(s) must be aligned to an SPP/APR indicator or a component of an SPP/APR indicator. The State-identified result(s) must be clearly based on the Data and State Infrastructure Analyses and must be a child-level outcome in contrast to a process outcome. The State may select a single result (e.g., increasing the graduation

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rate for children with disabilities) or a cluster of related results (e.g., increasing the graduation rate and decreasing the dropout rate for children with disabilities).

Statement

Description

Selection of Coherent Improvement Strategies

An explanation of how the improvement strategies were selected, and why they are sound, logical and aligned, and will lead to a measurable improvement in the State-identified result(s). The improvement strategies should include the strategies, identified through the Data and State Infrastructure Analyses, that are needed to improve the State infrastructure and to support LEA implementation of evidence-based practices to improve the State-identified Measurable Result(s) for Children with Disabilities. The State must describe how implementation of the improvement strategies will address identified root causes for low performance and ultimately build LEA capacity to achieve the State-identified Measurable Result(s) for Children with Disabilities.

Theory of Action

A graphic illustration that shows the rationale of how implementing the coherent set of improvement strategies selected will increase the State's capacity to lead meaningful change in LEAs, and achieve improvement in the State-identified Measurable Result(s) for Children with Disabilities.

Submitted Theory of Action: No Theory of Action Submitted



Provide a description of the provided graphic illustration (optional)

Infrastructure Development

- Specify improvements that will be made to the State infrastructure to better support EIS programs and providers to implement and scale up EBPs to improve results for infants and toddlers with disabilities and their families.
- Identify the steps the State will take to further align and leverage current improvement plans and other early learning initiatives and programs in the State, including Race to the Top-Early Learning Challenge, Home Visiting Program, Early Head Start and others which impact infants and toddlers with disabilities and their families.
- Identify who will be in charge of implementing the changes to infrastructure, resources needed, expected outcomes, and timelines for completing improvement efforts.
- Specify how the State will involve multiple offices within the State Lead Agency, as well as other State agencies and stakeholders in the improvement of its infrastructure.

Support for EIS programs and providers Implementation of Evidence-Based Practices

- Specify how the State will support EIS providers in implementing the evidence-based practices that will result in changes in Lead Agency, EIS program, and EIS provider practices to achieve the SIMR(s) for infants and toddlers with disabilities and their families.
- Identify steps and specific activities needed to implement the coherent improvement strategies, including communication strategies and stakeholder involvement; how identified barriers will be addressed; who will be in charge of implementing; how the activities will be implemented with fidelity; the resources that will be used to implement them; and timelines for completion.
- Specify how the State will involve multiple offices within the Lead Agency (and other State agencies such as the SEA) to support EIS providers in scaling up and sustaining the implementation of the evidence-based practices once they have been implemented with fidelity.

Evaluation

- Specify how the evaluation is aligned to the theory of action and other components of the SSIP and the extent to which it includes short-term and long-term objectives to measure implementation of the SSIP and its impact on achieving measurable improvement in SIMR(s) for infants and toddlers with disabilities and their families.
- Specify how the evaluation includes stakeholders and how information from the evaluation will be disseminated to stakeholders.
- Specify the methods that the State will use to collect and analyze data to evaluate implementation and outcomes of the SSIP and the progress toward achieving intended improvements in the SIMR(s).
- Specify how the State will use the evaluation data to examine the effectiveness of the implementation; assess the State's progress toward achieving intended improvements; and to make modifications to the SSIP as necessary.

Technical Assistance and Support

Describe the support the State needs to develop and implement an effective SSIP. Areas to consider include: Infrastructure development; Support for EIS programs and providers implementation of EBP; Evaluation; and Stakeholder involvement in Phase II.

FFY 2016 Part B State Performance Plan (SPP)/Annual Performance Report (APR)
Certify and Submit your SPP/APR

I certify that I am the Chief State School Officer of the State, or his or her designee, and that the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report is accurate.

Selected: Designated by the Chief State School Officer to certify

Name and title of the individual certifying the accuracy of the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report.

Name: Mary Ann Mieczkowski

Title: Director, Exceptional Children Resources

Email: maryannmieczkowski@doe.k12.de.us

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