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WITHIN A SCHOOL SYSTEM, HOW ARE THE NEEDS OF THE NON-
QUALIFYING STUDENTS FOR SPECIAL EDUCATION ADDRESSED, WHAT SUPPORTS
ARE IN PLACE AND WHAT INTERVENTIONS ARE USED?

By

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Dissertation

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“Within a school system, how are the needs of the non-qualifying students for special education addressed, what supports are put in place, and what interventions are used?”

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Abstract (Summary)

Each year students are referred for special education evaluations based on teacher concerns of the student's academic progress or the student's success. Once the evaluation is completed and the Child Study Team meeting are held some students qualify for special education services under one of the thirteen disability categories. Other students will not be eligible for services based on one or more of the four categories used for not qualifying for services.

This study investigated what interventions were provided to the students who did not qualify, termed non-qualifying students, in this dissertation. A checklist of interventions for the individuals to use in preparing data was furnished by the researcher. Other information requested was the grade level of the student referral, reason for not qualifying, the student's scores on the state MontCAS reading assessment, and how many years the school has been using the Response to Intervention process.

Five hundred and fifty Montana school superintendents, principals and special education directors were invited to participate through mailed invitations with the data collection tool enclosed. After the initial mailing, follow-up telephone calls were conducted and numerous emails sent. The total number of responses was 349 (64%) superintendents, principals and special education directors and responses fit into various categories such as not interested, too time consuming, no students fit the criteria, all students qualified, all new staff, data access problems, and no referrals. However, twelve (2%) districts or schools submitted the student data requested. While the data provided comes from schools ranging in size from 123 students to 2,995 students, generalizability is not supported due to the small sample size.

There were relationships between the reading score the year prior to the referral and the referral year, between the referral year and the year after, between the year prior to the referral and the year after the referral, and between the reason for the referral and the academic interventions used. No significant relationship exists between referral and grade level, academic interventions and MontCAS scores, interventions and RTI process, MontCAS scores and RTI process, or the size of school and participating in the study.

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CHAPTER ONE: STATEMENT OF THE PROBLEM

Introduction

Generally, children come to school eager to learn. They may even have played school at home in anticipation of the day when they would be old enough to attend. Many students experience initial success in the various aspects of “schooling.” They are academically successful, and interact or socialize with others appropriately. However, some students, as they progress through school, may start struggling in one or more subjects, or have a poor attendance record, both of which can lead to discouragement and a sense of failure (Glaes, 1998). Students who are absent do not receive the instruction needed to help them achieve the academic progress necessary for them to be successful and for the school to meet the accountability requirements of No Child Left Behind. In addition, students who are failing in their classes are often depressed, anxious, defiant, or angry, which adds additional difficulties within a school (Guthals, 2009). Based on their skill level and lack of academic success, these students may need to be considered for special education evaluation (Ysseldyke et al., 1982; Ysseldyke & Algozzine, 1983; Gottlieb & Alter, 1994; Gillen, 1997; Fuchs et al., 2001; Ysseldyke, 2005).

Students who are learning disabled (LD) and non-learning disabled (non-LD) have been compared since the establishment of the “learning disabilities” category (Thurlow, Graden, Greener & Ysseldyke, 1983). The students who qualify for special education services receive support. Students who do not meet the qualifications (termed non-qualifying students in this study) may or may not receive support within their schools yet their lack of academic success cause concern and frustration to teachers and other school personnel (Ysseldyke et al., 1983; Foster et al. 1984; Gresham et al., 1997; MacMillan et al., 1998). Retention may be used as a means of helping the non-learning students. (Shepherd & Smith, 1990; Jimerson, 2001; Nagaoka

& Roderrick, 2004; Beebe-Frankenberger, Bocian, MacMillan & Gresham 2004) For a discussion of retention, see Appendix A.

Problem Statement

A teacher may be concerned about a student who is not successful in reading, math, or another subject (Ysseldyke & Algozzine, 1983). This concern may not be limited to intellectual challenges or academic performance but may include student behavior (Egyed & Short, 2006; Felton, 2006). The teacher first schedules a meeting with the parents or guardians to discuss the child's challenges and issues affecting academic achievement or social interactions.

Parents or guardians may be provided with ideas of things that can be done at home to help the child. The teacher discusses supports that the school might put in place for the child through the Student Assistance Team approach or an intervention team with a different name. Other staff members may provide ideas on ways to help the student be more successful. Depending upon the resources and structure of the school as they pertain to the child's needs, the student may receive Title I assistance. Title I or the Elementary and Secondary Education Act (ESEA) first enacted in 1965 was a major part of President Lyndon B. Johnson "war on poverty" and provided local districts with monies to help the students from poor families (Cowan, 2004, Cowan, 2009). This program uses a poverty-based formula to allocate funds to school districts in order to counteract the effects of poverty on the educational opportunities of children in high poverty areas (Cowan, 2004, Cowan, 2009). NCLB continued the requirement of ranking and serving schools in order of poverty so not all school receive Title I funding (Cowan, 2009). State departments of education distribute of the funds; therefore, they determine eligibility for the program within the state. Individual school districts determine if the Title I program offered is a pullout program (targeted assistance) or a school-wide program (Cowan, 2004; Cowan, 2009).

In a targeted assistance program, the students who are identified as failing or at risk of failing to meet the state standards are provided with services that supplement not supplant the regular education services (Cowan, 2004; Cowan, 2009). Targeted assistance may take several forms. For example, a pullout program may provide students with intensive help for 30 minutes a day, offer classroom assistance by a paraprofessional, or arrange tutoring. Junior high and high school students may receive assistance during the day or by means of after school tutoring depending upon the poverty level of the school and the availability of funds (Cowan, 2004; Cowan, 2009). In a school-wide program, the Local Education Agency (LEA) is allowed to consolidate federal, state and local funds to improve the entire education program of the school or district (Cowan, 2004; Cowan, 2009).

If a student is still unsuccessful after trying various interventions, the Student Assistance Team may recommend a formal special education evaluation. Using this evaluation, a Child Study Team determines if a student qualifies for special education services under Individuals with Disabilities Education Act (IDEA) regulations. An Individual Education Plan will be developed to outline a special education program appropriate to the needs of the child (Ysseldyke, Christensen, Pianta, & Algozzine, 1983, Ysseldyke & Algozzine, 1983).

For the non-qualifying students, these supports may or may not be put into place. Depending on a student's difficulties, a 504 plan may be a possibility. Section 504 of the Rehabilitation Act of 1973 is a national law that protects qualified individuals from discrimination because of their disability. This act covers an individual who may be regarded as handicapped by others or whose life activities-- such things as seeing, hearing, speaking, breathings, walking, learning, working, doing manual tasks and caring for oneself --are limited (LD online, 2007).

Perry Zirkel (2007) suggests a three-part test for determining 504 eligibility: 1) Does there appear to be a 1) physical or mental impairment? 2) Is there a substantial limitation? 3) Does it affect a major life activity? A special education IEP plan contains required goals and objectives, related special education services if needed, modifications or accommodations for testing, the possibility of an extended school year, transition services at certain milestones, but a 504 plan does not. With 504, there may or may not be an annual review but there is for IEP's (Zirkel, 2007). Differences between 504 and IDEA will be discussed more in depth in Chapter 2.

The mandates of No Child Left Behind have placed tremendous pressure on schools in regards to achievement for “all” students. Never before in the history of education have schools been required to show the achievement data demonstrating that the local school system is providing an education for “all” students, regardless of sex, race/ethnicity, or socioeconomic status, IDEA identification, or limited English proficiency (Cowan, 2004; Cowan, 2009). The requirements of NCLB are forcing schools to look at the way they do the business of educating students, including instructional leadership of principals, quality of teachers, ability to actively engage all students in learning, attendance data, behavioral issues and promotion of parental involvement. This means that each school must collect various kinds of data, studying and interpreting that data to find out why students are not making the progress needed and then making the necessary changes in the local school system in order to meet the needs of “all” students and the goals of No Child Left Behind (Cowan, 2004; Cowan, 2009).

The achievement data for the State of Montana shows that, of the 231 schools that did not make Adequate Yearly Progress, 54 have populations made up of 50 to 100% of American Indian students (American Indian Education Data Fact Sheet, 2009). In Indian reservation

schools, there are often the issues of poverty, poor attendance, lack of parental involvement, and unemployment of parents (Juneau, 2001; Montana Office of Public Instruction, 2007). Of the 37 schools identified as being in Restructuring, 36 of them are on Indian Reservations and have 50-100% American Indian populations (“American Indian Education,” 2009).

When schools look at the Montana Comprehensive Assessment System (MontCAS) data, several are finding the special education population did not make the necessary increases in achievement for the school to make AYP. In 2009, Montana had 48 schools that missed the Annual Measurable Objective in Math for the Students with Disabilities, and 41 schools missed the Annual Measurable Objective in Reading for the Students with Disabilities. Seven schools missed AYP solely due to the student group “students with disabilities” (Bond, 2010). This type of information applies additional pressure for special education teachers and students to be more successful (“Open to the public,” 2004). As the required percentages in reading and math increases incrementally until 100% proficiency set for 2013-2014, more schools may find they are not making adequate yearly progress and will need to investigate how to improve teaching and learning. The American Indians and special education students are influencing the AYP status of schools in Montana (“American Indian Education,” 2009; Bond, 2010). Non-qualifying students are not a category that states are required to report, yet these students are of part of at least one reportable category and influence that category’s level of proficiency. A question that comes to mind is how a school not making AYP is affecting the learning of those students who did not meet the qualifications for special education services.

In The Last Dropout (2007) by Bill Milliken states:

America’s 3.5 million dropouts’ ages 16 to 25 are truly have-nots: They do not have a high school diploma, and as a result, they have little hope for a decent future. They are

far more likely than their peers to be unemployed, live in poverty, experience chronic poor health, depend upon social services, and go to jail. Four out of every ten young-adult dropouts receive some type of government assistance (p. xxii).

If students receive community support and the resources, they need to learn, the likelihood of their dropping out of school might decrease, giving them an opportunity to be more self-sustaining and contribute more to society (Milliken, 2007).

When the Individuals with Disabilities Education Act was reauthorized in 2004 it allowed for school districts to use scientific, research-based intervention as a component of the eligibility determination process (Montana Response to Intervention [MRtI], 2008). RtI is a process of systematically delivering instruction, monitoring student progress and making decision about changing or intensifying the instruction to help students (MRiT, 2008). Response of Intervention/Instruction (RtI) is in various stages of implementation in Montana Schools. This process has the potential of addressing the needs of the non-qualifying students with the interventions and supports built into the RtI structure (MRiT, 2008, Fuchs & Fuchs, 2005).

Students who do not qualify for special education services may still require substantial support and, in the absence of that support, face the risk of academic failure (“Open to the public,” 2004). These non-qualifying students often have a sense of hopelessness about their abilities and futures (Glaes, 1998, Conrath, 1986). Such students may enter adulthood and society with diminished levels of education and consequently loss of enjoyment provided by benefits associated with an appropriate education (Milliken, 2007). These members of society contribute less to their own lives, and are unable to benefit society to the degree to which they might otherwise have been able to contribute (Milliken, 2007).

Concerns for this group of non-qualifying students are the amount of support provided for them within the school system, the sense of hopelessness and failure, and the likelihood of dropping out as stated by several researchers (Conrath, 1986; Glaes, 1998; Milliken, 2007; Schmoker, 2006). Hope for this group of students comes from teacher concerns and the RtI model of providing various interventions and assistance in varying degrees. These concerns and hope result in the following research question.

Research Question

Within a school system, how are the needs of the non-qualifying students for special education addressed, what supports are put in place, and what interventions are used?

Purpose of the Study

The twin goals of No Child Left Behind are high standards and accountability (Cowan, 2004, Cowan, 2009). All students are to be at 100 percent proficiency as determined by the state in which they reside by 2013-2014. Students who have had limited academic success that resulted in a recommendation for special education evaluation and who did not qualify may not be able to reach this goal (Christenson, Decker, Triezenberg, Ysseldyke, & Reschly, 2007). More importantly, schools may not be meeting the needs of these individuals to help them become educated, productive citizens (“Open to the public,” 2004; Milliken, 2007). This research will offer an understanding of what interventions are presently being used for these non-qualifying students and the resulting information may result in designing new ways of helping this population of students. The research will provide information on the development of the Response to Intervention model within the state of Montana. Acquiring “snapshots” of what is happening for the non-qualifying students in schools across Montana will be beneficial in developing the understanding of supports presently in place and whether additional supports are

needed. The compiling of this research offers educational leaders data on the students who did not qualify for special education and may possibly lead to using Title I dollars differently in order to maximize their education. The purpose of this study is to enhance the educational opportunities for these non-qualifying students.

Significance of the Study

There are several fundamental reasons why this study is important and timely in the field of education. As early as the 1850's common school reformers believed that common schooling would create good citizens, unite society, and prevent crime and poverty (Thattai, 2001). The National Conference of State Legislatures (NCSL) Task Force on No Child Left Behind (2005) states, "The success of American democracy and our economic future depend upon a society in which everyone is educated to their full potential" (p.1). The importance of human dignity, and the ability to provide for self and family, while being a contributing member of society are all goals of an educated society (The federal role in education, 2004). The various education laws and acts demonstrate the government's support for these goals to be realized by the people of the United States. The No Child Left Behind (NCLB) Act demands that all children have an opportunity to be successful in their education and that they be provided the necessary supports to be experience success. Now, there are children in the Montana who are being left behind or "falling through the cracks." According to a press release dated September 4, 2009, 231 schools out of 823 did not meet the Adequate Yearly Progress (AYP) requirement of NCLB. Schools' not meeting AYP means that students are not meeting the necessary goals and possibly not receiving the necessary supports. "There are up to 41 hurdles for schools to get over to make AYP. If a school misses in even one area, the entire school does not make AYP" (Adequate

yearly progress Montana 2009). This research will investigate the number of students who were referred for special education but who did not qualify for services.

One of the goals of No Child Left Behind is that all students will be proficient in reading, math and science by 2013-2014. The non-qualifying students may not meet this goal unless supports are provided to meet their needs even though they did not qualify for special education. This research has the possibility of revealing patterns of performance for this group of students. Any such patterns may be a support for educators to determine appropriate responses in order to continue advancing ongoing education needs for this specific population of students.

This research may assist policy makers in developing an understanding of the needs of schools and teachers in order to address the achievement of all students, thereby resulting in higher student achievement. Higher student achievement will not only enhance the education of the student but also contribute toward state and federal goals such as No Child Left Behind Act. Improving the education for the non-qualifying students can serve to improve education for all.

Definitions of Terms

For the purpose of this study, the following terms are used.

Non-qualifying Students refers to those students who were referred for special education support but who were not placed due to a lack of qualification under special education criteria but may need assistance, and support (Ysseldyke et al., 1982; Kaznowski, 2003).

Referred Students are students who have not been successful in school, resulting in a teacher referral for special education evaluation (Ysseldyke, et al., 1982; Ysseldyke, et al., 1983; Gresham, et al., 1997; Kaznowski, 2003).

Retention refers to requiring a student to repeat a grade because they have not adequately completed the requirements of their grade level (Shepherd & Smith, 1989; Shepherd and Smith, 1990; Kelly, 1999; Silberglitt, et al., 2006).

Student Assistance Team is the name used in this study for the intervention team that provides ideas of interventions, strategies and supports offered to students within a school. Other names found in the literature are Student Intervention Team, Teacher Support Team, and Student Success Team.

Successful Education means that a student's academic achievement is consistent with his or her psychological and physiological ability (Ysseldyke, et al., 1982; Ysseldyke, et al., 1983; Gresham, et al., 1997; Kaznowski, 2003). For acronyms used in the study, see Appendix B.

Summary

Federal and state governments have made statutory educational commitments to all children and to some degree, provided additional funding. Until recently, the educational commitments tended to treat each challenged student on an individual level and set goals and objectives in individual education plans. Most recently, the federal government has placed tremendous pressure upon school districts for all students to meet general rather than individual goals (NCLB, 2002).

Special education programs have been swamped by teacher referral of students who are struggling to meet general academic expectations and many of these students do not meet federal and state criteria for special education services (Fuchs, Fuchs, Mathes, Lipsey & Roberts, 2001). Students referred but not qualified for additional services create an identified population of students who may simply "fall through the cracks" of the public educational system given they are challenged but lack special assistance provided under federal and state legal structures. This

individual failure to gain an appropriate education not only serves to harm each of these students, but also collectively harms the state (Milliken, 2007).

None of the laws and acts directly addresses the success of the students who were evaluated for special education but did not qualify, but states and school have the option of providing that support. Without support through interventions and strategies, these students may enter adulthood with diminished levels of education and lack of resources to contribute to the betterment of their own lives (Milliken, 2007). Chapter 2, will discuss the education acts of No Child Left Behind, IDEA, 2004 and Response of Intervention, and 504 in terms of their benefits to children, and provide an examination of research studies on the non-qualifying students for special education.

CHAPTER TWO: REVIEW OF RELATED LITERATURE

My son was evaluated by the school, and it was concluded that he met two of the three requirements needed to qualify for special education. Since he did not meet all three components, the school does not feel responsible for supplying any form of remediation, although it was evident my son would benefit from a reading tutor or other remedial reading assistance. It's as if my son being classified and or labeled "normal" gives him no "rights." Please advise.

Letter from a parent to Dr. Lisa Hunter, August 2006

Introduction

The review of related literature is to examine and investigate the research about a specific topic (Boote & Beile, 2005). The focus of this research study is the review of literature concerning students who were referred but did not qualify for special education services. When discussing some studies in the literature review, the terminology used is germane at the time and will be used when referencing those studies.

The process of a special education evaluation for determining why a child may be a struggling learner begins with a teacher's concern about a student who is not successful in reading, math, some other subject, or who is having difficulties socially (Ysseldyke et al., 1983). A meeting with the parents or guardians is held to discuss ways to help the child or gather additional information about the child such as medical history. Through the Student Assistance Team process, several interventions may be tried and if the interventions are not adequately successful, a formal special education referral may be recommended. A student who qualifies for services receives support through the special education program. A non-qualifying student may or may not receive assistance depending upon the programs offered within the school system (Cowan, 2009). What supports does this group of students receive in the schools? What strategies do teacher employ to assist these students in their learning? The resulting research

question is “Within a school system, how are the needs of the non-qualifying students for special education addressed, what supports are put in place, and what interventions are used?”

The review will focus on educational achievement of students whose referral for special education did not result in their qualifying for services. The review of literature will include a discussion of the some education acts and laws related to schools and how those laws affect schools and students. There is discussion of research studies qualifying students for special education, with subsections of psychometric differences, teacher reason for referrals, disproportionality and overrepresentation, English language learners, and how Individuals with Disabilities Education Act (IDEA) 2004 allows for the use of Response to Intervention/Instruction model as a component for determining eligibility for special education. For the purpose of this study, Section 504 of Rehabilitation Act of 1973, No Child Left Behind and IDEA (2004) and how Montana is addressing the components of those two acts will be discussed.

General Education

There was limited movement in the form of laws or acts in the field of elementary and secondary education for many years from 1934 to 1958. Court cases such as the 1925, Tennessee vs. John Scopes (the Monkey Trial); the 1947 Everson v. Board of Education (reimbursement of transportation costs to parents of children who attended Catholic schools), and the 1954 Brown v. Board of Education of Topeka ruled that “separate educational facilities are inherently unequal” provided direction to schools. The Johnson-O’Malley Act of 1934 and the Impact Aid Law of 1952 were two of the first Acts to provide money to school districts that met certain criteria. The Elementary and Secondary Education Act (ESEA) first passed in 1965 and reauthorized in 2001. The No Child Left Behind (NCLB) Act has provided funding but place

greater accountability requirements on schools. Case law has influenced special education law and has brought about changes each time that Public Law 94-142 has been amended (Russo & Osborne, 2008). Appendix C: Time Line of the Passage of School Laws is a listing of Acts, Laws and Amendments affecting the education of children.

Section 504 of Rehabilitation Act of 1973 and application to schools

The Rehabilitation Act of 1973 prohibits discrimination against the disabled in all programs that receive federal funding, including schools. In this law, an individual with a disability is defined as anyone who has "a mental, psychological or physiologic disorder that interferes with an individual's civil right to one or more major life activities or is regarded as handicapped by others" (LD online, 2007. p. 2). Major life activities include caring for one's self, walking, seeing, hearing, breathing, learning, working and performing manual tasks. The three-part test for 504 eligibility is: 1) Does there exist a physical or mental impairment, 2) which substantially limits 3) a major life activity? Limitations of a major life activity are determined by comparing the individual in question to the average person in the general education population who performs the same activity (Zirkel, 2007).

A 504 Coordinator (ideally not chosen from special education personnel) should be appointed in a district and this information posted (Zirkel, 2007). A Section 504 accommodation plan would include the identified impairment of a major life activity, as well as the necessary accommodations and/or related services. The related services need to be services that would be available to general education students. The name of the person responsible for implementation and monitoring, as well as a beginning and ending date are noted in the plan. Some differences between IDEA and 504 are: IDEA is partially funded while 504 is not; the administrating agency for IDEA is the Office of Special Education (OSEP) while the Office of Civil Rights

(OCR) administers 504; and for free and appropriate education (FAPE) special education students have an IEP while students identified as 504 will have a 504 plan. Special education requires an evaluation and in order to qualify, students must meet the criteria of one or more of 13 specific impairments and demonstrate a need for special education. The three-part test of 504 eligibility is discussed above and need for service is determined by knowledgeable individuals comprising the 504 team. Parents must sign off in order for the student to be provided services with an IEP, but 504 plan only requires that the parents be notified. Under IDEA impartial due process hearings are provided for parents who disagree with the identification, evaluation or placement of students. This process requires written consent, describes specific procedures, and calls for an impartial hearing officer (LD online, 2002). Other requirements for special education are the “stay-put” provision, which means that the current IEP and placement continue until all the proceedings are resolved; and that parents given ten day’s notice for any changes in placement. The Office of Special Education (LD online, 2002; Logsdon, 2008) enforces special education regulations.

According to the Section 504 information from OPI, the impartial hearing process involves a written notice received by the school district, a notice sent out to the various parties, and an impartial hearing officer be appointed by the school district. A pre-hearing conference is held to set date and place for the hearing as well as an identification of issues and facts. After that, the hearing officer conducts the hearing and later provides a report. There can be a review of the hearing if requested by either party. The U.S. Department of Education, Office of Civil rights enforces section 504.

No Child Left Behind Act (P.L. 107-110)

In the Executive Summary of the No Child Left Behind Act (NCLB) of 2001, which reauthorizes ESEA, signed by President George W. Bush in January 2002, includes several new principles and strategies. These are: to increase the accountability of States; school districts, and schools; to give greater choice to parents and students, especially those attending low-performing schools; to grant SEA and LEA more flexibility in the use of Federal Education funds; and to make a greater emphasis on reading, especially for younger children. This new law under Title II combines the Eisenhower Professional Development and Class Size Reduction programs into a new Improving Teacher Quality grants program (NCSL Task Force, 2005). Title III provides monies for language instruction to Limited English proficient students. Title IV of NCLB address 21st Century Schools (Part A) that provides after-school programs and (Part B) includes monies for Safe and Drug Free Schools and Communities that provide anti-drug programs. Title V has four parts: Part A-State and Local Innovative Programs (block grant) provide flexible funding for various school activities that can include teacher training, and purchasing books. Part B has two subparts--Public Charter Schools, which helps foster the development of public charter schools and Public School Choice, which promotes programs that allow students to choose their own schools. Part C is about Magnet schools with specialized curricula to help prevent minority student isolation; and Part D funds are for Innovation in Education supporting competitive programs that address a wide range of needs. Title VI Part A, Improving Academic Achievement-- requires accountability for states, transferability authority, State-flex and local flex demonstrations; and Part B is Rural Education Initiative that has Rural Educational Achievement Program (REAP) authority and formula grants for small, rural schools. Title VII provides special programs for Native Americans Indian, Native Hawaiian and Alaska Native

Education. Title VIII is Impact Aid that provides monies to school districts affected by the presence of military bases, Indian reservations, and other non-taxable federal land. Title IX, General Provisions, covers definitions, consolidated planning, consolidated administration, and waivers.

The two major goals of NCLB are “to raise student achievement across the board and to eliminate the achievement gap between students from different backgrounds” (Center for Education Policy [CEP], 2003 p. 1). To determine if these goals are being met, states are required to report testing results for all students and these sub-groups; White, Hispanic, American Indian/Alaskan Native, economically disadvantaged, limited English proficient, and student with disabilities in the areas of reading and math. Reporting on science scores began in 2007-2008.

Title I Part A.

Public Law 107-110, January 8, 2002 states “The purpose of this title is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments” (p.1). The 1994 Improving America’s School Act (IASA) legislation required states to develop content and performance standards that specify what children should know and be able to do. The achievement standards are required to be aligned to the state content standards. These achievement standards must describe two levels of achievement-proficient and advanced. The third level is lower and considered basic and under IASA the term used was partially proficient (Cowan, 2004, p. 4). Montana’s achievement standards have four levels, novice, nearing proficient, proficient, and advanced. In 2003, the U.S. Department of Education (ED) described four components that should be part of academic achievement

standards. 1) *Achievement levels* that convey the degree of student achievement in a content area and 2) *Achievement descriptors* that describe what students at each achievement level should know and be able to do. 3) *Exemplars* that give examples of student work that illustrate the range of achievement scores in a content area within each achievement level and 4) *Cut scores* that separate one level of achievement from another (Cowan, 2004, p. 5). State content standards that cover more than one grade still need to have achievement standards for every grade level and subject assessed. There are 11 principal requirements that must be met by a state assessment system (Cowan, 2004).

The regulations (200.6) state that “a student with disability (SWD) must be given appropriate accommodations that each student’s Individual Education Program, or IEP team, determines are necessary to measure the academic achievement of the student” (Cowan, 2004, p.11). The decision of testing for 504 students is made by the student’s placement team. This means that the States must design one or more “alternative” assessments for those students who cannot participate in the regular state assessments even with accommodations. There is a rigorous process that states must follow when designing an alternative assessment that is closely linked to the state content standards. There is no cap on the number of students who can take the alternative assessment but there is a cap (1%) on the number of scores that can be counted as proficient and advanced in determining AYP (Cowan, 2004). The regulations of NCLB also impose a variety of duties on the states that offer an alternative assessment. These are considered safeguards for the students with disabilities.

States are required to identify languages other than English that are present in the population of students to be tested. The State Education Agency must also determine languages for which yearly student academic assessment are not available and must make every effort to

develop such assessments. United States Education Department (ED) will identify appropriate academic assessments if the SEA request this assistance (Cowan, 2004).

Students with Limited English Proficiency (LEP) are also included in the testing. According to Cowan (2004) if LEP students have been educated in a school in the U. S. for three years, they are required to take the reading/language arts in English. The local education agency (LEA) may determine on a case-by-case basis to test a student in a language other than English if it will yield more accurate and reliable information about what the student knows and is able to do. Appendix D. Limited English Proficiency provides more information about LEP students.

Each state was required to have its single, statewide accountability system in place by the 2002-03 school year. The accountability system had to be based on the state standards, assessments and one other academic indicator such as achievement on additional state or locally administered assessments, grade-to-grade retention rate, attendance rates or graduation rates for high schools. This information helped to determine adequate yearly progress (AYP). The assessments are mandatory and a report of testing results in reading, mathematics and starting in 2007-2008 science scores is required. The assessment information needs to report whole school data and the sub-groups of socioeconomic status, race/ethnicity, special education, and Limited English proficient. All students are required to take the assessment but 95% of the students in each group need to participate to meet the minimum AYP requirements. According to Cowan (2004), there are five steps States must use in the development of AYP: (a) A timeline; (b) a starting point; (c) intermediate goals; (d) annual measurable objectives; and (e) other academic indicators. States also determine the number in each group (n) for consideration in determining statistically significant results. For Montana, 95% of the enrolled students must take the tests in reading, math, and science with 30 students in all groups. Attendance rates for elementary and

middle school must be at 80% for all grades. For high schools, they must show an 80% graduation rate that is based on the previous year's graduation rate. According to Cowan (2004), "graduation rate" means the percentage of students, measured from the beginning of high school, who graduate from high school with a regular diploma in the standard number of years." The National Center for Educational Statistics (NCES) has developed formulas that are used by many states in determining graduation rates and completion rates.

Because AYP has been defined, assessments designed, and given to students, the state has an obligation to prepare a state report card to report the results of the accountability process to school districts and schools. The results of AYP should be received by the district/schools at the beginning of the school year. Under section 1116 (b) (3), once a school identified for school improvement has been notified, it has 3 months to develop or revise a school plan. The school plan must cover a 2-year period and must include the following elements: (a) Consult with parents, school staff, the LEA and outside experts; and (b) use scientifically based research that strengthen the "core academic subjects" and address the specific academic issues that identified the school for improvement. Also the plan must (c) adopt policies and practices concerning the core academic subjects that have the greatest likelihood of ensuring that all students will meet the state's proficiency level of achievement by end of 2013-2014 school year. Also, the plan needs (d) to describe how the 10% of Title I, Part A funds for professional development will be used to remove the school from school improvement status. In addition, a school plan is required to have a teacher-mentoring component. Moreover, the plan needs (e) to identify specific annual, measurable objectives in alignment with the state's measure of AYP; and (f) describe how the school will provide written notice about the identification to parents of enrolled students and strategies for promoting parental involvement in the school. The plan must (g) incorporate

additional time for appropriate activities to promote learning, after school, before school, during the summer and during any extension of the school year; and (h) share responsibilities for improvement by the school, LEA, and SEA, including information about technical assistance.

When schools are notified that they are identified for Title I as a school in need of improvement, corrective action or restructuring, they have an obligation to inform parents of all the students enrolled about AYP status and the school improvements efforts that the school plans. This must be in a language parents can understand (see Appendix E for content of parent letter).

No Child Left Behind does hold districts, schools, and States more accountable. This Act requires that States have various components in place i.e. the accountability system, parental report cards and defining the various levels of school improvement. Another part of NCLB is the requirements of highly qualified teacher and paraprofessional. (“Center on Education Policy,” 2003)

According to Cowan (2004), the timing of the requirements of paraprofessionals and highly qualified teachers created frustration, confusion, and panic for districts throughout the United States. The law requires teachers to prove content knowledge for each subject they teach. Title I paraprofessionals were required to meet these qualifications, a high school diploma (or GED) and two years of college, or 2) an Associate’s degree, or 3) rigorous standard of quality on formal state or local assessment. By the last day of the school year 2005-2006, all public school teachers who teach in “core academic subjects” were required to be “highly qualified” regardless of whether they are paid with Title I funds. The requirement of highly qualified teacher and paraprofessional is problematic for hard-to-staff schools in some urban and rural districts that were already affected by teacher shortages even prior to NCLB (NCSL Task Force, 2005). How

Montana has put into place the components of NCLB accountability system, limited English proficiency, plan for improvement, report card informing parents, and requirements of highly qualified teacher and paraprofessional will be discussed later in this literature review.

Education Sciences Reform Act of 2002

With the passage of No Child Left Behind Act, many states and school districts were requesting information on research to improve student achievement and improve underperforming schools. Since schools are being held accountable for student performance, the Federal Government should stand accountable to offer to the states and school districts research on best practices and research that meets the highest standards of scholarship and scientifically valid methodology (Education Sciences Reform Act of 2002). Through this Act various research centers such as Early Childhood Development and Education Center, English Language Learners Research Center, Improving Low Achieving Schools Research Center, Center for Teacher Quality, and Rural Education Research Center were established and charged with developing programs, researching timely topics and providing schools with the necessary requested information.

Individuals with Disabilities Educational Improvement Act of 2004(P.L. 108-446)

In A New Era: Revitalizing Special Education for children and their families that was produced by the President George W. Bush's Commission on Excellence in Special education (2002) there are three major recommendations. These are: to focus on results-not on process; embrace a model of prevention, not a model of failure; and consider children with disabilities as general education children first.

IDEA 2004 was authorized to ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and

related services designed to meet their unique needs and prepare them for further education, employment and independent living (IDEA, 2004, p. 5)

Disabilities under this act are listed under Montana changes for IDEA (2004).

The Individual Education Program (IEP) team is to include the parents or guardians of the child with disability, at least one regular education teacher of the child, one special education teacher of the child, and a representative from the local education agency (LEA). Other members of the team are a person who can interpret evaluation results and their resulting educational implications for the student, and (at the discretion of either the parents/guardians or the agency), other individuals who have knowledge of the student. When appropriate, the child with the disability should also be included. The parent or guardian of the child and the LEA may agree that a member of the IEP team need not attend a meeting providing parent's agreement to this is in writing.

The IEP must have the student's present level of academic achievement and functional performance (PLOP), a statement of measurable annual goals for both academic achievement and functional goals. For children who take the alternative assessments, a statement of how these goals are aligned with the alternative achievement standards along with a description of the benchmarks or short-term objectives will be included. Individual accommodations that are needed to measure academic achievement and functional performance of the child on state and district-wide assessments must be stated in the IEP as well as the reasons for an alternative assessment if one is given. There is to be a statement about special education and related services and any supplemental aids or services that a child might require. Secondary transition requirements are that no later than the first IEP that is in effect when a child turns 16, the IEP must have appropriate measurable postsecondary goals based on age-appropriate transition

assessments related to education, training, employment and when appropriate, independent living skills and the transition services needed to assist the child in reaching the goals. This must be updated annually.

Part of the Individuals with Disabilities Education Act (IDEA) 2004 is the Response to Intervention (RtI) model for use in the identification of specific learning disabilities that addresses parts of the three recommendations from the President George W. Bush's Commission. The National Research Center on Learning Disabilities (NRCLD), Mellard (2003) states core features that a strong RtI model should have are: high quality classroom instruction, research-based instruction, classroom performance, universal screening, continuous progress monitoring, research-based interventions, progress monitoring during interventions, and fidelity measures. Having these core features available to the non-qualifying student may be helpful to him/her.

Mellard (2003) believes that students need and benefit when there is a close match of their current skills and abilities with the instructional and curricular choices provided in the classroom. Much of the time typical classroom instruction is appropriate and meets the needs of the students. The hypothesis of RtI is that the earlier unsuccessful students can be identified and provided appropriate instruction, the higher the likelihood that they can be successful and maintain class placement. The RtI process advocates identifying students who are not achieving at the same level and rate as their peers and providing appropriate interventions.

“While IDEA focuses on needs of individual students and NCLB focuses on school accountability, both laws share the goal of improving academic achievement through high expectations and high-quality education programs.” (“IDEA’S Impact,” 2007)

States have situations unique to the State Constitution as well as unique needs of the people of the state, which can result in State Education Laws designed to address those needs. The Montana Indian Education For All Act is one such law with the purpose of all Montana students learning about the distinct and unique heritage of American Indians. The expectation is that all students will develop a greater understanding and appreciation for Native culture and contributions to society.

As Federal reauthorization of Acts such as ESEA or IDEA occur, States must often change their educational practices and procedures to comply with the new Federal legislation. To address the various components of NCLB, the States have various criteria that must be on the Consolidated Application, and which have changed state regulations. Other changes Montana has made in practices and procedures is to meet the new specifications of IDEA 2004

Montana Changes for No Child Left Behind

Box 1-B	ESEA PERFORMANCE GOALS IN THE CONSOLIDATED STATE APPLICATION
	PERFORMANCE GOAL 1: By 2013-2014, all student will reach high standards, a minimum attaining proficiency or better in reading/language arts and mathematics.
	PERFORMANCE GOAL 2: All limited English proficient students will become proficient in English and reach high academic standards, at a minimum attaining proficiency or better in reading/ language arts and mathematics.
	PERFORMANCE GOAL 3: By 2005-2006, all students will be taught by highly qualified teachers.
	PERFORMANCE GOAL 4: All students will be educated in learning environments that are safe, drug free, and conducive to learning.
	PERFORMANCE GOAL 5: All students will graduate from high school.
Source: U.S Department of Education, Consolidated State Application	

Performance Goal 1: Montana has set the goal that all students will be proficient in reading and math by the year 2013-2014. To reach that goal, a proficiency level has been determined for each year. For 2007 to 2010, proficiency scores are 83% for reading and 68% for math. By 2011-2013, proficiency scores are 92% for reading and 84% for math and in 2013-2014, the students will be at 100% in both reading and math, (OPI web site).

Performance Goal 2: In regard to Criteria for Identification of Limited English Proficiency Montana has developed these guidelines that are results of discussions with representatives of school districts in Montana with significant populations of limited English proficient (LEP) students. School districts need to have a process of identifying the LEP students in their schools that all instructional and counseling staff understand. The funding for serving LEP students changed with the passage of No Child Left Behind. A funding formula is now used and administered by the Office of Public Instruction and districts receive funding based on the numbers of LEP students identified in their districts. There are provisions in ESEA Title I for assessing LEP students. As of the spring of 2001, data must be disaggregated on the basis of LEP proficiency so it is important to be clear on the criteria for identifying students as LEP. Montana observes the federal definition of limited English proficiency. The definition addresses both language and academic achievement. While language impact affects entire communities, academic achievement can differ with each student. LEP students are those students who are not achieving academically due to the level of their English language proficiency.

The guidelines go on to state: In order to determine when LEP students become proficient, districts will take into account multiple measures, which include a score of proficient (P) or advanced (A) on the ELP assessment along with ratings of proficient or above (PA) in all

domains (listening, speaking, reading, and writing). Students scoring as Proficient (P) should demonstrate a proficient score on the ELP assessment for two consecutive years. Students scoring as Advanced (A) along with additional measures and teacher input would be considered proficient and not expected to take the ELP again. OPI will provide further guidance after the second administration of the ELP assessment (OPI web site).

Performance Goal 3: Montana's federally approved definition of highly qualified teacher is any Montana teacher who holds a Montana license and is teaching in his/her endorsed areas. The requirement that teachers be "Highly Qualified" applies to all public elementary and secondary schools teachers who teach a "core academic subject" and are employed by Montana school districts. Specific instances for which exceptions may apply include: secondary teachers teaching multi-subjects in "core academic subjects" The "core academic subjects" as defined by NCLB, means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography. Teachers who hold a broadfield social studies are considered highly qualified to teach specific disciplines of social studies including history, civics, government, geography and economics. Answers to specific questions regarding highly qualified teachers are available on the OPI website.

The guidelines for meeting requirements for highly qualified paraprofessionals involved these steps. Interviews for a new paraprofessional who is a high school graduate or one with 2 years of college or AA degree would include ascertaining knowledge of reading, writing and/or math, ability to work as a member of a team, and ability to maintain a supportive environment in the classroom. Other aspects to assess would be planning and organizational skills, ability to help the teacher in delivering instruction, ability to administer assessments, and an understanding of ethical conduct.

Individuals who were employed as paraprofessionals before NCLB have to complete an assessment of the district's choice that meets the requirements of NCLB. A new paraprofessional with a high school diploma would also be required to take the same assessment. Orientation to the job for new paraprofessionals is offered by the district or they can go to the OPI/CSPD website. Assessing the skills of the paraprofessionals to determine further training needs and determining where the training is provided may be another component creating a professional plan to ensure high quality status for the paraprofessional. A paraprofessional's portfolio might include letters of recommendation; documentation of relevant training; evaluations showing their ability in delivery reading, math, and writing strategies; a resume' and other relevant material.

Performance Goal 4: All students will be educated in learning environments that are safe, drug free, and conducive to learning. From the OPI Unsafe School Choice Option a definition of a persistently dangerous school is provided: A persistently dangerous public elementary or secondary school is a school in which each of the following conditions exists. For each of three consecutive years, a federal or state gun-free schools violation or a violent criminal offense (homicide, rape, robbery, and/or aggravated assault) has been committed on school property. In addition, in any two years within a three-year period, the school experienced expulsions for drug, alcohol, weapons, or violence that exceed one of the following rates, more than five expulsions for a school of less than 250 students, more than ten expulsions for a school of more than 250 students but less than 1,000 students or more than fifteen expulsions for a school of more than 1,000 students.

When identified as a persistently dangerous school, these steps need to be taken. No later than 14 calendar days before the start of school, parents of each student attending the school

must receive a letter that offers all students the opportunity to transfer to a safe school within the LEA. If no other school is available in the LEA, the LEA is encouraged to explore options with a neighboring LEA to accept transfer students. For the students who accept the offer, the transfer must be completed. The LEA is required to develop a corrective action plan and implement the plan in a timely manner. Other information is provided for schools to correct the problem.

Performance Goal 5: All students will graduate from high school. In Montana, the graduation rate is defined as “the percentage of students who graduate from secondary school with a regular diploma in the standard number of years” i.e. “on-time. (Montana Dropout and Graduation Report, 2005-2006). Montana uses a specific formula that is found in the report. Montana’s completion rate formula is also found in the report and is based on a formula developed by the National Center for Educational Statistics (NCES).

The Elementary and Secondary Education Act (ESEA), presently known as No Child Left Behind is scheduled for reauthorization. Several Montana education entities, the State Superintendent, MEA-AFT, Montana School Boards Association, Montana Board of Public Education, Montana Parent Teacher Association, Montana Rural Education Association, and School Administrators of Montana, have jointly issued some common sense guidelines to the reauthorization process. These guidelines are presented in Appendix F.

Montana Changes for IDEA 2004

Paraphrasing Montana Administrative Rule (ARM) 10.55.805, all schools shall comply with all federal and state laws and regulations addressing special education. Structured support and assistance will be available to regular education teachers to identify and meet the needs of diverse students as well as a framework for considering a full range of alternatives to address these needs. Opportunities shall be given to students with disabilities to become dignified,

confident and self-sufficient members of society. A high school diploma will be given to any student who has successfully completed the goals as stated in the Individual Education plan in regards to the high school program.

Montana Administrative Rules further define the disability categories and procedures for identification of autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, cognitive delay, learning disability, speech-language impairment, traumatic brain injury, and visual impairment. The information most pertinent to the research discussion is the definition and identification process of learning disability.

A student may be identified as having a learning disability if when presented appropriate age and grade level learning experiences based pm the approved K-12 standards, does not make sufficient progress in one or more of these areas: oral expression, written expression, listening comprehension, basic reading skill, reading fluency skills, reading comprehension, mathematics problem solving, or mathematics calculations (ARM 10.16.3019). Depending upon district policy, the evaluation team (CST) shall use either severe discrepancy or response to intervention when determining if the student is making sufficient progress. A student may not be identified with a specific learning disability if the low rate of progress is a result of visual, hearing, or motor impairment; emotional disturbance; cognitive delay; cultural factors; environmental or economic disadvantage; or a lack of appropriate instruction.

Another way a student may be determined to have a specific learning disability is an insufficient response –i.e., a low academic achievement level—following scientific, research based interventions. The interventions, with parental input, must be matched to the specific needs of the student determined by a systematic, databased process designed to examine the present problem and identify the intervention instructional strategies, most likely to be

successful. These interventions must be regularly monitored and corrections made to the implementation based on data analysis. The evaluation team must review how the intervention was delivered by qualified staff and consider the data showing the student's rate of progress. A student may be determined to have a specific learning disability if the student is making sufficient progress to the interventions and those interventions can only be provided through the special education services.

When a specific learning disability is determined by the severe discrepancy process, there has to be a discrepancy of two standards deviation between the student's intellectual achievement and the academic achievement in one or more of the areas listed in ARM 10.15.3019. Additional information may be included when making this judgment such as students' classroom performance on norm-referenced tests. Curriculum based assessments shall be utilized to determine the severe discrepancy whenever cultural factors, test conditions or other factors make the standardized assessments invalid.

Evaluation teams have an obligation to document their findings using observation of the student's academic performance in the general education classroom completed by a member of the CST team. Findings must document any educationally relevant medical information and along two or more interventions specific to the student's needs that were used. If the RtI model is used, the scientific based interventions and instructional strategies that were used and the data collected on their progress on those interventions must be documented. For more information on Montana's identification process of specific learning disabilities, see Appendix G.

Montana developed a Response to Intervention (RtI) Pilot Project involving four school districts in 2007. The goal of RtI was to have positive outcomes for all children/youth. The schools

have different demographics, different number of students, and the Title I programs are different. Gardiner has a population of 851 individuals with 109 students, PK-6, of whom 12.4 % qualify for Free and Reduced lunch (F/R). Gardiner does not qualify for Title I funds. Glendive has a population of 4,729 with 211 students in Jefferson Elementary, a K-4 building. They have a targeted Title I program and 27.4% qualifying for free and reduced lunch (F/R). K. William Harvey, a PK-5 grade school in Ronan has 379 students with 56.0% eligible for F/R lunch, and has a Schoolwide Title I program. The population of the city is 1,812. The last pilot school is located in Great Falls with a population of 56,690. The K-6 Roosevelt Elementary has 349 students with 46.4 % qualifying for F/R lunch. A schoolwide Title I program is provided at this school. The progress of the students involved in the RtI process is being monitored and adapted as needed in the various schools.

Qualifying Students for Special Education

“Of the six million children in special education, almost half of those are identified as having a ‘specific learning disability.’ In fact, this group has grown more than 300 percent since 1976” (“A New Era.” 2002, p.3). Finding six of The President’s Commission on Excellence in Special Education states “many of the current methods of identifying children with disabilities lack validity. As result, thousands of children are misidentified every year, while many others are not identified early enough or at all” (“A New Era.” 2002, p. 8). The task of qualifying students for special education has been a dilemma for some time as evidenced by the research that has been done on labeling students (Ahearns, 2003). There is overlap in the various studies on special education included in this literature review but for ease of reading, they are placed in categories with similar studies.

Psychometric Differences

Ysseldyke, Algozzine, Shinn, and McGue (1982) attempted to identify rational or psychometric difference between low achieving students and those who were labeled LD. The participants in the study were 50 fourth grade students who had been identified as LD by their school districts within 6 months of the time of this study. The comparison group was 49 fourth grade students from the same school districts who had scored at or below the 25th percentile on the Iowa Test of Basic Skills, which had been administered during the fall of that school year. No attempt was made to match the two groups by demographic variables that were provided in Table I of this study (sex of child, parental marital status, and age of the child in months, family income, father's SES, and mother's SES).

The researchers stated purpose of this study was to compare the test performance of a group of students who had been identified as LD by the schools with a group of students from the same schools who were low achieving but not labeled LD. These two groups were administered a battery of psycho educational tests and their performance compared on all measures. Qualified psychometricians administered the testing during approximately the same 5-month period from January to May. Forty-nine subtests or tests were administered to the 99 students were administered, enabling the researcher to compare the students in five domains (a) academic achievement,(PIAT, W-J Achievement battery, Stanford Math Computation, Math Concepts), (b) behavior problems (Peterson-Quay), (c) cognitive (WISC-R, W-J Cognitive Ability battery), (d) perceptual-motor (BVMGT,DTVMI), and (e) self-concept (Piers-Harris).

The research article provides the following information about the definition used for Learning Disability (LD).

“Procedure for Evaluating,”(1977) definition of L.D. from *Federal Register*: That definition listed criteria for a decision-making team to use in determining the existence of

a particular LD, specifying that determination should be based on “(1) whether a child does not achieve commensurate with his or her age and ability when provided with appropriate educational experiences, and (2) whether the child has a severe discrepancy between achievement and intellectual ability in one or more of seven areas relating to communication skills and mathematical abilities” (p.65082). Areas specified were oral expression, basic reading skill, reading comprehension, mathematics calculation, mathematics reasoning, listening comprehension and written expression (Ysseldyke et al., 1982, p.77).

The test results in raw scores were converted to standard scores whenever possible or when the number of items correct was used as the unit of analysis. For the data analysis of Ysseldyke et al.'s study, multiple methods were used. For whole group comparison, a stepwise discriminant function was performed using the independent variables that were the scores from the various tests and subtests given to the students. The independent variables were included in the discriminant function if they were significant ($p < .01$). The dependent variable for this research was the classification of LD of the 50 students by various schools.

A comparison was completed by tallying the number of students in both groups who had earned identical scores. This process resulted in the number of pairs of identical scores that was greater than 25 which means more than half the scores for the groups were the same and there was a 50% or better overlap between the two groups of students. Another comparison was done computing the percentage of scores with a common range for both groups of students and this produced a 97% overlap. The next step in the study was to ascertain the match between eligibility based on the federal LD definition of LD using a discrepancy model and school placement of student in special education.

When using a one standard-deviation deficit, 37 LD and 35 low-achieving students would be eligible. This matched the school definition at a 51.5 % level. Next, the researchers used a 1.5 standard-deviation deficit that showed 24 LD and 17 low-achieving students being classified as LD, and the school had made the correct placement 56.6% of the time. One more comparison was done, that of using a comparison of two standard-deviation deficit and none of the students reached this discrepancy level. From the results of this study it appears that for every student with a least a one standard-deviation deficit who is receiving special education services, there is a similar student at the same discrepancy who is not getting special education services.

The researcher then tried examining a discrepancy from average achievement using five of the seven areas discussed in the federal definition, again employing the 1 standard-deviation deficit, 1.5 standard-deviation deficit, and 2 standard-deviation deficit. In this process, if the two standard-deviation were used, only three of the 99 students would be classified.

Misclassification of 40 of the 99 students occurred when using a 1.5 standard-deviation criterion.

The school had classified 33 students as LD who did not meet the federal guidelines while seven students the school did not classify would have been eligible based on the federal definition.

When using a criterion of one standard-deviation, 40 students were misclassified, but it was a different 40 students. The school had classified 10 students who did not meet the federal criteria as LD but 30 students who would meet the criteria were designated as non-LD.

Ysseldyke et al.'s study included 99 students who were selected based on specific criteria, there were many similarities between the students who were classified as learning disabled and those with low-achievement. The investigation revealed that as many as 40% of the students may have been mislabeled. The researchers used a variety of statistical methods in working with the collected data but the sample size was small and subjects were not randomly

selected, which does not allow for generalizability. It does provide information on how the low-achieving student did not qualify but does not state what support if any those students received.

Ysseldyke, Algozzine, Richey, and Graden (1982) did a study on declaring students eligible for learning disability services and ask the question, "Why bother with the data? The purpose of this study was to determine the kinds of data that were presented at team meetings and to what extent the data were related to the eligibility decisions made. The scores from intelligence and achievement tests, as required by law, were provided. Informal data included information about classroom performance, behavior, and socioemotional adjustment. Another part of the team discussion usually involved the child's gender, physical appearance, race and parents' socioeconomic status.

Videotapes of 38 team meetings that had been part of a larger study were reviewed. All the meetings recorded had taken place in schools and had usually lasted about 30 minutes. Elementary school children were discussed in 84% of the meetings and the majority of the meetings were about testing results for boys. From the 38 studies, 20 team meetings were randomly selected for review. Recorded statements were put into one of two groups, statements about the expected level of performance or statements about the actual level of performance. The statements were also coded as to whether it supported the decision made by the team (coded +), refuted the decision (coded -), or was irrelevant (coded 0).

The criteria for a learning disability were the legal requirements or accepted use in the field. The first criterion was the discrepancy between actual achievement (determined by achievement tests) and ability (as measured by intelligent tests). Another criterion used was a significant verbal/performance discrepancy between verbal and performance on the WISC-III. The third criterion was the federal definition of specific learning disabilities used in 1982. Two

raters determined which category the statements fit into and there was an interrater reliability of $r = .95$. There was an $r = .52$ of the relationship between the amount of data presented and the final decision. It appeared that the more test information presented the more likely to classify the student as LD. According to the raters, 83% of the statements were irrelevant to the decision.

When comparing the three criterion used-- ability/achievement discrepancies (.29), verbal/performance discrepancies (.28), or federal definition criteria (-.13) ($p < .05$)-- and the placement decision, there was a limited relationship. In comparing the data with subsequent placement results, three students were determined LD based on all three criteria; five students were determined to be LD on the basis of ability/achievement discrepancy, and the federal definition; and four students were determined to be LD without any of the criteria met. One student was determined to be SLBP (Specific learning and behavior problems) by the federal definition; and one student was determined to be SLBP on ability/achievement and the federal definition. Two students who were determined not to be LD met the ability/achievement criteria and the federal definition. Three students who met the federal definition were determined not to be LD. One student who was determined not to be LD did not meet any of the criteria. When reviewing the chart reporting the number of test scores showed that four students determined to be LD without any of the criteria met had been given two to seven tests.

Ysseldyke et al.'s study used data from 20 special education referrals. In some cases the data and criteria were used to place students and in other cases neither appeared to be used. The number of referrals investigated does not lend the study to generalizability nor does the study give any indication of what happened to the students tested who did not qualify.

Ysseldyke and Algozzine (1983) did a study on making psychoeducational decisions. According to their review of studies, most educators would like to think that the efforts to

identify students having difficulties and the student's areas of difficulty are something we do well. However, Ysseldyke and Algozzine did not find that to be the case. Much time and energy go into doing the assessments that provide an array of information. This information does not get used to plan, evaluate or modify instructional programs but to confirm the observations of the teacher that led to the referral in the first place.

After the testing had been completed, a team meeting was held. Approximately 38 % of the time was used in discussing classroom data with the rest of the time being spent discussing achievement test scores (29%), perceptual-motor and personality test scores (18%), and intelligence test scores (15%). Ysseldyke & Algozzine concluded that teachers either do not participate or do so in a superficial manner and the testing data is not used as intended by law.

Some generalizations that they made of their findings are the team decision-making process is inconsistent and through the diagnostic evaluation may verify the problems first identified by teachers. Large numbers of students are determined "eligible" when they are referred even if the decision has little to do with the data collected.

Ysseldyke and Algozzine understood that, when students are referred, it is assumed that the task of the decisions makers is to find out what is wrong with the student. Perhaps a shift in the paradigm might be to look at the educational context in which the students are being taught. Perhaps it is time to do an instructional diagnosis. This paper did not address students who were referred and tested but were determined not to be eligible for services.

Teachers Reasons and Desired Outcomes for Students

In 1983, Ysseldyke, Christenson, Pianta and Algozzine did an analysis of teachers' reasons and desired outcomes for students referred for psychoeducational assessment study. According to these researchers, usually the process of referring a student starts with the teacher

thinking that there is something wrong with the student's performance. The participants in this study were 105 regular elementary classroom teachers from 14 public school districts from California, Florida, Georgia, Minnesota, Montana, Nebraska, Pennsylvania, Virginia and Washington. This is not a national representative sample but the data was collected for one school year.

The teachers provided demographic information and responded to these two questions.

1. "Specify the major problems for which you are referring this student. Rank the above problems in order of their importance to you; put "1" next to the most important reasons, "2" next to the second most important, etc.
2. What do you want to happen as a result of your referral of this student?"

The researchers selected a free-response format to provide a less constrained description of the reasons and desired outcomes. The reasons for the referral were placed in the predetermined categories and were provided in Table 1 in the research article. The category of "learning related" (academic failure, memory problems, and specific learning deficits) encompassed 39.9% of the reasons. Another category, "emotionally manifested" (poor social/school adjustment, poor self-concept, immaturity, and hostility) made up 21.8% of the referrals with 11% of the reasons in the category for "attention-related" (short attention span, concentration, and impulsivity).

In 39 of the cases, the teacher wanted the student to be placed in special education.

Twenty-four teachers wanted the child to be tested, and 23 teachers were referring the students for help in instructional or placement decisions about the child's educational program. Fifteen of the teachers wanted to receive suggestions how to best teach the students. They did not mention special education placement. The student's perceived need to change behavior was the reason for 12 of the referrals. Help within the school was desired for nine of the referrals, and eight

teachers wanted the referral to result in the student receiving some kind of help outside of the school.

Ysseldyke et al. (1983)'s next step was to use the primary reason for the referral, either a learning problem or an emotionally manifested problem and do a comparison of the outcomes desired for the two groups. According to their research, no matter what the reason was given for the referral, the teachers most often wanted the students placed in special education.

There are several concerns with Ysseldyke et al. (1983) research as there is a limited number in the sample size, the referral surveys were placed in the schools but the researchers did not know the rate of referrals in those schools. Teachers were given the option to participate and the researchers do not know how many did not participate. The numbers in the charts and in the information in the narrative does not seem to be consistent. Nothing is stated about what happened to the students who referred but did not qualify.

Foster, Ysseldyke, Casey, and Thurlow (1984), also, did some work in the area of the assessing congruence between reason for referral and placement outcome. They indicated that the number of students in special education continues to increase since records started to be kept in 1976-1977 with the greatest percent of increase in learning disabled (LD) category. Two explanations for this increase might be (1) we are finally identifying and serving those individuals who previously were unrecognized and therefore did not get services or (2) special education has become a place to send those students who bother the general education teacher. Algozzine and Ysseldyke, (1981) demonstrated that 51% of decision makers declared normal students disabled and eligible for special education services. The team tries to find out what is wrong with the student who has been referred but often team members make decisions based on what the teachers want. Some say the assessment process is unnecessary and takes too long

when decisions are made independently of and in spite of what the assessment data might indicate about students (Ysseldyke, Algozzine & Graden, 1982). Foster et al. (1984) examined the extent to which the categories for which the student was referred agreed with the final category in which the student was placed. Two hundred fifty-eight students from 31 schools were the subjects with referrals made by parents, teachers, administrators, and counselors. One hundred three students were tested in the LD category and 69 were placed, 6 were placed in other categories and 28 were not placed. There was a .88 correlation between the referred category and the placement category. There was no information from the study that indicated what happened to the students who did not qualify or the supports that were put into place for them.

Gresham, MacMillan and Bocian (1997) did a study, "Teachers as 'tests': differential validity of teacher judgments in identifying students at-risk for learning difficulties. The purpose of the study was to evaluate the teacher judgments in differentiating groups of students who were having learning difficulties that resulted in the students being referred to the school study teams (SST). They were interested in contrasting groups of students who were defined as having learning disabilities, low intelligence and low achievement with a group of non-referred students. The low achievement group was actually a sample of students who had been referred to the SST who had not qualified under any of the categorical labels.

Fletcher, Shaywitz, Shankweiler, Katz, Liberman, Stuebing, Francis, Fowler, and Shaywitz (1994) had done a similar study to Gresham et al. (1997). The participants were 240 students in grades 2, 3, and 4 from 9 southern California school districts and 40 schools within these districts. The demographics of the group was 44% (n=106) Caucasian, 20.4% (n=49) African-American, and 35.6% (n=85) Hispanic. The students ranged in age from 7 to 12 (M=8.94, SD=1.00 year) with 56.7% (n=136) males and 43.3% (n=104) females. During the

1992-1993 and 1994-1995 school year, 150 of these students had been referred to the Student Study Team (SST) for academic and/or behavior problems and had not been evaluated for special education prior to this study. The other 90 students were from 16 schools and in the same grades as the referred students. Three criteria was used for the selection of this group of students: (a) the student had not been nor currently was being considered for a SST referral for prereferral intervention or special education eligibility determination, (b) the academic performance of the student was a grade level expectations, and (c) the students behavior had not resulted in behavior referrals nor did in interfere with academic progress.

From the 24 schools, the sixty teachers who made the initial referrals were asked to rate students on the Social Skills Rating System-Academic Competence Scale (SSRS-AC). The SSRS-AC consists of nine items that are rated on a scale of one being the lowest and five being the highest. The nine items include items measuring reading and mathematics performance, parental support, motivation, general cognitive functioning and overall classroom behavior. These items served as the dependent variable. The teachers were not informed on the purpose of the investigation.

In California, SST's are located in the referred student's home school and the committee consists of school psychologists, general education teachers, special education teachers and school administrators. No mention is made of the parent being involved. In some schools in California, this committee may become the IEP committee, while in others schools this team may be used to make suggestions and implement prereferral interventions.

The sample of referred students was stratified by ethnicity and the time of the initial referral (fall, early winter, late winter, and spring). Consent letters were sent to parents in order for the students to participate in the study. Prereferral intervention services for the students

might include direct instruction on specific learning deficits; placing the child with a different teacher or classroom; providing services that would address environmental factors that might be part of the child's problem such as attendance, health and nutritional issues, and holding more parent conferences.

The groups were defined on various score combinations from the Wechsler Intelligence Scale for Children-III (WISC-III; Wechsler 1991) and the Wide Range Achievement Test-Revised (WRAT-R; Jastak and Wilkerson, 1984). The control group (n=90) were from the same grades but different school and classrooms and criteria were defined earlier. Teacher interviews were conducted and school records were reviewed using the School Archival Records Search (Walker et al., 1991). The WISC-III or the WRAT-R. were not administered to the control group.

The Low Achievement (LA) group (n=60) had a WISC-III Full Scale IQ of 76 or higher but failed to have a discrepancy of 22 points or greater between the WISC-III IQ and achievement on any of the WRAT-R achievement areas. This group did not have the discrepancy but have substantial difficulties with academics skills. Definition for the Low IQ group (n=43) were those students who had received Full Scale IQ scores of 75 or less on the WISC-III. A low IQ score is often used to label a child cognitive delay. The Learning Disabilities group (n=47) was defined using the federal definition that requires a severe discrepancy between aptitude and achievement. California Education Code specifies a standard score discrepancy of 1.5 standard deviations (22 points). In order for students to be in this group, they had to have a WISC-III full-scale score of 82 or higher and a discrepancy of 22 points between that score and the scores on any of the three WRAT-R achievements tests. The results

of this investigation indicated the teachers could accurately identify and classify children into the three classifications used in the study.

MacMillan, Gresham and Bocian (1998) a study called “Discrepancy between definitions of learning disabilities and school practices: An empirical Investigation. Students who were not performing well were referred by general classroom teachers to the school study team and evaluated for learning disabilities (LD) eligibility. In the research done by MacMillan et al (1998), they classified students based on a 22-point discrepancy between IQ and a WRAT-R achievement score. These decisions were contrasted with the actual school decisions. According to their research, 52% of the students in special education are labeled LD. Between 1976-1993, the number served as LD nationwide increase by 198% (MacMillan et al. 1998).

Participants were 150 students from five southern California school districts, 46 from grade 2, 56 from grade 3 and 48 from grade 4. The school study team served two purposes, (a) determining prereferral interventions and monitoring the effectiveness of such interventions and (b) making the eligibility decisions for special education and related services when the interventions proved ineffective. The participants were in this sample as a result of being referred to the School Study Team (SST). MacMillan et. al (1998) stratified the sample by ethnicity (White, Black, or Hispanic) and the time of the initial referral i.e. fall, early winter, winter, spring.

A variety of tests were administered to the participants. The Wechsler Intelligence Scale for Children-III (WICS-III) provides three separate IQ scores: Performance IQ (PIQ), Verbal IQ (VIQ) and Full Scale IQ (FSIQ). Wide Range Achievement Test-Revised (WRAT-R) is individually administered and contains three sub-tests: Reading, Spelling and Arithmetic. The rationale for using this test was three-fold, first it is an achievement tests that tapped into reading

comprehension which would in all likelihood identify the students having reading difficulties. Second, it is a test that has been used frequently by school psychologists, and third it is the instrument that was used in the studies completed by the National Institutes of Health and Human Development (NICHD) on LD classification.

Teachers completed a packet, which included the Social Skills Rating System-Teacher, a measure that is part of a broad multirater assessment of student social behaviors that affects academic performance, peer acceptance and teacher-student relations; the Connor's Teacher Rating Scale; and the Critical Events Index. The Connor's Teacher Rating Scale measures four dimensions of children's external behavior: conduct problems, hyperactivity, inattentive-passive, and hyperactivity index (10 items most sensitive to drug effects). The Critical Events Index is part of the Systematic Screening for Behavior Disorders, which is a device for the identification of students with behavior disorders.

School decisions for some of the students referred were to not do testing as the prereferral modifications were successful, therefore, the child's performance was acceptable. These students did not go through the testing process and were deemed "ineligible" for special education services. If a child was recommended for formal psychological testing and SST meets after that testing is completed.

In this study, 46 of the students tested were determined by the project as being LD; however, the school determined that 61 of the students were LD. Of these 61 students, 29 of them had the 22-point discrepancy as measured on the WRAT-R and WISC-III. Eighteen of the students had Full Scale IQ (FSIQ)'s of less than 75 were classified as LD when the profile supported a classification of mental retardation. Public schools are extremely reluctant to label students mentally retarded (term used at the time of the research) so will classify them as LD.

MacMillan et al (1998) thought that they would find evidence that the state specifications for determining a student eligible would be followed. This is not the practice that they found evident in the schools. Their conclusion was “that schools are identifying as LD an undifferentiated and nonspecific group of children that subsumes children who would be differentiated as LD, mildly mentally retarded, and conduct disordered if prescribed criteria were rigorously applied in efforts to differentially diagnose these cases ”(p.324). Schools do not make the classification decisions consistent with criteria in regards to the test scores. There is no mention in the study of the students who did not qualify and supports put into place for them.

In a study done by Egyed and Short (2006) “Teacher self-efficacy, burnout, experience and decision to refer a disruptive student,” the goal was to determine the teacher characteristics that may lead to special education referrals. Algozzine et al. (1982) discovered that in the majority of cases a teachers’ referral of a student for special education assessment leads to special education placement. Egyed and Short using other researchers’ information looked at teachers’ self-concept, ethnicity and behavior standards plus experience and ability to deal with classroom problems. Teachers who perceive themselves to be more in control of classroom management and instruction are less likely to refer, while those who feel that they have exhausted their repertoire of skills will refer the student for special education.

Egyed and Short (2006) discuss the research of Ashton and Webb (1986) of how a teachers’ sense of teaching efficacy was significantly correlated to the student scores on standardized language achievement test. Teacher burnout might also be a part of a teacher’s decision to refer. Characteristics for burnout were emotional exhaustion, negative self-evaluation, plus cynicism and negativism concerning those individuals with whom they work. Feeling less apathetic to their students may be a result of feeling overwhelmed and overstressed

along with feeling they do not have the emotional reserve to deal with a difficult student.

Teachers who evaluate their work negatively may feel that they are not having a positive impact on the students' achievement and therefore will refer the student.

Children with disruptive behavior can be emotionally draining, leaving the teacher feeling tired and unable or unwilling to do adequate behavior management. This exhaustion can lead to a lack of persistence on the teacher's part to overcome students' behavior problems.

Teachers with more experience usually have a greater repertoire of effective classroom management techniques, and perceive that their skills and abilities are better able to meet the needs of the students, therefore are less likely to refer students for special education placement.

Egyed and Short (2006) tested the hypothesis that a higher level of teacher training and experience would result in lower levels of special education referrals. One hundred and six elementary classroom teachers were asked to participate in the study. Twenty-eight were from a rural district, 40 from a suburban district and 38 from an urban district. Ninety-four of the teachers were female, 84 reported advanced graduate training with at least one course in behavior management. The mean years of teaching experience was 13.77 and mean years of the age of the participants was 43.

The Maslach Burnout Inventory (MBI), which is a 22-item Likert-type scale, was used to measure teacher burnout. The Emotional Exhaustion (EE), Depersonalization (D), and Personal Accomplishment (PA) are the three factors that were used in this study. To measure teachers' self-efficacy, the Teacher Efficacy Scale (TES) was used. The decision to refer a student for special education was measured by using a vignette. A preliminary analysis showed that the responses to the vignette clustered around two points which were 50% and 100%. In order to interpret the data, the variable was recorded in three groups, 0-33, 34-66, and 67-100. "Little

likelihood of deciding to refer” (0-33) had n=33. Scores of 34-66 were recoded as “uncertain about deciding to refer” (n=25). “High likelihood of deciding to refer” were scores 67-100 with an n=48.

For Egyed and Short (2006)’s study, the hypothesis was that teacher characteristics would be related to the decision to refer. The dependent variable in this study was the decision to refer while independent variables were teacher efficacy, burnout, experiences, and training. As Egyed and Short reviewed that data and used an ANOVA design to determine results, they found that teachers with higher levels of burnout were not necessarily more likely to refer but were more uncertain about whether to refer. The results of other ANOVA’s did not show significant difference between the decision to refer and teacher variables. The ANOVA results did not demonstrate a significant relationship among teacher efficacy, teacher burnout, and teacher education level. Other ideas that resulted from this study are provided in Appendix H.

Egyed and Short (2001) recommend further research in the area of teacher characteristics and the decision to refer. Other variables that may influence the decision to refer may be school climate, empowerment, and expertise. Other behaviors that relate to the decision to refer include willingness and effectiveness of using pre-referral interventions, tolerance of the behaviors, and persistence of helping students who are having difficulties. Felton (2006) found that teachers’ perceptions of students’ ability influenced the decision to refer students.

Learning Disability or Low Achievement

Fuchs, Fuchs, Mathes, Lipsey and Roberts (2001) in their research, “ Is learning disabilities just a fancy term for low achievement? A meta-analysis of reading differences between low achievers with or without labels” which reported “Between 1977 and 1994, the number of students with disabilities increased from 3.7 million to 5.3 million but school

enrollment remained constant.” (Hanushek et al., 2001, p. 7 in Fuchs, et al. 2001). There was concern about the number of students qualifying for special education and the soaring costs because of those decisions.

In Fuchs et al. (2001) they discuss the Regular Education Initiative (REI), which was an educational reform movement. One of its founders, Madeleine Wills, was an assistant secretary of Education in the office of Special Education and Rehabilitation Services during the 1980’s. Her son had Down’s Syndrome and she wanted him to be a part of regular education, believing that disabled children were a shared responsibility of special education and regular education. The group of people who supported REI felt that there was nothing special about special education or effective about special education instruction (Fuchs et al., 2001).

For the first consideration Fuchs et al. (2001) found that, across states, the definitions of LD in the 1980’s differ in three ways 1) the operationalization of the discrepancy, 2) size of the discrepancy, 3) the choice of the IQ and achievement tests. The second consideration was demonstrated as teachers purposely disregarded definitional rules and regulations to make sure their students qualified for special education. Third area consideration was the reported overlap in performance on various aptitude and educational tests between low achievers with LD label and those without the LD label. Ysseldyke and colleagues (1982) concluded from their work that no important educational difference existed between students with LD and garden-variety poor achievers. In the 1990’s, National Institute of Child Health and Development (NICHD) expressed dissatisfaction with LD labels. This group focused on reading disabilities while REI focused on the broad range of learning disabilities. The NICHD group believes that phonological deficit should be recognized as a valid LD marker. There are similarities between the NICHD and REI Groups in that they are both critical of special education effectiveness. They

recommend that Title I monies, special education dollars, and other funding sources be combined to support professional development for general education teachers to better address the needs of low achievers, allowing children with special education needs to be successful in the general education classroom. They also believe that special education's role must change.

The Fuchs et al.(2001) proceeded to do a study of research to see if Low Achievers (LA) were different than those students labeled learning disabled (LD). To be included a study had these five criteria:

- 1) It has to present reading data.
- 2) Those data had to be reported separately for LD and LA groups
- 3) Whenever the LD group included a mixture of students with high-incidence disabilities, students with LD had to contribute at least 85% of the group.
- 4) Participants had to be school age (i.e. kindergarten through grade 12)
- 5) The study had to report data necessary for calculating effect sizes (ESs)

Eighty-six studies were included in the coding system that they devised. One of the conclusions is although there are many different ways that students become identified as LD, the results show the effect size 72% of the LA, nondisabled students read better than the mean of the LD identified students. This suggests that teachers do identify those students as LD who have more severe reading problems. Second, the timed tests ES's were larger than those associated with untimed tests for the LD students. This lack of automaticity may be a differentiating characteristic for LD identification. Third, results underscore the importance of objective measurement of reading performance in the identification process. When individual or team judgment was involved the differences between the two groups of learners was smaller. Other factors may play a viable role in the identification of children who need special assistance.

Kaznowski, K. L. (2003), "A study comparing the school performance of slow learners who qualify for special education with slow learners who do not qualify for special education." This dissertation research had similar results to Gillen (1997). She starts out her dissertation with these thoughts.

Imagine having your child lose his spark and enthusiasm for school as early as the first or second grade because school is very difficult for him and he is not yet reading. Then imagine being told by the professionals at his school, that he is one to two years behind and will always struggle in school. You are told that your child is a "slow learner" but does not qualify for special education services. What the professionals do not tell you is that twenty-five years ago, your child would have qualified for special education services as a student with "borderline" mental retardation. However, today due to political, social, and economic reasons, he will be left to fall through the "cracks" of the educational system. (p. 1)

Kaznowski uses the characteristics of slow learners provided by Karnes (1970) and Hardin (1987) that include poor reasoning skills and short-term memory span; poor motivation and work habits; poorly developed language and communication skills; lack of confidence, curiosity, and creativity. Other characteristics are limited leadership skills, lack of academic success, especially in reading, low ability in retention and memory, limited ability to make abstractions, anxiety and fear of failure, poor self-concept and poor organization. Although slow learners demonstrate a variety of these characteristics, one cannot tell them from the average learner (Kaznowski, 2003).

Participants for her study were from a population of 2,102 students who were referred for an initial, interim, or triennial special education assessment during the 1995-1996 school year.

The number of students who qualified for special education that year was 1,402. Seven hundred students did not qualify for special education. However, when she did her analysis of the data in 2001-02, there were 280 of the students who qualified in 1995-96 still enrolled in the district and 120 of the students who did not qualify. Of the 400 students that were still in the district, 70 of the 280 special education students were identified as fitting the definition of slow learners according to the study. The definition of slow learner in this study was:

....A child obtaining a full-scale IQ score between 70 and 85 on an individually administered standardized intelligence test (with less than a 15 point split between the verbal and performance IQ). Standardized achievement scores generally commensurate with their measured ability but they also fail to qualify as mildly mentally retarded or learning disabled as defined by definitions of learning disabled, severe discrepancy, and mildly mentally retarded (p. 35).

As the research progressed, 39 students participated in the study. Parents of 27 of the special education students gave permission for their child to participate and 12 who had not qualified were given parental permission. The make-up of the special education group was 17 males and 10 females while the non-qualifying student group was eight females and four males. The majority ethnic representation in both the groups was White (71.8%), with Hispanic (23.2%) and African American (5.1%).

When information was taken in isolation and the special education (SE) group compared to the slow learners (NSE) who did not qualify some patterns did emerge. First, at each grade level the SE reading grades were greater than the NSE reading grades (except in 6th grade and eleventh grade where the reading grades were equal), whereas the SE reading achievement scores were lower at each grade level than the NSE scores. Second, the SE math grades were

greater at each grade level than the NSE math grades (except first grade and tenth grade) whereas the SE math achievement scores were lower than the NSE scores each year (except in 10 grade where they were equal.) It is possible that the SE group is getting inflated grades or that the course work they are given is less rigorous than that given to the NSE group.

The results of the CTBS/TerraNova test were studied and this comment made, “Because this is criterion-referenced test, its intent is to show the extent to which students have mastered particular skills” (p. 39). On this test, the SE reading achievement scores ranged from 6.24 to 19.20 percentile while the NSE reading achievement ranged from 14.50 to 27.00 percentile. The NSE scores are higher but 25 percentile is considered the cutoff point for the average range. The math achievement scores for the SE group ranged from 5.00 to 18.00 percentile and the NSE group ranged from 12.91 to 24.00. The NSE group did slightly better in both reading and math.

According to Kaznowski (2001), slow learners are not considered learning disabled nor cognitive delayed and do not meet the criteria for any of the other special education eligibility categories currently covered under IDEA. Slow learners remain in traditional education programs where they must compete with students of all other ability levels and meet standards that have been established for the average student.

School multidisciplinary teams do qualify some slow learners for special education services. Depending upon the district, the school, and the individual beliefs of team members at school sites some teams just choose to ignore state eligibility codes. Kaznowski (2001) questions if the team is making the right decision. Would the slow learner’s chances for success in school be greater if he or she were left to his/her own devices in regular education? At the elementary level, students can or should be able to get accommodations for different learning styles and rates of learning because of the nature of most elementary schools. Kaznowski’s (2001) study does

not provide information on how the slow learners' academic needs were met or what supports and interventions were put in place for them.

Reschly, D.J., and Hosp, J. L. (2004) "State SLD identification policies and practices," discusses the States identification practices for specific learning disabilities and other components of special education law. Federal regulations regarding specific learning disabilities (SLD) influence state definitions; however, states exercise significant discretion in the special education disability nomenclature, definitions and classification criteria, usually through the state education agency (SEA). This process allows for additional supports and protections through the special education programs for children in need of and worthy of such assistance. As Reschly and Hosp (2004) studied the various states classification criteria for specific learning disability, they state that three features stood out which are the use of severe discrepancy between intellectual ability and achievement, the specific achievement areas used, and the exclusionary factors. Discrepancy requirement for tests are usually in standard deviation (SD) = 15 with common criteria of 1.0 SD (15 points), 1.5 SD (23 points) or 2 SD (30 points). Ten SEAs have established discrepancy criteria in SD units. Eighteen states use the discrepancy determination method, which is some form of regression-prediction formula. SLD exclusion factors cannot be due to primarily to hearing, visual, or motor impairment, mental retardation (MR), emotional disturbance (ED) or environment, cultural, or economic disadvantage. The more restrictive the criteria would mean that fewer students qualify; less restrictive means, more students receive special education assistance.

Team override is allowable in 33 of the 50 states. SEAs explicitly permit discretion to the CST in rejecting the findings of the evaluation in determining SLD classification. This means that the team can classify students as SLD even though the student did not meet one or

more of the established eligibility criteria. The override feature and the reason teams make this decision have not been studied and deserves more attention (Reschly & Hosp, 2004). There is a perceived degree of need and assumed benefit of special education and often there is pressure from general and special educators for this decision. Another problem is the manipulating the assessment process: one pair of scores that meet the eligibility requirement while many other combinations of scores do not meet the criteria. Sometimes the only qualifying score across several assessments is in mathematics, and the child is determined to be eligible for SLD in math but the IEP stresses reading. Students may be eligible as SLD in one state and not in another due to the differences in qualifying criteria. Another situation that occurs is when one student has the IQ discrepancy and is determined to be SLD eligible but does not respond any more readily to reading instruction than the student who's IQ is similar but determined not SLD eligible (Reschly & Hosp, 2004).

Reschly and Hosp (2004) discuss cross or noncategorical provisions such as in eligibility determination, placement, training or licensure, which some states allow. These approaches are most often permitted in approval of college and university teacher training programs ($N=30$ states), placement of students in special education programs ($N=28$), and in the licensure of teachers ($N=26$). When allowed, the non or cross-categorical arrangements are often driven by the need to (1) give local schools more flexibility in hiring teachers and placing students and (2) the lack of evidence demonstrating unique teaching methodologies for working with the high-incident disabilities of SLD, MR, and ED.

Rule replacement or rule waiver involves developing innovative practices under controlled conditions along with rigorous evaluation of the effects. This approach has been used by about one quarter of the states to establish problem-solving requirements and alternative child

disability identification procedures. Iowa, Illinois, and South Carolina have used this rule waiver provision to design, implement, and evaluate alternatives to the more traditional SLD identification process.

Reschly and Hosp (2004) suggest changes to the SLD classification criteria and re-establish the credibility of this diagnostic construct. Students identified as SLD are low achieving but LEA personnel often ignore the requirements of the law with the perceived notion of higher good. Some recommendations coming from the field of education are the abandonment of the severe discrepancy model and the adoption of response-to-treatment (Gresham, 2001; Vaughn & Fuchs, 2003).

Disproportionality and Overrepresentation

The definition of disproportionality is the over-or-under- representation of a particular demographic group, relative to the presence of this group in the overall student population (NEA policy brief, [NEA] 2006). The groups may be defined by racial or ethnic backgrounds, socioeconomic status, national origin, gender, or English proficiency, (Gravois and Rosenfield, 2006; *The Disproportionate Representation of Racial and Ethnic Minorities in Special Education, [DRR]*). Other variables that may lead to the misidentification are prereferral interventions, family involvement, and systemic inequities; instructional practices in general education, assessment practices, and teacher professional development (DRR). Dr. Kozleski (2005) believes that policies at the local, district, and state level result in referrals to special education without any consideration of cultural profiles or cultural implications that children bring to school.

Concerns about misidentifying includes providing unwarranted and unnecessary services, students not having access to the general education curriculum and lower expectations (Ferri &

Connor, 2005), and assumption of the student having less academic potential and intelligence (NEA, 2006; Kozleski, 2005). Being labeled disabled can lead to a student being stigmatized socially, or result in racial separation and separation of peers (NEA, 2006; DRR; Kozleski, 2005). Once labeled, students rarely exit special education (NEA, 2006). Because of lower teacher expectations and lack of access to general education curriculum and there is the potential of fewer post secondary opportunities employment possibilities (DRR).

Gottlieb and Alter (1994) in “Special education in Urban America: It’s not justifiable for many,” the special education referral, evaluation, and placement practices are not any more effective today than they were 25 years ago for the children who live in the inner cities, the majority of whom are poor and members of minority groups.

The Gottlieb and Alter (1994) study involved a random sample of 758 students from 12 school districts in a large urban school system. Some of the students were classified as learning disabled, emotional disturbed, or were determined to be ineligible. No information is available from this research to indicate the reasons some students were determined to be ineligible.

New York has adopted the federal definition of learning disabled. The significant discrepancy component of LD is not enforced as Mercer, King-Sears, and Mercer researched in 1990. With the lack of a stringent, quantifiable definition of learning disabilities, school clinicians have wide latitude in deciding who is learning disabled. Many children who are determined to be learning disabled in urban school districts are not disabled according to the demands of legislation and regulation. Children who suffer from the ravages of poverty are affected academically and those are the children qualifying for special education.

The Gottlieb and Alter (1994) sample was drawn from an impoverished area of a large urban school system. More than 90 % of the children were receiving public assistance, about 70

% were male and 95 % of children were from minority groups. Gottlieb noted that 93% of the entire school populations in the 165 schools were from minority groups. The majority live with their mother only, about 5% are cared for by older siblings and there was a high mobility rate, with 85% having attended another school. Many of these students were from an immigrant population, 44% coming from homes where English is the primary language and 19% are foreign born.

School professionals often ignore the severe discrepancy component of the definition within the law. Urban practitioners are interested in helping low achieving students who often are in poverty, belong to a minority group, or are hampered by social, cultural, and economic inequalities. This practice compromises the credibility of the assessment system and lends to accusations of bias and discrimination as well as casting doubt on the validity of classifications of other disabilities. Another outgrowth of this practice is that general education does not have a need to develop meaningful instruction programs and services to provide for these students in the classroom.

Teachers perceive that the main reasons they cannot provide for this group of learners is large class size. Schools might look at a model of collaborative consulting to help the general education teachers better serve the needs of this group of students.

Gottlieb and Alter (1994) go on to discuss that their data does not portray an optimistic picture for the low achieving, low ability students to obtain an appropriate education in the regular classroom. In their opinion, a long difficult road lies ahead if a meaningful education is to be provided these students in the regular classroom. Often time's teachers do not feel qualified to teach these children (A New Era, 2002). Most public school educators do not feel well prepared to work with children who have disabilities (A New Era, 2002). In 1998, only 21

percent of public school teachers said they felt very well prepared to address the needs of students with disabilities, and another 41 percent said they felt moderately well prepared (A New Era, 2002). Sending the students to special education allows general education teachers to educate the students who are left in their classrooms. The teacher perceives these children as wanting and/or able to learn (A New Era, 2002).

The various studies of research on qualifying students have been included in this review of literature to demonstrate that there is not consistency in determining placement. There is a great deal of discrepancy within the field of education on qualifying students. The referral process is not consistent between and among states, districts and schools.

“Disproportionate representation of minority students in special education: academic, demographics, and economic predictors,” was a study completed by Hosp and Reschly in 2004.

Two research questions in this study were:

“What proportion of the variance in ratio of representation rates is accounted for by blocks of academic, demographic, and economic variables both independently and incrementally? and Does academic achievement account for significant proportions of the variance (p. 188)?

One data source was the Elementary and Secondary Schools Civil Rights Compliance Report (OCR) (2000). From this information, Hosp and Reschly coded twenty-five variables that included the number of students in each other of the federal race/ethnicity categories, and the number of students in the Learning Disability, emotional disturbance, and the mental retardation categories. Another data source was the Common Core Data (CCD) from the National Center for Educational Statistics, (2000) with additional variables from this report added to the list of variables. The last set of data came from the district-level achievement results obtained from the National Assessment of Educational Progress.

From this data, Hosp and Reschly identified an academic block of variables that was the percentage of students reaching proficiency in reading and math from each of the race/ethnicity categories. The demographic block was the number of students from each race/ethnic group in the community and the students with limited English proficiency and students were identified as disabled. The economics block contained data from the median housing value in community, the median income of households with children, percentage of adults who had a 12th grade education or less, and the percentage of children at risk.

To answer the first question, Hosp and Reschly did comparisons of African American to White, Latino to White, Asian/Pacific Islander to White, and American Indian to White to check for disproportions of identified students and determine the strongest predictor for identification of students. The economic block was the strongest predictor across the racial/ethnic groups for mental retardation (MR). This may be due to the strong relationship between intellectual ability/performance and poverty. For determining an emotional disturbance (ED) label, the strongest predictor was demographics block. This may be accounted for because of the behavior expectations of the reference group. The academic block was usually strongest predictor for learning disability (LD). Achievement is usually a concern when trying to identify students in this category. The answer to the second question was “academic predictors, as a group, are important to consider in discussions of disproportionate representation because academic achievement is a strong predictor of referral and eventual placement in special education” (p. 194).

In California’s *Improving Academic Success for Economically Disadvantaged Students* by Fricano and Kuhn (2009), the authors discuss that in 1992-1993, approximately 40 percent of the children in public schools were on free and reduced lunch and that percentage had increase to

almost 50 percent in 2006. They go on to say that \$9 billion state and federal monies from 45 different programs are allocated to help the economically disadvantaged student. This group of students often has lower scores on the state assessments and they drop out at a higher rate than the non-economically disadvantaged students do. To change education and success for this group of learners, the authors suggest looking at the underlying barriers to academic success such as health care issues (Artiles, Harry, Reschly, and Chinn, 2002), living in single parent family, being on public assistance, or having parents in jail or addicted to drugs. Other barriers may be absent parents or parents with no formal education, living in unsafe neighborhoods, speaking a primary language other than English, or needing to work long hours after school. Changes in these factors need to happen to bring about changes in academic skills. Fricano and Kuhn (2009) believe that there is a hodgepodge of programs with different program requirements and providers, which, if coordinated, would better serve this population. Another concern is amount of funding is not linked to the cost of overcoming the different academic barriers, i.e. providing an intervention at school may be less costly than having safe neighborhoods. The data resulting from these programs needs to be more readily available to help in the decision-making process and the programs need to be better integrated into California's accountability system.

Artiles, Harry, Reschly, & Chinn, (2002) discuss how the issue of poverty can both directly and indirectly affect the risk of special education placement or school failure or both. They go on to share that in 1999; the overall poverty rate was 11.9 % with whites accounting for 8%, 11% Asian/Pacific Americans, 24 % African American, 26% American Indian and 23% Latinos. Health care, proper nutrition, complicated births, access to transportation, language barriers can be addition issues of poverty. Children living in older homes with lead base paint, which has been associated with reading problems and lower IQ, MR, ED, neurological

problems, kidney disease, and heart disease. Ferri and Connor (2005) also discuss students of color attending schools where there are large numbers of economically disadvantaged causing a situation of concentrated poverty.

Bias within the assessment instrument, language used in testing--i.e. giving a Spanish speaking student the test in English--or on the part of assessment examiner are potential problems resulting of disproportionality (Ferri & Connor, 2005).

Teacher bias in unfair educational practice poses another problem for students of different cultures or ethnic group, or from different socioeconomic group (Ferri & Connor, 2005). Students with these characteristics are perceived to lesser abilities. Many teachers come to the classroom with the dominant culture perspective of what constitutes achievement and success and these teacher prefer certain kinds of academic learning styles and behavior (Kozleski, 2005). Students are referred from classrooms where poor classroom management and poor instruction occur and are the norm but they might have been successful in a more effectively taught and managed classroom, (Artiles, Harry, Reschly, & Chinn, 2002). Gottlieb & Alter (1994) argue that some teachers refer students for special education to alleviate their problems in dealing with culturally diverse students.

Teacher education programs must address the needs of pre-service teachers by providing training and education in working with the diversity and multicultural aspects of their students (Artiles et al., 2002).

“Who’s really disabled?” (NEA, 2006). African-American students, Hispanic students, and American Indian students are often labeled with the “judgmental” disabilities of mental retardation, emotional disturbances, and learning disabilities (Artiles, et al. 2002). African-American students who have challenging behaviors are often referred for emotional disabilities

(USDE 24th report). Artiles, et al. (2002) provide some historical perspective on populations of students in the general population and in special education. For example in 1978 and using the special education terminology at that time, African Americans made up 16% of the school population but 38% of the students in educable mentally retarded classes (EMR), 27 % of the students in “trainable mentally retarded” (TMR) and 24% of the students in ED classes were African-American. The 1997 Office of Civil Report (OCR) states that African Americans make up 17% of the school population but make up 33% of students in MR classes and 28 % of ED classes. According to Ferri and Connor (2005), Black students continue to be labeled mental retarded (MR) at the rate of three times more often than White students, almost twice as likely to be labeled emotional disturbed (ED) and one and a half times more likely to be labeled as having a learning disability (LD). Black students were more likely to be labeled as having MR and assigned to segregated classrooms if they attended a wealthier school than if those same students attend a low-income, predominately Black school (Ferri & Connor, 2005). Other negative things that occurred for this population of students were higher rates of severe disciplinary actions, more school suspensions, and a higher dropout rate (Ferri & Connor, 2005). Southern states continue to have the highest incidence of overrepresentation, which could be a connection to racial segregation that existed for many years (Ferri & Connor, 2005). Black boys are more often identified than Black girls and Black girls more often than White girls are (Ferri & Connor, 2005).

In schools with high populations of American Indian populations, these students are likely to be overrepresented in special education classes (Ferri & Connor, 2005). American Indian/Alaska Native children receive special education labels and services at twice the rate of the general population (USDE 24th report).

Hispanic students may be placed in a self-contained, bilingual classroom or English as a second language (ESL) in elementary school but in the upper grades disproportionately are placed in special education (Ferri & Connor, 2005; Artiles & Klingner, 2006).

Gravois and Rosenfield (2006) in “Impact of Instructional Consultation Teams the Disproportionate Referral and Placement of Minority Students in Special Education” discuss three influences of cultural variable that result in the initial referral of minority students to special education, bias in assessment procedures, quality of instruction and intervention services. In this article, it is mentioned once again that teachers refer students to special education as a means to not deal with culturally diverse students. In order to address the disproportionate placement of minority students policy makers have recommended multicultural training for pre-service teachers as well as professional development for other teachers. With the multicultural training, there is the expectation that teachers will develop a greater understanding of the culture of their diverse students and have a better knowledge base for working with them, whereby improving the students’ educational experience and academic success. However, there are still difficulties in actually implementing the increase cultural understanding and knowledge base into the classroom.

Bias in the assessment process and tools is also examined by Gravois and Rosenfield (2006). They state, even though, some educators have tried to address bias in tests, tried to find culture fair and culture free tests and attempted to develop new tests, there appears to be little success in this area. Some researchers have suggested that the use of tests for classification contribute little to curriculum or pedagogical validity.

In the area of quality instruction and intervention services, one concern expressed by Gravois and Rosenfield (2006) is that the classroom ecology is rarely considered. They go on to

discuss the need for early intervention within the general education classroom and the highest quality of instruction should be taking place before a child is referred to special education. Various researchers are cited who have found that systematic interventions have reduced the overall special education referrals and placement.

Granvois and Rosenfield go on to discuss the primary goal of Instructional Consulting Team model, which is to create and maintain student success within the general education classroom by providing support to the teacher. This model focuses on content-- which is curriculum based assessment, behavioral interventions, and evidence-based academic interventions-- and the process such as data collection, and problem solving steps by using a reflective relationship that has been established with the classroom teacher. Using the students assessed entry skills, quality instruction and management programming is matched to those skills, to increase student success. The team provides systematic, data driven support to the teacher but the teacher often meets with their assigned team member know as their “case manager.”

Over the past ten years, the Instructional Consulting Team approached has resulted in decreasing the number of special education referrals and ultimately placements in special education of minority students. This methodology may be one way to address the disproportionality of minority students.

English Language Learners and Special Education

In a summary of English Language Learners (ELL) with Special Education Needs, Alfredo Artiles (2002) states, “Before assessing a child for special education, first assess the instructional program” (p. 1). According to research, ELL students who receive the least amount of language support are the ones most likely to be referred to special education. Students who

are ELL and receive all their instruction in English are three times more likely to be referred compared to those students who receive some native language support (Artiles & Ortiz, 2002). One of the theories for referral is that at least these students will receive some individualized instruction, however, because of a lack of professional development in ESL instructional methodology this does not happen. Artiles and Ortiz go on to discuss there are three categories of ELLs who have learning difficulties: (a) those who are experiencing learning difficulties not related to a learning disability such as missing too much school, medical reasons, or an interruption in schooling, (b) students who lack effective ESL support in their learning environment, and (c) those ELLs who are in need of special education.

A law case that relates to students who are ELL are *Diana vs. State Board of Education* (1970) which states that one can not identify a child as mental retarded (cognitive delayed is current term) based on IQ tests that were administered in English. Assessment must be in the student's first language or use nonverbal IQ tests. In *Larry P. vs. Riles*, use of IQ tests must take into account the cultural background and experiences of the child. In order to use a test, it must be validated for use with specific populations.

Artiles and Ortiz (2002) make some recommendations about the school environment e.g. using instructional strategies appropriate for ELLs, including thematic units, advanced organizers, collaborative learning, and a spiral curriculum. Components of reading instruction should be phonics, word recognition and comprehension. Writing instruction should focus on the ability to communicate ideas as well as the mechanics of writing.

To determine interventions for ELL students, assess first in their native language and then in English to determine their proficiency level and which language appears to be dominant. Observations need to be in a variety of contexts and over an extended period to study behavior

and functioning. In the classroom, re-teach content and skills using different modalities to those who are having difficulties. Use informal assessments to determine the specific difficulty and monitor progress.

The student assistance team (SAT) should be made up of individuals who are knowledgeable in general education, special education, ESL strategies, and understanding of the child's cultural norms. Another idea is to find out from other school staff, if they have noticed problems across contexts, are the problems noticeable when child is using native language. Are they acquiring English proficiency at a similar rate as their peers? Have others noticed test anxiety problems, or are there issues of bias present? Does the data show a lack of progress on the interventions and have tutors and remedial programs within the district been tried? If these ideas have been tried, the next step may be consideration of a special education referral. Educators have difficulties differentiating between ELLs who struggle to learn due to language acquisition problems and ELLs who struggle to learn due to a disability (Artiles & Klingner, 2006).

The special education evaluation should be nondiscriminatory and provided in both the first language and English. Parents need to be aware of their rights and responsibilities and the special education process. The district or school may need to hire individuals to facilitate the parental involvement in the Child Study Team (CST) and development of an Individual Education Plan if appropriate.

In an article by Klingner, Artiles, and Barletta (2006), entitled "English Language Learners Who Struggle with Reading: Language Acquisition of LD?" the authors review empirical research about English language learners. They state there is limited data on ELLs with special needs but majority of them (56%) have reading difficulties while another 24% have

been identified with speech-language impairments. Placement of ELL students in special education is complex because of linguistic and immigration factors along with socioeconomic status, cultural and ethnic influences (Klingner et al., 2006). An additional problem is general education teachers are not sure the reason that an ELL student is struggling with reading. Teachers wonder if it is due to second language acquisition or a need for special education. Another dilemma faced by teachers is the lack of knowledge on district policies about the level of English proficiency needed before referral can be considered (Klingner et al., 2006).

To be included in this research review, the studies had to report original data, concentrate on K-12 population, focus on acquiring English as a second language not English as a foreign language class, and targeted ELLs who were struggling readers or ELLs with LD. Different categories were determined from the focus of the studies and findings from each category are provided here. The researchers mentioned in the various categories were listed in the empirical research and their studies needed to meet certain criteria to be included by Klingner et al., 2006.

One category, *what do we know about population characteristics and subtypes* showed ELLs who demonstrated a limited knowledge in their native language were often placed in special education. Another study (Figueroa and Sassenrath, 1989) confirmed that students who were strong in their native language showed higher achievement than did students who were less proficient in their native language. ELLs in English immersion classrooms were more likely to be identified for special education than their peers who were in modified English immersion or bilingual programs. Argulewicz (1983) found that mid-SES schools were less likely to offer bilingual classes and place more ELLs in special education but low-SES schools are more likely to offer bilingual classes providing support for the ELL students. Barrera (2003) looked at handwritten class notes, curriculum-based measurement and dynamic assessment for determining

difference between ELLs with LD and ELLs without LD. He found that the students identified as LD scored lower on these measures than students without LD.

Another category that Klingner et al. focused on was studies that provide data *about the role of context in understanding ELLs' struggles*. Arreaga-Mayer and Perdomo-Rivera (1996) observed in ESL and special education classrooms that language development received little attention, that student engagement was low, and much of the teachers' instruction was whole group and lecture. The extent to which teachers supported the ELL's language development and provided quality instruction varied widely across the various schools. Trueba (1988) observed ELLs with LD in grades 1 to 5 and noticed that there was a lack of participation in class activities, a presence of fear, stress, confusion and other emotional turmoil, and a lack of productivity. He wondered about cultural conflict. Lopez-Reyna found that as one classroom transitioned from skill based to whole language that students were more actively involved in learning and focused more on making meaning of their reading.

What do we know about prereferral and referral issues was the focus of only two studies in this research review. Teachers referred students to their schools' Child Study Teams and were responsible to provide "alternative strategies" to address the needs of these children but these alternative strategies were undermined by teachers' beliefs they had already done everything they could to address the problem (Harry and Klingner, 2006). Carrasquillo and Rodriguez (1997) had found that few pre-referral intervention strategies had been used before the teacher's referral for special education. With the development of RtI models, there should be more pre-referral interventions.

Six studies in the review provided data *about the assessment practices with ELLs who may have LD*. Information from these studies showed that most students were tested in English,

and without accommodations or regard for their home language. When more than half of 859 psychologists used interpreters, only about 37% of the interpreters had any formal training (Ochoa, Gonzalez, Galarza, and Guillemard, 1996). Information from Harry, Klingner, Sturges & Moore (2002) study found several factors that influence the assessment practices. These factors were teachers' informal diagnoses of the students' problems, exclusion of the classroom dynamics and instruction, school personnel's impression of the family, assessment instruments used, external pressure for identification and placement, disregard for established criteria, and arbitrary nature of placement decisions. Assessment studies over the last 20 years appear to have the theme of paying insufficient attention to the students' native language (Klingner et al., 2006).

Studies in the review provide data about predictors of reading achievement.

Durgunoglu, Nagy, and Hancin-Bhatt (1993) found Spanish phonological awareness and Spanish word recognition were better predictors of English word reading than English or Spanish oral proficiency. They recommended that developing the native language phonological awareness was a way to improve reading in English. In Chiappe, Siegal, and Gottardo (2002) a Canadian study of ELLs with different native languages, they found alphabetic knowledge may precede and help develop phonological awareness in English. The "predicting reading achievement" research suggests that assessments of alphabetic knowledge, phonological and print awareness and rapid naming provide information on reading and can lead to additional literacy instruction in the classroom before special education referral.

What do we know about interventions for ELLs struggling with reading was part of the research review. Studies included in this section were divided into Reading Comprehension Strategy Instruction, which showed students all benefit from this practice and Intensive Reading Interventions. *Read Naturally* was investigated from both Spanish and English materials. *Read*

Naturally combines teacher modeling, repeated reading, and process monitoring. The Spanish materials (De La Colina, Parker, Hasbrouck and Lara-Alecio, 2001) were used in first and second grade Spanish-English bilingual classrooms. The use of these materials lead to measurable improvements in the students' fluency and some improvement in comprehension. Denton, Anthony, Parker, and Hasbrouck (2004) found using the English materials did not show the same gains. They also investigated the use of *Read Well* on ELLs' English reading. The components of *Read Well* instruction are systematic, explicit phonics instruction combined with practice in reading decodable text and vocabulary in context along with comprehension strategies. The students who used *Read Well* showed significant more growth in word identification (but not in word attack or comprehension) than a comparison group of students who did not receive this support. According to Denton et al., this may be due to the program's informal instruction in English vocabulary.

The three other studies on *interventions for ELLs struggling with reading* looked at phonological interventions. Nag-Arulmani, Reddy, and Buckley (2003) found that students who received explicit phonological instruction demonstrated significantly gains when compare to a control group and a language proficiency instruction group. Linan-Thompson, Vaughn, Hickman-Davis, & Kouzekanani (2003) found that ELLs who received ESL strategies in combination with intensive support in English reading made significant gains on work attack skills, phoneme segmentation fluency, oral reading fluency and passage comprehension. Haager and Windmueller (2001) examine the results of an intensive professional development program whose goal was to improve early reading instruction for first and second grade ELLs. Initially, there were students who did not make the benchmarks but they did make steady progress when they received extra services in ESL strategies and phonological awareness.

Table seven of this research review are studies on *what do we know that can inform eligibility decisions*. This table is divided into four parts; Early Studies, Relationship Among First and Second Language Oral Proficiency and Reading, Differences Between More and Less Proficient Second Language Readers; and Differences Between Second Language and Native English Readers. Carlisle, Beeman, Davis, and Spharim (1999) looked at ELLs metalinguistic development in their native language and in English to determine how proficiency in both languages affect oral proficiency and reading skills and concluded that vocabulary development in both languages would be beneficial. Gottardo (2002) found that the strongest predictors of English word reading were both Native and English phonological processing, English vocabulary, and native language reading.

From the category *differences between more and less proficient second language readers*, researched by six different studies come these findings, less proficient readers focused on surface aspects of reading, use fewer comprehension strategies, and have more limited vocabularies. Miscue analysis (examining the errors that a student makes as they read aloud) and think-alouds (a technique in which students verbalize their thoughts as they read and discuss the strategies they are using to understand the text) provide more data about students' reading skills than is possible with traditional assessments.

The last category of studies in this research review (Klingner et al., 2006) is *Differences Between Second Language and Native English Readers*. Both studies in this section were the work of Padron and colleagues (1985 & 1988). Two conclusions were that second language readers may use inappropriate cognitive strategies, and that phonological awareness and vocabulary are important variables that must be addressed and taught to second language learners.

Some recommendation from this research review are: (a) to provide early interventions for students who are struggling with reading such as combining phonological awareness with reading, (b) to provide explicit vocabulary development in both the student's first and second language as well as (c) comprehension strategies in both languages. (d) In the general education classroom, implement meaningful prereferral strategies. (e) Conduct observations of the students in many different settings to establish a more complete picture of the children. (f) Help the students develop a strong language foundation in their first language to promote literacy in both languages. Other recommendations are: (g) to use alternative assessments to determine students' strengths and weakness, (h) take into consideration contextual features such as sociocultural, socioeconomics, school and classroom characteristics, and (i) to create the opportunity for students to learn in all phases of instruction, referral and assessment processes.

Artiles and Klingner (2006) discuss the overrepresentation of ELLs in districts where there is a large population of ELLs. This appears to be especially true for older students. They wonder the reason for this situation. Is it because of child poverty, lack of first language proficiency, assessment procedures, lack of opportunity to learn in the general education classroom or referral bias? In addition, there is a lack of research knowledge base on ELLs with special needs (Klinger et al., 2006).

Educators often look for the within-child factors (something wrong with the child) when trying to explain learning difficulties (Artiles & Klingner, 2006). This creates a concern because of failure to look at the problems associated with second language acquisition, being from a low-income home, or the skills and the knowledge of general education teachers (Artiles et al., 2002).

Klingner and Harry (2006) did a study called "The Special Education Referral and Decision Making Process for English Language Learners: Child Study Team Meetings and

Placement Conferences.” They discuss differentiating between English language acquisition and learning disabilities and its many challenges. For example, the education field has not developed a language proficiency test to determine when a non-native English child is ready to test only in English. Another challenge is the perception that ELLs’ lack of full proficiency in English means they have low intelligence. Klinger and Harry (2006) go on to say that even students, who demonstrate full English proficiency, often do poorly on verbal IQ and when intelligence is tested, have a high performance IQ. Low IQ is often blamed for low achievement without looking at the context i.e. classroom where the underachievement occurs.

One of the concepts behind RTI, is the process will decrease the number of ELLs who are referred and placed in special education because they will be provided support and quality instruction in the general education classroom and therefore less likely to be underachievers (Vaughn & Fuchs, 2003). One of the exclusionary factors in IDEA 2004 is that unless a child has had sufficient opportunity to learn, it cannot be determined that the child has a learning disability (Reschly & Hosp, 2004).

The special education referral process begins when a classroom teacher is concerned about a student’s lack of academic progress, behavior, or both (Ysseldyke et al., 1983; Ysseldyke et al., 1982). The steps that Klingner and Harry (2006) used: (a) The teacher discusses the child’s lack of progress with her colleagues at a pre-referral meeting. In attendance were the administrator, other general education teachers, a special education teacher, a parent or caregiver, and possibly a counselor, psychologist, or social worker. This group was called a Child Study Team in the schools they worked with. (b) The CST suggested strategies to the teacher to use in helping the child or, if the case was severe, the decision to make an immediate referral. The district guidelines recommend that intervention strategies be tried with the expectation that

adjusting teaching strategies will help the student be successful in the general education classroom. Klingner and Harry go on to say Rock and Zigmond (2001)'s study of 140 low performing students, where they found that intervention assistance did not significantly change the education outcomes for these students. 3) After the interventions have been tried, a second CST was held. Often times the decision to have a formal evaluation is made. It has been found that 90% of the students referred to the CST are tested (Algozzine et. al., 1982; Ysseldyke, 2005). 4) Once the evaluation was complete, a placement conference was held.

When the student is ELL, the process is more complicated. In the district where Klingner and Harry conducted their research, the limited-English-proficient (ESL) committee were to review the case before it was brought to the attention of the CST. A bilingual assessor evaluated the student to determine the level of English language acquisition and make a decision if the testing should be in English or bilingually.

The data is from a large 3-year ethnographic study of the decision-making processes that resulted in overrepresentation of ELL students in special education. The students, from a urban district in a southern state, were culturally and linguistically diverse. Nine schools from this district were included in the study.

Language support programs varied across the schools. One school had a dual immersion program with all the students involved in one-half day English and one-half day Spanish teaching and learning. A combination of pullout English for speakers of other language (ESOL), home language arts classes or curriculum content in home language was present in other schools. There were classroom teachers who were certified to teach English to speakers of other languages but students did not receive this support. The students in the study were two kindergarten students, 4 in first grade, 2 in second grade, 9 in third grade, 1 in fourth grade and 1

in fifth grade. Eleven students spoke Spanish as their first language, six spoke Haitian Creole and one was Middle Eastern and spoke Arabic. Their English acquisition ranged from one just beginning to acquire English to five considered at least moderately proficient and no longer in an ESOL program.

Klingner and Harry (2006) conducted 272 open-end or semistructured individual interviews. Interviews were with school-base and district personnel, parents and students. There were an additional 84 informal conversations. The types of questions asked in the interviews are provided in the article. Documents that were examined included school district guidelines and policies, students' test protocols and work samples, psychological and other evaluations and reports, IEP's and existing special education placement data.

Grounded theory and ethnographic techniques were applied to develop a theory inductively using the constant comparison procedure (Strauss & Corbin, 1998 in Klingner & Harry (2006). Data was segmented through coding and "chunking" quotes or important text according to similar themes (Klingner & Harry).

There are several findings from this study. There is a great deal of variability across the schools on how district policies were being carried out, how assessments were completed, and how decisions were reached. There was confusion among school personnel of when students could be referred, and when the student was ready to be assessed in only English. There was the problem of misinterpreting a child's lack of full proficiency as low IQ or learning disabilities. There was an overreliance on test scores with not enough consideration given to other factors that could affect a student's performance.

A central part of the CST process is the prereferral intervention or alternatives strategies, but in the 11 first CST meeting, Klingner and Harry observed, strategies were mentioned twice.

Little attention was given for developing meaningful strategies and in some cases the suggestions given to the teacher; she had already tried and had stated so.

Through the interview process and observing in the CST meeting, the psychologist had the most authority and decision making power. In 13 of the first and second CST meetings, a bilingual assessment was recommended six times but the results were not discussed in the meetings nor did the bilingual assessor attend the meetings. Presumably, the parents were involved from the beginning of the referral process but Klingner and Harry did not observe evidence of strong parental involvement in the process. They did notice negativity to parents, a lack of consistent translation services, lack of professionalism, ignoring the parents and insensitivity.

The CST process is supposed to provide a network of support for children and prevent inappropriate referrals. What Klingner and Harry found were decisions about a student's disability and placement were made before the CST meetings were held. It appeared that the meetings were a formality to inform parents of the decision rather than have them involved. The decisions were typically based on factors other than eligibility requirements and test data. Psychologists had too much control over the evaluation process and the placement decisions.

Klingner and Harry provide several recommendations. Since psychologists seldom saw the students before doing the evaluation, assign someone else from the team to observe the student in the classroom before even starting the evaluation process. Greater consideration must be given to the classroom ecologies through each stage of the referral process. Dynamics of the prereferral teams can be changed by having team members be general education teachers and parents. The presence of administrators, psychologists and special educators often changes the participation level of the other team members.

They recommend more serious consideration be given to prereferral or alternative strategies and that it be a collaborative problem-solving process. There should be development of specific instructional objectives and a plan brought to the referral team with designated personnel for carrying out the intervention objectives, clearly stating the type of support and a time line for implementation and evaluation. The Response to intervention model allowed in the last reauthorization of IDEA (2004) provides a vehicle to accomplish this type of process. At tier I, there is progress monitoring for all students. For the ELLs who do not make adequate progress more intensive instruction can be provided at tier II. At this level, they suggest adding a problem-solving Teacher Assistance Team that is made up of a diverse group of individuals, at least one who is knowledgeable about language acquisition issues.

Information about language should be included in psychologists' reports and test scores should be interpreted cautiously given the impact of language acquisition. Professional development for everyone involved in the referral and decision-making process is recommended so that individuals know their roles and expected contributions to the process. One of the most important ideas is educators need to change their focus from finding and naming deficits within the child to reflecting of their practices and how they could better instruct and support all children.

Response to Intervention

In 2004, Congress made many changes to IDEA, and Response-to-Intervention (RtI) was one of them. The direction given was that resources could be shifted from the "discrepancy model" of identifying and serving children to using those resources for an RtI model (Hales, 2008). Dr. Hale states that the premise of RtI is good because high quality instruction is provided along with keeping track of how children are doing in the classroom; therefore, all

children will succeed and achieve high standards. Some things that were observed were that general education was for the “typical” children and special education was the place for those “other children” (Hale, 2008). But special education was designed to be a service, not a place. With the “discrepancy model” even though teachers and parents knew that children were struggling to learn, it ended up being a “wait and fail” model (Hale, 2008). This resulted in an educational system, which did not adequately focus on the needs of many children who needed help and support in learning.

RtI is what good teachers have done to help struggling learners, providing them with good instruction and checking the students progress. RtI mandates good instructional practices that are empirically or research based and the evaluation of academic progress (progress monitoring) for all children (Hale, 2008). Hale believes this approach has incredible humanistic appeal by helping all children to learn and succeed in the classroom by adjusting instruction. There is the hope that this process allows for all children to reach proficiency of meeting the state academic standards, a mandate by NCLB.

Montana’s RtI process has eight non-negotiable essential components with each element being part of an interrelated process. The components are evidence-based curriculum and instruction, ongoing assessment, collaborative teaming, databased decision making, fidelity of implementation, ongoing training and professional development, community and family involvement and strong leadership. The motto of “*all educators for all student*” leads to providing high-quality instruction/intervention matched to students’ needs and using assessment to determine a student’s learning rate and level of performance to make important educational decisions to guide instruction (“Montana response...”2008, p. 6). The 3-tier model has Coaching

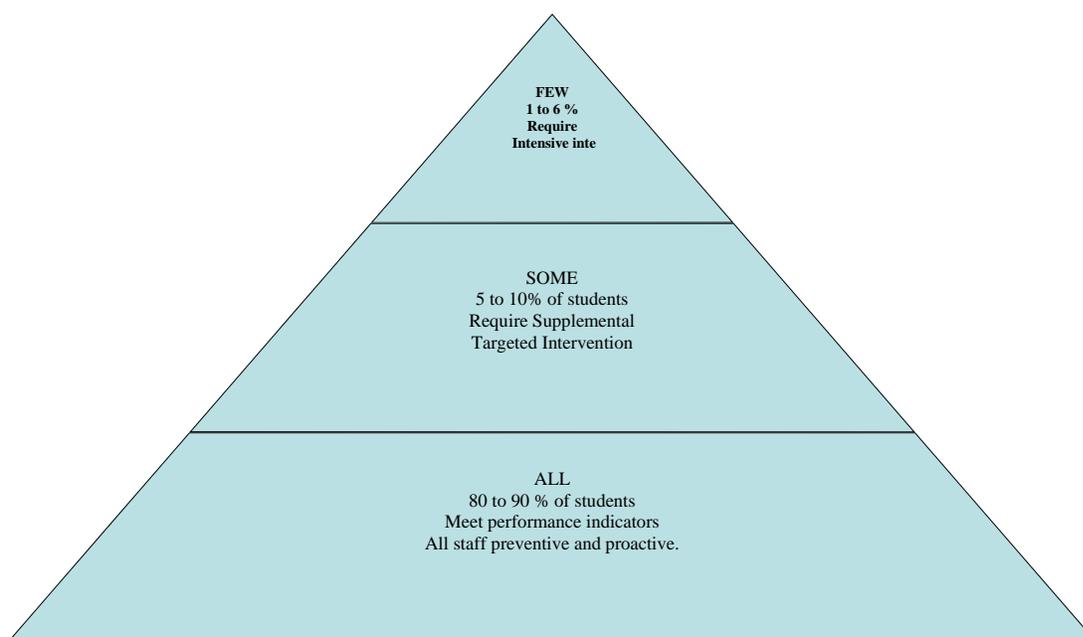
on the bottom, Academics on the left side of the pyramid, and Behavior on the right with this statement, “Matching instruction to need for improved student outcomes.”

All the students will receive core classroom instruction using scientifically based curriculum and methods to teach the critical concepts of reading, math, written language and other subjects. Some students may need strategically targeted instruction as well as the core instruction. At this tier, students may be working in small groups of 3-5 students and taught specific skills needs, which are scientifically based and aligned to the core curriculum and instruction. The length of time in this tier will be determined by the student’s assessments and progress monitoring data. A few students who have not responded to instruction at tier I and tier II will require intensive targeted interventions. The instruction at this level is more intensive, more explicit and especially developed to meet the needs of the specific student. This instruction should be in addition to core instruction but in some cases, it may replace the core instruction. Student assessment data and collaborative team decisions about students’ response of instruction, will determine the movement through the tiers. The goal is for all students to be at tier I with core instruction. A student may be referred for consideration of a 504 plan and/or special education evaluation at any time in this process. The ideal situation is for all students have screening or benchmark assessments completed during the first four weeks of school to identify any students having difficulties with skill attainment. These assessments should occur at least two other times during the year. A school may have various assessments that are used to make the team’s decision about the needs of students. These assessment should demonstrate growth over time. At the third grade level, data from the MontCAS test is an assessment that can be used. The Montana RTI guide provides information about the components of curriculum and

materials, instructional organization, instructor, assessment, time, setting, and support instruction and in depth information about instruction for each component.

Truths and myths about RtI are found on page 13 of the guide. The truths are it is an initiative that supports general education school improvement goals. It is intended to help as many students as possible meet proficiency standards without special education. RtI is a method to unify general and special education in order to benefit students through a greater continuity of services. It is focused on effective instruction to enhance student growth. RtI is not a means of getting more students into special education or a stand-alone special education initiative. It is not focused primarily on disability determination which is documented through a checklist nor is it a method to increase or decrease special education numbers.

RtI concentrates on what will be done for the students and how it will be done rather than where it will be done and who will do it. This is an attempt to provide opportunities for general education and special education personnel to work together for the needs and supports of students. RtI allows students to get the assistance as soon as they need it rather the “wait to fail” approach.



The Montana RtI guide provides the information needed for schools to establish an RtI process or use it as a resource for the continual development of the process.

“Responsiveness-To-Intervention: A Blueprint for Practitioners, Policymakers, and Parents” (Fuchs & Fuchs, 2005) provide a four-step blueprint for RtI. Step I is a screening process that is the responsibility of general education administered in the first month of school to identify those students who are at risk. Step 2a implements classroom instruction (Tier 1) and is the responsibility of general education. Step 2b is monitors the students’ responsiveness to classroom instruction and again in the responsibility of general education. Step 3a (Tier 2) implementing a supplemental, diagnostic instructional trial which is the responsibility of general education and special education. Fuchs and Fuchs (2005) believe this trial should be explained to parents and parental consent is required. Step 3b (Tier 2) involves monitoring the responsiveness to the supplementary, diagnostic trial and is the responsibility of special education and general education. Step 4 provides an individualized comprehensive evaluation

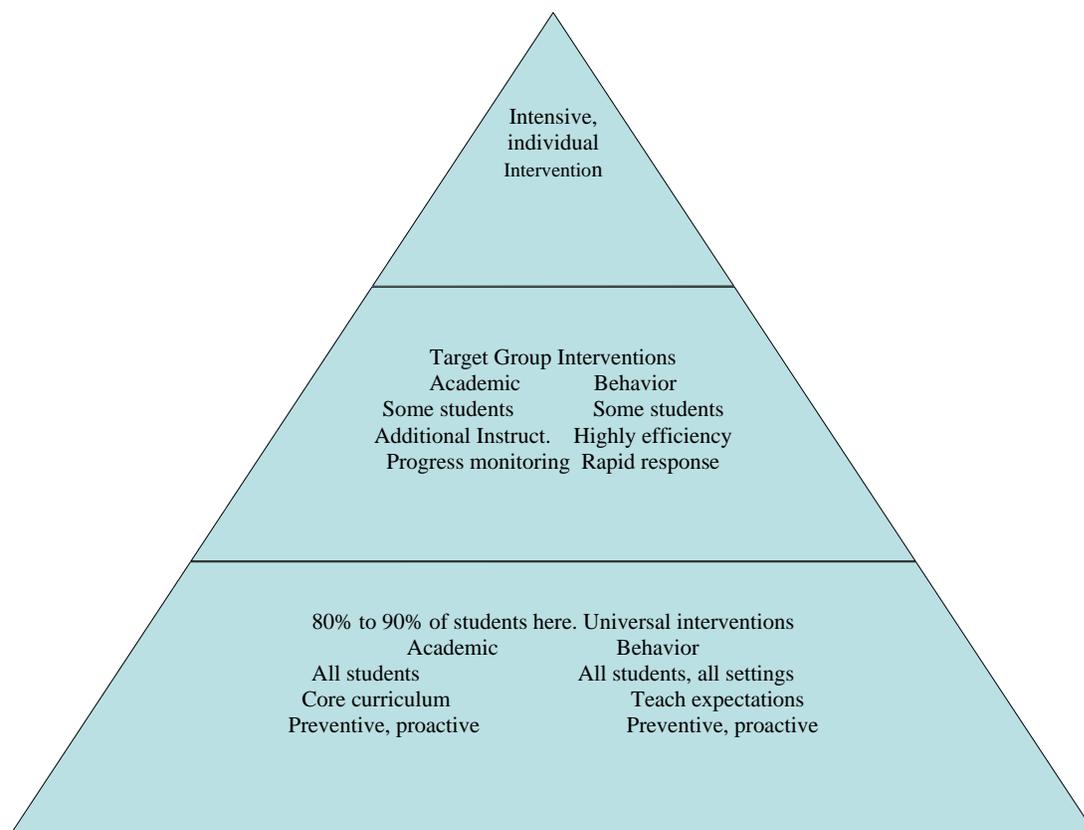
for the students who are not successful at Tier 2. The safeguards of IDEA need to be addressed and explained to parents. Written parental permission is required for the comprehensive evaluation.

Fuchs and Fuchs (2005) provide case studies to demonstrate how decisions are reached. For measure students reading level, teachers use curriculum-based measurement word identification fluency (CBM-WIF) with the high frequency words being taken from preprimer, primer, and first grade words. All first grades are screened on two alternate forms of the CBM-WIF and the scores averaged together. Students who score lower than 15 are likely to have reading difficulty unless supports are put into place. Teachers use the validated reading curriculum of Open Court at Tier 1. Tier 2 instruction is modeled after a research-backed, first grade tutoring protocol. Students receive instruction four times each week in groups of 1-3 with paraprofessionals who have had formal training and are observed once a week by the reading teacher.

Some examples: Aretha scored 22.5, which exceeds the cut-off score of 15 so she is not considered at risk. Gladys scored 10.5 and is below the 15 point cut off score. She was determined to be at risk so her performance was monitored each week for 8 weeks. Her reading increase each week at a rate of 1.8 and was greater than 1.0 that was considered necessary for a positive response. Tina scored 5.5, well below the cut-off score of 15. She was monitored for 8 weeks in Tier I instruction but she is not demonstrating growth with increases of 0.4; therefore, she entered Tier II intervention after parental permission was obtained. Tina was monitored for 8 weeks and showed a weekly increase of 1.7 which is above the 1.0 needed to demonstrate growth. She was determined not to need special education services. Ella, when screened in September had a score of 5.5 and is below the cut-off score of 15. She was monitored for 8

weeks with Tier I instruction with gains of 0.2 when she needed to be scoring at the 1.0 level. With parental permission, Ella was placed in Tier II intervention and monitored for 8 weeks. Her growth in Tier II was 0.5, again below the required 1.0. Because she failed to demonstrate the needed reading growth, she was recommended for a comprehensive evaluation. After a review of the evaluation information, Ella was determined to be LD. This blueprint and case study examples provide practitioners and parents with information to gain a greater understanding of the RtI process.

McIntosh, Chard, Boland, and Horner (2006) discuss using the Response to Intervention (RtI) model for both academics and behavior concerns. This model is based on a student's response to an intervention to assist in learning academics skills or learning acceptable behavioral skills (Gresham, 2001). Their model resembles a pyramid with universal interventions at the base of the design. Intensive, individual interventions for academics, specifically tailored instruction and progressed monitored is for individual students. For behavior, it is intensive, individual interventions for individual students, intensive, individualized plans and function-based support. The behavior model is School-Wide positive behavior support (SWPBS) from Positive Behavior Interventions and Supports (PBIS), an organization under the Office of Special Education programs of the U.S. Department of Education (Education world, 2009). The SWPBS has a focus of redesigning the environment by defining, posting and teaching the expected behaviors. The non-classroom areas are well supervised and monitored. Additional supports are provided to change the overall climate of the school.



For McIntosh et al., (2006) study, the school wide beginning reading program had the components of phonemic awareness, alphabetic principle, fluency, vocabulary, and comprehension. The behavior program followed the format described above under SWPBS. The reading program and SWPBS was mandated by district administration and had been in place about five years.

The setting of the study (McIntosh et al., 2006) was a midsized city in the Pacific Northwest that had a rapidly growing school district with six elementary schools. In 2001-2002, the total district enrollment K-12 was 5,246 students with demographics of 2% Asian American/Pacific Islander, 2% Native American, 7% Hispanic or Latino, and 87% Euro

American. Five of the six schools qualified for Title I assistance with free or reduced lunch ranged from 37% to 63%. The children in the district had a high rate of mobility and 10% were at or below poverty level.

The participants in the study were all K thru third grade students (N-1,653). The *Dynamic Indicators of Basic Early Literacy Skills* (DIBELS) was used for reading assessment to determine which students were below the benchmark and office discipline referrals (ODR) was used for the behavior measurement. Office discipline referrals were written for various behavioral violations and a major ODR is written for such things as fighting, harassment, vandalism or noncompliance. There was a process set up within the system for addressing the major ODRs. In the RtI pyramid and for the purpose of McIntosh et al., study, 1 major referral for the year, placed the student in universal interventions category. Two to five ODR's placed the student at the target group level for additional support. The intensive level of support was for students who received six or more referrals per year.

DIBELS was used to divide the students into groups in regard to universal interventions, targeted intervention, or intensive intervention depending upon the student's level of reading skills. DIBELS assesses reading skills such as initial sound fluency, letter name fluency, phoneme segmentation fluency, nonsense word fluency, retell fluency and oral reading fluency (ORF) (Good & Kaminski, 2003). The DIBELS assessment is usually done three times a year to determine where the reading skill development is in relation to the benchmarks (Good & Kaminski, 2003).

According to the data, in kindergarten there were three students (n-446) who were below benchmark and had received two or more ODR's. In first grade, 19 students (n-412) were below benchmark and had two or more ODR's. Second grade 8 students (n-385) were identified in

both areas. Two students in third grade (n=442) were below benchmark and had received two or more ODR's. They discuss that 3% needed support in reading (2% targeted and 1 % intensive) and 8% needed support in behavior in third grade. The researchers conclude that research that there is a link between academic and behavioral challenges and that "they are too closely linked to approach independently and intervene separately" (p. 152). Using the three-tiered model appears to provide benefits in both academics and behavior.

The research demonstrates that there may be little difference in the students who qualify for special education services and those who do not. In fact, at times students who should have qualified did not and those who did qualify should not have (Ysseldyke et al., 1982; Ysseldyke & Algozzine, 1983; Gottlieb & Alter, 1994; Gillen, 1997; Fuchs et. al, 2001; Kaznowski, 2004). Data should be an important part of qualifying students for special education but the research found that the data was not always used and the teachers' desire often determined the special education placement of the student (Ysseldyke, et al., 1982; Ysseldyke & Algozzine, 1983; Ysseldyke et al., 1983; Foster et al. 1984; Gresham et al., 1997; MacMillan et al., 1998; Egyed & Short, 2006). Reschly and Hosp (2004) provide information about classification of specific learning disabilities across states and other differences in policies and practices.

Disproportionality and overrepresentation of students in special education based on racial or ethnic backgrounds, socioeconomic status, gender, national origin or English proficiency occurs in different states depending of the student demographics within those states is discussed and recommendations provided (Gottlieb & Alter, 1994; Artiles et al., 2002; Hosp & Reschly, 2004; Ferri & Connor, 2005; NEA, 2006; DRR, Gravois & Rosenfield, 2006; Fricano & Kuhn, 2009). The teachers' ethnic and cultural background and their understanding of other cultures, and poverty influences referrals to special education.

English language learners and special education is another topic addressed in the literature review. The researchers in this section recommended that it is important to look at classroom ecology, and well as the amount of support in their native language that the English languages learners were provided in school (Artiles & Ortiz, 2002; Klingner et al., 2006; Artiles & Klingner, 2006; Klingner and Harry, 2006). It is mentioned more than once that if students are in special education at least they will get the help they need; however the research did not support this concept (Artiles & Ortiz, 2002).

Response to Intervention is discussed and its positive possibilities of addressing the needs and providing interventions and support in the general education classroom to the students at risk for being labeled with a specific learning disabled (Fuchs & Fuchs, 2005; Hales, 2008; Montana RtI, 2008; McIntosh et al., 2006). In the majority of the subsections of qualifying students for special education, the researchers in the field are looking to RtI, with the interventions and supports for students so they can all be successful as a better model than the “wait to fail” that has occurred in the past. The concept of providing specific interventions determined by the assessment needs of the student with time lines and progress monitoring is regarded as helping the student be success. Fuchs and Fuchs (2005) provided excellent examples of how the process can work.

As the literature review demonstrates, in many studies there are comparison between students who qualified for special education, those who did not qualify. For this study the student who did not qualify are called non-qualifying students. In the majority of studies, what happens to this group of students is not discussed nor do the studies indicate that the students received any kind of support to be successful.

CHAPTER THREE: METHODOLOGY

Statement of Purpose

The purpose of this study was to determine what interventions are used within school systems to address the needs of non-qualifying students in reading and how these interventions may have contributed positively or negatively to student scores on the MontCAS testing. It included the number of years a school has been in the RtI process to determine the relationship between that process and the rate of referrals.

Research Design

The design for this comparative study was a quantitative research paradigm (Creswell, 1994). The study used descriptive data provided by the Montana schools participating in the data collection. The data was compared in regards to the grade level of the student; reason for the referral from a checklist provided; reason the student did not qualify from a checklist provided; and scores on the MontCAS from the year prior to the referral, the year of the referral, and the year after the referral. Two other checklists provided for comparisons were the academic interventions and the number of years the school had used the Response to Intervention process. In addition, comparisons of the MontCAS scores were made between the year prior to the referral and the year of the referral, the year of the referral and the year after the referral, and the year before the referral to the year after the referral.

Research Question

Within a school system, how are the needs of the non-qualifying students for special education addressed, what supports are put in place, and what interventions are used?

Supporting Questions

For this study, ten supporting questions help answer the research question.

1. Is there a relationship between the reasons a special education referral is made by a teacher and the grade level during which the referral is made?
2. Is there a relationship between the reason for the referral and the reason the student did not qualify?
3. Is there a relationship between the MontCAS reading score the year prior to referral and the score from the year of the referral?
4. Is there a relationship between the MontCAS reading score the year of the referral and the score from the year after the referral?
5. Is there a relationship between the MontCAS reading score the year prior to the referral and the score from the year after the referral?
6. Is there a relationship between the academic intervention and the student's scores on the MontCAS reading assessment?
7. Is there a relationship between the reasons for the referral and the academic interventions used?
8. Is there a relationship between the academic interventions and number of years, the school has had the RtI process.
9. Is there a relationship between student scores on the MontCAS reading assessment and the number of years the school has had the RtI process?
10. Is there a relationship between the size of the school/district and their willingness to participate in the study?

Population and Sample

The population for this study consisted of the students who fit the criteria, drawn from all schools in the state of Montana whose superintendents and school boards gave approval to

participate in the research. Names of superintendents, principals and special education directors were obtained from the 2009-2010 Directory of Montana Schools (Montana OPI, 2009). The researcher had a list of 39 districts and schools who were willing to participate in this study as of December of 2006.

This study involved students in grades 4-7 referred for special education evaluation in the 2007-2008 school year. The rationale for these dates was that using longitudinal data from the Montana Analysis and Reporting System (MARS) was an easier process for members of school staffs who provided the data about the students to the researcher. School personnel were able to provide reading scores from the year before referral, the year of the referral and the year after referral for those students referred for special education evaluations who did not qualify.

This study used a multistage sampling (Creswell, 1994) as the researcher first obtained the name of schools and districts in the State of Montana and names of superintendents, principals and special education directors from the 2009-2010 Directory of Montana Schools. The school personnel had their methods of identifying the students, as the researcher did not have need to access specific student names.

Limitations

One limitation may be that all schools do not have easy access to the records of the students who were referred but did not qualify. Another limitation was that not all schools' administrative software programs are compatible with the recently established Montana State Student Information System called Achievement in Montana (AIM). Within each school there will need to be personnel willing to take the time to provide the data requested. Due to obtaining data only from schools in Montana, this study has limited generalizability.

Delimitations

This study was restricted to Montana Schools whose administrators and school boards were willing to approve participation in the study.

Data Collection Procedures

Using the Directory of Montana Schools provided by the Office of Public Instruction, all superintendents, principals, and special education directors at each school were sent a Letter of Invitation to participate (see Appendix I) and provided with the data collection tool (see Appendix J) at the end of January 2010, along with a stamped return envelope. Letters were also sent to Special Education Cooperative directors in case their office kept the records of the students referred who did not qualify. The researcher contacted by phone or in person those individuals who had indicated in December 2006 that they would be glad to help with the study. The data chart was emailed to the participants so they would be able to do the data collection online and e-mail it to the researcher. A follow-up e-mail was sent two weeks later, using the School Administrators of Montana list serve. The amount of data that was sent to the researcher either by letter or email was checked to ascertain if there were enough participants to start running the data. Since there was not enough data, personal phone calls were made and additional e-mails sent using the Office of Public Instruction Directory of Montana Schools. Any concerns in regard to the Family Education Rights and Privacy Act (FERPA) and confidentiality was addressed in this research, as only the school personnel would know the identity of the students whose data was provided to the researcher. School personnel provided data with the approval of the school superintendent; therefore, there was no direct contact between the students and the researcher. To run the analysis of data, the information provided by the schools was stored on the researcher's computer, which is protected by McAfee Virus and

Firewalls. Information was shared with the researcher's dissertation chair to assist the researcher in running data. The researcher securely stored all paper and electronic copies of information provided by the schools.

Analyzing the Data

The dependent variable for this study was the number of students referred for special education evaluation who did not qualify. The evaluation information and data did not support qualifying for students in any of the 13 disability categories using special education criteria. Independent variables were grade level of the student when referred; reason(s) for the referral; reason(s) for not qualifying; and scores for reading on the MontCAS test for the year prior to the referral, the year of the referral and the year after the referral. Other independent variables were the academic interventions, and how many years the RtI process had been in place within the school.

A data collection tool was provided, requesting the use of a student identifier determined by school personnel for confidentiality. Other information requested was the grade level of the student at the time of the referral; a checklist of reasons for the referral; a checklist of why the students did not qualify; and MontCAS scores for the year before the referral, the year of the referral and the year after the referral. Two other areas of information requested were an academic interventions checklist and a checklist for the number of years the school had had the RtI process in place.

To ascertain the feasibility of collecting the requested data, the data collection chart and ideas for answering the research questions was piloted with three special education directors and one special education coordinator. The letter to the schools was piloted with one elementary principal and one school superintendent. These discussions prompted revisions and refinement of

the data collection chart for ease of data collection for school personnel. The Invitation to Participate letter to the schools was revised and refined. The data was collected and reported by school personnel on the provided data collection charts. There was the possibility of the researcher obtaining permission from the school to access the data and report the data on the charts herself. The confidentiality assurance and permission would have been completed; however, no school took advantage of this offer.

In Chapter 2, the research established that there were times when students who should have qualified for special education did not, and when those who did qualify should not have done so under any specific disabilities category (Ysseldyke et al., 1982; Ysseldyke & Algozzine, 1983; Gottlieb & Alter, 1994; Gillen, 1997; Fuchs et. al, 2001; Kaznowski, 2004). Other research reported that a teacher's desire for a student to be placed in special education had more importance than considering the data (Ysseldyke, et al., 1982; Ysseldyke & Algozzine, 1983; Ysseldyke et al., 1983; Foster et al. 1984; Gresham et al., 1997; MacMillan et al., 1998; Egyed & Short, 2006). The research suggested that disproportionate and overrepresentations of some populations of students in special education may have been influenced by teachers' ethnic and cultural background and their understanding of other cultures and poverty (Gottlieb & Alter, 1994; Artiles et al., 2002; Hosp & Reschly, 2004; Ferri & Connor, 2005; NEA, 2006; DRR, Gravois & Rosenfield, 2006; Fricano & Kuhn, 2009). For English language learners in special education, it is important to look at classroom ecology, as well as the amount of support in their native language that the English languages learners are provided in school (Artiles & Ortiz, 2002; Klingner et al., 2006; Artiles & Klingner, 2006; Klingner and Harry, 2006).

Because of the time consuming nature of having schools provide supporting data, gathering information about students' ethnic/racial background, level of socioeconomic status,

and whether the students were English language learners was not part of this study. However, in some schools these demographics of the student populations appear to influence special education referrals. The Response to Intervention model offers a possibility of helping all students be successful within a school, and several researchers shared that this was their hope (Fuchs & Fuchs, 2005; Hales, 2008; Montana RtI, 2008; McIntosh et al., 2006).

A system for coding each element was determined and the information entered into a database. There were numerous comparisons of relationships within the data that were completed, including: 1) At what grade level were the majority of students referred? 2) Does there appear to be a relationship between referrals and the reason for the referral in the area of reading? 3) Does there appear to be a relationship between the reason for the referral and MontCAS reading scores?

The population for the study was those students who were referred for special education and did not qualify during the school year of 2007-2008. Letters and the data collection tool were sent by letter and emailed to the elementary and secondary school administrators and special education directors in the State of Montana. The data collected as a result of school personnel completing the data collection tool was put into a database and analyzed in regard to the research questions asked.

Summary

A teacher's concerns about the student's academic skills resulted in the student being referred for a special education evaluation but the student did not qualify. This study was designed to determine what interventions and supports were provided to non-qualifying students for special education. Different categories of information were requested on the form: the student's grade level at the time of the referral, the reasons for the referral, why the student did

not qualify, the MontCAS reading assessment scores for the year prior to the referral, the year of the referral, and the year after the referral, interventions used, and status of the school's implementation of RtI.

CHAPTER FOUR: RESULTS

Introduction

This study investigated information about the students referred for special education evaluation, their grade level at the time of the referral, and the reasons why the students did not qualify for special education services. The relationships between the reasons for the referral and the interventions used were determined. The study was designed to include MontCAS scores from the year prior to the referral, the year of the referral, and the year after the referral to determine if the interventions helped the students gain academic success. Another question was whether there appeared to be a relationship between the referral and the schools' progress in developing the Response to Intervention model.

This study specifically addresses the research question "Within a school system, how are the needs of the non-qualifying students for special education addressed, what supports are put in place, and what interventions are used?" In this study, ten supporting questions were used to answer the research question.

1. Is there a relationship between the reasons a special education referral is made by a teacher and the grade level during which the referral is made?
2. Is there a relationship between the reason for the referral and the reason the student did not qualify?
3. Is there a relationship between the MontCAS reading score the year prior to referral and the score from the year of the referral?
4. Is there a relationship between the MontCAS reading score the year of the referral and the score from the year after the referral?

5. Is there a relationship between the MontCAS reading score the year prior to the referral and the score from the year after the referral?
6. Is there a relationship between the academic intervention and the student's scores on the MontCAS reading assessment?
7. Is there a relationship between the reasons for the referral and the academic interventions used?
8. Is there a relationship between the academic interventions and number of years, the school has had the RtI process.
9. Is there a relationship between student scores on the MontCAS reading assessment and the number of years the school has had the RtI process?
10. Is there a relationship between the size of the school/district and their willingness to participate in the study?

This chapter covers the results and analysis of the data collected during the study. The results begin with the number of letters sent to superintendents, principal and special education directors in the state of Montana. Each relationship is discussed.

Responses to *Invitation to Participate* letters

The Invitation to Participate letters and data collection tools were sent to 550 superintendents, principals, and special education directors throughout the state of Montana at the end of January 2010. Twelve school districts accounting for 31 schools provided data for nineteen students for the three years requested in the study. Data for an additional six students was provided for the year of the referral and the year after the referral. Data from four schools was for grade levels that were not part of the study. This is a very small sample size but the total number of students within these twelve school districts totals 11,105 students. The smallest

school district has two students, and the Special Education Cooperative Director submitted information on one student from this school. The next size school has 81 students and the largest school has 2,167 students.

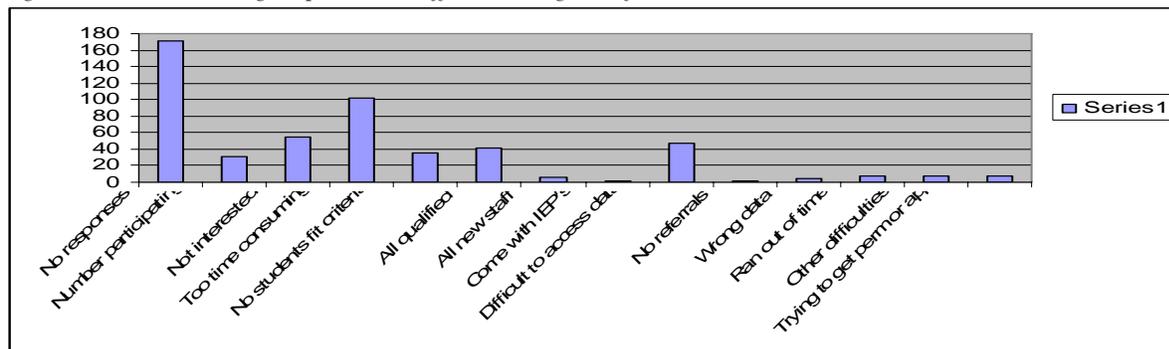
There were no responses from 171 (31%) districts and schools. Other responses to the study request included fifty-four (10%) schools who were not interested in participating and another 102 (18.5%) who stated it was too time consuming. Thirty-six (6.5%) other schools had no students that fit the study criteria of being referred and in fourth to seven grade, 41 (7.5%) schools had qualified all the students that were referred, and two (.3%) schools had no referrals during the 2007-2008 school year. Twelve (2%) schools responded that the data was too difficult to access. Eight (1.5%) school districts wanted to participate were not able to meet the data collection deadline. For two (.3%), schools, e-mails were undeliverable even after the researcher checked with the individuals on accuracy of the e-mail address. For three (.5%) schools that had planned to participate, the contact e-mails went into their junk mail, and they did not discover this problem until it was too late to try to provide the data. The superintendents of two (.3%) schools, because of the school size, were concerned about confidentiality; and one principal was interested in participating but did not have the correct grade level for the study. Eight (1.5%) schools were interested in participating but were not able to receive permission from parents, special education directors or superintendents. In six (1%) schools, there were all new staff, who did not know where to locate the data. In one (.2%) school, the students all came with IEPs.

Table 1. *Responses in different categories from schools and districts.*

No responses	Number participating	Not interested	Too time consuming	No students fit criteria	All qualified	All new staff	Come with IEP's	Difficult to access data	No referrals	Wrong data	Ran out of time	Other difficulties	Trying to get perm or app.
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Figure 1. Chart showing responses in different categories from schools and districts.



There was a total return rate of (348) 63% and a no response rate of (171) 31%. In several cases superintendents served in the capacity of special education directors, accounting for the other (31) 6%. Several of the principals and other school personnel who indicated in 2006 that they would provide data, were not provided that opportunity because of decisions by superintendents or special education directors.

Answering the Support Questions:

Supporting question 1:

Is there a relationship between the reason a special education referral is recommended by a teacher and the grade level when the referral is made?

Information for supporting question 1:

Referrals were made for each grade level, fourth through seven grades, in the study. Referrals for two third graders who did not have a MontCAS score for third grade but did have scores for between fourth and fifth grade, were included in part of the study. They each had a loss of 19 points on the test. There were six referrals for students at the fourth grade level, with one having a loss of sixteen points while the other fourth graders gained between six to forty-seven points. At the fifth grade level, there were six referrals, with one student who had received no interventions making no gains, and two fifth graders losing six points on their scores. One

student gained five points, one student gained nine points and another student had a gain of 10 points.

Four sixth grade students were referred, with one sixth grader having a loss of 19 points and three students making gains of 2, 9, and 10 respectively. One seventh grader had the greatest number of referral reasons, seven. One student had a loss of eight points, one had a loss of 16 points, another student had a loss of 25 points, and a fourth seventh grade student lost 30 points. Of three seventh grade students showing positive results, one had a gain of 12, and two others each had a gain of 27.

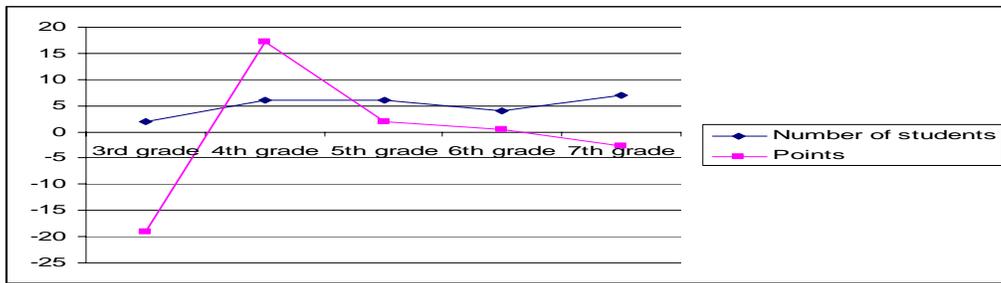
Table 2. Grade level, number of student, score total increase or decrease, points gained or lost with number of students at each level.

Grade the student was referred	Number at grade level	Total scores gain/loss by grade level referred	Average increase	Number of students who gained points	Number of students who lost points	Stayed the same	pearson r
3rd	2	-58		0	-29points for 2		0.05535
4th	6	103	17 point	5	-16points for 1		
5th	6	12	2 points	3	-6 points for 2	1	
6th	4	2	.5 points	3	-19 pts for 1		
7th	7	-19	20 points	3	-19.75 for 4		
	25			14	10	1	

Table 3. Grade levels, individual student scores and average gain or loss for 25 students.

	3rd grade	4th grade	5th grade	6th grade	7th grade
	-19	15	0	-19	-16
	-19	24	-6	2	21
		6	-6	9	-30
		-16	10	10	27
		47	9		-25
		27	5		12
					-8
Number of students	2	6	6	4	7
	-38	103	12	2	-19
	-19.00	17.17	2.00	0.50	-2.71

Figure 2. Displaying the grade level points and the number of students at each grade level



Looking at tables 2 and 3 and figure 2, number of the teachers' referral for special education testing and the grade level of the referrals, no one grade that has a clear majority of referrals. The two third grade students are actually outliers as this grade level was not part of the original criteria for the study participation. It is interesting that the majority of referrals came at the seventh grade level and two students in this group had a considerable decrease in scores.

The following two figures address hypotheses two through four and the twenty-five students' data are used in the figures.

Figure 3. Provides the positive changes in student scores in the years 2006 to 2009

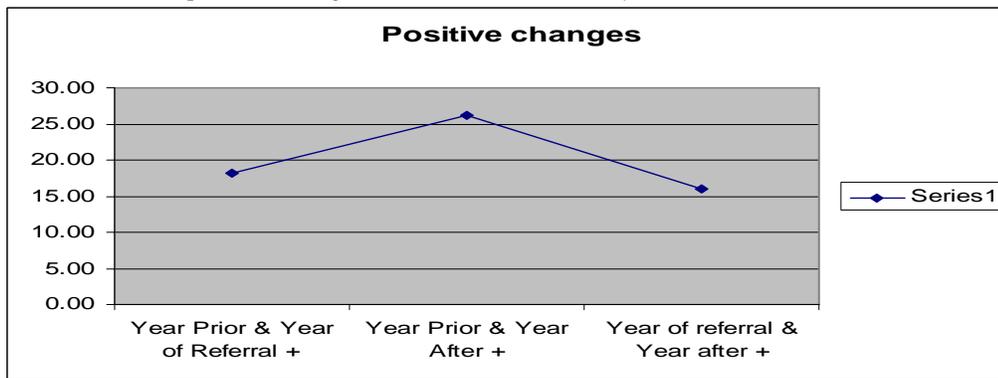
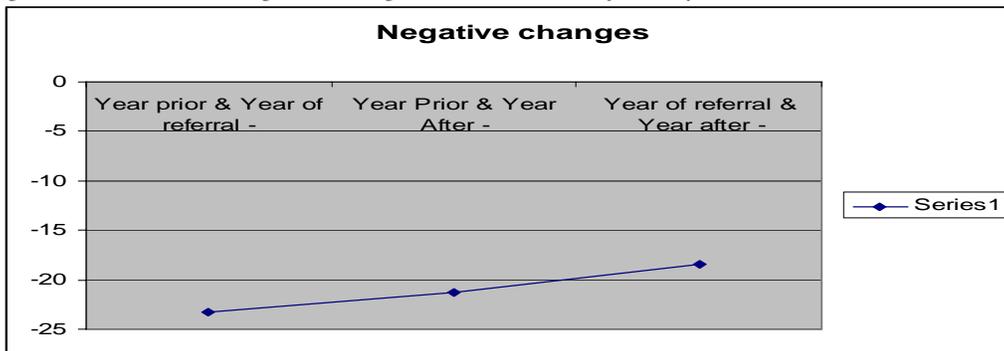


Figure 4. Provides the negative changes in student scores for the years 2006 to 2009



The positive chart shows that both the year prior to the referral and the year of the referral the students on the average scored higher than the year after the referral and after interventions had been provided to the students. The chart that displays students with negative gains shows that there was improvement in the scores from the year of the referral to the year after the referral. A word of caution for these two charts as they demonstrate all the students for whom data was provided and students were placed in a positive or negative figure depending upon their scores.

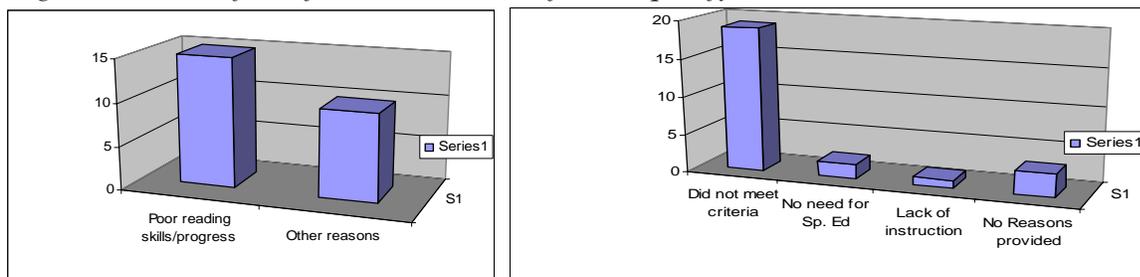
Supporting question 2:

Is there a relationship between the reason for the referral and the reason the student did not qualify?

Information for supporting question 2:

There are four possible reasons that students would not qualify for special education services. (1) Student did not meet disability criteria, (2) student does not demonstrate a need for special education, (3) there has been a lack of instruction, or (4) the student has Limited English Proficiency.

Figure 5. Reason for referral and reasons for not qualify.



There were fifteen students who had some type of reading difficulties referred for special education evaluation and ten students who were referred for other reasons. The data does not establish a relationship between the reason for the referral and why the student did not qualify.

Supporting question 3:

Is there a relationship between the MontCAS reading score the year prior to the referral and the year of the referral?

Information for supporting question 3:

Table 4. Shows proficiency level and the increases or decreases in scores for the 2006-2007(year prior to referral compared to 2007-2008 (the year of the referral)).

Student ID	yr 06-07	Proficiency level	yr 07-08	Proficiency level	Difference
8380	270	Proficient	278	Proficient	8
8500	262	Proficient	287	Proficient	25
7290	218	Novice	220	Novice	2
6338	218	Novice	243	Nearing Proficiency	25
6933	218	Novice	233	Nearing Proficiency	15
6406	200	Novice	246	Nearing Proficiency	46
3895	281	Proficient	298	Advanced	17
B3	223	Novice	237	Nearing Proficiency	14
8060	273	Proficient	284	Proficient	11
	2163		2326		163
	240.33		258.44		18.11
3525	263	Proficient	251	Proficient	-12
8843	255	Proficient	244	Nearing Proficiency	-11
7238	241	Nearing Proficiency	206	Novice	-35
3882	282	Proficient	265	Proficient	-17
3854	289	Advanced	268	Proficient	-21
3869	284	Proficient	252	Proficient	-32
3856	300	Advanced	273	Proficient	-27
5290	236	Nearing Proficiency	222	Novice	-14
5206	221	Novice	215	Novice	-6
B4	294	Advanced	236	Nearing Proficiency	-58
	2402		2181		-221
	240.20		218.10		-22.10

Data provided for nine students for the year before the referral and the year of the referral shows an average positive gain of 18.11 points. Six of the nine students had poor fluency and/or poor comprehension; for the other three the referral was due to other concerns. As stated in the literature review, the referral most often comes from a teacher's concern about a student's progress.

In that same period of time, 2006-2007, ten students demonstrated an average loss of 22.10 points. When students are not making progress in learning, it makes sense to refer them for special education evaluation but the researcher does not know if this data was part of what prompted the referral. The research did not delve into whether any interventions or supports were provided between these two years. Even though there are differences in scores, there is no significant relationship.

Supporting question 4:

Is there a relationship between the MontCAS reading score the year of the referral and the year after the referral?

Information for supporting question 4:

Table 5. Shows the proficiency level and increases or decreases in scores for 2007-2008 (year of referral) to 2008-2009 (year after referral).

Student ID	yr 07-08	Proficiency level	yr 08-09	Proficiency level	Difference
8380	278	Proficient	293	Advance	15
8500	287	Advanced	287	Advance	0
8843	244	Nearing Proficiency	268	Proficient	24
6338	243	Nearing Proficiency	264	Proficient	21
6406	246	Nearing Proficiency	273	Proficient	27
3882	265	Proficient	271	Proficient	6
3869	252	Proficient	299	Advance	47
3856	273	Proficient	285	Proficient	12
5206	215	Nearing Proficiency	225	Nearly Proficiency	10
8526	200	Novice	209	Novice	9
B2	247	Nearing Proficiency	252	Proficient	5
B3	237	Nearing Proficiency	239	Nearly Proficiency	2
B4	236	Nearing Proficiency	263	Proficient	27
8060	284	Proficient	293	Advance	9
8846	263	Proficient	273	Proficient	10
	3770		3994		224
	251.33		266.27		16.00
7238	206	Novice	200	Novice	-6
6933	233	Nearing Proficiency	203	Novice	-30
3854	268	Proficient	252	Proficient	-16
3895	298	Advanced	273	Proficient	-25
5290	222	Novice	203	Novice	-19
2661	262	Proficient	233	Nearly Proficiency	-29
2662	262	Proficient	233	Nearly Proficiency	-29
8018	225	Nearing Proficiency	217	Novice	-8
3525	251	Proficient	235	Nearly Proficiency	-16
7290	220	Novice	214	Novice	-6
	2447		2263		-184
	244.7		226.3		-18.4

In this data, fourteen students had average gains of 16 points. One student's score remained the same between these two years. The average for ten other students shows that they had changed in their proficiency from -22.10 (year before referral) to a -18.40 (year of the referral). There are score differences but the relationship in the MontCAS reading scores between the year of the referral and the year after the referral is not established.

Supporting question 5:

Is there a relationship between the MontCAS reading score the year prior to the referral and the year after the referral?

Information for supporting question 5:

Table 6. Shows the proficiency level and increases or decreases in scores for 2006-2007 (year prior to referral) to 2008-2009 (year after referral).

Student ID	yr 06-07	Proficiency level	yr 08-09	Proficiency level	Difference
8380	270	Proficient	293	Advance	23
8500	262	Proficient	287	Advance	25
8843	255	Proficient	268	Proficient	13
6338	218	Novice	264	Proficient	46
6406	200	Novice	273	Proficient	73
3869	284	Proficient	299	Advance	15
5206	221	Novice	225	Nearing Proficiency	4
B3	223	Novice	239	Nearing Proficiency	16
8060	273	Proficient	293	Advance	20
	2206		2441		235
	245.11		271.22		26.11
7290	218	Novice	214	Novice	-4
3525	263	Proficient	235	Nearing Proficiency	-28
7238	241	Nearing Proficiency	200	Novice	-41
6933	218	Novice	203	Novice	-15
3882	282	Proficient	271	Proficient	-11
3854	289	Advanced	252	Proficient	-37
3856	300	Advanced	285	Proficient	-15
5290	236	Nearing Proficiency	203	Novice	-33
3895	281	Proficient	273	Proficient	-8
B4	294	Advanced	263	Proficient	-31
	2622		2399		-223
	262.2		239.9		-22.3

Table 6 shows a positive mean change of 26.11 for nine students (however two of these students were extreme outliers with 73 and 46 points growth). When the outlier scores are removed from determining the mean of other seven students, there is a positive change in score of 16.57. There was a negative change of 22.30 for ten students. There are changes in the MontCAS scores, but the relationship between the three years is not established with the data.

Adding all the scores together for each year of the three-year matches provides the mean score of the nineteen students whose data is provided. For 2006-2007, the mean is 254.11 and for 2007-2008, it is 250.42, a loss of 3.68 difference. These scores would be just above the scaled score for Proficient level of 250. Comparing the mean of 2007-2008 of 250.42 to the mean of 2008-2009 of 254.74, there is a difference of 4.32. These mean scores would be in within the Proficient level on the MontCAS proficiency levels even though all the students in the study had been referred for special education evaluation.

Supporting question 6:

Is there a relationship between the academic interventions and the Students' scores on the MontCAS reading assessment?

Information for supporting question 6:

Table 7. Table showing gains and loss on MontCAS reading assessment and the interventions used.

freq gain	gain	average gain		Loss	average loss	
2	19	9.5	4	-82	-20.5	Work one on one
3	46	15.3	4	-73	-18.25	Work in small group
1	27	27.0	0			Referred to reading lab
3	28	9.3	5	-78	-15.6	Received Title I assistance
4	63	15.8	2	-25	-12.5	Modified or shortened assignments
2	19	9.5	3	-44	-14.67	Increased reading time
0			0			Textbooks on tape
1	15	15.0	0			Different teacher
1	47	47	0			Extra prompts and redo work

Table 7 unfolds the following information concerning academic gains and student scores on the MontCAS reading assessments. Working one-on-one, two students gained 9.5 points on the reading assessment while four students lost an average of 20.5 using the same intervention. Small group work produced results for three students with an average gain of 15.3 but not for four students whose scores dropped 18.25 points. Being referred to the reading lab increased one student's scores by 27 points. Receiving Title I help did not provide success for five students

whose scores decreased an average of 15.6 points but was helpful to three students who gained an average of 9.3 points. The “modified or shortened assignments” intervention proved the most advantageous for students, with four students gaining 15.4 points. Even though two other students’ scores decreased by 12.5 points, that was the least amount of decrease from all the interventions used. Increased reading time did not assist three students whose average decreased by 14.66 points but did assist two students to increase their scores by 9.5 points. While beyond the scope of the study, what is actually done in these various settings is key. Working one-on-one, small group, reading lab, all describe the context of the intervention, but not the intervention itself or qualifications of the individual who was providing the interventions. What the students are actually doing is not describe-- flash cards, sight words, corrective reading, reading mastery, reading recovery, Rewards program, worksheets. This data does not provide information about the similarities and differences of the various interventions within the different school settings.

Table 8. Proficiency levels for reading and scaled scores for third through seven grades.

	Scaled Scores				
Proficiency Level Reading	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7
Advanced	285-300	288-300	287-300	289-300	289-300
Proficient	250-284	250-287	250-286	250-288	250-288
Nearing Proficiency	225-249	225-249	225-249	225-249	225-249
Novice	200-224	200-224	200-224	200-224	200-224

Table 9. Individual students whose scores changed from negative to positive or positive to negative

Vertical columns of scores	yr 06-07	yr 07-08	Difference	yr 07-08	yr 08-09	Difference
7290	218	220	2	220	214	-6
6933	218	233	15	233	203	-30
3895	281	298	17	298	273	-25
B4	294	236	-58	236	263	27
8500	262	287	25	287	287	0

In individual student statistics, some scores moved from positive to negative and some from negative to positive. Student #7290, referred for poor reading comprehension, was provided the interventions of one on one, small group work, Title I assistance and modified

assignments; but went from a score of 220 to 214, a decrease of six points, and remained at the novice level on the MontCAS. Student # 6933 in 07-08 had a score of 233 (nearing proficiency), but the score changed to 203 (novice) after using small group work as an intervention. In 07-08, student #3895 scored at 298 (advanced) but was referred for other reasons. Although the interventions recommended were not provided, there was a score decrease of 25 points, changing the student's status from advanced to proficient. Another student, B4, referred for poor reading fluency and poor reading comprehension, scored 236 (nearing proficiency) in 2007-2008. This student was provided small group assistance, resulting in an increase of 27 points (263) which moved the student to proficiency status. Student #8500, who was referred for other reasons and for whom no information on interventions was provided, had the same score of 287 (advanced) the following year.

Table 10. Number of interventions and students who had positive and negative scores.

Number of interventions	Number with + gains	Number with - decrease
No interventions and no score gain	1	
No interventions	5	2
One	6	3
Two	1	2
Three	1	1
Four	1	2

No interventions were provided for one student and there was no increase his score. Seven students had no interventions and five gained in points while two students' scores decreased. One intervention proved successful with six students who gained in scores, but not for three whose scores decreased. Two interventions were not successful for two students but two interventions did help another student. Using three interventions helped one student but another student's scores decreased. The same results occurred when four interventions were used, i.e. students increased or decreased in scores. There were no consistent patterns.

Shortened and modified assignments were used for six students with four students demonstrating score increases ranging from nine to 24 points and two students decreasing in scores from six to -19. This intervention was used with five students who had been referred for poor reading comprehension, two of whom also had poor reading fluency, and one who had a poor attitude. One student was referred for other reasons. The majority of the students in the modified assignment group were referred for reading comprehension and it is hard to know the reasons this intervention was used rather than one more directly associated with reading comprehension.

One-on-one assistance was provided for six students, two of whom had positive gains of 9 and 10 points respectively, while four students' scores declined ranging from six to 29 points. Five students' referrals were for reading comprehension, two students had poor fluency and one student had difficulties with sight words. Poor attitude was listed as the reason for the evaluation of two of these students.

Small group assistance was used with seven students to improve fluency and comprehension. Three students had positive gains varying from nine to 27 points while four students declining scores were from -6 to -29. This intervention did not prove successful for three out of the seven students.

Title I assistance was provided for seven students, three who gained in scores from nine to 27 points and three whose scores decreased from six to thirty points. All seven had poor reading comprehension, two had poor fluency, and one had difficulties with sight words.

Increased reading time was used with five students. Two of these students had poor attitudes while four had poor comprehension. The student scores ranged from -30 to ten.

From the chart, there is some evidence that the schools provided interventions related to

the reason for the referral with some students increasing scores and other students' scores decreasing.

Supporting question 8:

Is there a relationship between the academic interventions and the number of years the school has had the RtI process?

Information for supporting question 8:

Table 12. Number of interventions used, score increase or decrease, and number of years in RtI process.

# of inter.	# with + gain	Number of Yrs. RtI	# with decrease	Number of Yrs. RtI
0	0	1 sch 0		
0	4	2 sch 0, 2 sch 1 yr	2	2 sch 0
One	6	1 sch 0, 5 sch Est.,	3	1 sch 0 2 Sch Est.
Two	1	1 sch 0	2	1 sch Est., 1sch-2yr
Three	2	1 sch 0,1 sch 1 yr.	1	1 sch 2 yr
Four	1	1sch 1 yr.	2	1 sch 0 1sch Est.

One student had no interventions, no score increase or decrease and the school did not have the RtI process in place. Four students made gains with no interventions, two of the schools had no RtI process, and two schools had had RtI for one year. Two other students received no interventions, their scores decreased and neither of their schools had the RtI process in existence. For the six students who had one intervention that resulted in academic gains, one school did not have an RtI process in place, and five schools were establishing the RtI process. The other three students provided with one intervention did not make academic gains but one school did not have RtI and two schools were establishing it. The two students using two interventions decreased in scores, with one school establishing RtI and the other school having had RtI for two years.

Two interventions were successful for one student whose school did not have the RtI process in place. Three interventions per student resulted in score gains, one school did not have RtI and the other school had had it in place for one year. One school had had RtI in place for two years but the student who had three interventions did not have any score gains. A student with

four interventions and gains in scores attended a school that had had RtI for one year. One school that had RtI provided their student with four interventions that did not prove successful as that student's scores decreased. Another school who is establishing RtI provided four interventions that did not help the students improve. According to this data, there does not appear to be a relationship between the academic intervention and the number of years the school has had RtI.

Supporting question 9:

Is there a relationship between student scores on the MontCAS reading assessment and the number of years the school has had the RtI process?

Information for supporting question 9:

Table 13. Twenty-five student score increases or decreases and RtI process.

Student #	8	9	Pt. Gain	
8380	278	293	15	Est.
8500	287	287	0	No
8843	244	268	24	Est.
6338	243	264	21	Est.
6406	246	273	27	Est.
3882	265	271	6	No
3869	252	299	47	No
3856	273	285	12	No
5206	215	225	10	Est.
8526	200	209	9	No
B2	247	252	5	1
B3	237	239	2	1
B4	236	263	27	1
8060	284	293	9	1
8846	263	273	10	1
7290	220	214	-6	No
3525	251	235	-16	No
7238	206	200	-6	Est.
6933	233	203	-30	Est.
3854	268	252	-16	No
3895	298	273	-25	No
5290	222	203	-19	Est.
2661	262	233	-29	2
2662	262	233	-29	2
8018	225	217	-8	Est.

There were fourteen students who demonstrated gains ranging from nine to 27 points on the MontCAS. Four schools did not have RtI in place, five schools were establishing RtI and five schools had been working with RtI for one year. The eight students who did not make gains attended four schools that did not have RtI. Four schools were establishing RtI, and two schools had had it in place for two years. There were students who gained points whether the school had no RtI process, was establishing RtI, or had had RtI set up for one year. Ten other students decreased in scores with various levels of RtI present in the school or no RtI process created. With the variability between the students' scores on MontCAS and the number of years the school has had the RtI process a relationship can not be established.

Supporting question 10:

Is there a relationship between the size of the school/district and those who chose to participate?

Information for supporting question 10:

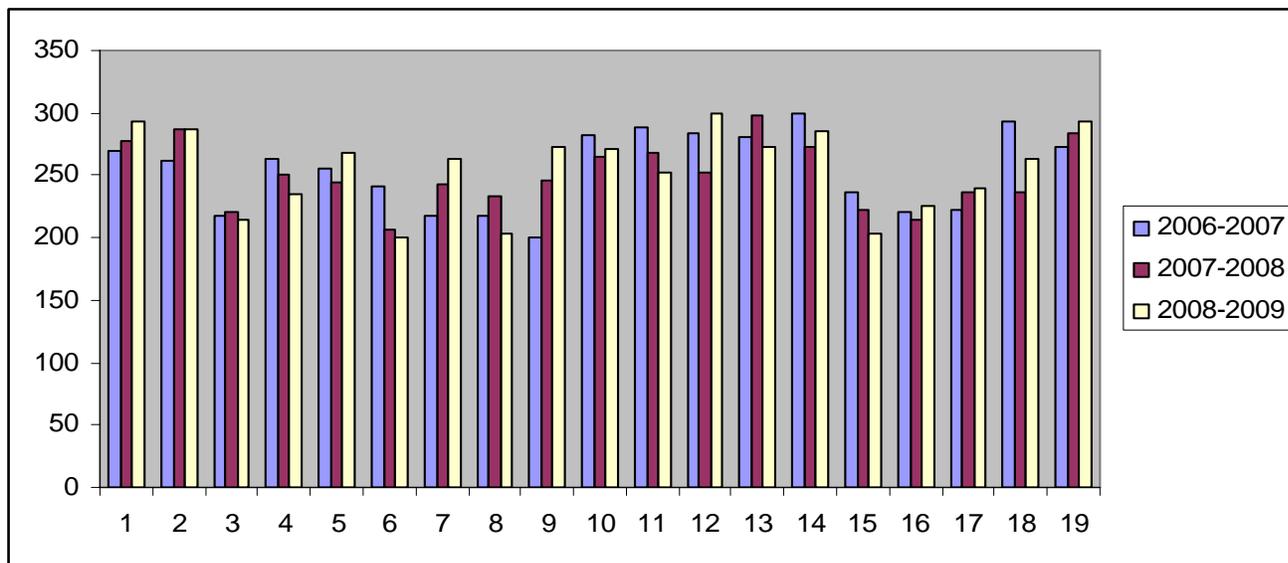
Table 14 . Showing the number of schools participating, the school population and the number of students in the sample.

Number of K-8 schools	Population K-8	Number of students with data
1	2	1
2	81	1
2	114	1
2	139	2
2	176	3
2	346	1
2	435	2
2	855	5
4	1265	5
7	1286	2
4	2167	1
Unknown		1
30 + one unknown		Sample size 25

The school districts ranged in size from a country school with a population of two to a school district with a K-8 population of 2167 students. There was a school with a student population of 81 students.

Three schools had student populations between 100 and 200 students. One school's population was in the 300's and another's population was in the 400's. The next largest school had over 800 students. The data shows two schools with populations over 1000 students and one with a total population of K-8 students of over two thousand. The mode for this data set would be between 100 to 200 students. There does not appear to be a significant relationship between the size of the district/school and willingness to participate in the study.

Figure 5. Increases and decreases in MontCAS reading scores for the three years of the study for nineteen students and six students for years 2007-2008 and 2008-2009



The chart above illustrates changes between the reading score the year prior to the referral and the referral year, between the referral year and the year after, and between the year prior to the referral and the year after the referral; however no significant relationship exists in the score changes. No significant relationship exists between the reason for the referral and the academic interventions used, between referral and grade level, academic interventions and

MontCAS scores, interventions and RtI process, MontCAS scores and RtI process, or the size of the school and participation in the study.

Conclusions

This section of Chapter 4 discusses the conclusions for each of the Null Hypotheses and the data generated to answer the research question. As stated earlier the data was provided by 12 schools or districts with a population of 19 students for the three year range from 2006-2007 to 2008-2009. Data for six other students are added, from 2007-2008 (year of the referral) and 2008-2009 (year after the referral) resulting in a total of 25 students in several of the figures.

Again, the caution is made that this is a small sample size and does not allow for generalizability.

Question 1: Is there a relationship between when a special education referral is recommended by a teacher and the grade level that the referral is made?

On the data collection tool, information on the grade level of the students referred for a special education evaluation was documented. Two students from third grade were included in the data, though this grade level was not in the study criteria. These students' scores for the year of 2007-2008 and 2008-2009 were provided so the decision was made to include them as a means of increasing the sample size by two (9%). Each of these students had a 19 point decrease on the MontCAS the year after the initial referral.

There were a total of six fourth graders referred with five of them averaging a 17 point gain the year after the referral, although one fourth grader's scores went down by 16 points. Six fifth graders were evaluated. One student's scores stayed the same, three averaged score increases of 12 points and two students had scores of -6. Sixth graders accounted for four students in the study with three students gaining a score of .5 and one student's score decreasing by 19. The seventh grade had seven students evaluated, the most from any grade level in the

study. Three students in this group gained an average of 20 points while four students averaged - 19.75 points. This is a small sample size but it seemed unusual for seven seventh graders to be referred for a special education evaluation at that grade level in their school career.

In the literature review, qualifying students for special education is a difficult and inconsistent process. In fact, at times students who should have qualified did not and those who did qualify should not have (Ysseldyke et al., 1982; Ysseldyke & Algozzine, 1983; Gottlieb & Alter, 1994; Gillen, 1997; Fuchs et. al, 2001; Kaznowski, 2004).

Question 2: Is there a relationship between the reason for the referral and the reason the student did not qualify.

There are four reasons that students do not qualify for special education services and from the data, a relationship between the reason for referral and not qualifying could not be established.

Question 3: Is there a relationship between the MontCAS reading score the year prior to the referral and the year of the referral?

With the data collected, there is little evidence of a relationship between the reading scores in the year prior to the referral and the year of the referral as the scores are so variable. There are nine students who showed an average positive gain of 18.11 points and ten students who demonstrated a decline in scores, an average of 23.30. This is an average gap of 41.41 points between the students who are achieving and those who are not according to the MontCAS reading scores. In this group of students for the 2006-2007 school year, there are students whose scores were at the advanced level and the proficient level, which would not be a red flag for special education referral. Other factors are taken into consideration when making the decision

to refer students for evaluation. From 2006-2007 to 2007-2008, there were students who had scores at the proficient level even though their scores had decreased.

Question 4: Is there a relationship between the MontCAS reading score the year of the referral and the year after the referral?

When looking at the data for students in 2007-2008, the year of the referral and 2008-2009, the year after the referral, the population size increases to 25 students. Fifteen students had an average gain of 16 points and ten others had an average decrease of 18.4 in their scores. There were five students who went from the nearing proficiency category to the proficient category with as few points as 5. Three students went from proficient to advanced between the year of the referral and the year after. For those earning fewer points, one student went from advanced to proficient, and three students moved from proficient to nearing proficiency. A school administrator or testing coordinator might look at these results and ask at least two questions: what was happening in the student's life that may have prompted these results, and what happened in the classroom ecology (Artiles & Ortiz, 2002; Klingner, Artiles & Barletta, 2006). There are score differences between the year of the referral and the year after the referral but there is not a significant relationship.

Question 5: Is there a relationship between the MontCAS reading scores the year prior to the referral and the year after the referral?

Table 5 shows that the majority of the students who gained in points also moved to a higher proficiency level. Four students moved from proficient to advanced, two students from novice to proficient, two moved from novice to nearing proficiency and one stayed at the proficient level. Among students with scores that decreased, three moved from advanced to

proficient scores, one stayed at proficient, two moved from proficient to nearing proficiency, two moved from nearing proficiency to novice points, and two stayed at novice scores.

There are score differences but relationship can not be determined between the MontCAS reading score the year before the referral and the year after the referral.

Question 6: Is there a relationship between the academic interventions and the student's scores on the MontCAS reading assessment?

Interventions discussed in Gresham et al. (1997) included direct instruction on specific skills for students and the possibility of a change in teachers to improve academic achievement. The instruction of specific skills might take place in a one on one setting, small group instruction, a reading lab, in Title I assistance, increased reading time, extra prompts and redoing the work. Determining interventions and monitoring the effectiveness of the intervention are important in helping student learning, in the special education referral process, and in the RtI process (MacMillan et al., (1998). Table 6 shows that using the reading lab was successful for one student with a score increase of 27 points. Extra prompts and redoing the work were beneficial for one student whose score rose 47 points, moving from proficient at 252 to an advanced score at 299. The interventions that demonstrated positive gains were modified or shortened assignments. The structure of that intervention within the individual schools is not known. Table 9 shows the number of interventions used and the point increase or decrease. Five students' scores increased with no interventions and six students' scores increased with six interventions, but this study was not intended to show whether fewer or no interventions produce the most gains. Where students did not make increases, two students had no interventions and three students had one. There is a potential to show that interventions can influence the MontCAS reading scores but this study did not determine that this is what occurred.

Question 7: Is there a relationship between the reasons for the referral and the academic interventions used?

As stated above, interventions discussed in Gresham et al. (1997) included direct instruction on specific skills for student and the possibility of a change in teachers to improve academic achievement. The instruction of specific skills might take place in a one on one setting, small group instruction, a reading lab, in Title I assistance, increased reading time, extra prompts and redoing the work. Determining interventions and monitoring the effectiveness of the intervention are important in helping student learning, in the special education referral process, and in the RtI process (MacMillan et al., 1998; Good & Kaminski, 2003; Fuchs & Fuchs, 2005). Recommendations from Artiles & Ortiz (2002) for English Language learners are that reading instruction should include phonics, word recognition and comprehension.

The consensus of the literature on reading instruction is that the majority of interventions do seem to fit with the recommendations concerning good reading instruction (MacMillan et al., 1998; Good & Kaminski, 2003; Fuchs & Fuchs, 2005). The results of the study can not say whether the increases or decreases are due to the interventions used, and there is limited relationship between the reasons for the referral and the academic interventions used. The individuals in the school the may have felt there was a relationship between the reason for the referral and the academic intervention used.

Question 8: Is there a relationship between the academic interventions and the number of years the RtI process has been in place within a school?

Information that is provided in the summary under question 7 also applies to question 8. The premise behind RtI is good because it promotes high quality instruction along with checking

the effectiveness of that instruction to increase student achievement (Hales, 2008). An advantage of RtI is that it provides interventions for students instead of allowing the “wait to fail” model (Hale, 2008). Examples of how the process can work and determine needs of individual students are provided in the literature by Fuchs and Fuchs (2005). The Special Education Report to the 61st Legislature, January 2009, states that there has been a 35% decrease in K-3 special education students. Several districts attributed this decline to general education’s implementation of interventions resulting in fewer special education referrals.

Reading the information provided by Table 11, no pattern appears in regard to the interventions used and whether a school has a RtI process established, is establishing the process, or has had in place for one or two years. One school that has had RtI in place for two years had two students who decreased in scores by 19 points, going from MontCAS proficiency scores to nearly proficiency scores. The study did not inquire into the classes that were included in a district/school RtI process if there was a process in place. Although there are changes both positive and negative with varying levels of RtI support, a relationship between the academic interventions and the number of years the RtI process has been in place can not be determined.

Question 9: Is there a relationship between students’ scores on the MontCAS reading assessment and the number of years the RtI process has been in place?

As stated in regards to Table 12, fourteen students who had gains in their MontCAS reading scores were attending schools that either did not have RtI in place, or were establishing it, or had had it for one year. Students whose scores did not increase were enrolled in schools with no RtI process, or who were establishing the process, or (in one case) a school that had had it for two years. There were changes to the students’ scores but this does not mean there is a

relationship between student scores on the MontCAS reading assessment and the number of years the RtI process has been in place.

Question 10: Is there a relationship between the size of the school district and willingness to participate?

Table 13 shows districts ranging in student population from 2 to 2167. In addition, the chart shows that the various districts have a different number of elementary schools within them. The researcher has had professional relationship for a number of years with school personnel in six of the school districts providing data. The other six school district personnel were unknown to the researcher. A relationship between the size of the school/district and those who chose to participate can not be determined. Individuals within the school made the decision to participate in the study.

Summary

Various charts and tables have been provided in Chapter 4, demonstrating point gains or losses in student scores on the MontCAS reading assessment or other information. The data are presented in different ways to address each hypothesis or question and to explain it from different perspectives. The means of the MontCAS reading assessment scores can be determined for the sample of nineteen students for whom scores from the year prior to the referral, the year of the referral and the year after the referral are provided. The mean for the year prior to the referral is 254.10, the year of the referral is 250.42 and the year after the referral is 254.74, which indicates that there is no significant difference among the three groups. The small sample size is a contributing factor and does not allow for generalizability of the study.

Chapter 5 provides a discussion of conclusions, recommendations and implications for further study based on the results of this study.

CHAPTER FIVE: DISCUSSION

This chapter presents a summary of the study along with a discussion of the conclusions. Recommendations for future research and practice are provided. The chapter concludes with the end notes of this study.

Overview of the study

A review of the literature demonstrated that there is little difference in the students who qualify for special education services and those who do not in terms of achievement; there are students who qualify who should not and do not qualify but should (Ysseldyke et al., 1982; Ysseldyke & Algozzine, 1983; Gottlieb & Alter, 1994; Gillen, 1997; Fuchs et. al, 2001; Kaznowski, 2004). Another section of the literature discusses how teachers' ethnic and cultural background and their understanding of other cultures and poverty may influence special education referrals (Gottlieb & Alter, 1994; Artiles et al., (2002; Hosp & Reschly, 2004; Ferri & Connor, 2005; NEA, 2006; DRR, Gravois & Rosenfield, 2006; Fricano & Kuhn, 2009). English language learners were a topic in the literature explored, with classroom ecology and amount of support of native language support an important component of their success (Artiles & Ortiz, 2002; Klingner et al., 2006; Artiles & Klingner, 2006; Klingner and Harry, 2006). Some English language learners were referred with the idea that the students would get the support they needed in special education. Response to Intervention with its assumed positive attributes of addressing needs and providing interventions in the general education classroom to students at risk of being labeled with a specific learning disability is part of the literature review (Fuchs & Fuchs, 2005; Hales, 2008; Montana RtI, 2008; McIntosh et al., 2006).

This study made the following comparisons: (1) between the nature of the special education referral and the grade level of the referral, (2) between the reason for the referral and

the reason the student did not qualify, (3) between the MontCas reading score from the year prior to the referral and the year of the referral, (4) between the MontCAS reading score from the year of the referral and the year after the referral, (5) between the MontCAS score from the year prior to the referral and the year of the referral, (6) between the academic interventions and the students' scores on MontCAS, (7) between the reasons for the referral and the interventions used, (8) between the length of time a school had had the Response to Intervention process and the academic interventions that were used, (9) between the RtI process and students' scores on the MontCAS reading assessment, and (10) between the size of the district/school and their willingness to participate in the study.

The researcher designed the survey for the descriptive study with consideration of the data to be investigated and information from the literature review, plus the impact of time on school district employees providing the data. The dependent variable for this study was students referred for special education evaluation who did not qualify. Independent variables were grade level of the student when referred; reason(s) for the referral; reason(s) for not qualifying; and scores for reading on the MontCAS test for the year prior to the referral, the year of the referral and the year after the referral. Other independent variables were the academic interventions, and how many years the RtI process had been in place within the school.

Various tables or figures were designed depending upon the variables being studied and the data collected. One figure shows the number of no responses and reasons given for other responses. In other figures, the data means were calculated, score differences were determined, score increases or decreases were calculated by grade level and averaged, and frequency of interventions used and the resulting score gain or decrease were figured. Figures also showed the comparison between the number of interventions used and how long a school has had the

Response to Intervention process, and the relationship between student scores on the MontCAS reading assessment and the number of years the RtI process had been used in the school. A final figure compared the size of the school or district with their willingness to participate in the study.

Discussion

The data collection tool sent to schools resulted in a limited amount of data with information on nineteen students for the years 2006-2007 through 2008-2009. Information on an additional six students was provided for the 2007-2008 and 2008-2009. From the data, the researcher generated various charts depending upon the relationship being investigated. When comparing the means of test scores for the three years of the study, it was determined limited relationship exists among the groups of non-qualifying students.

To obtain the data for the research meant many hours on the telephone, calling superintendents and principals. These conversations resulted in emailing the Invitation to Participate letter to them with the data collection tool and this provided the data that is included in this study. Some administrators indicated more knowledge about the RtI process and developing a data base would be helpful to them to perform their jobs better.

The sample size of non-qualifying students was limited due to infrequency of students being evaluated for special education services and not qualifying. Schools are finding that fewer students are qualifying for special education services due to having either some type of Student Assistance Team (SAT) or RtI process established to provide assistance to teachers and students. The intervention team, called SAT for purposes of this study, may be called by different names in various schools. One principal shared that her school is in year 3 of RtI and has not had a 4th-6th grade referral in which the student did not qualify for special education services. She stated the coverage of student needs is so effective with full staff interventions that parents/teachers see

that their children are receiving more help than might have been expected with an IEP. She went on to say, “Any student referred has an extensive data trail that indicates flat line and/or little growth over many quarters. Because of solid data, it is quite obvious when the child does qualify.” This principal has a student body of 389 students and only has nine students on IEPs, most of whom came to her school with IEPs in place. It is obvious that she has seen the benefits of the RtI process and the interventions used.

Other school superintendents or principals reported having results similar to those reported by the principal mentioned above. They said that having a SAT or RtI process has reduced the number of referrals for special education evaluation. In addition, they said that when a student is referred for special education evaluation, numerous interventions have been tried and the effectiveness of the intervention documented so it is likely that the student will qualify for special education services.

As mentioned in Chapter 4, the Special Education Report to the 61st Legislature, January 2009, states that there has been a 35% decrease in K-3 special education students. Several districts attributed this decline to general education’s implementation of interventions, resulting in fewer special education referrals.

The data provided to the researcher was for non-qualifying students for special education services with the idea that performance patterns might be revealed and shared to help other educators in the field. Looking at the MontCAS scores over the three years of comparison, eight students continue to increase their proficiency level, five students stayed at the same level, and eight students changed to a lower level of proficiency. The Novice and Nearing Proficiency levels encompass twenty 25 points each, while the Proficient categories and Advanced categories may fluctuate depending on the grade level. There is the possibility that students will gain in

points but still be in the same proficiency level. This happened for four students between 2006-2007 and 2007-2008 and five different students in 2007-2008 and 2008-2009. Students can also decrease in points and remain in the same proficiency level. There were four students who fit this description for 2006-2007 and a different two in 2007-2008. No patterns to share exist in these data sets.

The pattern that is revealed between the academic interventions and the students' scores is that the same intervention that appears to help students increase in scores may result in a decrease in scores for others. Looking at the number of interventions and the increase or decrease in scores did not reveal a pattern either. More information is needed about how the various schools implemented the intervention itself. For example, did one-on-one help look that same in the various schools, what skills or strategies were done with the student in the one-on-one sessions, and who was providing the intervention, a paraprofessional, a paraprofessional who had training in the strategy or a certified teacher? Were the needs of the student used to determine the intervention used or was the intervention the one that was available? How was the relationship between the adult providing the intervention (s) and the student established? How are the intervention efforts being documented within the individual schools is an other question. The answers to these questions might provide the reason for the variability in the MontCAS scores. The researcher is not questioning the efforts of the various schools but trying to develop a greater understanding of the variability in scores.

The purpose of the research study was to determine what interventions schools use to support students. Some students had more than one intervention; therefore, their scores are stated under various interventions. Working one on one, two students gained an average of 9.5 points on the reading assessment while four students lost an average of -20.5 using the same

intervention. The individual scores of these students were -16, -29, -29, and -8. Small group work proved successful for three students with an average gain of 15.3 with individual scores of 10, 9, and 27. Small group work was unsuccessful for four students whose scores dropped an average 18.25 points and whose individual scores were -6, -30, -29, and -8. Using the reading lab increased one student's scores by 27 points.

Receiving Title I help was not successful for five students whose scores decreased on an average of 15.6 points and whose individual scores were -6, -6, -29, -29, and -8. Title I was helpful to three students with individual scores of 9, 9, and 10 for an average gain of 9.3 points.

Title I (ESEA), first passed in 1965, was a part of Lyndon B. Johnson's "war on poverty" to help the poor and provide them with educational opportunities. Title I used a poverty-based formula to allocate funds to school districts in high poverty areas to counteract the effects of poverty on the educational opportunities of children (Cowan, 2004). Reauthorization of ESEA or No Child Left Behind (NCLB) in 2001 requires schools to provide assessment information on whole school data and the sub-groups of socioeconomic status, race/ethnicity, special education, and Limited English proficient (Cowan, 2004). State departments of education distribute the funds; therefore, they determine eligibility for the program within the state. Individual school districts determine if the Title I program offered is a pullout program or a school-wide program.

The data collection for this study did not have schools indicate if their Title I program was a targeted assistance in which students are determined eligible for the program based on criteria that the school has established, or a school-wide program designed to improve education for all students. The type of Title I program and specific skills addressed through the program may be affecting the results of this intervention strategy. Given the purpose of Title I, there is an expectation that this intervention would have a greater positive impact on student learning.

Increased reading time did not assist three students, as their average decreased 14.66 (-6, -30, -8), but did assist two students to increase their scores an average of 9.5 points.

The modified or shortened assignments intervention proved the most advantageous for students, with four students gaining 16 points. Even though two students' scores decreased an average of 12.5 points that was the least amount of decrease for all of the interventions used. Four students had score increases of 24, 21, 9, and 9. The highest score increases were 47 (extra prompts and redoing assignments) and 27 (reading lab). The strategy of shortened or modified assignments not only had the most score increases but also some of the greatest increases. The mean for increasing scores was 16. Examining the ten decreasing scores, there was one at 30 points, two at 29 points, one at 25 points, one at nineteen, two at sixteen, one at 8 points, and two at six points producing a mean of 18.4. Sharing the score decreases is a means of demonstrating that shortened/modified intervention helped produce the best results for students. The score decrease of six points for one student is one of the highest decreases and the location of the nineteen point score decrease is in the middle of these numbers. This intervention was used with five students who had been referred for poor reading comprehension. Two of these students also had poor reading fluency, and one had a poor attitude. The referral of one student was for other reasons. The majority of the students in the modified assignment group were referred for reading comprehension, and it is hard to know why this intervention was used rather than one more directly associated with reading comprehension but it was the most successful intervention. Given the data generated for this study, no strong patterns emerge to provide other educators with student achievement strategies.

Because of the data collection tool and method, there is no knowledge of how the various interventions are designed and used within a school system (Fuchs & Fuchs. 2005; Hales, 2008,

Montana RtI, 2008; McIntosh et al., 2006). The study data did not delve into cultural diversity and how it may affect student learning (Gottlieb & Alter, 1994; Artiles et al., 2002; Ferri & Connor, 2005).

Classroom management, instruction and ecology were not part of the study, but these components can also influence special education referrals (Artiles & Ortiz, 2002; Gravois & Rosenfield, 2006).

Recommendations

Recommendation 1. Future studies should explore establishment and implementation rate of the RtI process in Montana schools since this process is allowable under IDEA 2004.

Of the 25 schools participating in the study, nine (36%) did not have the RtI process at all, nine (36%) schools were establishing it, five (20%) schools had had the process for one year, and two (8%) school districts had had it for two years. The work of Fuchs and Fuchs (2005) demonstrates how the process can be used in a school system and how effective it can be. School administrators across Montana who talked to the researcher made comments about not understanding how to get started in the RtI process or how it functions. There are numerous resources on the Office of Public Instruction Website to help administrators and schools begin the RtI process. Four schools piloted the RtI process for the State of Montana and other schools throughout the state are in various stages of implementation.

Recommendation 2. This study should be replicated to address the issue of accessing the data.

The category *Difficulty of accessing the data* appeared in 41 responses. Selecting different years for the study could result in a larger sample size and create a possibility of generalizability. The Montana Special Education Monitoring process requires a form, STUDENTS FOUND NOT ELIGIBLE FOR SERVICES UNDER IDEA to be completed for the

review. Beginning in 2008-2009 this form for school reviews can provide a starting point for school district personnel with the list of non-qualifying students. The form itself does not request information about the reasons for the referral or interventions used, but having the student names can help in the data collection. According to Dick Trerise of Montana Office of Public Instruction, about 20% of the schools in Montana do the review process every year. There is the assumption that school districts keep copies of the Special Education Review documents and the form would be within those documents. The time of the year when the Invitation to Participate letters and data collection tools were sent may have impacted the reasons some schools chose not to participate or did not respond at all.

Recommendation for Practice 1. Schools design a system for tracking the students who are evaluated for special education and do not qualify. This tracking system has the possibility of addressing the difficulty of accessing the data but more importantly of making sure the students are getting the needed support and interventions. Montana schools provide information to the Achievement in Montana (AIM) data system. Information required to be report via this system are enrollment, demographic data, eligibility for state and federal education programs, registration for the statewide assessments and special education planning and reporting. Since schools already have Infinite Campus or some other data base system, it would seem logical that that the students tested who did not qualify for special education could be a component of the database.

There is an obvious concern when a student who is not being successful academically or behaviorally is referred for special education evaluation. Time, energy and money go into this evaluation process (Ysseldyke & Algozzine, 1983; “A New Era.” 2002). It seems logical that some means of following the students’ progress and providing interventions would be done. The

researcher did not document the number of conversations with administrators about what happens to the students who are evaluated but who do not qualify. From several of these conversations, it appears the student gets lost in the system. Having the RtI process in place may alleviate the lack of supports for these students.

Recommendation for Practice2. Evaluating the effectiveness of the Title I programs within the school by looking at individual student gains and percentage of students increasing on assessment measures besides MontCAS reading Assessment. How the Title program is designed within the school (targeted assistance or school-wide) and how it is implemented (one on one, small group, assistance provided by a paraprofessional or teacher) can affect student learning. How the interventions are implemented within each school system and by whom as well as matching the intervention to the child's needs are other considerations in this practice.

Given the amount of Federal dollars for the Title I program, the evaluation of its effectiveness is questionable (Cowan, 2004). According to Cowan (2004) some researchers claim it has reduced the achievement gap between African-American students and white students and between rich and poor students in the 1960's and 1970's. She goes on to state that since then there has been little evidence of additional progress, although some believe Title I has prevented minority and low-income students from falling farther behind.

The data from this study showed that Title I assistance was provided for eight students with three students making an average of 9.3 point gains and five students' scores declining by an average of 15.6 points. This intervention is often used in conjunction with one-on-one instruction or small group instruction. Adequate yearly progress (AYP) is the accountability measure for schools and is a moment in time. Is it fair to determine the effectiveness of the Title I program, whether targeted assistance or school-wide program, based on this one score? Yet the

scores do create a concern as to what other assessments are used within the Title I program to determine student progress in reading. Having a viable Response to Intervention process could be a means to assist in determining the effectiveness of the Title I program.

End note.

This study added to the body of research concerning grade level of special education referrals, and reasons students did not qualify for services. It provided information on reasons for the referrals along with interventions selected from a predetermined list used within a school. It investigated the MontCAS reading assessment scores for a three-year period from 2006 to 2009 for nineteen students and an additional six students from 2007 to 2009. This small sample size gives a glimpse of the prevalence of the RtI process in Montana schools. It did not establish a significant relationship among the MontCAS scores for three years. It did partially answer the question of, “Within a school system, how are the needs of the non-qualifying students for special education addressed, what supports are put in place, and what interventions are used?” Using the predetermined checklist of interventions, schools did select the ones they used and one school wrote in what they used to help one student.

Conversations with administrators demonstrated the continued need for training in the RtI process. Those conversations and other administrative conversations indicated a need for a school to develop and implement a system for tracking non-qualifying students to provide them with support and interventions.

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Appendix A: Grade Retention as a means of helping non-qualifying students.

Beebe-Frankenberger, Bocian, MacMillan, & Gresham (2004) “Sorting second-grade students: differentiating those retained from those promoted” was a study comparing students who were retained (RET), at risk for retention (AR), special education (SE) and those promoted (PR). The sample of students was from three school districts in southern California. At the end of second grade, the RET (n=64) students were retained. Second grade teachers identified AR (n=41) students as being at risk due to their low reading scores but these students went on to third grade. The special education (n=46) students who were receiving services also went on to third grade. The control group for this study were the promoted (n=73) students.

The first research question was, Do retained students differ on academic and social-emotional factors from peers who are in special education, placed at risk for retention, or promoted to the next grade? Beebe-Frankenberger et al. found that both retained students and special education students scored lower in comparison to the PR group on the following measures: IQ, reading skills and overall academic competence. A surprising finding in regard to IQ was that the retained students and special education students closely resembled each other but all groups were performing at levels comparable to their measured abilities. They also found that over 50% of the students in special education had been retained once. When looking at the social competence aspect, they found differences and similarities between the groups of students but their findings did not support the premise that students with problem behaviors were more likely to be retained. Inattention was the greatest difference between the PR group and the other three groups. When comparing the RET students and the PR students on attendance, the RET group were absent twice as much as the PR group.

The second research question was, “How RET students differed from all other students in the sample who scored below the 25th percentile on statewide testing at the of second grade but who received different treatments (i.e. either ‘placed at risk for retention,’ ‘received special education supports,’ or ‘promoted with comment’)?” The groups were similar in IQ, and the RET students scored higher on reading skills than did the SE group but scored lower than the PR students who were low achieving. They found that all four groups had similar social competence and the research did not reveal any difference.

This research team also found three parallels between the way schools implement regulations for determining eligibility for special education and implementing the retention policy. First parallel, parents are notified about the teacher’s concern for a student at risk for retention or if a special education referral is warranted. Second parallel, the teachers rely on local norms for making the decision about retention or special education referral due to lack of academic progress on the part of the student. Third parallel, teachers put into writing the reason that students are promoted despite the achievement data that does not support the decision. Teachers often state that they want to give children the gift of time when retaining children at the kindergarten or first grade level (Shepherd & Smith, 2000). Parents are told that the extra year to grow will help move their child to the top of the class (Shepherd & Smith, 2000). Teachers also see retention as an intervention for the lack of successful completion of grade level requirements by a student (Shepherd & Smith, 1989, Shepherd & Smith, 1990; Shepherd & Smith, 2000; Kelly, 1999; Silberglitt et al., 2006). Teachers believe that the extra year will improve the child’s basic skill foundation and thereby boost the child’s readiness and self-esteem (Harrington-Lueker, 1998; Fager & Richen, 1999).

Holmes' (1989) research on retention answers these questions: Does retention work better than promotion? What are its effects on student achievement and personal adjustment? Are results different depending on whether students repeat in first grade or fourth grade? Do initial effects persist over time? What are the characteristics of the few positive studies that were found? Did these studies involve special students or special treatments or were anomalous results attributable to features of research design? (p. 16-17).

Sixty-three studies fit the criteria to be used in the meta-analysis. Fifty-four of the studies showed negative results but nine showed positive results. Not all studies could be used to answer all questions posed due to their focus of investigation. In answer to the question "does retention work better than promotion," the results from forty-seven of the studies showed that the retained group scored .19 of a standard deviation unit lower than the promoted group. On eight studies in kindergarten and twelve studies of first grade, the negative effects were -.28 and -.28. Students repeating fourth grade were behind the promoted group by .37 standard deviation. The academic achievement effects of retention over time was determined by looking at the retained group and promoted groups after they had spent the same number of years in school and after they had completed the same grade in school. One year after retention, the retained group scored .45 standard deviation lower than the promoted group with this difference increasing over time to .83 standard deviation after four or more years. The year following retention, the retained group outperformed the promoted group, however, after three years there was no difference even though the retained group was a year older than the promoted group. For personal adjustment the retained group scored .09 standard deviations lower than the promoted group on the measures of personal adjustment, which included social adjustment, emotional adjustment and behavior. On

attitudes toward school the two groups did not show a difference but retained students, on average, were absent from school more often.

As Holmes looked at the nine studies that had positive results, seven were conducted as master's theses or dissertation studies and most were published during the 1980's. There was intensive remediation in the positive studies. They did not compare the retained population plus remediation with non-retained population plus remediation, which concerned him. Grade comparisons were used instead of age, and most of the studies did not do a follow-up past one year, thereby lacking a comparison over time. Furthermore, only academic measures were used.

Jimerson (2001) wrote "Meta-analysis of grade retention research: Implications for practice in the 21st century." He defines grade retention as "the practice of requiring a student who has been given a grade level for a full school year to remain at that level for a subsequent school year" (p. 420). Jimerson provides a summary of the studies completed between 1990-1999. To be included into the review the following ideas needed to be present.

(a) research must have been presented in a professional journal (e.g., journal article or book); (b) results must have addressed the efficacy of grade retention (i.e., achievement, socio-emotional, or other); (c) study must have included an identifiable comparison group of promoted students; and (d) research must have been published during the past decade (i.e. 1990-1999) (p. 423).

In the twenty studies he reviewed, the comparisons included variables used for matching the comparison group and retained students (e.g. .I.Q., academic achievement, socioemotional adjustment and behavior adjustment, SES and gender) and age/grade at retention as well as measurement outcome variables that occurred. Other comparisons were a review of analyses comparing retained students to a matched group (e.g..., academic achievement and

socioemotional and behavioral adjustment) and the overall conclusion of the author(s) regarding the efficacy of grade retention

Academic achievement was measured using a standardized norm reference test such as Woodcock-Johnson Tests of Achievement (1990) or the Peabody Individual Achievement Test designed by Dunn & Markwardt, 1970. The tools used for measuring socioemotional adjustment were not discussed in the document. To do the comparisons, he used meta-analysis, which is based on effect size (ES) and he gives credit to Cohen, 1988; Glass, 1978; Glass et al.(1981) for this statistical procedure.

When looking at the studies that had variables used for matching the comparison group and retained students (e.g. I.Q., academic achievement, socio-emotional adjustment and behavior adjustment, SES and gender), he found the following results. Eighteen of the 20 studies did contain this information; however, not all variables were present in all the studies. Six of the studies were completed on Kindergarten through 8th grade and fourteen discussed students retained in Kindergarten through third grade when comparing grade of retention and age/grade of outcomes.

When looking at the studies and exploring the academic achievement outcome of those retained compared to those promoted, there was 175 analyses. Statistically significant difference was found in ninety-one of these comparisons. Nine studies demonstrated that the retained group were better academically but 82 of the comparison studies showed that the promoted group had done better academically. Overall, on this analysis, the retained group scored .39 of a standard deviation unit lower than the promoted group. When comparing the socio-emotional and behavioral outcomes, the majority of the studies (86%) showed no significant difference between the two groups. Jimerson's conclusion was that of the 20 studies, four reached a

favorable conclusion in regard to grade retention while 16 did not come to favorable conclusions for this practice.

Nagaoka & Roderick (2004) provide more insight into the dilemma of retention or social promotion. In 1996, Chicago Public Schools “instituted promotional requirements based on students’ scores on the Iowa Test of Basic Skills in third, sixth, and eighth grades” (p.1). As they reviewed what happened to the students during the retained year, 60 percent of the retained third and sixth graders were not able to raise their test scores to the promotional level. After the retention decision for these students, about 20 percent were placed in special education. Based on Chicago’s own data this was a rate of special education placements three times that of low-achieving students before the policy, plus nearly three times higher than that of other low-achieving students who were promoted.

At one time, as part of the policy, retained students had the opportunity to retake the test in January. Approximately twenty-five percent of the third grade students and thirty-three percent of the sixth grade students were able to join their age-appropriate classmates. This part of the policy was discontinued in 2001.

Nagaoka and Roderick were interested in researching the academic achievement of the retained students as compared to students whose test scores were just above the cut-off scores and who were promoted, as well as those students who had similar test scores just below the cut-off but who were also promoted. For third grade students who were retained compared to low-achievers who were promoted, there is little evidence that they did better academically. Sixth grade students who were retained were six percent lower than their low-achieving classmates who were promoted. The students who were placed in special education had difficulties during the year of retention and continued to struggle two years later. “The low-achieving students

started school behind their classmates and had already fallen further behind before the promotional gate grade” (p.4). Retention of these low achieving students did not result in reading achievement, as they were nearly one and one-quarter standard deviations below the reading achievement of their cohort.

Silberglitt, Appleton, Burns & Jimerson, (2006) did a longitudinal study of 147 students from first through eighth grade. There were forty-nine students in each of three groups: those retained, a similar achieving group of students who were promoted, and a randomly selected control group. In the retained group, two students were in kindergarten, 19 in first grade, and six in second grade. For the other retained students, nine were in third grade, eight in fourth grade and five in fifth grade. The conclusions they arrived at are that, compared to their previous growth curve, the retained students experienced neither a deficit nor a benefit during the second time in a grade; nor did they appear to benefit from being retained when compared to the similar but promoted students. The last conclusion was that the randomly selected group had a growth curve significantly greater than that of the retained group or the similar but promoted students. There was little difference in the growth curves of the retained students and similar but promoted group.

From the information provided by these studies, retention does not appear to add to a student’s achievement level but is more likely to have a detrimental effect.

Appendix B: Acronyms

ADA	American with Disabilities Act
BVMGT	Bender Visual Motor Gestalt Test
DTVMI	Developmental Test of Visual-Motor Integration
EAHCA	The Education for All Handicapped Children Act
EPSDT	Medical Early and Periodic Screening Diagnostic and Treatment program
ESEA	The Elementary and Secondary Education Act
IEP	Individual Education Plan
IWRP	Individual Written Rehabilitation Program
LEA	Local Education Agency
NDEA	National Defense Education Act
OBRA	Omnibus Budget Reconciliation Act
PIAT	Peabody Individual Achievement Test
PLOP	Present Level of Performance
SEA	State Education Agency
SES	Socioeconomic Status
SSI	Supplemental Security Income
SSDI	Social Security Disability Insurance Program
SWD	Students With Disabilities
H S	Head Start
WISC-R	Wechsler Intelligence Scale for Children--Revised

Appendix C: Time Line of the Passage of School Laws

Information retrieved from www.archives.nysed.gov/edpolicy/research/res/policymakers

1965- ESEA PL (89-101)

1966- ESEA Amendments (PL 89-750)

1967- ESEA Amendment (PL 90-247)

1968- ESEA Amendments (Reauthorization of PL 90-247)

1968- Handicapped Children's Early Education Assistance Act of 1968
(PL 90-538)

1969- ESEA Amendments (PL 91-97)

1972- Title IX Indian Education Formula Grant program (PL 92-318)

1972- Emergency School Aid Act in (PL 92-318)

1974- ESEA Amendments of 1974 (PL 93-380)

Education of the Handicapped Amendments of 1974 in PL 93-380

Bilingual Education Act amended in PL 93-380

Equal Education Opportunities Act in PL 93-380

1975- Indian Self-Determination and Education Assistance Act (PL93-638)

1975- Education for all Handicapped Children (PL 94-142)

1975- Native American Program Act (PL 93-644)

1976- ESEA of 1976 (PL 94-482)

1976- Vocational Education Amendments in PL 94-482

1977- ESEA of 1977 (PL 95-112)

1978- ESEA of 1978 (PL95-561) Note

1980- ESEA of 1980 (PL 96-374)

- 1981- Education consolidated and Improvement Act ECIA reauthorization
of ESEA (PL 97-35)
- 1981- Adult Education Act Amendments of 1981- in PL 97-35
Head Start Act in PL 97-35
- 1983- Education of the Handicapped Act Amendments of 1983 (PL 98-199)
- 1984- ESEA (PL 98-511)
Bilingual Education Act amended in PL 98-511
- 1984- Education for Economic Security Act (98-377)
- 1984- Title II, Part A: Dwight D. Eisenhower Mathematics and Science
Education Act
- 1986- Education for the Deaf Act (PL 99-371)
- 1986- Education for Handicapped Act Amendment of 1986 (PL99-457)
- 1986- Handicapped Children's Protection Act (PL 99-372) Note 2
- 1986- Anti-Drug Abuse Act (Title IV, Subtitle, Indian Education Programs
PL 99-570)
- 1986- Drug-Free Schools and Communities: State and Local programs
- 1987- Funding started for Education of Homeless Children and Youth
Title VII, Subtitle B of the Steward B. McKinney Homeless
Assistance Act (PL 100-77)
- 1987- Hawkins-Stafford School Improvements (PL 100-297)
- 1988- Tribally Controlled Schools Act in PL 100-297
- 1998- Education and Training for a Competitive American Act (PL 100-418)
- 1988- Educational Partnerships Act (PL 100-418)

- 1988- Bilingual education amended.
- 1988- School Dropout Demonstration Assistance Program. ESEA amended
 Title VI Parts A and C
- 1990- Americans with Disabilities Act (PL 101-336)
- 1990- Education for Handicapped Act Amendments of 1990 (PL 101-476)
- 1991- America 2000 proposed but not enacted
- 1992- Education of the Deaf Act Amendment of 1992 (PL 102-421)
- 1994- Technology for Education Act of 1994.
- 1994- Title IV Safe and Drug-Free Schools and Communities.
- 1994- Education of the Deaf Act Amendments of 1993 (PL 103-73)
- 1994- Goals 2000: Educate American Act (PL 103-382)
- 1994- Bilingual Education Act amended in PL 103.382
- 1997- Individuals with Disabilities Education Act (IDEA) reauthorization
 (P.L. 105-17)
- 1998- Reading Excellence Act in P. L. 105-277
- 1998- Head Start Amendment in P. L. 105-285
- 1998- Indian Education Assistance Act amends Johnson-O'Malley:105-292
- 2001- No Child Left Behind Act (reauthorization of ESEA of 1965, P.L.
 107-110)
- 2001- English Language Acquisition Act in P.L. 107-110, replaces Bilingual
 Education Act
- 2004- Individuals with Disabilities Education Improvement Act (P.L.108-446)

Appendix D: Limited English Proficiency

For the purposes of ESEA, the definition of “limited English proficient” is found in Title IX. It may be summarized as follows. When used with respect to an individual, “limited English proficient” means an individual who meets all of the following four requirements.

1. who is 3 through 21; *and*
2. who is enrolled or preparing to enroll in an elementary school or secondary school;
and
3. whose difficulties in speaking, reading, writing, or understanding English language may be sufficient to deny the individual the ability to meet the state’s “proficient” level of performance or to successfully achieve in the classroom where the language of instruction is English, or the opportunity to participate fully in society; *and*
4. who meets any *one* of the following three elements:
 - a. who was not born in the U.S. or whose native language is not English;
 - b. who is a Native American, Alaska Native, or a native resident of the outlying areas and who comes from an environment where a language other than English has had a significant impact on the individual’s level of English proficiency; or
 - c. who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Cowan, 2004, p.18)

Part of this title in Immigrant Education provides support to LEA’s that have had significant increases in immigrant student populations. Emphasis is placed on transition services and the coordination of their education with regular educational services. Innovative model

programs that improve, establish or expand foreign language studies for elementary and secondary students can be done at the state or local level under the Foreign Language Assistance part of this title. Although the concept leading to the passage of this title to improve the education and success of students, schools may have difficulties finding teachers to fulfill the teaching positions needed.

Appendix E: Parent Notification Letter Must Include:

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State Educational agency involved;
2. The reasons for the identification;
3. An explanation of what the school that has been identified for school improvement is doing to address the problem of low achievement;
4. An explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem;
5. An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement;
6. An explanation of the parents' option to transfer their child to another public school within the district (unless the district has a cooperative agreement with another district) that is not in Title I School Improvement, Corrective Action, or Restructuring status; or, an explanation of the option to obtain Supplemental Education Services for their child, where applicable, at district expense. (1116 (6) p.59 NCLB Act)

Appendix F: Guidelines for Reauthorization of ESEA

- (1) Eliminate the 100% proficiency goal. Make any goals realistic.
- (2) Allow states to implement multiple measures of success, which may include growth models, test scores in multiple subject matter areas, graduation rates, and parental engagement, among others.
- (3) Return responsibility for determining “highly qualified teachers” to the states.
- (4) Put local school boards in charge of public education in Montana (or return to state control depending upon each state’s constitution). The federal government would partner with states for general support and supplementation for special populations.
- (5) Fully fund helpful federal programs like IDEA. In addition, since federal school improvement funding will always be far less than the need, give states adequate resources to address the schools picked by the states as “most in need.” Then provide “best practices” technical help to those schools, using state and national resources. Then see what works and keep doing it and see what does not and stop it. Education needs to become a priority for funding in the United States if we are to continue to compete in the global economy.
- (6) Remove the AYP structure of labeling schools as failures and doing so because of the underperformance of subgroups of students. We support full reporting of how subgroups are doing and using that information to help them. We support implementing effective research-based methods to close the achievement gap of subgroups of children. Create a system of accountability designed to encourage parents to be active partners in their children’s education. The NCLB AYP structure only damages the schools and makes them less able to help the children.
- (7) When there are “consequences” for poor performance, make them helpful for improving

schools rather than the opposite. That requires flexibility, since “big city” solutions are often useless in rural settings, and vice versa. For example, students would be helped by federal financial assistance to provide incentive for recruiting and retaining quality educators in high poverty and geographically isolated schools. In addition, research has proven that high quality, researched-based professional development and sustainable educator induction and mentor programs have a positive effect on student achievement. And outside the framework of ESEA: (8) Use other federal and state resources to attack the sources of poverty at the root, including active promotion of high-quality education, community economic development, and working with tribal governments where appropriate to bring cultural forces to bear on the issues. Schools alone cannot solve basic societal issues.

Appendix G: Montana Special Education Criteria

ARM 10.16.3019 CRITERIA FOR IDENTIFICATION OF STUDENT AS HAVING SPECIFIC LEARNING DISABILITY

(1) The student may be identified as having a specific learning disability if, when provided learning experiences appropriate to the student's age or grade-level based on state approved K-12 standards:

(a) The student does not make sufficient progress to meet age or grade level based on state approved K-12 content standards in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem solving.

(b) Consistent with district procedures, evaluation teams shall use either response to scientific, research based intervention under ARM 10.16.3019A or severe discrepancy under ARM 10.16.3019B when determining whether the student is not making sufficient progress toward age or grade level based on state approved K-12 content standards.

(c) The student may not be identified as having a specific learning disability if the student's significantly low rate of progress in meeting age and grade level based on state approved K-12 content standards is primarily the result of a visual, hearing, or motor impairment; cognitive delay; emotional disturbance; environmental or economics disadvantage; cultural factors; or a lack of appropriate instruction.

ARM 10.16.3019A RESPONSE TO SCIENTIFIC, RESEARCH BASED INTERVENTION IN LEARNING DISABILITY IDENTIFICATION

(1) A student may be determined to have a specific learning disability based on an insufficient response to scientific, research based interventions resulting in a low level of academic achievement. Insufficient response to interventions occurs when, despite the implementation of interventions over a sustained period of time, the student is not achieving adequately based on the student's age or grade level based on state approved K-12 content standards.

(a) Scientific, research based interventions are:

(i) matched to the specific needs of the student as identified through systematic, data-based processes for examining the presenting problem, including parental input, to identify instructional interventions that have a high likelihood of success;

(ii) focused on changing the instructional strategies or techniques used with the students; and

(iii) regularly monitored for student progress and correct implementation via regular and frequent data collection, and analysis and modification of interventions as necessary based on data analysis.

(b) In determining the responses to scientific, research based interventions, the evaluation team must consider data regarding how appropriately the intervention was delivered by qualified personnel, as well as, data comparing the student's rate of learning and current levels of performance with the student's initial levels of performance.

(2) A student may be determined to have a specific learning disability if the student is making sufficient response to scientific, research based interventions and the level of

intervention necessary to sustain the response can only be provided through special education services.

ARM 10.16.3019B SEVERE DISCREPANCY IN LEARNING DISABILITY IDENTIFICATION

(1) A student may be determined to have a specific learning disability based on a severe discrepancy between the student's intellectual and achievement in one or more of the areas listed in ARM 10.16.3019.

(a) A severe discrepancy is defined as a 50 percent or high probability of a two standard deviation discrepancy between general cognitive ability and achievement in one or more of the areas identified in ARM 10.16.3019 when adjusted for regression to the population mean.

(b) Error in test measurement requires judgment for students who score near two standard deviations below the population mean. When exercising this judgment, consideration of additional information, such as classroom performance relative to the student's performance on norm-referenced tests, shall be used as the basis for determining the severe discrepancy.

(c) Alternatives to norm referenced tests, such as curriculum-based assessments, shall be utilized to determine severe discrepancy whenever cultural factors, test conditions, size of test item sampling for the student's age, or other factors render standardized assessment results invalid. When utilizing alternative assessment procedures, a determination must still be made that a discrepancy between ability and achievement exists at a level of severity similar in size to the discrepancy that would have otherwise been found in (1)(a).

ARM 10.16.3019C DOCUMENTATION REQUIREMENTS IN LEARNING
DISABILITY

(1) Evaluation teams shall document evaluation team finding under ARM 10.16.3019A or 10.16.3019B and:

(a) the students' academic performance in the regular classroom setting through observation.

(i) Requirements for documentation of observation may be met by observation of routine classroom instruction and monitoring of the student's performance that was done before the child was referred for an evaluation or have at least one member of the group 34 CFR 300.306(a) (1) conduct an observation of the child academic performance in the regular classroom after the child has been referred for an evaluation and parental consent, consistent with 34.CFR 300.300(a), is obtained.

(ii) In the case of a student of less than school age or out of school, a team member shall observe the student in an environment appropriate for a student of that age.

(b) educationally relevant medical findings, in any, that have been considered; and

(c) two or more interventions specific to the individual student. Intervention shall not unnecessarily delay appropriated identification.

(2) If the student has been evaluated under ARM 10.16.3019A, documentation must also include:

(a) the scientific, research based interventions and instructional strategies used; and (b) the student centered data collected during the implementation of at lease two intensive individualized interventions which have been implemented for a sustained period of time.

Appendix H: Additional ideas from Egyed & Short (2006)

1. Teachers reporting low burnout may not view special education as simply a means of removing a child from their classroom, but as a positive solution to a problem.
2. Teachers who exhibit characteristics of burnout may lack the mental energy or concern for students to properly implement pre-referral or post-identification interventions aimed at reducing problematic behavior.
3. Results failing to support a relationship between decision to refer and teacher sense of efficacy contradict some of the previous research.
4. The finding that the number of years of teaching experience was not related to burnout was unexpected, though conflicting evidence exists in the literature.
5. The failure to find a difference in burnout and sense of efficacy between teachers with different education levels was unexpected, although this finding may be congruent with some previous findings.
6. Training in behavior management was related to teachers' reported levels of efficacy and burnout. Additional training in behavior management may help increase teacher efficacy by giving a better and wider repertoire of behavior management skills and may boost confidence in teaching ability by reinforcing existing skills and competencies.

Appendix I: Invitation to Participate
January 19, 2010

Dear Fellow Educator and Colleague:

Educational research can validate education programs and innovations or signal the need for change or revision. Research provides information for data-driven decisions, an important process in education. This study can provide information on the success or underachievement of students who did not qualify for special education services. Reviewing the interventions used in the various schools may provide insight into which interventions are the most successful. The research question is, “Within a school system, how are the needs of the non-qualifying students for special education addressed, what supports are put in place, and what interventions are used?”

I am writing to request your participation in a study seeking information to answer the above mentioned research question. The population for the study is the students referred for special education evaluation with a suspected learning disability in reading who did not qualify in the 2007-2008 school year. See below for the complete list of needed data.

Research projects often have to have School Board approval. If this is a requirement in your district, please place the request on the agenda as soon as possible. Depending on the number of students going through the special education referral evaluation process, collecting the data and documenting it into the data collection chart may take some time. For 2008-2009 and 2009-2010, the Special Education Monitoring process required a form, STUDENTS FOUND NOT ELIGIBLE FOR SERVICES UNDER IDEA, to be completed. This can be used to provide the list of students who did not qualify. To assist with the data collection process, a school district may elect to provide the researcher with access to the data. Both parties would sign a confidentiality agreement between the school district and researcher.

University of Montana Institutional Review Board (IRB) has approved this study. School personnel using the state identification numbers (as I do not wish to know the individual identity of the student) can preserve confidentiality of student data. A data form is included to provide the following information or you may request an electronic version by emailing me. **Students, 4th grade thru 7th grade, who were referred but who did not qualify in 2007-2008 school year.** The information that is in italics can be found in the MARS data. The information needed is

- the grade level of the student when referred,
- the reason for the referral,
- the reason the student did not qualify,
- *Scaled score on MontCAS for reading for 2006-2007 (year before referral),*
- *Scaled score on MontCAS for reading for 2007-2008 (year of the referral),*
- *Scaled score on MontCAS for reading for 2008-2009(the year after the referral),*
- in addition, supports and interventions used (checklist is provided) with the student.

Thank you for your cooperation and participation. Upon completion of this study, I look forward to sharing the information with you. Please feel free to contact me with any questions or comments about the study at 406-541-3589 or ntg@bresnan.net.

Sincerely,
Nancy Terwilliger-Grube, Doctoral Candidate,
Educational Leadership, University of Montana

Appendix J: Data Collection Tool

Name of School	Number of students fitting criteria:				
	1	2	3	4	5
Student Id number					
Grade Level of student when referred					
Reason for the referral					
Problems with letter/sound associations					
Problems with sight words					
Often guesses at words (strange substitutions)					
Poor reading fluency					
Poor reading comprehension					
Other reasons					
Reason student did not qualify					
Did not meet disability criteria					
Does not demonstrate a need for sped. Ed.					
Lack of instruction					
Limited English Proficiency					
Raw Score on MontCAS for reading 2006-2007					
Raw Score on MontCAS for reading 2007-2008					
Raw Score on MontCAS for reading 2008-2009					
Academic Intervention Checklist					
Work one on one					
Work in small group					
Referred to reading lab					
Received Title I assistance					
Modified or shortened assignments					
Increased reading time					
Textbooks on tape					
Rtl Process in place					
Establishing					
1st year					
2nd year					
3rd year					
4th year					
5th year					

