Culturally Responsive Practices in Schools

A Checklist to Address

Disproportionality in Special Education

Craig R. Fiedler
Bert Chiang
Barbara Van Haren
Jack Jorgensen
Sara Halberg
Lynn Boreson

The overrepresentation of students with racial, cultural, ethnic, and linguistic diversity (RCELD) in special education has been well documented for over 30 years (Artiles, Harry, Reschly, & Chinn, 2002; Connor & Boskin, 2001; Coutinho & Oswald, 2000; Harry & Klinger, 2006; Patton, 1998). This phenomenon is known as disproportionality. Disproportionality is generally defined as "the representation of a particular group of students at a rate different than that found in the general population" (Gravois & Rosenfield, 2006, p. 42). A complex interplay of economic and demographic variables-including poverty, culture, geography, and language, which is termed as "the new morbidity" by Turnbull (2005, p. 325)—was found to be associated with the disproportionate representation of minority students (Donovan & Cross, 2002; Oswald, Coutinho, Best, & Singh, 1999). Additionally, Losen and Orfield (2002) suggested possible race-linked contributing factors, such as unconscious racial bias, resource inequalities, and power relationships between school authorities and minority parents. When disproportionality of minority students in special



education classes exists, it has a greater likelihood of being a self-fulfilling prophecy among the staff and the students themselves (Patton & Townsend, 1999).

The most recent reauthorization of the Individuals With Disabilities Education Improvement Act (IDEA) of 2004 (20 U.S.C. §§ 1400 et seq.) noted the continuing and growing problem of disproportionality in special education and made several new statutory provisions to address this issue. First, states and local education agencies (LEAs) are required to develop policies and procedures to prevent the overidentification of students with RCELD. In addition, school districts must gather and analyze data and identify disproportionality across disability categories, in special education placements, and in disciplinary actions. Second, a student cannot be determined to have a disability if the student's primary academic deficit is a lack of appropriate instruction in reading or mathematics. Third, LEAs with high rates of students with RCELD in special education are required to implement early identification services and to reserve a maximum amount of federal funds (15% of IDEA Part B) for early intervention services. Finally, the U.S. Department of Education, Office of Special Education Programs, monitors state compliance with the IDEA through a process that reviews state data on 20 performance indicators. IDEA 2004 added two new performance indicators directly related to disproportionality:

Indicator 9: Percentage of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Indicator 10: Percentage of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

State performance plans must now report the percentage of districts with disproportionate representation of racial and ethnic groups in special education and in specific disability categories that is the result of inappropriate identification. Local districts so identified are seeking guidance in developing culturally responsive approaches to appropriately identify students with RCELD as truly disabled and in need of special education services.

The Checklist Development Process

In an effort to address the disproportionality issue, the Wisconsin Department of Public Instruction funded a collaborative 2-year project to develop the Checklist to Address Disproportionality in Special Education (CADSE). The iterative process involved the Madison Metropolitan School District (MMSD), the University of Wisconsin Oshkosh (UWO), and the Wisconsin Department of Public Instruction (WDPI). During the first year, three UWO special education researchers conducted a comprehensive review of the literature on disproportionality. In addition, the university researchers reviewed IEP team records from MMSD, including 75 records of initial evaluations for special education and transfer records. The files reviewed were from elementary, middle, and high school records of students evaluated for specific learning disabilities (SLD) and/or emotional behavioral disabilities (EBD). The records included students who were White, African American, and Native American. The literature review and IEP records review gave the researchers insights into relevant educational practice issues surrounding the identification of students with RCELD for special education.

The researchers generated a list of questions and conducted a focus group of support teachers from the MMSD special education program, school psychologists, and others involved in the special education assessment process to solicit input on such issues as exclusionary factors, referral beliefs and practices, assessment practices, IEP team factors, and staff professional development needs. About 1 month later, a sec-

ond focus group, consisting of the members of the MMSD positive behavioral supports team, met to offer their perceptions of the prereferral intervention process, consideration of exclusionary factors, experiences in general education, and conceptualization of the checklist. At the end of the first year, a final set of five focus-group sessions were conducted with MMSD special education and program support teachers, school psychologists, related services personnel, principals, and other district administrators to solicit specific feedback on the draft checklist. An online survey employing a modified Delphi method to distinguish essential from nonessential checklist items was then administered to a sample of MMSD and National Institute for Urban School Improvement (NIUSI) staff. This process eliminated a number of checklist items.

During the second year of the CADSE development process, MMSD staff piloted the checklist in 10 elementary schools that were selected because of their involvement with an MMSD/NIUSI partnership. Mid-year and end-of-year focus groups and meetings with principals, special and general education teachers, school psychologists, and central administrators were then conducted to solicit a variety of feedback on the use of the CADSE. Figure 1 summarizes both positive comments on the checklist and concerns and issues that were raised. On the one hand, within a relatively short period of time, the checklist has apparently had the impact of not only raising the staff's awareness of the problem of disproportionality but also generating open and courageous conversations to search for viable solutions. On the other hand, several of the identified concerns reflect a glaring need for useful tools and bestpractice examples to guide staff's efforts in addressing disproportionality con-

Purpose of the CADSE

Any effort to respond to the issue of a disproportionate number of students with RCELD being placed into special education programs must consider relevant external and internal factors. The CADSE was designed to help school

Figure 1. Pilot-Year Feedback on the CADSE

Positive Feedback

- Useful in helping staff articulate professional development needs and school improvement goals.
- Led to deeper discussions about students with RCELD and more patience in prereferral interventions.
- Led to better documentation of prereferral interventions and eligibility determination discussions.
- Caused staff to look beyond student deficits and focus more on environmental context.

Concerns and Issues

- Consistency in using the checklist from team-to-team and school-toschool.
- Some exclusionary factors (e.g., economic disadvantage, culture) were difficult to evaluate and discuss with parents.
- More specific guidelines (e.g., how long to try an intervention before formal referral) were needed.
- · Still a professional judgment call.
- Need for more support options for at-risk students.
- Difficult to determine impact of exclusionary factors on learning and behavior—issue of primacy.
- Some parents viewed discussion of exclusionary factors as barriers to necessary services.

staff identify and discuss relevant external factors (e.g., impact of high stakes assessment and accountability demands, school district priorities and policies) and internal factors (e.g., schoolwide ecology and supports; general education teacher beliefs and practices; early intervening services; and IEP processes at three stages: referral, assessment, and special education eligibility determination). The checklist is designed to help school staff think more deeply about issues and practices that may contribute to the overrepresentation of students with RCELD in special education. The goal of the CADSE is to serve as a catalyst for school improvement efforts to ensure that the limited resources of special

education are reserved for students with RCELD who are truly disabled.

The intent of the CADSE is not to put into place unnecessary or additional barriers that impede students with real disabilities from receiving special education services. Rather, the goal of the CADSE is to eliminate the assumption or prediction that a student with RCELD will most likely be placed into special education. Indeed, the issue of a disproportionate number of students with RCELD being referred and placed into special education programs should be regarded as harmful only when special education placement results from (1) inadequate general education programs, (2) inappropriate assessment practices, or (3) ineffective special education programs. The guiding principle in creating this checklist has been what Reschly (1988) termed the "equal treatment criterion of fairness." Simply stated, this principle means that "given the same behaviors or symptoms, the same decisions are made at the referral, assessment, and placement steps regardless of the race or ethnicity of the student" (p. 297).

The goal of the CADSE is to serve as a catalyst for school improvement efforts to ensure that the limited resources of special education are reserved for students with RCELD who are truly disabled.

On the basis of the initial review of the literature and feedback from the school staff through focus groups, the purposes of the checklist are to

- Guide schools in eliminating the misidentification of students with RCELD in special education.
- Ensure that only students with disabilities (an identified impairment and a need for special education) are placed into special education programs on the basis of a comprehensive evaluation process and application of existing eligibility criteria.

This checklist is not intended to be used for teacher or program evaluation.

The checklist is designed for school-age students (K-12). The process reflected in the checklist promotes a multitiered problem-solving approach. This approach focuses on early intervening services and accurate identification for special education, which will reduce the achievement gap and address the disproportionate representation of students with RCELD in special education. The areas addressed through the checklist include (1) culturally responsive beliefs and practices of schools and general education classrooms, (2) culturally responsive coordinated early intervening services and referral practices, and (3) culturally responsive IEP team decision making. Each section provides guiding questions and quality indicators for educators addressing disproportionality.

CADSE Format

The CADSE is formatted to contain four key elements in each of the three sections of the checklist. The first element posits a number of "critical questions" for school professionals to guide their discussions and practices in teaching and assessing students with RCELD. The second element identifies the respondents who would be expected to be the primary individuals to address each critical question, depending on the stage of the educational process. Respondents could be chosen among prereferral intervention team members (including general and special education teachers, school psychologists or other related services personnel); IEP team members (including parents and family members); and school administrators. The third checklist element is the "quality indicators." The quality indicators offer examples of best educational practices to illustrate appropriate responses to each critical question. The fourth element is a rubric allowing respondents to evaluate the degree to which the school has addressed each critical question. The rubrics for the critical questions contain four response items reflecting a continuum from little or no attempts or progress made toward addressing the critical question to substantial and appropriate attempts or progress made. Finally, in Section III related to IEP team decision making, a fifth checklist element allows respondents to indicate the evidence or documentation used in responding to the critical question.

Sections of the Checklist

Section I: Culturally Responsive Beliefs and Practices of Schools and General Education Classrooms

This section is designed to review the comprehensiveness and effectiveness of the schoolwide and general education classroom practices, services, and programs. It contains a school and general classroom profile that establishes necessary context in assessing any student's academic and behavioral performance, and can be reviewed or completed annually for each school. Districtwide support for the completion of this section is crucial, and the identification of any schoolwide issues that may contribute to disproportionality is essential. This section could be completed on an annual basis, or more frequently if circumstances warrant. Input from the responses will help schools develop an action plan for school improvement. Table 1 contains the first 2 of the 19 critical questions for Section I and an example of the format for the checklist. For space limitations, examples of the format are presented only for the first two critical questions for each section. The complete checklist is available on the Web site of the Wisconsin Department of Public Instruction (http://www.dpi.state.wi.us/sped/doc/ disp-cadse-cklst.doc).

Other critical questions related to school culture and supports include the following:

- 3. Has the school principal established an attitude among staff that "all students are our students" as opposed to an attitude of "my students and your students?"
- 4. Do teachers (e.g., general education, ESL, special education) work collaboratively to support all students in the classroom?
- 5. Are differentiated interventions (e.g., Title I, Reading Recovery) available to students with RCELD?

Table 1. Section I: Culturally Responsive Beliefs and Practices of Schools and General Education Classrooms

Critical Questions

Quality Indicators

Rubric (Circle the # most applicable)

School Culture and Supports

- Does the school culture support and celebrate diversity and view students with RCELD as assets?
- School environment contains evidence of contributions/work from individuals with diverse racial and cultural backgrounds on a regular basis, not just during a special week or month.
- Classrooms contain evidence of contributions/ work from individuals with diverse racial and cultural backgrounds.
- Students with RCELD are regularly recognized and honored for their work.
- · Bilingual programming is included.
- Materials are translated for non-English ing speaking families.
- 2. Does the school have a positive behavioral support system for all students?
- School has established procedures that emphasize positive behaviors, and regularly recognizes students for displaying appropriate behaviors.
- School staff have been trained in the implementation of the positive behavioral support system.
- There are classroom incentive plans for positive behavior.

- The school makes little or no attempt to acknowledge and celebrate diversity.
- 2. The school acknowledges and celebrates diversity during a special time of the school year.
- 3. The school and classrooms acknowledge and celebrate diversity on a regular basis.
- 4. Acknowledgment and celebration of diversity permeates the school and classrooms with frequent and varied examples (e.g., students' work is prominently displayed, instructional materials contain contributions of diverse individuals, school materials translated for non-English-speaking families, bilingual programming).
- 1. The school does not have a positive behavioral support system in place.
- 2. The school has begun to implement a positive behavioral support system for all students.
- The school has implemented a positive behavioral support system for all students, and staff have been trained in its use.
- 4. The school has implemented a positive behavioral support system for all students, staff have been trained in its use, and school staff regularly engage in monitoring and problem-solving discussions in an effort to enhance the effectiveness of schoolwide positive behavioral support interventions.

- 6. Has the school adopted a problemsolving approach that values assessment to drive instructional decisions?
- Do school teams receive sufficient administrative support when expressing concerns about meeting the needs of students with RCELD?
- 8. Has the school established a multitiered model of intervention services?

Critical questions involving instructional team and teacher beliefs include these:

- 9. Do school teams actively consider other possible explanations (e.g., insufficient instruction, limited English proficiency, family risk factors) for the low achievement of students with RCELD rather than automatically assume a disability?
- Does the Instructional Team actively consider whether the absence of the student with RCELD from

- school or parents/family member's mobility has a negative impact on the continuity of general education classroom instruction?
- 11. Has the Instructional Team made concerted efforts to reach out to parents/family members of students with RCELD by fostering collaboration, mutual trust, and respect?
- 12. Does the Instructional Team use peer supports in the classroom?
- 13. Does the Instructional Team incorporate culturally responsive materials and content in the curricula and use culturally responsive teaching practices?
- 14. Does the Instructional Team actively seek to identify the source of inappropriate behavior or learning difficulties of a student with RCELD?

Critical questions involving instructional team practices include the following:

- 15. Does the Instructional Team use culturally responsive behavior management practices by considering the impact of culture on the behaviors of a student with RCELD?
- 16. Does the Instructional Team establish a classroom environment that accepts individual student differences and is positive, structured, and well managed?
- Does the Instructional Team set realistic, high expectations and standards for students with RCELD?
- 18. Are learning strategies explicitly taught to students with RCELD?
- 19. Does the Instructional Team accommodate the needs of students with RCELD through differentiated instruction that reflects the interests and experiences of students with RCELD?

Table 2. Section II: Culturally Responsive Coordinated Early Intervening Services and Referral to Special Education

Critical Questions	Quality Indicators	Rubric (Circle the # most applicable)
1. Were early intervening or prereferral services provided in a timely manner, for a reasonable duration, and with an intensive enough approach?	 Building team meets within 3 weeks after a teacher identifies a need for EIS. There are clear guidelines for movement across various tiers of interventions. 	 Student did not make progress. Both the duration, [and the] frequency and intensity of intervention were below the level suggested. Student did not make progress. The duration, frequency, and intensity were consistent with recommendations. Student did not make progress. The duration, frequency, and intensity of intervention exceeded the recommendations. Student making progress with prevention/early intervention supports.
2. Did the student receive a variety of services to address individual needs?	 Previous year's teachers are routinely invited to initial building team meetings to ensure a smoother transition. Counseling sessions are scheduled with students with RCELD to review expectations. A time/place for students with RCELD to receive individualized assistance with homework assignments has been established. 	 One intervention has been tried. At least two interventions have been tried. Multiple, different strategies have been tried. The team has exhausted appropriate interventions at this level.

Section II: Culturally Responsive Coordinated Early Intervening Services (EIS) and Referral to Special Education

The second section focuses on coordinated early interventions, including classroom-specific supports, schoolwide supports, and time-limited specialized support. It is more selective than the critical questions raised in Section I because not all students' educational experiences will be reviewed and assessed at this stage. An assumption is made that school personnel will not view a special education referral of a student with RCELD as inevitable. Use of the checklist encourages development of appropriate supplementary

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services and accommodations to address the needs of a student with RCELD who evidences academic and behavioral deficiencies within the general education classroom; the checklist is completed for each student when early intervening services in the context of response to intervention (RTI) are needed. Table 2 contains the first 2 of the 12 critical questions for Section II and an example of the format for the checklist.

Other critical questions related to culturally responsive early intervening services include these:

- 3. Did the student's classroom teacher initiate and receive support in selecting and implementing appropriate interventions?
- 4. Did systematic follow-up occur to ensure that interventions were implemented as designed and to monitor student progress?
- 5. Was the student's family involved as an equal partner in the problem-solving process?
- 6. Were community-based services for the student and his or her family considered and offered, if appropriate?

- 7. On the basis of review of existing data, was cultural difference considered a factor contributing to the student's learning/behavioral difficulties?
- 8. On the basis of review of existing data, were excessive absences considered a factor contributing to the student's learning/behavioral difficulties?
- 9. On the basis of review of existing data, were family risk factors and/or family mobility considered factors contributing to the student's learning/behavioral difficulties?
- 10. On the basis of review of existing data, were life stressors considered a factor contributing to the student's learning/behavioral difficulties?
- 11. On the basis of review of existing data, was a mismatch between instructional and learning styles in reading and/or mathematics considered a factor contributing to the student's learning/behavioral difficulties?
- On the basis of review of exiting data, were environmental or socioeconomic status considered a factor

contributing to the student's learning/behavioral difficulties?

Section III: Culturally Responsive IEP Team Decision Making— Evaluation and Determination of Eligibility

At this stage, the student has been referred for special education evaluation, during which specific issues, beliefs, and practices pertaining to special education referral, assessment, and determination of eligibility are reviewed and assessed. The checklist has three variations in this section: evaluation and eligibility determination for students K-12, for early-childhood-age students, and for transfer students. This article presents only the checklist section for K-12 students. Table 3 contains the first two of the five critical questions related to evaluation and the two of the eight items associated with eligibility determination as well as an example of the format of this checklist section.

Other critical questions related to the evaluation of K–12 students include the following:

- 3. Did the evaluation team gather and consider information about the student's home and parent/family culture?
- 4. When social, emotional, behavioral or medical concerns were expressed in the referral, were appropriate personnel, including pupil services personnel, involved in the evaluation activities?
- 5. Were parents/family members and the student, as appropriate, regularly involved throughout the evaluation process?

Other critical questions related to the eligibility determination of K-12 students include the following:

- 3. Was attendance (i.e., excessive absences) the primary explanation for the student's learning and behavior difficulties?
- 4. Was mobility the primary explanation for the student's learning and behavior difficulties?
- Were life stressors (i.e., divorce, death of a family member) or other factors the primary explanation for

- the student's learning or behavior difficulties?
- 6. Was insufficient instruction in reading and/or mathematics the primary explanation for the student's learning and behavior difficulties?
- 7. Were environmental and/or socioeconomic factors the primary explanation for the student's learning or behavior difficulties?
- 8. Were exclusionary factors addressed prior to discussing specific components of the criteria during the eligibility determination meeting?

Conclusion

We fully expect the CADSE will go through additional evolutionary changes as educators gain more experience and insight in using this instrument to address the complex issue of disproportionality. For future use of the CADSE, we offer the following insights/findings and recommendations based on the initial year of using all three sections of the instrument.

- Disproportionality is not a new issue in special education. However, the reauthorization of IDEA has brought new attention to this issue. As an evaluation instrument, the CADSE has demonstrated its potential to increase educators' awareness of the disproportionality issue and factors that contribute to the problem. It also offers guidance in leading crucial discussions on the culture and climate of schools, classrooms, and IEP teams.
- The CADSE informs educators that the issue of disproportionality is not simply a special education problem. Any comprehensive systems-change efforts to address disproportionality must involve both general and special education systems and personnel.
- The CADSE has proved effective in increasing the diligence of educators in documenting the basis for their decisions at all stages of the special education process (e.g., early intervening services, referral, evaluation, and eligibility determination).

- 4. The use of the CADSE needs to be accompanied with ongoing professional development programs involving all teachers and pupil services staff. If proper training is lacking, the CADSE may not be applied consistently across students and schools. Two organizations in particular are on the leading edge in developing professional development materials related to culturally responsive educational practices. These two organizations are the National Institute for Urban School Improvement (NIUSI) at http:// urbanschools.org and the National Center for Culturally Responsive Educational Systems (NCCRESt) at http://www.nccrest.org.
- 5. To the extent possible, the CADSE should be aligned with existing school initiatives and other school forms (e.g., student academic and behavioral monitoring systems, IEPs) to avoid the perception of excessive paperwork.

In the final analysis, any evaluation instrument is only as good as the professionals employing the tool. The CADSE poses relevant questions and issues concerning disproportionality and is a first step in developing more culturally responsive educational practices to ensure that students with RCELD are placed in special education programs only when they are truly disabled.

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Table 3. Section III: Culturally	Responsive IEP Team	Decision Making—Evaluation	on and Determination of
Eligibility			

Critical Questions Indicators of Quality Rubric Evidence and Documentation

Evaluation

- 1. Were multiple measures/ modalities of evaluation, including nonverbal instruments, when appropriate, conducted across settings and time, and were those evaluation instruments appropriate for the student with RCELD?
- Evaluation included standardized tests that were normed based on culturally representative population.
- Evaluation included other informal, age-appropriate assessments, social and language history, observations and so forth from multiple sources in multiple environments.
- Multiple perspectives were gathered by involving parent/ family, teacher, and student (if appropriate).
- Standardized tests included nonverbal measures when appropriate.

- The evaluation included no standardized tests and no informal evaluations such as curriculum-based measures, social history, observations, and so forth.
- The evaluation included some standardized tests and minimal evaluations, such as curriculum-based measures, social history, observations, and so forth.
- The evaluation primarily included standardized tests, and some informal evaluations such as social history, observations, and so forth.
- 4. The evaluation was comprehensive and included multiple standardized tests, informal evaluations such as social history, observations, and so forth, and nonverbal measures when appropriate.

- IEP Evaluation Report
- List measures of evaluation
- · Other

- 2. Did observations of the student with RCELD include measurable and observable data?
- Observation report provided numeric data (e.g., percentage of time on task or number of interruptions).
- Narrative report provid[ed] possible cultural reasons for identified behaviors.
- Observation report did not provide numeric data, (e.g., percentage of time on task or number of interruptions; and the report did not include possible cultural reasons for identified behaviors.
- Observation report provided minimal numeric data, and the report minimally included possible cultural reasons for identified behaviors.
- Observation report provided some numeric data, and the report included some possible cultural reasons for identified behaviors.
- Observation report provided comprehensive numeric data, and the report included possible cultural reasons for identified behaviors.

- IEP Evaluation Report
- List data
- Other

Eligibility Determination

- Were multiple attempts to involve parents/ family members made during eligibility determination?
- Alternative means for participation were offered, such as teleconference, meeting outside of school setting, and so forth.
- Transportation was arranged for the parents/family members.
- Criteria documentation and checklist completed after discussion and conclusion is reached at IEP meeting.
- Minimal or no efforts were made to involve parents/family members.
- 2. Three good-faith attempts were made to involve parents/family members.
- 3. Three good faith attempts were made to involve parents/family members, and only one alternative for participation was offered, such as arranging for transportation to encourage attendance by parents/family members, teleconference, and meeting outside of school setting.
- 4. Three good-faith attempts were made to involve parents/family members, and more than one alternative for participation was offered, such as arranging for transportation to encourage attendance by parents/family members, teleconference, and meeting outside of school setting.

- IEP Evaluation Report
- List evaluation tools and procedures
- Other

Critical Questions

Indicators of Quality

Rubric

Evidence and Documentation

Eligibility Determination - Continued

- RCELD a primary explanation for learning, behavior, or other difficulties?
- 2. Was the student's IEP records document discussion about cultural or language differences and the effect on student's learning, behavior, or other difficulties.
 - · The student has had behavioral and/or academic support in their primary language at appropriate level and duration.
 - · Classroom or other settings provided strategies to minimize RCELD differences (e.g., incorporating the student's home culture when establishing and setting norms and curriculum, and involving the parent and others of the same RCELD group in developing strategies, activities, and understanding of the child's background).
 - · Specific interventions were documented.

- 1. No classroom strategies to minimize racial, linguistic, cultural, or ethnic differences were provided.
- 2. Few classroom strategies to minimize racial, linguistic, cultural, or ethnic differences were provided-such as behavioral and/or academic support in the student's primary language at appropriate level and duration, incorporating the student's home culture when establishing classroom norms and curriculum, involving the parent and other staff/consultants of that race in developing strategies that eliminate racism-and learning and behavior difficulties persisted.
- 3. Some classroom strategies to minimize racial, linguistic, cultural, and ethnic differences were provided—such as behavioral and/or academic support in the student's primary language at appropriate level and duration, incorporating the student's home culture when establishing classroom norms and curriculum, involving the parent and other staff/consultants of that race in developing strategies that eliminate racism—and learning and behavior difficulties persisted.
- 4. A number of classroom strategies to minimize racial, linguistic, cultural, ethnic differences were provided—such as behavioral and/or academic support in the student's primary language at appropriate level and duration, incorporating the student's home culture when establishing classroom norms and curriculum, involving the parent and other staff/consultants of that race in developing strategies that eliminate racism-and learning and behavior difficulties persisted.

- · IEP Evaluation Report
- · Other

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Craig R. Fiedler (CEC WI Federation), Professor, Department of Special Education, College of Education and Human Services; and Bert Chiang (CEC WI Federation), Professor, Department of Special Education, University of Wisconsin Oshkosh. Barbara Van Haren (CEC WI Federation), Director of Special Education, Cooperative Educational Services Agency (CESA) #1, Brookfield, Wisconsin. Jack Jorgensen (CEC WI Federation), Executive Director; and Sara Halberg (CEC WI Federation), Program Support Teacher, Department of Educational Services, Madison (WI) Metropolitan School District, Madison, Wisconsin. Lynn Boreson (CEC WI Federation), Emotional/Behavioral Disabilities Consultant, Wisconsin Department of Public Instruction, Madison, Wisconsin.

Address correspondence to Craig Fiedler, Department of Special Education, University of Wisconsin Oshkosh, Oshkosh, WI 54901 (e-mail:fiedler@uwosh.edu).

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