BLACK STUDENTS AND RACE DYNAMICS IN THE SPECIAL EDUCATION PRE-REFERRAL TEAM PROCESS

by

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Dedication

This work is dedicated to my mother, Dawn Barton, who provided me with a foundation of love and encouragement which has allowed me to feel I am capable of anything.

To Linda Ellison, Fred Barton, Blessing Akalaonu, and Dean Fuller who each contributed pieces of themselves to reinforce the foundation set by my mother.

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And to present and future scholars and activists who labor to undo racial injustice in all its forms; may your efforts soon render this work obsolete.
Table of Contents

List of Tables .......................................................................................................................... 7
Abstract.................................................................................................................................. 8

Chapter 1: Introduction .............................................................................................................. 9
  Overview ................................................................................................................................. 9
  Background of the Problem ..................................................................................................... 9
  Theoretical Framework: Critical Race Theory ........................................................................ 13
  Racial Realism ....................................................................................................................... 15
  Critique of Liberalism ............................................................................................................ 16
  Counter-narrative ................................................................................................................ 17

Problem Statement .................................................................................................................. 20

Research Questions .................................................................................................................. 21
Research Approach .................................................................................................................. 21
Assumptions ............................................................................................................................. 22

Researcher Positionality .......................................................................................................... 23

Rationale and Significance for the Study ................................................................................ 24
  Why this Study? ....................................................................................................................... 24
  Why Study PRMs and Not Individualized Educational Plan (IEP) Meetings? ...................... 24
  Why Study Over Rather than Under-Representation of Black Students? .......................... 25

Key Terminology Used in this Study ....................................................................................... 25

Chapter 2: Literature Review ................................................................................................... 27

Overview .................................................................................................................................. 27

Disproportionality in SPED: Is ORB in SPED Still a Problem? ............................................. 27
  Findings of Studies Using Local Samples ........................................................................... 27
  Findings of Studies Using National Samples ...................................................................... 30

Implicated Factors: Does Poverty Explain ORB in SPED? ..................................................... 36

Implicated Factors: How Might Teacher Bias Relate to ORB in SPED? ............................... 37

Implicated Factor: Is ORB in SPED Simply Due to In-group/Out-group Attribution Biases? 38

Implicated Factors: How Do PRMs Impact ORB in SPED? .................................................. 42

Implicated Factors: What Other Aspects of the SPED Referral System May Be to Blame? 44

Summary .................................................................................................................................. 46

Chapter 3: Methodology .......................................................................................................... 48

Research Questions .................................................................................................................. 48
Research Design ....................................................................................................................... 48
Setting ....................................................................................................................................... 49
Chapter 4: Results........................................................................................................... 72

Research Question 1: How Are Black Students Talked About by Educators During PRMs? .... 72

Research Question 2: Do Referral Teachers Talk Differently About Their Black vs. White Students During or After PRMs? ................................................................. 78

Affective Differences ........................................................................................................ 78

Strength and Deficit Language Differences ..................................................................... 81

Differences in Utilization and Motivation for SPED Services ........................................... 83

Research Question 3: Are the Characteristics of PRMs for Black Students Different than Those for White Students? ................................................................. 89

Age and Referral Timing .................................................................................................. 89

Presenting Difficulties ....................................................................................................... 90

Referral Teacher Characteristics ......................................................................................... 91

Discussion About and Use of Pre-referral Interventions .................................................. 91

Research Question 4: What Student-Level, Teacher-Level, and PRM-Related Variables Are Associated with Educators’ Desires for a Student to Be Placed Into SPED and/or Removed from the Mainstream Setting? ........................................... 93

Student-Level Variables Associated with Belief in Student’s Need for SPED ................. 93

Student-Level Variables Associated with Removal from Mainstream Education ............. 95

Teacher-Level Variables Associated with Belief in Student’s Need for SPED .................. 97

Teacher-Level Variables Associated with Removal from Mainstream Education ............. 97

PRM-Level Variables Associated with Belief in Student’s Need for SPED ......................... 98

PRM-Level Variables Associated with Removal from Mainstream Education .................. 98

Chapter 5: Discussion ........................................................................................................ 100

Recommendations ............................................................................................................. 106
Future Research Directions .............................................................................................................. 112
Limitations ....................................................................................................................................... 113
Conclusion ........................................................................................................................................ 114
Appendix A Pre-Referral Meeting (PRM) Characteristics Fact Sheet ........................................ 116
Appendix B Referral Teacher Survey .............................................................................................. 117
Appendix C Coding Manual ........................................................................................................... 118
References ....................................................................................................................................... 123
List of Tables

Table 1 ........................................................................................................................................51
Table 2 ........................................................................................................................................56
Table 3 ........................................................................................................................................57
Table 4 ........................................................................................................................................61
Table 5 ........................................................................................................................................72
Abstract

Although decades of quantitative research has demonstrated the over-representation of Black students (ORB) in special education (SPED), some recent quantitative researchers created controversy in the field by declaring that Black students were under-represented in SPED. Since that time, there has been a call for both qualitative studies and studies that explicitly use theory to guide their research design/data analysis to explore ORB in SPED (Cruz & Rodl, 2018). The present study is an exploratory, phenomenological, qualitative study that uses Critical Race Theory (CRT) to explore how the early stages of the SPED referral process may or may not contribute to ORB in SPED. Four SPED pre-referral meetings (PRMs) were recorded and coded for content. Eight teachers who had referred students to PRMs (4 Black referred students and 4 white) completed surveys related to the extent they believed their referred students needed SPED services and/or needed to be educated outside the general education setting. Results indicated Black students were found to be referred to PRMs early in the school year, at a younger age, and with no previous history of PRMs compared to white students. Additionally, several differences were found in the way educators spoke about their Black and white students. There was far less discussion about how SPED services would be useful for Black students’ futures, more frequent and more negative discussion about relational stress with Black students, more “back-handed” comments about Black students’ strengths, and less talk about non-SPED interventions that could be utilized to help Black students compared to white students. The findings of this study are discussed in relationship to several CRT tenets. Related recommendations for school psychologists are also provided.
Chapter 1: Introduction

Overview

This exploratory study investigated how teachers make decisions and discuss Black students in the context of pre-referral team meetings (PRMs). PRMs are part of a process used to support students with academic and/or behavioral difficulties. PRMs are known by different names in different schools (e.g., Student Review, Student Intervention Team, Child Study Team, Teacher Assistance Team, etc.), but they all function to satisfy federal efforts to appropriately discern when struggling students need referral for a special education (SPED) evaluation (see U.S. Department of Education, 2004). PRMs are of interest because they represent the first, formal step towards prospective SPED placement. As such, PRMs are implicated in one of the most intractable, education-equity phenomena in the country: the disproportionate overrepresentation of racial/ethnic minoritized students into SPED. Recently, the research community has become somewhat contentious as some quantitative researchers have begun to call into question decades of quantitative research that testify of the continued overrepresentation of Black students in SPED. This study represents a novel contribution to the literature on the over-representation of Black students (ORB) in SPED via a qualitative exploration of a specific mechanism that may perpetuate the phenomenon: the PRM.

Background of the Problem

Despite the ostensible social justice victories of the Civil Rights movement in the 1960’s, racial justice continues to elude the United States, particularly for African Americans. Though practices like slavery and other heinous forms of racial violence/domination have been outlawed, their material and ideological legacies haunt people of color as persistent racial injustices in
every sector of our society (Sharpe, 2016). Hartman (2008) aids our understanding of continued racial injustice centuries after abolition:

If slavery persists as an issue in the political life of Black America, it is not because of an antiquarian obsession with bygone days or the burden of a too-long memory, but because Black lives are still imperiled and devalued by a racial calculus and a political arithmetic that were entrenched centuries ago. This is the afterlife of slavery—skewed life chances, limited access to health and education, premature death, incarceration, and impoverishment. (p. 6)

One of the most sordid sources of racial inequity has been within the American public education system. Dr. Christina Sharpe (2016) gives us a glimpse of the contemporary impact of anti-blackness in education as she recounts her family’s experience with schooling:

In each of these private and public institutions and across generations (there were twenty-one and twenty-two years between my eldest siblings and me) we faced the kinds of racism, personal and institutional, that many people, across race, like to consign to the pre–Brown v. Board of Education southern United States. (p. 3)

Of the race-related injustices that exist in public education, one of the most well-researched, unremedied phenomena is ORB in SPED. ORB in SPED has been a pattern of concern before and since the passage of Public Law 94-142 or the Individuals with Disabilities Education Act (IDEA) in 1975. These days, ORB in SPED is modest at the national level; despite being 14% of the school population, Black students are about 17% of those served in SPED (compared to white children who are 42% of the population and 15% of those served in SPED; National Center for Education Statistics, 2021a, 2021b). However, ORB in SPED has been a persistent issue for which over 50 years of research has been dedicated. More specifically, this pattern of
overrepresentation has been demonstrated most consistently in high-incidence categories of educational disability, which are determined using higher levels of clinical judgement. Such categories include Emotional Disability (ED, also known as Emotional Disturbance or Emotional/Behavioral Disability), Mild Intellectual Disability (MID), Specific Learning Disabilities, and Other Health Impairment (commonly for diagnoses of attention-deficit/hyperactivity disorder).

Recently, however, this long-standing consensus has been contested. Certain research, such as that completed by Morgan, Farkas, and their colleagues has concluded that Black students (and other students of color) are not over-represented in SPED but rather under-represented (e.g., Morgan & Farkas, 2016; Morgan et al., 2015; Morgan et al., 2017). Indeed, Morgan et al. (2015) even called federal efforts to reduce the over-representation of racially/ethnically marginalized children in SPED as “misdirected” (p. 288). The authors’ main critique of previous research on disproportionality in SPED was that researchers were not using numerous co-variate controls to demonstrate that race remained a significant factor in SPED placement. Such co-variates included: age, grade, neighborhood, state, academic achievement, family socio-economic status, parenting practices, and birth weight. These findings received a great deal of media attention (e.g., Cohen et al., 2015; Strauss, 2018) as academics and lay-people alike pondered if racial justice in special education had been achieved - and indeed if more Black children should be placed into SPED in the future. Despite this media attention, these findings have also received a fair amount of critique. Skiba and colleagues’ (2016) critique included: a non-representative sample of students in special education, use of teacher survey to identify students’ disability labels rather than direct counts, inappropriate operationalization of variables of race and poverty, and over-simplifying the reality of racial disproportionality in
SPED rather than how the phenomenon changes in different educational contexts. Cohen et al. (2015) also indicated that the use of extensive covariates is problematic because many of the variables Morgan et al. (2015) urged people to control for “cannot actually be separated from the experience of being an African American in the United States” (p. 2). Thus, controlling for these variables may give researchers information on a racial reality that only exists in a statistical program. Most recently, a meta-analysis by Cruz and Rodl (2018) on racial disproportionality revealed several factors that influenced the studies’ findings regarding the presence of ORB in SPED. First, studies using national samples tended not to find evidence of ORB in SPED whereas studies using regional samples (i.e., state, school district) often did. Second, the researchers were concerned that much of the research in this area tended to lack a theoretical framework that drove the conceptualization of their research design, variable operationalization, or interpretation of findings. Cruz and Rodl (2018) urged future researchers to use theory to guide their research from start to finish. Additionally, they mentioned the promise of qualitative work to quell the recent controversy in findings and provide a deeper understanding of the phenomenon.

The rancor that has accompanied this controversy over the reality of ORB in SPED is ostensibly a concern for social justice. Disproportionality of Black students in SPED highlights concerns for Black students’ guarantee for a free and appropriate public education. Over-representation of Black students in SPED involves the inappropriate assignment of disability labels on these children, and placement in educational environments where they are not challenged appropriately and consequently, makes them less likely to pursue a higher education (Archambault et al., 2009; Bruce & Venkatesh, 2014; Skiba et al., 2005). On the other hand, under-representation of Black students in SPED would mean Black students are having their
education needs go unserved and may languish in educational environments that are inappropriate for them.

**Theoretical Framework: Critical Race Theory**

Why are there differential rates of placement in SPED for different racial/ethnic groups of students? ORB in SPED may seem strange in a vacuum. However, the phenomenon becomes more understandable when it is considered in the larger context of Black people’s lives in America more broadly. In addition to their over-representation in SPED, Black people are more likely to attend high poverty schools with low academic achievement (e.g., Logan et al., 2012); receive more frequent and more severe punishment for infractions in school (e.g., Bal et al., 2017; Fabelo et al., 2011; Howard, 2020); experience more frequent and more severe criminal sentencing in the justice system (e.g., Kutateladze et al., 2014); are more likely to suffer police brutality or die at the hands of police (e.g., Chaney & Robertson, 2013; Kane & White, 2009; Staples, 2011); are compensated less in their lines of work and accumulate less lifetime wealth (e.g., Fairlie, 2018; Killewald & Bryan, 2018; Stanfield, 2011); experience higher rates of poverty- even when born into affluent families (Badger et al., 2018); and are underrepresented in leadership across virtually every sector of society (e.g., Eagly & Chin, 2010; Starks, 2009) compared to their white peers. This short list represents a fraction of the disadvantages that Black people face in America. Throughout these findings, we can see a trend in which Black people lack resources, power, and fair treatment, yet we are left to wonder why.

Without theory, we may not know how or why these patterns exist as they do. For example, in response to critiques that their findings are ahistorical and at odds with decades of research acknowledging racial bias against Black students (see Cohen et al., 2015; Skiba et al., 2016), Morgan and colleagues (2016, 2017) argued that their results are, in fact, in-line with the
history of anti-Black racial bias in the U.S. They explained that their findings of underrepresentation of Black students in SPED was analogous to disparities in healthcare access observed between Black and white people in the U.S. To Morgan and colleagues (2016), just as Black people are less likely to receive access adequate health care, so too are they being denied appropriate education curriculum and rightful placement in SPED. Morgan et al. (2016) assumed receipt of SPED was a “good” or a right being denied to Black students. Though superficially reasonable, historical precedent does not support their explanation of SPED as a service unjustly denied to Black students supports their findings. Rather, historical precedent reveals that Black students have been labeled as disabled by schools as a means to control Black students and/or deny them an appropriate education (e.g., Ansalone, 2006; Eitle, 2002, Hobson v. Hansen, 1967; Larry P. v. Riles, 1979). Understanding this, modern ORB in SPED could be seen not as an oddity, but as a continuation of a historic pattern of educational denial. But whom or what is responsible for this denial and why does it happen? Critical Race Theory (CRT) provides the framework needed to understand why ORB in SPED has occurred and continues to occur.

CRT emerged in legal scholarship as a rebuttal to Critical Legal Studies. CRT asserted that racism is not merely normal throughout American society, but that white supremacy is a foundational social organizing principle, rather than class (Bell, 1992; Ladson-Billings, 1998). Despite its origins in law, the tenets or principles of CRT can and are beginning to be used increasingly in the field of education (Ladson-Billings, 1998). To understand why ORB in SPED has occurred in the U.S., three relevant tenets of CRT will be discussed: racial realism, critique of liberalism, and counter-narrative.
Racial Realism

This tenet of CRT explains that race has been created as a tool of social dominance for the benefit of white people at the expense of people of color (Bell, 1992). Questions of race have appeared on the very first U.S. Census in 1790 to now; “White” and “Black” have been the two racial categories that have always been present on the census (Ladson-Billings, 1998). Although racial categories have seen some changes through time, their core function as a tool of social dominance has remained the same (Wynter, 1995). The idea of race arose as an ideological product born of imperialism and the need of Christian European nations to rationalize the domination, exploitation or erasure of certain groups of people for their individual material gain and the gains of the nations they represented (Schutt, 2019; Wynter, 1995). With colonization in the Americas came unprecedented opportunities for wealth and titles, and the quickest way to get these was with an exploitable labor force (Wynter, 1995).

For White, European nations, it was necessary to create new frameworks of thinking-who were “people” and who were merely people-like animals- to psychologically justify the use of slave labor. Thus, the proliferation of slave labor was facilitated by new ideology of “race” and the corresponding principle of white supremacy (Wynter, 1995). This marked an ideological shift from Europeans viewing the dark-skinned Africans as non-Christian idolaters, who retained an ideological humanity, in the same way the native inhabitants of the Americas were seen, to morally irredeemable, people-like, non-humans who were as exploitable and as disposable as livestock (Sharpe, 2016; Spillers, 1987; Wynter, 1995).

Although race is a social construct it remains a powerful shaper of society today (Sharpe, 2016). As previously demonstrated by examples of Black racial injustice, Black people continue to be positioned by anti-Black sentiment as exploitable and/or disposable “others”: less capable
and less deserving than the dominant white race. Thus, through the lens of racial realism, ORB in SPED is a product of anti-Black sentiment. Black students are easier to see as inferior (genetically, intellectually, culturally etc.) or deficient compared to white students due to anti-Black sentiments of educators (e.g., Dumas, 2016; Ladson-Billings, 1998; Lynn & Dixson, 2013). As a result, educators would be more likely to interpret otherwise ambiguous educational difficulties perceived in their Black students as signs of disability and rationale for SPED evaluation or placement.

Critique of Liberalism

Seemingly progressive and/or race-neutral ideologies also maintain white supremacy. The Critique of Liberalism tenet is about analyzing these ideologies and examining the way they maintain and exacerbate racism. Though liberalism is constituted by several ideologies, “color-blindness” (i.e., the belief that people are or should be treated the exact same despite race or perceived racial phenotype) is the primary ideology considered when discussing the Critique of Liberalism tenet. Implications of this tenet assert that racism and its effects on the lives of people of color must be explicitly addressed to bring about meaningful social change. Not talking about race or acknowledging the impact of racism is not a way to escape it; efforts to try to treat others “the same” through color-blind policies can perpetuate disadvantage for people of color (e.g., Carbado & Harris, 2008). Students’ experiences as raced individuals and how this experience impacts their schooling is seldom, if ever, considered when evaluated for SPED. As a result, the SPED placement process can function as a tool of de facto racial segregation for Black students as school staff (including school psychologists) render themselves myopic as they interpret Black students’ “dysfunction” at school solely as function of disability (e.g., Eitle, 2002; Fedders, 2018). The Critique of Liberalism tenet would remind us that this myopic interpretation process
occurs despite even benevolent intentions when educators adopt seemingly fair “color-blind” approaches to the SPED evaluation process.

**Counter-narrative**

CRT places an emphasis on counter-narrative to subvert and disrupt dominant explanations of how society functions and how it came to be in order to expose societal structures of racial oppression (Delgado & Stefancic, 1993). A main-stream narrative of the educational history of Black students is that, through a societal moral reckoning, racial segregation was no longer tolerable in schools. As a result of this moral reckoning, the Supreme Court’s verdict in the *Brown vs. Board of Education* case signaled a pivotal moment in educational history wherein inequality in public education was ended via the integration of schools. This integration was achieved by racial desegregation - a process that most schools adopted willingly and quickly. Through this process, Black students could attend previously white only schools, which was a panacea to race-based educational disparities. A counter-narrative to this view is that education for Black students in the U.S. has been characterized by race-based inequalities that continue to this day - and includes ORB in SPED.

It was illegal to educate enslaved peoples; criminal consequences awaited would-be educators to enslaved people and corporal/lethal consequences for the enslaved themselves (Span & Anderson, 2005; Spillers, 1987). These laws fueled by white supremacist ideologies. Black bodies were viewed as property, like livestock, and thus such “property” could not possibly have the intellectual capability to learn or make use of knowledge. Simultaneously, there was the contradictory fear that educated slaves would be more likely to organize and rebel. Examples of the dangers of educated slaves are evidenced by the Stono Rebellion of South Carolina, Haitian Revolution, and Nat Turner’s Rebellion. Thus, the denial of education to enslaved people was a
method of social control that kept Black people subservient and easier to dominate/exploit (Span & Anderson, 2005).

After the abolishment of slavery, due to the belief in inherent Black intellectual inferiority, Black children were often considered “uneducable” and thus were denied access to education (Ladson-Billings & Tate, 1995). As compulsory education systems were adopted, the idea of Black inferiority was reconciled with the new legal reality by the Plessy vs. Ferguson (1896) ruling, which allowed for legal racial segregation of schools. The idea that segregated schools were legal as long as they were “equal” was far from reality. While Black schools often had teachers who were committed to their students, these schools were severely economically impoverished compared to white schools, and students from these schools had drastically lower academic achievement compared to their white peers (Dumas & Ross, 2016).

Nearly 60 years later, the Brown vs. Board of Education ruling (1954) deemed school racial segregation illegal. Contrary to the mainstream “moral awakening” narrative of schooling desegregation, Bell (1980) demonstrates the U.S. federal government saw ending school segregation as utilitarian. School desegregation would satisfy cries for reform from racial justice advocates, both white and Black. More importantly, desegregation constituted a step toward industrializing and economically stimulating the South, and for countering the prominent Cold-War communist critique, which highlighted the myriad racial inequalities of the American capitalist system. Thus, schools were ordered to desegregate “with all deliberate speed” (Carter, 1968, p. 244). The Warren Court opined further on the ruling to desegregate schools as merely the treatment of a societal “symptom” of inequality rather than the disease of a society: a disease that “in all its manifestations is geared to the maintenance of white superiority” (Carter, 1968, p. 247). Indeed, the lack of specificity of the ruling as well as its unpopularity resulted in many
schools refusing to desegregate until intervention by the U.S. National Guard. School desegregation orders are still being enforced and ordered today (U.S. Department of Justice - Civil Rights Division, 2014). Desegregation itself offers no aegis or inherent benefit to black children (Dumas & Ross, 2016) who often find themselves moved newer, whiter schools and yet now facing open “hostility and only infrequently found a teaching environment that was conducive to their needs” (Bell, 2005, p. 1062).

Following Brown vs. Board of Education (1954), school segregation could no longer proliferate. *De jure* racial discrimination more broadly was made illegal by the Civil Rights Act of 1964. Thus, schools began to capitalize on systems of academic tracking, which enabled *de facto* racial segregation of students (Ladson-Billings & Tate, 1995). Thus, Black students could be excluded from school or placed in remedial courses, not due to their race per se, but due to the “mental disability” inherent in Blackness, which rendered them “incapable” of the rigors of education. Through a series of court cases, eventually educational tracking was identified as a way to bring about racial segregation and ruled illegal by the Civil Rights Act.

The Individuals with Disabilities Education Act of 1975 ended school’s ability to deny a free and appropriate education to students with disabilities (or suspected disabilities). However, the passage of IDEA, did not erase the phenomenon of ORB in SPED. Indeed, many provisions of IDEA simply codified as law many existing practices of disability evaluation used at the time. Moreover, as some scholars argue, ORB in SPED is the result of IDEA offering a legal pathway to *de facto* segregation of Black students via SPED placement (Ansalone, 2006; Blanchett, 2006; Eitle, 2002; Fedders, 2018). Black students who do not conform to “white norms” of behavior or educational performance are at risk of being seen as disabled (e.g., Ladson-Billings & Tate, 1995). This may be further complicated by special education evaluations, which are conducted in
a “color-blind” fashion based on the ironic beliefs that race is important but ultimately should not be relevant and cannot be considered in a truly fair, equal, “racially unbiased” evaluation process (e.g., Carbado & Harris, 2008). Understanding how Blackness became a marker of inherent inferiority- a marker whose meaning has remained stable through time- allows us to better make sense of the anti-Black bias hypothesis that scholars have identified (or implied) as an explanation for ORB in SPED.

Using a CRT framework, we can understand that ORB in SPED is both produced by historical vehicles of white supremacy and functions as a contemporary vehicle that perpetuates white supremacy. The question of whether the SPED placement decisions that lead to ORB are malicious/intentional or not is immaterial. ORB in SPED functions to maintain white supremacy by ensuring Black students’ access to appropriate educational resources remains obstructed, thus their ability to “move up” in society is suppressed and the status quo of white dominance is maintained (Ladson-Billings, 1998). Race continues to matter in every aspect and institution of our society; it is a powerful social force that we cannot afford to neglect in the same way we would not want to neglect gender or socio-economic status.

Problem Statement

The over-representation of Black children in SPED is a decades old phenomenon that has yet to be rectified. Controversy in the research base on this subject recently emerged as some researchers have concluded Black children are under-represented in SPED (Morgan & Farkas, 2016; Morgan et al., 2015; Morgan et al., 2017). This controversy obscures solutions for ORB in SPED but more intensely highlights this topic as a major educational justice concern for Black students. There is a lack of understanding regarding how Black students are placed in SPED and a lack of psychological theory (e.g., in-group bias) that can adequately explain these placement
patterns (e.g., why Black students are consistently over-represented in SPED compared to white children, but only in certain SPED eligibility categories). Toward this end, there is need for qualitative research to contribute to the research base and provide deeper understanding of the phenomenon.

**Research Questions**

The purpose of this qualitative, phenomenological study is to explore the mechanisms that explain the overrepresentation of Black students in special education, specifically how teachers discuss and make decisions about Black students in pre-referral team meetings (PRMs).

To this end, this study addresses the following research questions:

1. How are Black students talked about by educators during PRMs?
2. Do referral teachers talk differently about their Black vs. white students during or after PRMs?
3. Are the characteristics of PRMs for Black students different than those for white students?
4. What student-level variables (e.g., race, gender, presenting problem) teacher-level variables (e.g., race, years of teaching, background), and PRM-related variables (e.g., meeting length, meeting discourse, number of educator’s present) are associated with educators’ desires for a student to be placed into SPED and/or removed from the mainstream setting – if any?

**Research Approach**

Following IRB approval, two, public elementary schools with PRMs in school district in the Southern U.S. were selected as the sites of study.
This study employed a phenomenological design and utilized three primary methods of data collection: 1- transcriptions of PRMs, 2- a PRM characteristic datasheet with metrics related to the duration and composition of the PRM, and 3- a Referral Teacher Survey where the teacher referring the student in question to the PRM provided demographic information and impressions of the student(s) they referred. Data from these methods are used for triangulation purposes and to answer the study’s research questions. A phenomenological research design is useful to understand the inter and intrapersonal factors of PRMs, which influence how educators make educational decisions about students of different races.

Assumptions

There are several assumptions being made in this study. First, it is assumed that students’ racial classification on school records reflects how the student is perceived by educators. With this concordance, the researcher can make better inferences regarding how race may or may not have influenced teacher impressions and PRM dialogue when conducting analysis across data sources. Second, it is assumed that anti-Black bias rather than some other demographic variable(s) (e.g., medical diagnosis, gender, age, etc.) will be the primary driver in PRM dialogue differences between students despite (what is anticipated to be) seemingly-raceless student discussion. Third, I assume that the Black and white students referred to PRMs are more or less equal in ability: that their behavioral and/or cognitive capacities are generally comparable. Thus, differences in teachers’ appraisals of their students or differences in the way these students are talked about are assumed to be functions primarily of educator subjectivity and bias rather than rational, objective, data-based, decision making.
Researcher Positionality

I, the researcher, am a half-Black, half-white biracial doctoral student in school psychology. My interest in ORB in SPED and understanding why it occurs is based on my lived experiences with overt and covert racism—particularly in educational settings. Thus, I have an intellectual and personal investment to see how, if at all, racial bias impacts Black students. This investment means I have spent a great deal of time thoughtfully considering my research design, procedures, and data analysis but also comes with the risk of additional bias. This bias is likely to come in the form of expecting to see racial bias against Black students manifest in the results. Such results would be satisfactory not merely for the validation of the design of the present study, but to my own understanding of the mechanics of suspected racial discrimination I have previously experienced.

Additionally, if my hypotheses of PRMs are correct, it means I will potentially sit in meetings as a bystander as educators misunderstand and falsely characterize Black students. To be present as a non-participant in meetings where one knows or suspects that vulnerable children’s lives are being undermined is unconscionable. Yet, it is my hope that the results of this study, shared with the educators at the research site as well as disseminated more broadly, can be utilized to undo any proximal harm done to students as well as prevent harm to many future children.

To safeguard the study from my bias, I employed several safeguards: utilization of multiple data sources for triangulation of findings, establishing inter-rater reliability for coding with raters ignorant of the study’s purpose, and reporting findings that are ambiguous or disconfirming to my expectations of finding evidence of racial bias in PRMs.
**Rationale and Significance for the Study**

*Why this Study?*

This study not only enriches the literature on the disproportionate placement of Black children in SPED but addresses a social justice concern for Black children. Disproportionate placement in SPED is troubling because despite expected benefits of the instructional delivery model, placement itself confers significant risks to students (see Archambault et al., 2009; Bruce & Venkatesh, 2014; Skiba et al., 2005). SPED placement is a high-stakes decision that has long-lasting and long-term impacts on a student’s future. This study will help quell the controversy in the literature, over or under-representation of Black students in SPED, and may help identify a solution to ending the phenomenon: improvement of the pre-referral system.

*Why Study PRMs and Not Individualized Educational Plan (IEP) Meetings?*

IEP meetings, the meetings where educators, guardians and sometimes the students themselves meet to make SPED placement and programming decisions, would also be viable settings to study ORB in SPED. Indeed, these meetings could and should be the targets of future research as SPED placement is mediated by several processes and procedures (e.g., PRM referral, group decision-making dynamics at IEP meetings, the SPED evaluation process/data interpretation etc.). However, this study focused on the PRM based on the current research that teacher referral as the single greatest predictor of SPED placement (Algozzine et al., 1983; Dunn et al., 2009). Thus, the PRM is potentially a foundational process that “sets the stage” for future SPED placement considerations as it is where the most conceptualization regarding students’ supposed disability happens. Moreover, PRMs typically occur without guardian or student input.
Why Study Over Rather than Under-Representation of Black Students?

A study of under-representation or ORB should theoretically help settle controversy in the literature of Black disproportionality. However, the research base offers much more evidence of ORB in SPED compared rather than under-representation and would thus benefit the most from a qualitative contribution.

**Key Terminology Used in this Study**

**Disproportionality:** A phenomenon in which a group of students is unexpectedly placed in SPED at rates that do not make sense given their overall population in a school, school district etc. When students are placed in SPED too often, the disproportionality pattern is referred to over-representation; when students are placed in SPED too infrequently, the disproportionality pattern is referred to as under-representation.

**Educators:** The participants of this study. Anyone attending a student’s pre-referral team meeting. Typically, these are general education teachers, special education teachers, administrators, or school psychologists but could include any staff working at the school.

**Exclusionary SPED services:** A service delivery method in which students are removed from their mainstream classroom all or part of the school day to receive special education. This is the most common way schools may provide special education services to students.

**Inclusionary SPED services:** A service delivery method in which students receive SPED services without being separated from mainstream peers and are not removed from their mainstream classroom.

**Multi-tiered systems of support (MTSS):** An education service delivery model in which students are given tiered instruction (typically Tier 1, Tier 2, Tier 3). The higher the tier, the more intensive the instruction and tailored to students’ needs. MTSS is sometimes considered
part of special education if the school’s most intensive tier is synonymous with special education.

**ORB:** Over-representation of Black students. In this study, Black and African American are used synonymously and describe any individuals with African ancestry.

**Pre-referral Team Meeting (PRM):** A type of intervention that is completed before a student may be formally referred for a special education evaluation by school staff. Typically, educators discuss a referred student, conceptualize the student’s difficulties, collect data, suggest interventions, and/or discuss the outcomes of intervention/data collection. In this study, the selected schools called their PRMs Student Review, Student Intervention Team, and Psychological Consultation.

**Special Education (SPED):** In public education, a type of education available to students with demonstrable disability to satisfy their federal right to a “free, appropriate public education.”
Chapter 2: Literature Review

Overview

The purpose of this study was to explore mechanisms that can explain the overrepresentation of Black students in special education within the context of pre-referral team meetings (PRMs). A thorough review of current literature was conducted on the phenomenon of ORB in SPED, pre-referral meetings, and the theoretical framework of Critical Race Theory used to inform the research design and data interpretation.

Disproportionality in SPED: Is ORB in SPED Still a Problem?

There is over 50 years of research supporting the existence of ORB in SPED (e.g., Skiba et al., 2016). However, recent research has caused a stir by suggesting that ORB does not exist or that underrepresentation of Black students in SPED may be occurring (e.g., Morgan et al., 2015; Morgan et al., 2017). To make sense of the new controversy in the field, Cruz and Rodl (2018) conducted a review of 26 studies on ORB in SPED conducted within the last 12 years. The researchers identified differences in findings between studies using local samples (i.e., state, school district or school level samples) and national samples.

Findings of Studies Using Local Samples

Although only 40% of the research conducted on ORB in SPED in the past decade has utilized local samples, these studies indicate that ORB in SPED occurs in the following categories: Mild Intellectual Disability (MID; Bal et al., 2014; Morrier & Gallagher, 2012; Sullivan & Artiles, 2011; Sullivan & Bal, 2013; Talbott et al., 2011), Emotional Disability (ED; Bal et al., 2014; Morrier & Gallagher, 2012; Sullivan & Bal, 2013; Talbott et al., 2011), and Specific Learning Disability (SLD; e.g., Bal et al., 2014; Morrier & Gallagher, 2012; Ong-Dean, 2006; Sullivan & Artiles, 2011; Sullivan & Bal, 2013; Talbott et al., 2011). There has also been
some evidence of ORB in the category of Other Health Impairment (often for supposed ADHD symptomatology; Bal et al., 2014).

Why does ORB exist in these SPED categories? Research suggests that these high-incidence disability categories are prone to more subjectivity and professional judgment in their eligibility determinations compared to other often low-incidence disabilities such as Multiple Disabilities, Autism, and Moderate/Severe Intellectual Disability (Sullivan & Bal, 2013). For example, individuals with Moderate (MOID) and Severe ID (SID) exhibit behaviors and cognitive capabilities that are more readily and unanimously observed by teachers, parents, and students as deficient (Sullivan & Bal, 2013). Thus, rather than a purely objective process, psychological assessment of these individuals may often be more of a process of confirming an assumption many people already believed to be true. On the other hand, identifications of students with MID is far more subjective as, unlike MOID and SID, “observable” characteristics of those with MID are ambiguous at best (Blanchett, 2006; Sullivan & Bal, 2013). This inherent, heightened subjectivity in MID determinations, combined with anti-Black bias of educators (teachers, school psychologists etc.; e.g., Bell, 1992; Blanchett, 2006; Dumas, 2016; Dunn, 1968) impacts both the SPED referral and/or assessment process in such a way that results in ORB in MID. Thus, a Black student exhibiting ambiguous academic and/or behavioral difficulties is erroneously suspected of disability by their teacher, referred for SPED evaluation, and tested by a school psychologist or diagnostician who confirms the teacher’s perceptions of disability through biased assessment procedures and data interpretation (Dailor & Jacob, 2011; Dunn, 1968). High-subjectivity disability categories are almost exclusively the categories in which ORB in SPED is observed (Blanchett, 2006; Skiba et al., 2016; Sullivan & Bal, 2013); MID is but one example of such a category.
Another SPED eligibility category with high subjectivity is ED. The associated features and criteria for identifying ED have not changed for more than 50 years (see original conception by Bower, 1960). Unlike ID or SLD, the criteria for Emotional Disability do not require any specific assessment modalities or use of quantitative data for qualification. Per the Individuals with Disabilities Education Act (IDEA) these criteria are:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers
- Inappropriate types of behavior or feelings under normal circumstances
- A general pervasive mood of unhappiness or depression
- A tendency to develop physical symptoms or fears associated with personal or school problems

Each of the criteria contain words that allude to severity thresholds (e.g., “inability,” “satisfactory,” “inappropriate,” “unhappiness”) or frequency thresholds (e.g., “pervasive”) whose definitions remain undefined by the federal government (Oelrich, 2012). Additionally, a student needs to meet only one of these criteria “over a long period of time to a marked degree” to qualify as a child with ED. Again, even the language in these exclusionary clauses have remained largely undefined by Congress (Oelrich, 2012). As with MID, there is plentiful research that demonstrates ORB in SPED for ED (Bal et al., 2014; Bal et al., 2017; Cartledge & Dukes, 2009; Talbott et al., 2011). Teachers’ social comparisons between their Black and non-Black students coupled with anti-Black bias allows them to conceptualize their Black students’ differential behavior/performance as indicative of disability (Oelrich, 2012). An example of this comes from findings by Cartledge and Dukes (2009). The researchers demonstrated not merely
that Black students were overrepresented in SPED category of ED, but that these students were even more likely to be labeled ED if they attended wealthier, predominantly white school districts. Black students attending such schools were more “salient” in their differences (physically and behaviorally) compared to the otherwise homogenous student body. Thus, their predominantly white teachers were more likely to interpret those students’ behavioral and/or academic difficulties as signs of disability. Differential teacher perception of Black students’ behavior in schools is also supported by the literature on disproportionate school discipline of Black students (e.g., Ford, 2020; Gilliam et al., 2016; Howard, 2021; Woods Jr. et al., 2021).

Even when committing the same types of offenses as their white peers, Black students receive more frequent and severe school discipline (Bal et al., 2017; Skiba et al., 2011).

**Findings of Studies Using National Samples**

Results of national samples have been, in some ways, contrary to the results from studies using local samples. Many of these studies have been able to verify the existence of ORB, but after controlling for numerous known covariates with SPED placement (e.g., gender, academic achievement, school district, prenatal conditions, parent education level, receipt of free and reduced lunch etc.) effects of race can become insignificant in predicting SPED placement (e.g., Mann et al., 2007; Hibel et al., 2008; Hibel et al., 2010; Morgan et al., 2012). It should be noted that many of these studies measured SPED as singular, binary variable (e.g., receiving SPED services or not). This questions the validity of these studies’ findings as the research on ORB in SPED suggests overrepresentation only happens in some SPED eligibility categories (e.g., high-incidence disability categories). Thus, this practice is less likely to identify significant effects of race on SPED placement.
Studies that disaggregated specific SPED categories demonstrate mixed results – occasionally continuing to find ORB in SPED after controlling for covariates of SPED placement (e.g., Zhang et al., 2014) and other times not (e.g., Kincaid & Sullivan, 2017). One study (Morgan et al., 2015) did not find that Black students were significantly overrepresented - even before using extensive control for covariates of SPED placement. However, they were not able to replicate this finding in a subsequent study (Morgan et al., 2017).

National samples and local samples seem to address different kinds of research questions. A national sample allows one to understand to what extent a phenomenon is happening nationwide; it can identify the average presence of the phenomenon across all sampled sites. Thus, if a phenomenon is not occurring “enough” at the nationwide level, it is possible that a national sampling technique may “wash out” any indicators of a phenomenon’s occurrence. For example, if one drew a sample of student data from 50 states to study if race predicts SPED placement and only 10 states demonstrated a pattern of race predicting SPED placement, it is possible that statistical analyses do not identity race as a significant enough predictor of SPED placement. Such results would not demonstrate that race does not influence SPED placement anywhere, but that on average across states race is not strong enough of a predictor for SPED placement. Contrarily, a local sample cannot speak to the prevalence of a phenomenon nationwide but can allow for a more precise assessment of its impact in a given area. Indeed, in a study of the overrepresentation racially/ethnically minoritized students in southern states, Morrier and Gallagher (2012) warned about the use of aggregate analysis techniques (i.e., sampling across many different states at once) to study ORB in SPED as the results of their analyses changed greatly when they aggregated their findings across states rather than assessing disproportionality trends within states. Thus, the apparent “discrepancy” between findings of
studies with national versus local samples indicates that ORB in SPED does exist but does not appear to occur in all school districts/places across the United States (or at least, is not manifested in the same way). Thus, findings between studies using national and local samples are not necessarily contradictory but merely offer different understandings of the phenomenon of ORB in SPED.

Morgan and colleagues (Morgan & Farkas, 2016; Morgan et al., 2017; Morgan et al., 2012; Morgan et al., 2015) have been vocal in their denouncement of the existence of ORB in SPED. In their 2012 study, Morgan et al. explored whether racially/ethnically minoritized children were over or underrepresented in early childhood special education. They used data from the Early Childhood Longitudinal Study- Birth Cohort (ECLS-BC). Before analyses, using “unadjusted” ECLS-BC data of two-year-old children, white children represented 56% of the population but 70% of those in early childhood special education (per parent report). For their analyses, the authors wanted to control for "confounds" that could account for the relationship between race and receipt of special education services. In Model 1, they assessed whether race/ethnicity, gender, and age predicted receipt of special education services (per parent report). In Model 2, they included the same variables and but also 10 others: family socio-economic status, parental marital status, maternal age at birth, whether the child spoke a language other than English, U.S. region of residence (Northwest, South, etc.), residing in an urban vs. rural setting, birth weight, frequency of school discipline infractions, math achievement (numeracy), and receptive language achievement. Results indicated that Black students were significantly more likely to be in the bottom 10% of math achievement compared to their white peers- in both Model 1 (2.6 times more likely) and Model 2 (1.42 times more likely). However, Black students were significantly less likely to receive early childhood special education services compared to
their white peers (Model 1: 2.7 times less likely, Model 2: 4.2 times less likely). Therefore, they concluded that Black students were under-represented in early childhood special education.

Given their findings in 2012, Morgan and colleagues’ subsequent research then turned to studying racial/ethnic disproportionality in SPED in K-12 education. It may have been that the researchers believed that their findings related to early childhood special education must indicate identical dynamics happening in K-12 SPED. If such an assumption were made, it would have been one that was reasonable in a vacuum but problematic. For example, access to high quality preschools- and preschools in general- is lower for low-SES communities and communities of color (e.g., Bassok et al. 2011, Bassok et al., 2016). Additionally, the SPED identification processes in preschools differ from those of K-12 education in that parent referrals are more common (e.g., Appl, 1999). Indeed, the descriptive statistics alone that Morgan and colleagues furnished from the ECLS-C data of their 2012 study was already at odds with what was known then (and now) about the placement of Black students in K-12 SPED at the national level (see National Center for Education Statistics, 2021a, 2021b). These concerns notwithstanding, they completed their most controversial study on K-12 SPED racial disproportionality in 2015. Using virtually identical research procedures to their 2012 study, they analyzed data from the Early Childhood Longitudinal Study–Kindergarten Cohort (ECLS-K) dataset. The researchers did not find any evidence of over-representative placement of students of color in SPED in their first model (race predicting SPED placement only). In their second model, the researchers controlled for the same variables they had in their 2012 study variables; in that model, they found that being Black was associated with less likelihood of being placed into SPED and thus the researchers asserted that Black students (and other racially/ethnically minoritized children) were underrepresented in SPED in the U.S. In 2017, Morgan and colleagues replicated their 2015
study, but they used a larger sample from the dataset. They found very similar findings to their 2015 study after controlling for extensive confounds and again concluded that Black students were underrepresented in SPED. However, they were unable to replicate findings in their first model of their 2015 study (race alone predicting SPED placement) and did find evidence of ORB in SPED.

In 2016, responding to heavy criticism for their 2015 study by Skiba et al, 2016) and Cohen et al. (2016) Morgan and colleagues defended their work by repeating how much stronger their work was compared to previous studies as theirs were some of the only analyses that control for “all known confounds” that could explain ORB in SPED. Morgan and colleagues (2016) urged critics to understand that their work was functionally identical to research being done in employment discrimination. In such lines of inquiry, researchers may send out resumes that are identical in all respects except for race to similar hiring entities and can thus deduce from differential responses from those entities what that effect of race alone is. Moreover, Morgan and colleagues rejected the idea that their findings were incompatible with the history of discrimination that Black people have experience in the U.S.; they stated that their findings demonstrating Black students as underrepresented in SPED was analogous to how Black people were denied access to other goods and services such as healthcare. Indeed, Morgan and colleagues drew parallels between their research and other research, such as the hiring discrimination literature, that has explored if “race alone” is able to explain/predict outcomes of interest. However, Morgan and colleagues failed to demonstrate that placement in SPED is always good for students, like we would assume to be the case for being hired for a job or being seen for a medical appointment. Nor did the researchers acknowledge that unlike the outcome of being hired for a job (e.g., hired or not), a student being placed into SPED can occur through
different pathways (parent referrals vs. teacher referrals, eligibility considered for one or more of several categories of disability) and can lead to a variety of outcomes (classroom accommodations, modified assignments, removal from classrooms, removal from entire schools). So, while Morgan and colleagues’ methodology may mirror the methodology of other studies on racial discrimination, SPED placement is more complicated than (and thus in disanalogy with) binary, “wholly good” outcomes like being hired for a job or being seen by a doctor for a medical problem.

Morgan and colleagues’ work in 2015 and 2017 had several issues with research design that further complicated their assertions on under-representation of Black students in SPED. They include (1) using national samples to assert similar dynamics occur at the local-level (per concerns raised by Morrier & Gallagher, 2012), (2) using a dataset that was criticized for the inaccuracy in which student disability was ascribed (per teacher report), (3) having a very small number of students with disabilities in the overall data set (less than 5,000 students), (4) having counts of students disabilities with certain disabilities that were widely discrepant from data from the U.S. Department of education (see Skiba et al. 2016), and (5) equating the extensive use of co-variates to see the effect of “race alone” on placement rates as synonymous with in vivo placement rates of Black students in SPED. Regarding the last point, the results of Morgan et al.’s studies may be more accurately described with the following statement: on average across all states in the sample set, amongst otherwise identical students, racially/ethnically minoritized students (i.e., Black and Latinx) are less likely to be placed in SPED based on their race alone. This statement carries vastly different implications than their conclusion that racially/ethnically minoritized students are not overrepresented in SPED in the U.S.
Implicated Factors: Does Poverty Explain ORB in SPED?

Poverty is a common explanatory mechanism for ORB in SPED. Poverty is related to lower academic achievement and placement in SPED (e.g., Rothstein, 2015; Kincaid & Sullivan, 2017). There have been many scholars who have argued that poverty is at the heart of overrepresentation rather than race (e.g., Morgan et al. 2015). However, research has shown that poverty is insufficient to explain ORB in SPED (Sullivan & Bal, 2013; Sullivan & Kincaid, 2017). For example, Sullivan and Bal (2013) demonstrate that while low-income status is indeed related to elevated risk for identification with high-incidence SPED eligibility (e.g. SLD, ED, etc.), it cannot account for the effect of race in understanding ORB in SPED. Relatedly, Skiba et al. (2005) found that, in a district sample from a mid-western school district, poverty contributed a “weak and inconsistent contribution” to understanding SPED disproportionality in comparison to race (p. 141). While race and poverty both contribute to risk of placement, race adds predictive power above and beyond poverty. Ultimately, the researchers warn that conceptualization of race as a proxy for poverty (and thus the assumption that poverty drives SPED racial disproportionality) is overly simplistic and lacks explanatory power to describe ORB in SPED alone. Bal and colleagues (2014) conducted a similar study where they explored the existence of factors related to ORB in SPED in the state of Wisconsin. Their findings indicated that Black students were over-represented in SPED for the high-incidence disabilities of SLD, ED, and OHI. Moreover, they found that those Black students most at risk for SPED placement were from low-SES backgrounds and male. The researchers noted that while there was a notable interaction between SES and race, race remained predictive of SPED placement on its own. Low-SES/poverty and race are related to ORB in SPED, and even interact, however, their effects on disproportionality in SPED are unique.
Implicated Factors: How Might Teacher Bias Relate to ORB in SPED?

Teacher referrals comprise the most common referral route of students into special education (Algozzine et al., 1983; Graden et al., 1983). Most teacher referrals result in the referred students being placed in SPED (Dunn et al., 2009). Teachers spend the most time with their students, and thus their opinions of their students can and should carry weight in discerning which students are struggling in school (Bower, 1960). Yet, teachers’ assessment of their students’ strengths and weaknesses have proven to be highly subjective and permeable to their biases (Blanchett, 2006; Bower, 1960; Cartledge & Dukes, 2009; Dunn, L. M., 1968; Oelrich, 2012). Despite concerns for teacher referral as the primary method of identification of students for SPED evaluation, other more objective, data-driven methods for identifying struggling students such as universal screening tools or functional behavior assessments (FBAs) are seldom used to replace teacher referral (Moreno & Gaytán, 2013; Raines et al., 2012).

Due to continued reliance on bias-permeable teacher referral processes to identify student disability, many scholars have indicated that teachers’ anti-Black bias may increases the likelihood of referring their Black students for SPED services, perpetuating ORB in SPED (e.g., Blanchett, 2006; Bower, 1960; Cartledge & Dukes, 2009; Dumas, 2016; Dunn, 1968). For example, in their study of how teachers discuss and conceptualize Black students during PRMs, Knotek (2003) found that teachers were likely to discuss their Black students using deficit-language and ascribe Black students’ school-based difficulties to low IQ, poverty, and/or dysfunctional families. In another study by Zucker and Prieto (1977), when SPED teachers were given identical, hypothetical case studies of students (varied by race and gender), they were more likely to suggest that profiles of students of color were more needing of SPED services compared to profiles of white students. Similarly, in a review of research on teacher bias in assessment of
students’ socio-emotional functioning, Mason et al. (2014) found that race/ethnicity and students’ perceived violation of teachers’ classroom behavioral expectations impacted teachers’ perception of disability in their students. Lastly, in a study of pre-school teachers’ racial biases, Gilliam et al. (2016) found that, when tasked with monitoring a group of four preschool students (Black girl, Black boy, white girl, white boy) via video vignettes, the teachers spent significantly more time monitoring the Black children (particularly the Black boy) for potential misbehavior compared to the other children. This occurred even though there were no incidents of misbehavior that occurred in any of the video vignettes.

Implicated Factor: Is ORB in SPED Simply Due to In-group/Out-group Attribution Biases?

Previous research on ORB in SPED is typified by the following paradigms (Waitoller et al., 2010):

1. Recognition that race is a factor in SPED placement but offers little or no theoretical explanation regarding why race impacts placement. These studies try to understand why ORB in SPED occurs by examining how student sociodemographic variables and/or contextual variables (e.g., neighborhood income, school characteristics) relate to SPED placement.

2. Description of socio-historical events and their impact on SPED placements for racially/ethnically minoritized students.

3. A focus on school/professional practices that influence SPED placement.

The first paradigm allows us to understand what ORB in SPED looks like in a given context (e.g., family, neighborhood, school, or school district characteristics); however, studies of this type leave us (at best) with a speculative understanding of why or how ORB in SPED
happens in these contexts. The third paradigm suffers from a similar limitation; we may understand which educational placement practices are problematic for certain groups of students in certain contexts, but only with speculative reasons of why those practices do not work.

The second paradigm is the only one that attempts to center race as the explanatory mechanism for long standing, racial disparities in SPED placements. Thus, studies utilizing this paradigm would employ socio-historical data to demonstrate why race matters and impacts SPED placement rather than observing demographic trends in SPED placements (paradigm 1) or assert that ineffective educational practices drive ethnic/racial disparities in SPED rather than racism per se (paradigm 3). Unfortunately, studies of these kind are rare in the analysis of ORB in SPED (Cruz & Rodl, 2018; Waitoller et al., 2010).

The present study utilizes Critical Race Theory (CRT) and thus represents a hybridization of paradigms 2 and 3. In this study, CRT will be used to inform the research design and interpret findings related to the PRM decision-making process. Incorporating CRT into this exploration of PRM decision-making provides a useful theory of racial bias, which can offer explanations for differences witnessed (if any) between the PRMs of Black and white students.

CRT asserts that racism is not simply about in-group/out-group bias or inappropriate generalizations of behaviors to outgroup-members. Rather, CRT asserts that racism is a foundational socio-political organizing structure (Bell, 1992) present since the nation’s conception and beyond (Sharpe, 2016; Wynter, 1995). Thus, racism is not merely commonplace, it is utilitarian for maintaining a societal power structure that oppresses Black people and people of color for the benefit of white people.

These features make CRT a more useful way to understand the consistent ways in which disproportionality in SPED manifests in comparison to social psychology theories of
interpersonal bias. For example, in-group bias would posit that people who belong to an in-group (e.g., a racial group – white people) are predisposed to view their group as superior, good, and/or more moral than outgroup members (e.g., Black people; see Greenberg et al., 2018). This theory eschews assumptions of power underlying prejudice and discrimination. An implication of this perspective is that prejudice and discrimination is bidirectional: we would expect white people view Black people poorly and vice versa. Thus, in schools, we would expect to see where there are more Black educators, white students placed in SPED more often than Black students. Additionally, in schools where there are primarily Black educators, we would expect that Black students are not overrepresented in SPED. However, research has not demonstrated that white students have been overrepresented in SPED; there are no documented findings where white students are overrepresented in SPED compared to their peers of color. Although Morgan and colleagues (2012, 2015, 2016, 2017) state that their studies demonstrated white students are overrepresented in SPED, these statements do not reflect actuarial counts of students placed in SPED but rather a statistical reality of their own creation (see Cohen et al., 2015). Research by Harry et al. (2014) has documented that educators of color (particularly Black educators) are more hesitant to refer Black students to SPED, as these educators often have some knowledge of ORB in SPED and fear that their Black students will not get the help they need with a SPED placement. The researchers note, however, that despite this hesitation, ORB in SPED can still occur in majority Black schools- even in schools in which most of the educators are Black (Harry et al., 2014). Continuing to consider in-group bias, we would also expect that all non-white students are overrepresented in SPED at schools that have majority white faculty. This has not been demonstrated; not only do different racial/ethnic groups of non-white students differ in their rate of placement in SPED (e.g., Skiba et al., 2005; Skiba et al., 2016; Sullivan et al., 2017), but
Asian students (as an aggregate) have almost always been underrepresented in SPED compared to all other groups of students (e.g., Cruz & Rodl, 2018; Skiba et al., 2016; Sullivan & Artiles, 2011). Thus in-group/out-group attribution biases are not sufficient to describe racial differences in SPED placement rates. In contrast, CRT has the capacity to explain these patterns through its tenets. Using some of the CRT tenets of interest for this study, here is how we might analyze ORB in SPED:

1. **Racial Realism**: Black people have been constructed as an oppressed race in society (Bell, 1992; Wynter, 1995); they have been constructed as inferior to white people and deserving of oppression. A result of this racialization there would be more of a “readiness” of educators—particularly white educators—to see their Black students as disabled or otherwise better fit for the “less intense” curriculum of SPED.

2. **Critique of Liberalism**: Processes that appear “colorblind” and “fair” maintain racial oppression. A belief that racism is “in the past” and the exaltation/promotion of “colorblindness” allows oppressive practices to continue (e.g., Carbado & Harris, 2008). Indeed, the PRM, which functions in part to stymie the over-referral of students to SPED, would be expected to at least be ineffective if not facilitate ORB in SPED as educators do not consider how racial dynamics play a part in the perception of students as “needing help/disordered” nor their decision-making processes.

3. **Counter-narrative**: This tenet allows us to understand that Black students’ historical relationship to the U.S. education system has been one of oppression (as discussed in depth in Chapter 2). Black people have been denied appropriate education since the inception of the U.S. Department of Education and before. Contemporary bias against
Black students is then seen as a part of an enduring history of racism and its accompanying effects on Black students’ education.

**Implicated Factors: How Do PRMs Impact ORB in SPED?**

The Department of Education supports various national projects to: “ensure appropriate identification of students who may be eligible for special education services, and to prevent the misidentification, inappropriate over-identification, or under-identification of children as having a disability, especially racially/ethnically minoritized and limited English proficient children.” (IDEA §1462.b.2.A.iii; U.S. Department of Education, 2004). More specifically, the Secretary of Education is charged with monitoring states for “disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.” (IDEA §616 a.3.C; U.S. Department of Education, 2004). Related to these efforts, PRMs are utilized as a method of choice for providing SPED pre-referral interventions (Moreno & Gaytán, 2013). While the spirit of pre-referral interventions is to rectify educational difficulties and thus stymie inappropriate referrals for SPED, Moreno and Gaytán (2013) remark that the PRM process may be a formality leading to SPED placement. They note that PRMs have two conflicting missions. On one hand, PRMs are to aid teachers in finding ways to better support their struggling students in the general education setting. However, on the other hand, PRMs are the first step school’s take to “prove” students’ needs are best met with SPED services and/or removal from the general education setting (Moreno & Gaytán, 2013). Research demonstrates that large workloads, large classroom sizes, and high amounts of time spent managing students’ classroom behavior strongly predicts teacher burnout and attrition (El Helou et al., 2016). Thus, a teacher referring a student to a PRM is likely frustrated with the student and wants some solution to ease their difficulties with that student. Understanding the
conflicting missions of a PRM, while a referring teacher may be interested in learning new instructional or behavioral management techniques that will reduce the energy they exhaust trying to manage their student, they would also likely be interested in the strategy of removal of the student from the classroom via SPED placement.

Indeed, research from Grade et al. (1983) has further supported this pitfall of PRMs. They found that teachers referring students to PRMs often are not interested in instructional recommendations that are generated during PRMs but rather see it as a means to SPED evaluation and SPED placement for their students (Graden et al., 1983). As a result, the researchers found that teachers would have preferred to not have a PRM process and to have their referrals immediately initiate a SPED evaluation. Due to these findings, the researchers acknowledged that some teachers are "undoubtedly" using SPED placement "as a way to remove children from their classrooms" (p. 3, Graden et al., 1983). Graden and colleagues’ findings have been supported by other researchers as well. Maydosz’s (2014). During PRMs, members subjectively decide which students have appropriately responded to proposed instructional/behavioral interventions and which students should be referred for SPED evaluations. As the teacher of the student who is referred to the PRM is almost always involved in the PRM, they can exert considerable influence on those meetings as they also function as contributors/decision-makers on those same teams. Other research (Vallas, 2009) highlights that teachers do not necessarily have any training in identifying or understanding disability and thus, their decisions to refer students to PRMs are based primarily on classroom observations and their lay understanding of disability (and the purpose of SPED in general), and their subject assessments of their students. Additionally, Vallas (2009) remarks that IDEA offers no guidance
on how referrals for SPED should be done, which leaves educators and schools to make up their own arbitrary procedures.

In a qualitative investigation of PRMs serving Black students, Knotek (2003) found that Black students were talked about by PRM members as problems whose scholastic dysfunction was due to supposed low-IQ, low-SES, or dysfunctional family systems. While there was no evidence of overt racial bias in the PRMs, discussion and decision-making proceeded in such a way as to confirm referral teachers’ hypotheses about student disability. There was seldom ever discussion related to how classroom climate or ineffective teacher strategies were negatively affecting students’ performance at school (Knotek, 2003).

**Implicated Factors: What Other Aspects of the SPED Referral System May Be to Blame?**

Most teacher referrals result in SPED evaluations and the majority of those evaluations result in SPED placement. Specifically, previous research has estimated 93% of teacher referrals result in SPED evaluation with a 70% subsequent SPED placement rate (Algozzine et al., 1983). Researchers such as Dunn et al. (2009) find these numbers encouraging and assert they are a testament to teachers’ accuracy at perceiving student disability. While teachers undoubtedly have the most interactions with students compared to any other school employee, the very existence of ORB in SPED problematizes teacher referral and PRMs as wholly appropriate, socially-just methods for initiating SPED evaluations. But would not other aspects of the SPED evaluation process be better subjects for study: the MET 1 (meeting to decide if there is already enough information about a student to determine the need for a SPED placement decision), the Assessment Process (interviews of the student/people who know the student, reviewing students’ academic records, student observation and student testing), and the MET 2 (the decision-making meeting regarding SPED placement after assessment concludes)? In his “swan song” (p. 5)
before resigning as the president for the Council of Exceptional Children, Lloyd Dunn, opined that the entire process for evaluating children for SPED being “morally and educationally wrong” (Dunn, 1968). Although Dunn (1968) described a system of SPED evaluation preceded the passage of IDEA by several years, it was a system that looked very similar to what IDEA mandates today, including SPED evaluations being conducted with a multi-disciplinary team of educators and the use of several psychometric instruments to determine disability. Yet, despite these features, Dunn (1968) described the multi-disciplinary team decision making process and psychological testing to be exercises in confirmation bias. The SPED evaluation teams would conduct themselves in such a way to justify figure out what was "wrong" with the child (p. 9) and stopped once the desired hypothesis had enough evidence to support it.

Thus, in Dunn’s (1968) opinion, all aspects of the SPED evaluation process can be implicated for maintaining the phenomenon of ORB in SPED. To illustrate, one professional likely involved at all stages of the SPED placement – from PRMs to the IEP meeting – is the school psychologists. In one national survey of school psychologists, 86% indicated they committed assessment related ethical transgressions. Such transgressions making SPED recommendations not supported by data (35% of respondents) or using assessments that were unrelated to the hypothesized disability (22% of respondents). Moreover, 76% of school psychologists reported they yielded to administrative pressure rather than acting ethically when making SPED placement decisions; 42% of respondents indicated they recommended SPED placements that were not the least restrictive environment for a student and 39% made SPED eligibility recommendations despite not having sufficient data to support such a decision (Dailor & Jacob, 2011).
With this information, we can see how all steps in the SPED eligibility/placement process are problematic and could be targets for future research investigating the phenomenon of ORB in SPED. However, Dunn’s (1968) work problematizes teacher referral and PRMs in particular because they set the stage for the students’ subsequent SPED evaluations. It is around the teacher’s initial referral and the PRM that all other processes in the SPED evaluation process warp to confirm teachers’ suspicions and beliefs about their students.

**Summary**

Despite recent controversy, the preponderance of the literature on the disproportionality of Black students in SPED affirm a pattern of over-representation. ORB in SPED is better described a phenomenon that happens more often in specific regions across the U.S. rather than a phenomenon present in every school district across the country. Thus, it is best studied with local rather than national samples. Anti-Black bias is implicated in ORB in SPED as there is overrepresentation almost exclusively in the high-incidence, high subjectivity SPED categories such as ED and MID. Poverty is a common, alternative explanatory mechanism for ORB in SPED. However, when exploring which student demographic variables predict SPED placement, the preponderance of data shows that controlling for SES cannot erase effects of race on SPED placement. Teacher bias directly permeates the teacher referral process for PRMs and SPED evaluation. Since teacher referrals are by far the most common route for SPED evaluation, teacher bias against Black students may drive ORB in SPED via over-referral of Black students for SPED. Additionally, some research suggests that contrary to the ostensible, problem-solving mission of PRMs, teachers may simply utilize PRMs as a formality – to initiate a subsequent SPED evaluation of their problem students. The PRM is not the only step in the SPED evaluation process implicated in ORB in SPED. However, since it the first toward potential SPED
placement and due to research suggesting subsequent steps in the SPED placement process may merely act to confirm teachers’ initial suspicions, PRMs have been chosen as the entity of interest for this study.
Chapter 3: Methodology

Research Questions

The purpose of this qualitative, phenomenological study was to explore mechanisms that can explain the ORB in SPED, specifically how teachers discuss and make decisions about Black students in pre-referral team meetings (PRMs). To this end, this study addressed the following research questions:

1. How are Black students talked about by educators during PRMs?
2. Do referral teachers talk differently about their Black vs. white students during or after PRMs?
3. Are the characteristics of PRMs for Black students different than those for white students?
4. What student-level variables (e.g., race, gender, presenting problem), teacher-level variables (e.g., race, years of teaching, background), and PRM-related variables (e.g., meeting length, meeting discourse, number of educator’s present) are associated with educators’ desires for a student to be placed into SPED and/or removed from the mainstream setting?

Research Design

Qualitative inquiry is distinct from quantitative research; it is particularly useful in exploratory research when there is a lack of descriptive understanding of phenomenon of interest (Bloomberg & Volpe, 2019) and/or that phenomenon is hard to operationalize with quantitative research. For these reasons, Cruz and Rodl (2018) suggested future research on ORB in SPED be conducted using qualitative methodologies. Rather than relying on treating research participants as data points for use in statistical models, qualitative research allows a researcher to personally
understand their participants and observe how they behave to explore phenomenon. Qualitative research also allows one to dive “deeper” into the thought processes, opinions, and behavioral trends of participants in ways that quantitative research does not do (Bhattacharya, 2017). Utilizing qualitative inquiry, we may move beyond repeatedly studying the same co-variates that may or may not contribute to ORB in SPED to understand school processes that maintain this phenomenon.

While the present study used CRT to guide data collection and data analysis, this study employed a phenomenological design. Phenomenological designs are best fit to understand the essence of a phenomenon or the “invariant pattern” (Bhattacharya, 2017, p. 100). While grounded theory would also have been a viable research design, the extant literature on ORB in SPED has consistently identified the need to understand racism and its impact on SPED placements for Black students. Thus, it would be somewhat unnecessary to employ the “bottom up” methodology of grounded theory to make sense of the qualitative data gathered in this study as there are several theories of prejudice/racism such as CRT, which are available as frameworks of analysis.

**Setting**

Researchers have studied ORB in SPED to some extent in every state: both in studies at the national (e.g., Cruz & Rodl, 2018) and the regional/state level (e.g., Sullivan & Artiles, 2011). Though CRT asserts that racism is a foundational organizing force in the United States, permeating all geographies and institutional entities, previous research regarding ORB in SPED indicates researchers must be intentional picking sites of study (Cruz & Rodl, 2018). Therefore, the following criteria were utilized to narrow down appropriate sites of interest. First, the schools had to be public schools; as non-public schools are not obligated to provide special education
services, the present study would not be feasible outside the public domain. Second, the public schools had to enroll both Black students and white students. There is no shortage of schools that are exclusively or overwhelmingly monoracial due to racial population size differences and ongoing segregation in housing and schooling (Logan et al., 2012; Rothstein, 2015). Thus, it is necessary to identify schools with sizeable populations of both Black and white students. Otherwise, there would be no ORB to study and the present study’s research questions would be answerable. Fourth, the public school sites of study had to be elementary schools; elementary schools conduct PRMs at a much higher rate than secondary school settings and are often the first settings in which students are placed into SPED. Fifth, the public elementary schools had to demonstrate ORB in SPED and not be engaging in corrective actions (e.g., desegregation order) to fix racially disproportionate student placement in SPED. Lastly, the school district had to provide primarily exclusionary SPED services to students rather than inclusionary and/or multi-tiered systems of support (MTSS). If ORB in SPED is indicative of educators utilizing exclusionary SPED services to remove students from their classrooms (e.g., Blanchett, 2006; Eitle, 2002; King & Ford, 2014), schools that use MTSS may not demonstrate ORB in SPED as the tiered education service delivery would make it harder or impossible for teachers to “remove” Black students from their classroom via SPED placement.

The school district where the present study took place was a public school district located in the Southwestern part of the United States; it met all the aforementioned criteria. While the school district began studying race-based equity issues in academic achievement and discipline practices during the time of the study, they were not engaging in corrective actions to address racially disproportionate student placement in SPED. Though the district housed several dozen elementary schools that could have been selected as sites of study, the district did not allow the
researcher to conduct research at schools other than those where the researcher was currently working as a psychological services provider (i.e., school psychology doctoral intern) for that year. Thus, two elementary schools were available as sites of study; both schools were selected as sites of study. These two schools will be referred to as School A and School B. See Table 1 for a summary of school district and school racial demographics provided by the district.

### Table 1

*Black and White Student Enrollment (2019-2020)*

<table>
<thead>
<tr>
<th></th>
<th>School District</th>
<th>School A</th>
<th>School B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Enrollment</td>
<td>117,120</td>
<td>998</td>
<td>891</td>
</tr>
<tr>
<td>White (#)</td>
<td>27,524</td>
<td>461</td>
<td>83</td>
</tr>
<tr>
<td>White (%)</td>
<td>23.5%</td>
<td>46.2%</td>
<td>9.3%</td>
</tr>
<tr>
<td>Black (#)</td>
<td>22,166</td>
<td>134</td>
<td>142</td>
</tr>
<tr>
<td>Black (%)</td>
<td>18.9%</td>
<td>13.4%</td>
<td>15.9%</td>
</tr>
<tr>
<td>SPED Enrollment</td>
<td>12,063</td>
<td>117</td>
<td>121</td>
</tr>
<tr>
<td>SPED % of Total Enrollment</td>
<td>10.3%</td>
<td>11.7%</td>
<td>13.6%</td>
</tr>
<tr>
<td>White (#)</td>
<td>2,644</td>
<td>57</td>
<td>15</td>
</tr>
<tr>
<td>White (%)</td>
<td>21.9%</td>
<td>48.7%</td>
<td>12.4%</td>
</tr>
<tr>
<td>Black (#)</td>
<td>2,985</td>
<td>23</td>
<td>24</td>
</tr>
<tr>
<td>Black (%)</td>
<td>24.7%</td>
<td>19.7%</td>
<td>19.8%</td>
</tr>
<tr>
<td>ED Enrollment</td>
<td>766</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>ED % of SPED Enrollment</td>
<td>6.3%</td>
<td>3.4%</td>
<td>1.7%</td>
</tr>
<tr>
<td>White (#)</td>
<td>215</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>White (%)</td>
<td>28.1%</td>
<td>25%</td>
<td>50%</td>
</tr>
<tr>
<td>Black (#)</td>
<td>249</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Black (%)</td>
<td>32.5%</td>
<td>75%</td>
<td>50%</td>
</tr>
</tbody>
</table>

*Note.* Counts of Black and white students include those who are also Latinx. ED= Emotional Disturbance.

Despite having Black students representing a relatively small group of students at both the district and school levels, ORB in SPED is observed for SPED Enrollment and ED Enrollment at both levels. It should also be noted that both School A and School B have Adaptive Behavior
(AB) classrooms that are self-contained settings for students with behavioral problems.

Informally, based on professional observations at these schools over the last year as a psychological services provider, the enrollment in those classrooms increased to about 6 for School A and 4-5 for School B. Though the exact racial/ethnic composition of students at School B’s AB classroom is not known, most of the children in School A’s AB classroom were Black children (4 out of 6; 66%). Additionally, the 2 white children in School A’s AB classroom were also Latinx (i.e., school records indicated those students were listed as both white and Hispanic).

In the AB classrooms at both schools, every student had a SPED eligibility of ED and/or OHI for ADHD symptoms.

School A and B had several cultural differences between them as well. The researcher spent much more time providing psychological services at School A than School B. While there were no notable inter-staff dynamics observed at School B, there were some striking inter-staff dynamics as expressed by some of School A’s Black educators. Of the small handful of Black staff at School A, the researcher spent a great deal of time talking with two of them: an interventionist and a mental health professional. While the two professionals had been working at the school for different lengths of time, both individuals had decided to resign at the end of the school year. They each described a steady stream of microaggressions from their white colleagues. For the mental health professional, she described having most of the school’s mental health workload placed on her- despite the school having hired another, white mental health professional that school year. The mental health professional explained that administration would get angry with her if she did not complete her workload to their satisfaction. Conversely, it appeared they had a warmer disposition and far more forgiving expectations for the new mental health professional. It seemed to her that the new mental health professional was getting a level
of leeway that was extraordinary even for new employees. The mental health professional felt like she was disposable to school administration and could not take how she was treated any longer. She planned to resign even if she had not identified another place to work.

The interventionist reported that she felt her job was perfunctory and invisible. It seemed to her that administration did not seem to know what she was doing or if her work was being done well. She did not feel she had support in completing her job and often felt ostracized or belittled from the other teachers. Over the year, interventionist would vent to the researcher about “messed up” teacher interactions she had seen directed toward Black students. She told the researcher that when she put in her resignation, she was asked by a white teacher where she planned to teach next year. To her shock, when the interventionist told the teacher where she had accepted a new job, the teacher replied “Oh, you want to go where the Black kids are.”

Indeed, as a half-Black, psychological service provider, there were some microaggressions the researcher had noticed as well. Even months after beginning work at School A, it was not uncommon for school staff to approach the researcher in the halls and ask, “can I help you?” while scrutinizing his badge. This suspicion seemed unwarranted as it was not possible for the researcher to enter the school without electronic-badge access, signing in at the front office, and being buzzed in through controlled doors. It was also noteworthy that the reactions of the schools’ two principals to the proposed study was strikingly different. At school B, the principal immediately expressed interest in the study and expressed pride that their PRMs (Student Intervention Teams) helped ensure that the school had very few “DNQs” (i.e., few determinations that students who were evaluated for SPED “did not qualify”) when students were evaluated for SPED. The researcher felt ambivalent about this pride. It seemed equally possible that the connection between School B’s PRM and its low rates of DNQs could be either
due to the PRM process working well to prevent inappropriate referrals to SPED or that it was completely ineffective and that SPED evaluators were mostly qualifying all students referred to them anyway. Conversely, the principal at School A seemed reticent to participate in the researcher’s study; the principal insisted that the researcher get district approval and follow specific channels for permission despite the researcher communicating that all the appropriate district and university permissions had already been obtained. These different receptions occurred despite both principals expressing that ORB in SPED was an important phenomenon to study.

During his employment at School A, the researcher witnessed several concerning staff-student interactions as well. During an observation for a psychological evaluation conducted on a half-Black student, the researcher saw that the student was treated very different by two different paraprofessionals: one white and one Black. This student was very active and followed his teacher’s directions about 30% of the time. When the white paraprofessional was in class, she was often seen holding him in his seat, holding him in her lap, forcibly putting his shoes and face-mask back on if he took them off, and once was seen dragging him by his feet out from under a table. This paraprofessional was nearly constantly “micromanaging” the student and giving him directions. In comparison, the Black paraprofessional, was seldom seen physically moving or controlling the student when he eloped. Instead, she would keep her eyes on him and keep close to him as necessary to make sure he was supervised and safe. The student more often obeyed this paraprofessional who- instead of primarily giving him directives- gave directives less often and instead seemed to build a positive relationship with him using praise for following directions and playing with him.
On another occasion in December, the researcher observed a teacher share a lesson with her class about the black-face “Black Pete” Christmas tradition of the Netherlands. The researcher heard several white students remark how ugly the people dressed up as Black Pete looked; in the back of the classroom, a small group of Black students exchange looks to each other in silence. The researcher also observed a Black student removed from his classroom several times throughout the year for lengths of time that ranged between 20-60 minutes. Sometimes, the student was being “rewarded” with time to play with LEGOs due to good behavior. However, the length of time he spent out of the classroom seemed like this “reward time” may have functioned to give the teacher time away from the student. Other times, the student would be removed from classroom as a punishment after conflicts with his teacher. The researcher often heard the teacher scold this student more harshly and more frequently than other students. The teacher made the student cry once when she refused to listen to his explanation for why an unknown incident happened in class. The teacher continuously cut him off when he attempted to explain himself, until he got frustrated and cried “you’re the worst teacher ever!”

Participants

The participants were the educators who attended the PRMs selected for study by the researcher. There were 16 educators who provided consent and participated in this study. The number and school position of each participant is listed here with their pseudonym in parentheses: 8 referral teachers (Ms. 1, 2, 3, 4, 5, 6, 7 and Mr. 8), 3 assistant principals (Assistant Principal 1, 2, and 3), a diagnostician (Diagnostician), a speech-language pathologist (Speech-Language Pathologist), a dyslexia/dysgraphia specialist (Dyslexia Specialist), a general education teacher (Ms. 3’s Co-teacher), and an instructional specialist (Instructional Specialist).
Among the participants, referral teachers were of particular interest and thus they were the only participants for which demographic data was collected.

**Table 2**

*Overall Teacher Demographics vs. Referral Teacher demographics (2019-2020)*

<table>
<thead>
<tr>
<th></th>
<th>School District</th>
<th>School A Referral Teachers</th>
<th>School B Referral Teachers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Teachers</strong></td>
<td>7,375</td>
<td>55</td>
<td>61</td>
</tr>
<tr>
<td><strong>White (#)</strong></td>
<td>4,709</td>
<td>51</td>
<td>35</td>
</tr>
<tr>
<td><strong>White (%)</strong></td>
<td>63.9%</td>
<td>92.7%</td>
<td>80%</td>
</tr>
<tr>
<td><strong>Black (#)</strong></td>
<td>1,061</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td><strong>Black (%)</strong></td>
<td>14.4%</td>
<td>0%</td>
<td>11.5%</td>
</tr>
<tr>
<td><strong>Hispanic (#)</strong></td>
<td>1,284</td>
<td>3</td>
<td>16</td>
</tr>
<tr>
<td><strong>Hispanic (%)</strong></td>
<td>17.4%</td>
<td>5.5%</td>
<td>20%</td>
</tr>
<tr>
<td><strong>Female (#)</strong></td>
<td>5,841</td>
<td>55</td>
<td>54</td>
</tr>
<tr>
<td><strong>Female (%)</strong></td>
<td>79.2%</td>
<td>100%</td>
<td>88.5%</td>
</tr>
<tr>
<td><strong>Male (#)</strong></td>
<td>1,534</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td><strong>Male (%)</strong></td>
<td>20.8%</td>
<td>0%</td>
<td>11.5%</td>
</tr>
</tbody>
</table>

*Note.* Counts of Black and white teachers do not include those who are also Hispanic (Latinx).

School A had almost exclusively white teachers and no male teachers; this was more homogenous compared to the school district counts. School B also employed a majority of white teachers but was much more diverse in terms of teacher race and gender. The teacher demographics at School A and B likewise corresponded to the race/gender diversity (or lack thereof) of referral teachers at each of the sites. At School A, 5 referral teachers participated in this study: all identified as female, 4 identified as white, and one identified as Hispanic. At School B, 3 referral teachers participated: 1 identified as a Black female, 1 as a Hispanic female, and 1 as a Hispanic male. Table 3 offers a summary of key information about referred students, their PRMs, and their referral teachers.
School A and School B each had two PRM processes that they utilized. School A had a PRM called “Student Review” while School B had a PRM called “Student Intervention Team” (SIT). Student Review and SIT were functionally identical and were more the “traditional” PRM seen in many schools; in each of these meetings, a referred student was discussed by a team of educators who conceptualized the student’s difficulties, discussed interventions, and provided recommendations for next steps for the student (including SPED evaluation). School A and School B also utilized Psychological Consultations which were identical processes between the two schools. Psychological Consultations were short-term, data-driven, one-on-one, consultative processes between a teacher and the psychological service provider regarding a referred student.
At the conclusion of the Psychological Consultation, the psychological service provider gave referral teacher and school administration behavioral, emotional, and/or instructional recommendations for the referred student. These recommendations also included whether the psychological services professional believed a SPED evaluation was an appropriate next step for the referred student.

The researcher obtained informed consent from participants following receipt of Institutional Review Board (IRB) approval from both the research sponsoring institution (obtained November 2020) and the school district (obtained December 2020). Though not actively involved in the present study, as PRMs involved talking with and/or listening to educators talk about a referred student, the researcher also obtained consent from the parent of the referred student and assent from the referred students prior to beginning data collection.

**Recruitment**

Participant recruitment began January 2021. The recruitment process began when the researcher was notified by school administration of an upcoming PRM. Additionally, school administration provided the researcher with a list of PRMs that had been completed already that school year and for which students those PRMs were conducted. The researcher then contacted the parents of the PRM-referred student via phone to introduce the study and provide informed consent. Following receipt of parental consent and student assent, the researcher then contacted all school staff who would attend the PRM to provide them with informed consent. Teachers who refer students to the PRM (referral teachers) and who consented to participated also agreed to complete a Referral Teacher Survey after the PRM ended. The Referral Teacher Surveys were provided after the PRM to avoid priming referral teacher’s responses during the PRM (Bargh et al., 1996). Referral teachers were given $10 gift cards for the time they spent completing the
survey. For PRMs that had already occurred, the researcher followed the same procedures for parental consent and student assent; however, only the referral teacher of the past-PRM was contacted and provided informed consent.

**Data Collection**

Originally, the plan was to attend PRMs for four white students and four Black students. In order to determine this number of PRMs to observe ($n=8$), the researcher considered a similar qualitative study by Klingner and Harry (2006). They studied the PRM decision-making processes for ELL students and conducted 21 observations of PRMs in a 1.5-year period. As the PRMs for this study would have observed in roughly a third of the time as Klingner and Harry’s study, only about a third as many PRMs (8) for Black and white students were planned to be observed. However, due to COVID-19 related school closures that greatly delayed the research approval process from the research sponsoring institution and the school district, the researcher attended and observed only four PRMs for white students and thus only 4 PRM transcripts were generated. Data regarding Black students was limited to data collected via the Referral Teacher Survey. At both School A and School B, the researcher was provided a list of students who were previously referred for PRMs during the present school year. The researcher identified non-Hispanic Black students whose PRMs had already been completed and contacted the students’ parents for consent and received the students’ assent before approaching the students’ referral teachers to provide them informed consent. These referral teachers of Black students completed a Referral Teacher Survey in reference to their Black student’s previous PRM that year.

Information needed to address the research questions came from three sources: audio taping and transcription of PRMs, a PRM Characteristics Fact Sheet (Appendix A), and Referral Teacher Survey (Appendix B). See Table 4 for an explanation of how the data collected
answered each of the research questions. Due to COVID-19, PRMs were held both in person and virtually. For the four PRMs that the researcher could attend, if the PRM was in person, the researcher sat in an unobtrusive location as a non-participant to reduce participants’ reaction to him and to avoid any alteration of their behavior due to being observed (McCambridge et al., 2014). For PRMs that occurred virtually, the researcher attended the meeting as a non-participant and kept himself muted and with his video off. An audio-recorder was used to capture what PRM members said during their discussion of students. Research suggests that audio-recording results in no discernible alteration of speech or behavior during discussions (Henry et al., 2015). For most participants, the only demographic information gathered were the positions of the educators attending PRMs. This information was collected on the PRM Characteristics Fact Sheet. However, more demographic data was collected about referral teachers due to previous research that identifies teacher referral as the single biggest factor related to SPED placement for students (Algozzine et al., 1983; Dunn et al., 2009). This research warrants extra attention given to referral teacher characteristics to help explain why teachers may refer students to PRMs. Referral teacher demographics were recorded via self-report on the Referral Teacher Survey and included: teacher age, race/ethnicity, gender, certification status, highest degree attained, and number of years teaching, language spoken, if/when the referred student had been referred to a PRM before.

Table 4

<table>
<thead>
<tr>
<th>Data Collection Methods and Corresponding Research Questions</th>
<th>Pre-Referral Meeting</th>
<th>Pre-Referral Characteristics</th>
<th>Referral Teacher Survey</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Transcription</td>
<td>Fact Sheet</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RQ1: How are Black students talked about by educators during PRMs?</th>
<th>Transcription will capture how educators talk about Black students</th>
</tr>
</thead>
<tbody>
<tr>
<td>RQ2: Do referral teachers talk differently about their Black vs. white students during or after PRMs?</td>
<td>Differences between PRMs transcriptions for Black vs. white students will be compared to discover differences</td>
</tr>
<tr>
<td>RQ3: Are the characteristics of PRMs for Black students different than those for white students?</td>
<td>Characteristics of PRMs for Black vs. white students will be recorded and compared</td>
</tr>
<tr>
<td>RQ4: What combination of student, teacher, and/or pre-referral meeting characteristics influence staffed-students’ future placements in special education— if any?</td>
<td>Characteristics of PRMs for Black vs. white students will be compared to SPED placement decisions and timeliness</td>
</tr>
</tbody>
</table>

Items on the PRM Characteristics Fact Sheet and the Referral Teacher Survey were developed in several ways. Some items were included that represented variables either shown or suspected to be significantly associated with ORB in SPED by previous research (e.g., student/teacher race, student/teacher gender, student age, educator description of the student’s school difficulties, number of years the referral teacher has taught, whether PRM members speak during the meeting etc.). Guided by the CRT tenet of Critique of Liberalism, the researcher
assumed that teachers would both be defensive if asked overt questions about their racial-biases and would deny having such biases. Thus, items on the Referral Teacher Survey were worded to assess referral teachers’ beliefs/biases about their students in an indirect fashion (e.g., “Rate your agreement: ‘I believe this student needs special education services to meet their needs’ Explain why you chose the previous rating;” “How much of this student’s education should happen in your classroom?”; and “If you think the student needs to get at least some of their educational needs met outside your classroom, what other settings would be best for them?” etc.).

Additionally, an informal, preliminary, interview with an elementary school teacher was conducted before data collection measures were developed to gather their thoughts on which educator, PRM, or student variables may predict which students who are staffed at PRMs will be referred for SPED evaluation. The elementary school teacher recommended including items to assess a student’s “reputation” amongst teachers and the presence of a principal at a PRM. An item related to each of these was included on both the PRM Characteristics Fact Sheet (Position) and the Referral Teacher Survey (“Does this student have a reputation amongst the staff here at school? If ‘yes’, please describe”).

For in-person, the researcher had each participant state their name and position to ensure proper identification of voice during the subsequent transcription process. This was not necessary for virtual PRMs as the educator’s names and positions were visible. The researcher then recorded the meeting and completed the PRM Characteristics Fact Sheet- making note of which educators were speaking in the “Notes” box to aid in subsequent transcription. The PRM Characteristics Fact Sheet was used to gather information such as group composition (i.e., who attended/participated in meeting), number of attendees, and length of discussion about student concerns.
The Referral Teacher Survey included questions about teacher demographic information, level of teacher experience/training, the teacher’s perceptions regarding the student(s) they discussed at the PRM, and the best educational environments for those students. The Referral Teacher Survey was read to the referral teacher and their answers recorded verbatim. The researcher did not ask any questions that were not on the Referral Teacher Survey and only offered clarifications about the questions if requested. For rating scale items, the researcher asked teachers to listen to the whole list of response choices before providing an answer. Following the completion of the Referral Teacher Survey, open-ended responses referral teachers provided were coded using the same coding manual used for the PRM transcriptions.

**Ethical Considerations**

Key to the informed consent process is principles of data privacy and participant anonymity. Any data related to students staffed at PRMs, the participants, or the site of study were kept on an encrypted storage device accessible only to the researcher. The file in this encrypted device was password protected and known only by the researcher. Participant anonymity was ensured by replacing participants’ and students’ names in permanent files with pseudonyms during data collection; pseudonyms were the only identifiers used on data collection instruments and study results. The name of the state, school district, and schools where the study occurred are not recorded beyond general descriptors (e.g., southern state) or site pseudonyms (e.g., School A, School B). These efforts were explained to participants during the informed consent process.

Beyond protection of participants involved in this study, a second ethical consideration is related to the researcher’s level of engagement during PRM meetings. Being a non-participant in PRMs or administering the Referral Teacher Surveys while educators may share problematic
things about their students is unconscionable. However, researcher participation would jeopardize the authenticity of PRM attendees and affect the findings of the study. Without understanding the authentic conditions by with educators make decisions at PRMs, it will be impossible to formulate solutions for better decision-making and thus impossible to remedy the larger problem of ORB in SPED. To address this concern, at the conclusion of the study, the researcher will offer the results of the study to the school district to raise awareness of any concerns that are revealed in the PRM process. This plan of action maximizes the collection of authentic data while not being complacent in the face of potentially inappropriate school PRM practices.

**Data Analysis**

Audio recordings for each of the four PRMs meetings were transcribed by graduate research assistants. The researcher created an initial coding manual to code the PRM transcriptions and the Referral Teacher Surveys. The researcher utilized the coding manual to code one PRM transcript with the assistance of two research assistants who were trained in coding procedures by the researcher. The research assistants were selected from a pool of volunteer graduate students in the school psychology program at the researcher’s university. The research assistants had had either coursework on conducting qualitative research and/or had experience developing qualitative studies/analyzing qualitative data from transcripts. Following the researcher and the research assistants each coding a copy of the same PRM transcript independently from each other, they all met to address discrepancies, refine existing codes, and add new codes inductively. Inter-rater reliability was calculated by the researcher to assess whether they had reached a threshold of 85% coding agreement. The agreement threshold was not met, so the researcher updated coding manual to increase coding consistency. The updated
coding manual was given to the research assistants and the researcher tasked the research assistants to code a new, code-less copy of the same PRM transcript. The researcher also coded a new, code-less copy of the same PRM transcript. The re-coded transcripts were analyzed and inter-rater reliability was calculated; results indicated that the threshold of 85% code agreement was met. Following the establishment of inter-rater reliability, the coding manual was considered refined through via the iterative inter-rater coding process. With the refined coding manual, the researcher coded the remaining PRM transcripts and Referral Teacher Surveys independently. The choice to code the remaining PRM transcripts and Referral Teacher Surveys was due primarily to time limitations to complete the present study imposed by the significant delay in data collection. Though having the researcher code the remainder of the data without on-going coding meetings with the RA’s yielded less credible results, it was a more trustworthy method compared to the researcher coding data sources without any outside input at all. This process of coding yielded a refined, more dependable coding manual for the researcher to employ when coding data sources on his own. This iterative scheme of establishing inter-rater reliability has been received as valid and reliable from other qualitative researchers (see Lamont & White, 2008; Maruna, 2001). Following the completion of coding, the researcher then analyzed data from the coded PRM transcriptions, PRM Characteristics Fact Sheets, and coded Referral Teacher Surveys, for themes and convergence and non-convergence of findings.

Codes were developed using a deductive analytic approach informed by CRT tenets (Maxwell, 2013). For example, the tenet of Racial Realism would predict that race is an impactful factor in teachers’ conceptualizations of students’ difficulties. However, the tenet Critique of Liberalism would also predict that educators would not talk overtly about how students’ race impacts their thinking. Instead, educators would talk about their students with
seemingly raceless language: sharing their general liking/disliking of the student, opining on the student’s apparent (dis)ability, and/or the lack of quality of the student’s “home” life. Therefore, codes targeting this language were utilized. These codes utilized in this study were related to four concepts: student deficits, student strengths, educational needs, and educator affect toward the student. See Appendix C for full text of the coding manual.

There were 4 codes related to student deficits: 1- Deficit: within student; 2- Deficit: school; 3- Deficit: home; and 4- Deficit: other environmental. Deficit: within student referred to a student’s lack of skills or lack of performance academically/behaviorally. This included educators talking about a student’s skill-based weaknesses, having low/unsatisfactory academic achievement in some way, “struggling” in some way, or being described with explicit language of disability (e.g., ADHD, Autism) and/or euphemistic/symptom-based language associated with disability (e.g., hand-flapping, being “special”, having “something wrong/off”, hyperactive etc.). Deficit: school was for any speech that was devoted to explaining student’s new or ongoing difficulties as a failure of the school some way (e.g., the student being exposed to an ineffective intervention or receiving low-quality instruction). Deficit: home was used for any speech related to a student’s parent’s being negligent in some way that negatively impacts the student’s performance at school, negativity/frustration that school staff have about a student’s parents, or whenever a students’ family members were also described as struggling in school and/or having a disability. Lastly, Deficit: other environmental captured any other influences that would negatively impact a student’s school performance such as COVID-19 related school closures, absences/tardies (not otherwise ascribed to other sources), or not turning in assignments.

There were 3 codes related to strengths: 1- Strength: within student; 2- Strength; within student, spoiled; and 3- Strength: home. Strength: within student was for any speech in which a
student’s skills were described as good or exceptional, when a student was described as improving in school in some way, or when a student was described as average/on-level in a given academic area or skill. Strength: within student, spoiled was a code that was added to the coding manual via the iterative coding process with research assistants. This code included statements that would be strengths except educators included other information that made the statement seem insincere, or “back-handed” in some way (e.g., “He was actually able to do… for once…”, “She stayed quiet for the full 10 minutes- it was a miracle!”). Strength: home was a code that included occasions when educators discussed a student’s parents as being responsive, cooperative, pleasant, or putting for extra effort to be supportive to their child.

Educational need had two codes: 1- Educational need: general education (which included educators discussing interventions or instructional techniques that could or should be used to support a student in the general education setting) and 2- Education need: intensive/SPED (which included statements or desires for having a student tested for or placed in SPED or desires for SPED services for a student). Similarly, Educator affect also had two codes. The first, Educator affect: positive, included educator’s describing students with positive or endearing epithets, expressing a desire for a student’s well-being, or being hopeful/concerned about a student’s future. Educator affect: negative was used when educators described students with negative epithets or described interpersonal conflict between the student and others or expressed pessimism for a student’s future.

Trustworthiness

Establishing trustworthiness of findings in qualitative research is important as it demonstrates the rigor of research activities and that the study’s findings are important and meaningful (Lincoln & Guba, 1985). Lincoln and Guba (1985) describe five components of
trustworthy qualitative findings: credibility, dependability, confirmability, trustworthiness, and authenticity. The following describes steps the researcher took to ensure that findings from this study are trustworthy.

**Steps to Safeguard Credibility**

Establishing credibility of findings rests on ensuring that the researcher accurately portrays the information extracted from participants (Bloomberg & Volpe, 2019). As a Black man, I am personally invested in this subject matter and the well-being of Black students. My lived experiences lead me to suspect racial bias in nearly any interpersonal interaction, which predisposes me to be highly expectant of results that confirm racial bias from educators when they talk about students of color. To safeguard the credibility of my findings, the results of data analysis reported both supportive and unsupportive (negative cases) of my anticipated findings. Consideration of negative cases is considered a way to establish credibility in qualitative studies (Bloomberg & Volpe, 2019; Shenton, 2004). Moreover, the influence of researcher bias will be reduced by utilizing a research team to establish inter-rater reliability for coding (Creswell, 2013). This research team was blinded from the purpose of the research and the research questions. Multiple sources of data were collected in this study: audio-recording of PRMs, PRM Characteristics Fact Sheets, and Referral Teacher Surveys. To the maximum extent possible, data was triangulated across these sources which allowed the researcher to build arguments about salient processes and student-level, teacher-level, and PRM-level characteristics that influence PRM decision-making (Bloomberg & Volpe, 2019; Lincoln & Guba, 1985).

Credibility of findings was also enhanced by the researcher being present as a non-participant during the PRMs. The researcher sat in an unobtrusive location and utilized audio rather than video recording. These decisions were aimed at reducing participant reaction to the
researcher’s presence and reduce the Hawthorne effect which may have been more impactful were video-recording to be utilized over audio-recording.

*Steps to Safeguard Dependability*

Studies demonstrating high levels of dependability have research procedures that are well documented and thus confer stability of data content over time. In this study, data was collected not only with multiple measures (a PRM transcription, PRM Characteristics Fact Sheet, and Referral Teacher Survey) but also from using the same measures multiple times across different PRMs/participants (e.g., each referral teacher will complete a Referral Teacher Survey). Using these repeated measures, comparison of findings between sources was made easier and more readily allowed for the researcher to detect the emergence of patterns and/or divergent findings between sources (Bloomberg & Volpe, 2019). Thus, it was possible for data from each data collection tool (e.g., the PRM transcripts) to be evaluated as stable/dependable or idiosyncratic in light of results from other data collection sessions/PRM meetings. Additionally, the application of codes to obtain data from PRM transcripts was not completed until the codes had been refined via the iterative coding process to establish inter-rater reliability. Utilization of these refined codes better ensured fidelity in the application of codes and thus stability of data extracted with these codes (Bhattacharya, 2017; Bloomberg & Volpe, 2019).

*Steps to Safeguard Confirmability*

Confirmability in qualitative findings occurs when the researcher can clearly demonstrate the data sources they used to arrive at their conclusions and interpretations (Bloomberg & Volpe, 2019). Lack of data confirmability gives rise to doubt over the researcher’s rigor of data analysis and/or their objectivity in relaying their findings. The utilization of several data sources (i.e., triangulation) safeguarded data objectivity by forcing the researcher to create data interpretations
that can make sense of findings from all data sources used in this study (Bloomberg & Volpe, 2019; Creswell, 2013). Thus, interpretations were made in congruence with the data from sources and more readily indicated veracious, data-based conclusions rather than fabrications from the researcher. Moreover, the researcher presented interpretations of data with reference to the data source possible to provide greater transparency in the interpretive process (Bloomberg & Volpe, 2019). Likewise, assumptions or inferences made by the researcher that lacked data support were explicitly described to the greatest extent possible.

**Steps to Safeguard Transferability**

Transferability broadly refers to the findings of a qualitative inquiry being useful to understand or describe other, similar contexts (Bloomberg & Volpe, 2019). The goal of this study is not necessarily discovering immutable “truths” about ORB in SPED or PRM decision-making processes. Nonetheless, thick descriptions of the context of the present study site, the participants, and the PRMs should facilitate future researchers in understanding other contexts in which the current study’s findings may generalize. The criterion-based method for selecting eligible sites and thick description for the context of site is in congruence with guidelines by Shenton (2004) to provide information about a research site’s background to allow comparisons to be made to contexts outside of the present study.

**Steps to Safeguard Authenticity**

Authenticity is Lincoln and Guba’s (1985) last component of trustworthiness and it refers to the extent that the researcher illuminates a full range of realities presented from the data (Elo et al., 2014). Though the primary purpose of this study is to understand how racial bias may affect decision making in PRMs, the data collected explored many forces at play during these meetings: social psychological processes of group decision-making, teacher background/training,
the apparent “usefulness” of PRMs to educators etc. By reporting findings from each of these data sources, the researcher displayed the multifaceted-complex process of decision making in PRMs. In doing so, the researcher attempted to capture and describe the process of decision-making in PRMs with sufficient detail to provide readers a depth of understanding for the phenomenon (Bhattacharya, 2017).

Summary

This chapter provided an overview of the methodological approaches of the present study. The study utilized a qualitative design informed by concepts of CRT. Data collection consisted of transcriptions of pre-referral meetings (PRMs), descriptions of characteristics of PRMS, and Referral Teacher Surveys. Data triangulation was a strength of this research design and conferred various protections to trustworthiness of the study’s findings.
Chapter 4: Results

Due to school closures related to COVID-19, data collection for this project was significantly delayed. Instead of the projected 6–7-month period for data collection, there was approximately 3 months to complete data collection before the school year ended. As a result of this, and due to the relatively small number of Black students enrolled at the sites of study, there were no PRMs of Black students available for the researcher to attend. Thus, no data was available to answer research question 1. However, salient findings related to the four PRMs for white students are discussed below. Data from Referral Teacher Surveys (available for both Black and white referred students) and PRM Characteristics Fact Sheets were available to sufficiently answer research questions 2, 3, and 4 (see Table 4).

Research Question 1: How Are Black Students Talked About by Educators During PRMs?

Table 5 includes a summary of the frequency of codes within each PRM.

<table>
<thead>
<tr>
<th>PRM Referral Teacher</th>
<th>Ms. 1</th>
<th>Ms. 2</th>
<th>Ms. 3</th>
<th>Ms. 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referred Student</td>
<td>Myles</td>
<td>Eli</td>
<td>Wiat</td>
<td>Tanner</td>
</tr>
<tr>
<td>Race</td>
<td>White</td>
<td>White</td>
<td>White</td>
<td>White</td>
</tr>
<tr>
<td>Teacher Concern(s)</td>
<td>Academ.</td>
<td>Academ.</td>
<td>Academ./Behav.</td>
<td>Behav.</td>
</tr>
<tr>
<td>School</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>Deficit: within student</td>
<td>29</td>
<td>27</td>
<td>30</td>
<td>19</td>
</tr>
<tr>
<td>Deficit: school</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Deficit: home</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Deficit: other environmental</td>
<td>5</td>
<td>1</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Strength: within student</td>
<td>10</td>
<td>16</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Strength: within student, spoiled</td>
<td>1</td>
<td>1</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Strength: home</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Educational Need: General Education  5  
Educational Need: Intensive/SPED  2  
Educator Affect: positive  0  
Education Affect: negative  0

*Note. For Teacher Concern: Academ.= Academic Difficulties, Behav. = Behavioral Difficulties.*

One of the most striking findings were the apparent differences between the PRMs at the two schools. Indeed, as illustrated by the counts of codes (from all PRM attendees), at School A the need for SPED services was discussed for staffed students whereas at School B the conversation was entirely centered around general education supports.

At School B, Ms. 6 discussed Tanner and his behavioral problems in the class. The assistant principal who attended Tanner’s meeting, Assistant Principal 3, described Tanner as getting “all worked up” when he feels rushed or when he notices someone make a mistake. His teacher added that Tanner has the desire to be listened to when he feels wronged by his peers and that she needs to “validate him” in order for him to begin to calm down. While Ms. 6 noted several concerns throughout the evening— and even admitted to feeling frustrated or “not in the mood” to tolerate Tanner’s behavior at times—she was transparent about her feelings toward Tanner and seemed understanding. As she finished explaining some of her primary behavioral concerns for Tanner at the beginning of the meeting, she inserted protectively:

…he’s just like really intense sometimes with his- he's not a bad kid, he doesn't do it to like, be disrespectful, or to not do what I say or anything, it's just, I guess it's just his feelings, his emotions, they're really big.

The tone of School B’s PRM was decidedly collaborative and problem-focused. There were several instances where teammates asked each other’s opinion. For example, after hearing Tanner’s presenting problems, Assistant Principal 3 asked Ms. 6: “Okay, so, ignoring behaviors
does not seem to be working because he has verbal tantrums, right? So, what other things can we try?” When trying to think of things that might be useful to help Tanner cope with his feelings of frustration, Ms. 6 offered:

I was going to give him this little, I saw these little ‘calm-down bottles’, that you flip, and maybe…I don't know if that will work or not. We used to have the little station where they go to calm down and stuff. We do not have that anymore and I wish- I was like, “man that would be perfect for him”, but we used like little fuzzy balls, like stuff like that. Should I get him some of that stuff?

In fact, in a testament to the problem-solving nature of School B’s PRM, this was the only PRM in which ineffective school strategies (i.e., codes of Deficit: school) were discussed with meaningful detail. For example, Ms. 6 described one of the strategies she had been using to curtail Tanner’s “fits” when he witnessed someone making a mistake:

[I give Tanner] a lot of praise and wheel points [a classroom reward], um, if he doesn't throw a tantrum over something. Like, if I know something would have been really big to him, I'll make it a big deal that he did not make it a big deal. So, like, ‘oh my gosh, thank you so much for pointing that out! Now we can just fix it and get right back to work’. So, just like, he wants attention. So, I have to make his, his feelings a big deal, that's what it is. So, he knows there's something on the board [a mistake], instead of me brushing it off like, ‘yeah, I know, I'll fix it later’. I'll have to say ‘oh my gosh, thank you for showing me that. Without Tanner, class, I wouldn't have been able to...’ and then I have to do a big shoutout and fix it.

However, Assistant Principal 3 cogently explained problematic aspects of her intervention:
Okay, so, when we're doing that though, are we reinforcing the behavior that we don't want him to do? …I mean, like I'm- to me, I just hear, like, he's doing something that you don't want him to do, and so then you're praising him for bringing it to your attention, right?

Ms. 6 remained open, but offered an elaboration: “Is that what it's doing?... I'm just trying to avoid the long, the long drawn out [fit].” The problem solving continued and the team generated alternative strategies that would better help Ms. 6 decrease Tanner’s tantrums while also helping him learn more socially appropriate expressions of anger and frustration.

As the PRM concluded, the team had not only managed to generate several interventions for Ms. 6 to try with Tanner, but also generated contingency plans that included collaboration with the schools’ counselors/behavioral interventionists:

(Assistant Principal 3): I'm going to ask Magda and Sylvia to see if they can work with him. And if that doesn't work then we can try Patrick and see if he has any like behavior- little behavior cards, he can do and or may if he [Tanner] wants to check in with Patrick instead of you. It just depends on kind of what he [Tanner] wants to do. Maybe we can set that check in up with Patrick.

The meeting wrapped up with scheduling a time for the team to meet up again to discuss Tanner’s response to their interventions.

School B’s process was seemingly vastly different from School A’s PRMs in which only one next step was talked about for referred students: SPED. As a result, there was little to no conversation about current interventions that the teachers were doing or could do to help their students. One PRM team member that was present at all of School A’s PRMs was Diagnostician: a member of the special education evaluation team who performed cognitive and academic
achievement testing on students. The closest that School A’s PRMs got to discussing general education interventions was when Diagnostician would ask: “so do they have any strengths?”

This was a question that seemed perfunctory both to Diagnostician and to the referral teachers. Indeed, when she was asked, Ms. 1 referred Diagnostician back to the paperwork she filled out to request the Student Review (PRM): “Yeah…did I put those on the paper at the top? I thought there was a spot for strengths… I don't know. I thought I did but I can't remember right now.”

However, Ms. 1 was able to share some legitimate strengths that Myles had including doing “really well with topics that he likes”, enjoying “plays”, and being adept at long-division. Even more illustrative of the perfunctory discussion of student strengths, when asked Wiat’s strengths, Ms. 3, Ms. 3’s Co-teacher, and Dyslexia Specialist offered “back-handed” strength statements:

(Ms. 3): When I sit with him- if I can sit right there by him- he seems to have a fairly decent grasp on his multiplication facts, but it doesn't really go past eight. Powers of 10 powers of 100, all of that escapes him.

(Ms. 3’s Co-teacher) “…there's like little quizzes that we took over something we read, he got an 80 on that too, so it's just very randomly he'll actually do great.” (Dyslexia Specialist) “…his reading level was right there. It wasn't, you know, surpassing anything but it was there.”

Importantly, even when a teacher like Ms. 1 was able to name sincere strengths of their student, the conversation never led to anything meaningful: no discussions for how to leverage those strengths, no considerations for how those strengths may be contraindicative of the presence of a disability.

School A’s PRMs appeared to be settings in which teachers also discussed their fondness/frustrations with their students (coded for Educator Affect: positive or negative), which appeared to be used to advocate for SPED for their students. For example, Ms. 2, who was
already implementing several interventions/accommodations for her student Eli (slant board, pencil grips, reduced assignments, reading problems to Eli, providing him additional time to complete assignments etc.) described her fondness for Eli in order to get him even more supports via SPED: “I just, where we are in second grade, and kind of the things that I know are coming, um, that's why I wanted to see if there was anything else that, you know, you guys thought might help.” Diagnostician responded:

> hopefully we can kind of pinpoint what his specific issue is and provide some additional intervention so he can keep up his positive attitude. I would hate for things to get overwhelming and then he loses that drive to be successful, because it's just so hard.

“Yeah” Ms. 2 agreed, “and that’s what I do not what for him is for that to happen.”

Conversely, Wiat’s teachers expressed numerous frustrations:

(Ms. 3): [He’s got] just no hold over at all of any information and I can see why because he comes in all and he's about is talking and, you know, making people laugh around him. He really, honestly when I say he has an attention span of about 30 seconds I'm not lying to you. It is literally about 30 seconds… I'll find him in the middle of an investigation, he's with a table, they're all working together and he's staring off into space. ‘Hey!’ *claps hands* you know, ‘where are ya?’

Wiat’s teachers would connect their frustrations with him to allusions to what they expected to happen next. Dyslexia Specialist stated: “It's very difficult to get writing done. He needs something totally different than the other one [student] that I have in that group [writing intervention group].” Later when Diagnostician expressed she was willing to move forward with testing Wiat for learning disabilities, Ms. 3 added: “I hope that's what it is [a learning disability]. Hopefully we can, you know...” She appeared to be alluding to wanting Wiat placed into SPED.
Given what the researcher observed, School A’s PRMs did not seem like they could realistically end in any way other than moving forward with SPED testing for the referred student. As such, each meeting always ended with deciding which areas of disability referred students would be tested for.

**Research Question 2: Do Referral Teachers Talk Differently About Their Black vs. White Students During or After PRMs?**

As there were no PRMs for Black students that were attended, only data from the Referral Teacher Survey was available to answer this question.

**Affective Differences**

In terms of the number of codes, referral teachers tended to express comparable amounts of positive affect or positive relationships toward their Black students (7 codes of Educator Affect: Positive) compared to their white students (9 codes of Educator Affect: Positive). However, teachers also expressed more negative affect or relational conflict with their Black students (10 codes of Educator Affect: Negative compared to 4 codes of Educator Affect: Negative for white students).

For example, Adrian’s teacher, Ms. 5 described Adrian as a “smart kid” and at first stated that he “mostly” had no problems (which was unexpected since Ms. 5 referred him to a PRM about a month into the school year), but as she thought more, she offered many other complaints. She described a conflict when Adrian, as a student who was attending school virtually due to COVID-19, “tried to make himself the host” of the Zoom meeting she was using to teach the virtual students. Occasionally, Adrian would “try to get off Zoom early” which Ms. 5 “had to get on him about along with [his] mom.” Though she acknowledged he was academically capable, she believed he chose not to do his work. She went on to describe Adrian as “mean,” “other kids
are scared of him,” “stone-faced- wouldn’t ever smile (I mean, that’s what I heard from other teachers)” and had “a real issue with cussing.” Ms. 5 explained that the reason both Adrian and his older brother were switched to virtual instruction (Fall of 2020, after Ms. 5 referred him for a PRM) was due to the frequent conflicts he was getting in with his teachers:

Last year though I was always seeing his first-grade teacher put him out in the hall- I don’t know what for but he looked angry. This year, due to how things went for him and his brother last year- mom had him and his brother both at home.

Ms. 5 would share that Adrian’s mother would often be seen in the background while Adrian was in school. Though Ms. 5 supposed that Adrian’s mom was only monitoring his behavior (“…he seemed to be doing things himself), she also suspected mom was potentially to monitoring school staff as “she would sit and listen to what we were doing.” This is likely due to frequent conflicts that Adrian and his brother had with school staff (discussed more below).

Similarly, though less extreme is Ms. 4 talking about her student King. She explained that she has had “like 10 parents” call her to complain about King “touching” their children and describes him as “certainly naughty.” Yet, she expressed some fondness for him because, despite his struggles in the classroom academically and behaviorally “I can get to him”. However, Ms. 4 added almost ominously “Some kids, you know, no matter what I do I can’t get to them but with King I can find a hook. Some kids I can’t find a hook but him I can. He’s easily reachable.” Compared to what Ms. 5 stated about Adrian, on paper it appears Ms. 4 and King have at worst a somewhat strained relationship. However, it was surprising to hear Ms. 4’s relatively mild responses on the Referral Teacher Survey as this was not what was observed over the past year as one of the school’s psychological services providers. I had an office adjacent to Ms. 4’s classroom and often heard or observed her interactions with King- as did my officemate a young,
BLACK STUDENTS AND SPECIAL EDUCATION REFERRAL

Black woman who worked part time as a school reading instructional teacher. For unknown reasons, Ms. 4 had King sit at a solitary desk against the wall while his peers all sat in groups at tables. He had a small box of orange duct tape that marked how far he could go from his desk without permission- it was no more than 4x4’. Ms. 4 often seemed to ignore King even when it seemed he was not engaging in inappropriate attention seeking behaviors. She seemed easily exasperated with him and his misbehavior. On one occasion, Ms. 4 got so mad at King for something that she yelled “Fine! I’m not going to help you anyway!” On another occasion, when King came to school with yellow shoes on, Ms. 4 made a comment to both me and the reading instruction teacher how much she thought King looked like Mickey Mouse; it was a comment that made both the reading instruction teacher and me uncomfortable. What Ms. 4 offered on her Referral Teacher Survey appears to belie any of these past altercations between her and King.

Notably, neither of the referral teachers (Ms. 7, Ms. 8) for Black students at School B expressed any negative affect toward their students (Mariah and Henry respectively). Only one white student, Wiat, had a teacher who expressed both positive and negative affect toward him. His teacher, Ms. 3, described him as difficult to work with: “it’s one step forward and five steps back”. Yet, she also expressed concerns for his future if he could not get the appropriate supports he needed in school – she expressed being worried that he would drop out or would get involved with the “wrong” group of kids. She had consulted with his previous teachers to find ways to support him. She believes he could find vocational success in the future with the right help. Acknowledging his difficulties with organization she remarked: “He may be a good salesman even- if he gets, you know, an amazing secretary who handles all his paperwork for him!”
**Strength and Deficit Language Differences**

There were a few differences in the frequency with which referral teachers used strength and deficit language between their Black and white students. While referral teachers made a comparable number of deficit statements about both Black (12 codes of Deficit: within student) and white students (14 codes of Deficit: within students), referral teachers made more “backhanded” compliments (e.g., “he will attempt math,” “he’s very with it [i.e., conniving]”) about Black students (4 codes of Strength: within student, spoiled) than white students (1 code). It should be noted, as was the case with the referral teacher’s use of affective language, the only teachers who made “backhanded” compliments about Black students were at School A (Ms. 4, King’s teacher; Ms. 5, Adrian’s teacher). Indeed, all educators who made such statements about their students were from School A (Ms. 3 made such a statement about Wiat). Interestingly, there were more slightly more codes of Strength: within student for Black students (7) than white students (4). Besides code numbers, however, there were some thematic differences between the kinds of strengths and deficits teachers were talking about with their students.

Referral teachers for Black students tended to sometimes state students’ weaknesses succinctly. Compared to Ms. 7 “[Mariah’s got] academic, but mostly speech difficulties,” Ms. 8 was slightly more verbose but conceptualized the following for Henry:

[His problems are] speech. When he was talking, he had to say things over and over again. He came from online to in-person so I think he may have had it harder than most but that should not have affected his speech difficulties. He just has a speech problem.

Other times, teachers of Black students discussed several deficit areas and were more extreme in how they discussed them. Ms. 4 explained King had the following difficulties: “He can’t – [she self-corrects] he has difficulty keeping his hands to himself,” “he is extremely hyperactive- not
mean, but impulsive,” “he’s still writing [in] strings of letters – the poor baby. We’re not doing any academics.” It was noted that for this last statement, Ms. 4 came across as more resigned than concerned about King’s academic deficits. Ms. 5 described Adrian’s low tolerance for frustration (“if’s he’s mad he’ll shut down- he won’t work”), but also opted to describe difficulties other staff had had with Adrian’s older brother to nest Adrian’s difficulties in the home environment: “with his older brother- another teacher had him [Ms. 2]- if he acted up we’d call home and he would have to wear a suit the next day to school- mom did that.”

For referral teachers of white students, there were also succinct deficit statements. For example, Ms. 1 explained Myles difficulties in a few words: “Attention. He’s easily Distracted. He struggles.” Likewise, Ms. 6 succinctly stated the root of Tanner’s behavioral problems: “I think it’s a ‘self’ thing… like… his internal emotions.” However, for other white students, referral teachers seemed genuinely curious about their students’ deficits- not merely labelling what was wrong but interested in etiology and solutions. The described their student’s weaknesses with precision. When discussing Eli, Ms. 2 notices two main issues- his handwriting: “his hand strength is a problem- his stamina due to writing so much is affected… I’ve noticed his hands get shaky when he writes too long” – and his vision: “his visions as well… apparently, he’s been seeing a vision therapist? If you remember that being talked about in the meeting. I wonder if that has to do with it… I heard that the ‘vision therapy’ thing isn’t credible.” She was concerned and skeptical that Eli was not getting effective treatment for potential visual difficulties. Similarly, Ms. 3 spent some time detailing Wiat’s classroom difficulties: “Some kids you can find your hook, but…I can’t figure out what makes him ‘tick’… He’s got too many skill gaps. In math he’s at the 3rd, maybe 4th grade level. In science he’s at the 4th grade level.”
Given the above, there are two other noteworthy findings. Miles and Wiat are brothers; though they both have behavioral difficulties, teachers did not discuss Miles when talking about Wiat or vice versa. Adrian, however, often had his difficulties brought up along with the difficulties of his brother. It also striking that Ms. 2, who taught Adrian’s older brother in the past, seemed to have many issues with him and often disciplined him, but she is curios and concerned about the problems of her (white) student Eli. Following the conclusion of the school year, supposedly due to ongoing conflicts between both Adrian and his older brother with school staff, Adrian’s mom withdrew him and his older brother from the school district.

Overall, the strengths mentioned for Black students’ referral teachers on the Referral Teacher Survey were responding well to positive, physical touch and affection (King), doing academic work, “thriving” as a virtual student, liking the subjects the teacher teaches (Adrian), knowing typical vocabulary, having normal receptive language ability, being able to communicate “well,” and typical processing (i.e., thinking) ability (Henry). For white students, referral teachers mentioned the following strengths on the Referral Teacher Survey: “Knowing the skills of reading, reading recall, and reading comprehension,” being able to express ideas (Eli), being on grade level academically, and being able to play well with others (Tanner).

**Differences in Utilization and Motivation for SPED Services**

Referral teachers were asked to rate the extent to which their referred student needed special education services to address their needs from 0 (“Strongly disagree”) to 6 (“Strongly Agree”). On average, referral teachers rated that they Agreed (5) that their Black students needed SPED services, whereas they were Uncertain (3) if their white students did. Relatedly, referral teachers were asked how much time they believed their referred student should be educated in their classroom (general education) compared to receiving their education in other/alternative
They answered on a scale from 1 (educated mostly/exclusively in other/alternative settings, spending 0-10% of the time in the general education setting”) to 5 (educated mostly/exclusively in the general education setting, spending 100-90% of the time in the general education setting). Interestingly, compared to their ratings regarding the need for SPED services, on average referral teachers stated their Black students should be educated Mostly/Exclusively in the general education setting (5) whereas it was slightly lower for their white students who they rated should be Predominantly educated in the general education setting (4: 60-89% of the time in general education setting).

As mentioned previously, Ms. 4 stated King was quite far behind academically and did not try to push him to do academic work for the most part: “like here, here’s what he did in math today [showed the researcher a work sample of telling time on a clock] it’s not correct but at least he attempted it! *laughs*” She stated explicitly that he “needs lots of support” and rated that she “strongly believed” King needed SPED services. Yet, she also rated that he should remain in the general education setting exclusively/most of the time; the researcher found this to be an unexpected response. Ms. 5 admitted to the researcher that she did not really understand what SPED was for:

Well SPED is like… someone pulls you and comes to get you for things you aren’t learning in class, right? [researcher: ‘it can be, yes. SPED can be lots of things.’] Ok, well because he [Adrian] can do the work- God, he did so good for me virtually… I think he can do it [the work], but it will be interesting to see what he’s like when he comes back [to in-person instruction].

Ultimately, Ms. 5 decided that, despite Adrian being smart/academically capable, he would likely need SPED services (4, “Slightly Agree”) and would likely need to spend at least some
time educated outside of her classroom (4: Predominantly in general education 60-89% of the
time) when he came back from virtual instruction his behavior continued to be unacceptable.
Mariah and Henry had exclusively/primarily speech related difficulties. As such, both their
teachers (Ms. 7 and Ms. 8) Agreed and Strongly Agreed respectively that they needed special
education services. Mariah was described as having:

… a pretty good stutter going on. While it doesn’t hinder her learning necessarily, it’s
something that she and other students notice. She isn’t being teased but… she does it
more in conversation. She doesn’t stutter during reading, just during conversation- it’s
very noticeable.

Mr. 8 described Henry’s speech as hard to understand and as such “he definitely needs speech
services”. However, both Ms. 7 and Ms. 8 shared that their students should be in the general
education setting Exclusively/Most of the time. For Ms. 7, this was because although Mariah was
slightly behind academically “Her academics aren’t so far behind that she needs to be in a
different class. I’ve been on that girl! *laughs* I’ve been on it.” It was a similar case for Ms. 8.

Henry appeared to be otherwise “typical” in his functioning outside his speech difficulties:

We kinda have to learn how to speak Henry to understand him sometimes… He does not
have any mental disabilities. He does not have any other “red flags” for students who are
like… in Life Skills [low cognitive functioning] or something.

However, Ms. 8 also offered something no other referral teachers of Black students mentioned.
The other referral teachers had talked about the need for SPED services for their Black students
to address substantial academic deficits (King, Ms. 4), inappropriate behavior (Adrian, Ms. 5), or
noticeable difficulties with speech (Mariah, Ms. 7), but Ms. 8 explained SPED services would be
useful for Henry’s future:
I want him to be successful as he possibly can be. Like my brother had speech problems. He didn’t want to raise his hands or participate in class in order to hide his speech, and his teachers wouldn’t call on him either. I want him to have the confidence to participate later on.

It is noteworthy that Ms. 8’s desire to connect Henry with speech services and has concerns for Henry’s future coincide with also having a personal experience seeing speech difficulties negatively affect Ms. 8’s brother. It is uncertain if Ms. 8 would have stated such concerns for Henry’s future had he had not witnessed his brother’s speech-related hardships in school. Regardless of motivation, Ms. 8 is the only person to connect the need for SPED services to the future success of a Black student. Conversely, all referral teachers of white students either explained how SPED services would benefit their white students in the future and/or expressed the need to find the appropriate services for their students (inside or outside of SPED) maximize their white students’ success and protect them from harm.

Despite the many frustrations Ms. 3 expressed about Wiat during his PRM meeting, she remained uncertain whether SPED placement was indeed what he needed to be successful. Regarding her rating of whether Wiat needed SPED services, she explained the following:

I’m between a three and a four [Uncertain or Slightly Agree]. I’m afraid of what will happen when he goes to 6th grade [without SPED supports]. I’m afraid he’ll fall in with the wrong group of kids… He may drop out.

Regardless of whether Wiat would be placed in SPED, she elaborated on what she believes would help him be successful: “I can see a smaller class for him where he gets pulled out- maybe to the resource room where he can work intensively on his skills… He can’t get what he needs in a class of 21 other students.” Ms. 3’s outlook for Wiat’s future was not flattering, yet she still
expressed some optimism for him: “I believe some kids are college material… but for him I can see maybe trade school. He may be a good salesman even- if he gets, you know an amazing secretary who handles all his paperwork for him!”

When asked about Myles’ educational needs, Ms. I stated she strongly believed he needed SPED services (rating of 6) but acknowledged that sometimes SPED placement does not result in meaningful access to educational materials. She stated that she already provides Myles with extra time on tests and assignments and repeats instructions for him as needed- common accommodations that children get on their Individualized Educational Plans (IEPs) at school- “but that’s not different from what I’m doing now. [Right now] I don’t have to track when I do those things (extra time, repeated instructions), But that will be tracked once he gets into SPED.” In other words, Myles’ potential placement into SPED would not result in him getting different or additional educational resources. However, Ms. I did note that she worried Myles would not qualify for SPED due to him “struggling in everything [academic]”. She believed that this could result in not enough discrepancy between his cognitive abilities and academic achievement which would result in him not qualifying for special education for learning disabilities: “They’ll say ‘he’s meeting his potential’ even though he needs it (SPED)”. Though Myles may not receive markedly different educational supports in Ms. I’s classroom, she stated that she wanted him to qualify for SPED because “he’ll get more services in Jr. High and High School.”

Ms. 6 explained that she thought Tanner’s educational needs (emotional regulation) could be completely handled in her classroom: “he just needs help to learn how to express himself [emotionally in appropriate ways]. I don’t think this is a SPED concern.” She Strongly Disagreed that Tanner needed SPED services for his educational needs and stated he needed to receive most or all of his academic instruction in her classroom. She, too, was worried about her white
student’s future, but expressed more concern about the harm SPED placement might inflict on Tanner if he did not truly need those services: “He should be here the whole time. These [current lessons/curriculum] are the grade-level things he needs. If he gets put somewhere else (SPED), he won’t be taught on grade level.”

Of all participants, no one seemed more concerned about their student’s success and their future than Ms. 2. Ms. 2 seemed to be doing everything she could for Eli- and SPED was her avenue to even more resources for him:

We start to write longer in second grade so I have to give him a lot of fill in the blanks or do a lot of the writing for him. I just want to rule out something like dyslexia. He knows the skills of reading, his recall and reading comprehension …I want to find out what’s going on because he’s very bright; he can express his ideas. We already have a lot of interventions in place. I have a slant board for him for writing, and pencil grips. I used colored paper to help teach him different sight words. I do chunked readings for him and shortened assignments. Like if I have everyone write three sentences? Here just write one. I hate for him to be frustrated; I don’t want him to be emotionally or physically spent. Honestly, if I had a Chromebook for him I’d let him dictate or do speech to type, I just don’t have a Chromebook for him! But if he qualifies [for SPED] he will get those devices, you know what I mean?

Her positive regard for Eli was readily apparent; when asked about what reputation Eli had, she simply said “he’s a really sweet kid.” However, Ms. 2 did not believe SPED was the only answer for Eli, nor did she think SPED was a completely harmless option for him. She was between a 3 and a 4 (Uncertain/Slightly Agree) regarding whether Eli needed SPED services: “I do think he needs…actually… I’m uncertain if he needs 504 or an IEP (SPED). I want to rule out
dyslexia. That’s a hard question…” The harm she seemed to anticipate for Eli with a potential SPED placement was how he would be perceived and labelled. Ms. 2 reiterated several times that he’s “definitely not” a behavioral problem and seemed aghast at the prospect of Eli being removed from her classroom for SPED services:

Oh no [out of classroom placement]! I need him all the time. He is not a resource student. He just needs the tools. He’s definitely not a resource kid. Maybe Read180 [general education reading instruction program]? …I could see Read180 for him but that’s only 20-30 minutes a day. He can stay here [general education classroom] the rest of it.

It is also noteworthy that referral teachers discussed many more general education supports and strategies that are/could be used to help white students (15 codes of Educational Need: General Education) compared to Black students (7). It appears that referral teacher’s uncertainty whether or not white student’s needed SPED services was due in part to either already providing their students the supports they needed in the general education setting or being worried about harm that could be done to their students’ futures if they were placed in SPED inappropriately.

Research Question 3: Are the Characteristics of PRMs for Black Students Different than Those for White Students?

As no PRMs were available to be attended for Black students, Referral Teacher Surveys and PRM Characteristics Fact Sheets were compared between Black and white students.

Age and Referral Timing

At both School A and School B, Black students were a minority of the student population: 13% and 16% respectively. These were even lower population percentages than the
overall 18% school district enrollment of Black students. However, despite this PRMs for Black students were generally held earlier in the year compared to their white peers. Moreover, PRMs for Black students were typically held when the students were much younger (5-7 years old) compared to the PRMs for white students who tended to be older (7-11 years old). Additionally, the PRMs for Black students represented the first PRMs they had ever been referred for (according to their referral teachers). While we would reasonably expect student age and the possibility of having a previous PRM to be positively correlated (i.e., the older you are, the more likely it is you may have been staffed at a PRM in the past), one of the referred white students, Eli, was just as old as most of the other Black students and had been referred at a PRM during preschool. Altogether, Black students were referred for PRMs at younger ages and were referred earlier in the school year compared to their white peers. Their PRMs were also the first ones of their academic careers whereas all but one white student (Tanner) had been staffed at least once before.

**Presenting Difficulties**

As demonstrated by Table 4, referral teachers had a somewhat even split between referring problems: two Black students and two white students were described as having some behavioral difficulties. Likewise, two Black students and three white students were described as having academic difficulties. Interestingly, Black students were the only students who were described as having any speech concerns (Mariah and Henry). Almost all students’ PRMs were a Student Review or an SIT; the only student whose PRM was a Psychological Consultation was King from School A.
**Referral Teacher Characteristics**

As defined in Chapter 1, a “referral teacher” could be any school staff who refers a student to a PRM. This broad definition was adopted in the case that another school staff member, other than a referred student’s teacher (e.g., assistant principal, school psychologist etc.) referred a student to a PRM. However, all referral teachers in this study were the referred students’ teachers.

The average years of teaching experience at School A was 18; for School B it was 9. The average years of teaching experience for Black students’ referral teachers was 11 years and 19 years for white student’s referral teachers. All teachers were also certified teachers and all but two referral teachers had degrees in fields of education. The two teachers who did not have degrees in fields of education were teachers of Black referred students: Ms. 5 (Adrian’s teacher, BA in Business Management), and Ms. 7 (Mariah’s teacher, BA in Interdisciplinary Studies). There did not appear to be any notable differences in the race/ethnicity of referral teachers between Black and white students. For Black students, two referral teachers identified as white and two identified as Hispanic. For white students, two referral teachers identified as white, one identified as Hispanic, and other identified as Black.

**Discussion About and Use of Pre-referral Interventions**

It is notable that most referral teachers either stated they would not implement interventions that were discussed at PRMs (3/8 referral teachers), that interventions were not discussed (2/8), or they could not remember if interventions were discussed (1/8). Two referral teachers stated they did receive recommendations but stated they were uncertain if they would implement them (Ms. 7, Mariah’s teacher) or were somewhat likely to implement them (Ms. 6, Tanner’s teacher). While these two teachers taught students of different races, it is notable that
they were both employed by School B where the PRM process appeared to be more centered around the implementation/analysis of interventions for struggling students.

Regardless of whether interventions were discussed or if teachers were interested in trying out the interventions recommended at a PRM, there were differences between which teachers mentioned they were currently doing interventions for their referred students. Only one referral teacher of a Black student, Ms. 7, mentioned doing any pre-referral interventions. Ms. 7 mentioned that during the PRM for Mariah, school staff “went down a list” of accommodations that she could try with Mariah. Ms. 7 stated she was providing the following three interventions for Mariah: “we did a lot of repeated review, positive reinforcement, preferential seating… those were kind of the main ones.”

Notably Ms. 4 stated that she had not received any of the recommendations from the Psychological Consultation as it was done by the researcher (before the study began) as the school’s psychological services provider. The results of the Psychological Consultation indicated that King could benefit from several general education behavioral strategies including a behavioral intervention plan (which would be completed by the psychological services provider), quality, non-academic, special time between the teacher and the student to build rapport, and a home-school alliance with a behavioral report card that could link behavior at school to privileges at home. However, the Psychological Consultation noted that the data collected (classroom observation data, teacher interview data, teacher questionnaire data, and parent interview data) did not provide strong evidence for the presence of an impairing disability and thus a SPED evaluation was not recommended. The finished Psychological Consultation document was provided to administration, but it appears it was not provided to Ms. 4 as she stated: “I don’t think anything ever happened with it [the Psychological Consultation.] We didn’t
go to student review or ARD [formal SPED referral] or anything.” Ms. 4 also did not mention seeking out or having any interest in the results/recommendations of the completed Psychological Consultation. Both the non-sharing by administration and Ms. 4’s apparent non-interest in the Psychological Consultation recommendations were strange but given Ms. 4’s last statement of nothing “happening”, it appears that the most useful feature of the Psychological Consultation to school staff is whether psychological service providers recommend SPED evaluations. The apparent lack of interest in or willingness to implement pre-referral interventions for Black students is particularly troubling when we remember that for all the referred Black students in this study, none of them had been staffed at PRMs before and each of their teachers believed they needed to be placed into SPED.

Two referral teachers of white students, Ms. 2 (Eli’s teacher) and Ms. 1 (Myles), however, indicated they were doing several interventions for their students. Ms. 2 was providing five different interventions for Eli and Ms. 1 was providing two interventions to Myles. Interestingly, during questions related to how much time they thought their referred students should be educated in their classrooms and how much should be provided in other settings (SPED), these teachers both explicitly stated, “he can stay”.

**Research Question 4: What Student-Level, Teacher-Level, and PRM-Related Variables Are Associated with Educators’ Desires for a Student to Be Placed Into SPED and/or Removed from the Mainstream Setting?**

**Student-Level Variables Associated with Belief in Student’s Need for SPED**

Student race seemed to be associated with referral teachers’ higher ratings to the question “I believe this student needs special education services to address their needs” (i.e., receiving a rating of 4 or higher). Black students were rated by their referral teachers as needing SPED...
services more than white students (average rating of 5 [Agree] vs. 3 [Uncertain] respectively). Younger students and students who had not previously been staffed at PRMs were also more likely to receive higher rating for SPED-need from their referral teachers. However, Tanner was both young (7 years old) and had never had a PRM before and his referral teacher strongly disagreed that he needed SPED services. Additionally, Myles was the second oldest of the PRM referred students (9 years old) and had been previously referred to a PRM; his teacher strongly believed he needed SPED services. With these considerations, due to the referred Black students not having previous PRMs and being markedly younger than their white peers, it appears more likely that student race- rather than age or previous PRMs - are truly related to higher teacher ratings of SPED need.

Presenting difficulties appeared only somewhat related to the likelihood teachers would rate a student as needing SPED services. Students with behavioral difficulties received nearly the same number of SPED-need ratings that were 4 or greater than did students with academic difficulties. Students with speech difficulties, however, were always rated 4 or higher for SPED need. Students presenting with academic problems for at least one of their school-based difficulties received an average SPED-need rating of 4.8 (Slight Agree/Agree that SPED services were needed); students with behavioral difficulties received an average rating of 3 (Uncertain if SPED services were needed); students with speech difficulties had an average SPED need rating of 5.5 (Agree/Strongly Agree that SPED services are needed). Students who presented with more than one school-related difficulty (e.g., academic and behavioral difficulties rather than simply behavioral difficulties) were somewhat more likely to be rated as needing SPED services as well. 2 out of 3 students who had more than one presenting difficulty received ratings of 4 or higher on SPED-need (average score = 4.8); 3 out of 5 students with only one presenting difficult received
a SPED-need rating of 4 or higher (average score = 3.9). There did not seem to be strong associations between race and presenting problems or number of presenting problems except for students with speech difficulties—both of whom were Black (Mariah and Henry).

**Student-Level Variables Associated with Removal from Mainstream Education**

In response to the question “How much of this student’s education should happen in your classroom?”, referral teachers provided an average rating of 4 for their referred students (60-89% of the time educated in the general education classroom). Interestingly, Black students received an average rating of 4.75 while white students received an average rating of 3.8 (Between 50%-89% of the time educated in general education classroom.) The only two students to receive the lowest scores of 3 (50% of the time educated in the general education classroom) were white students: Wiat and Myles. It is noteworthy that Wiat and Myles are brothers.

There appeared to be no presenting problem that was associated with higher teacher ratings for removal from the general education setting. Students with academic difficulties and behavioral difficulties both received similar average ratings (4.1 and 4.25 respectively; 60-89% of the time educated in the general education classroom). Students with speech difficulties were rated by their teachers as needing to stay in the general education setting Exclusively/Most of the time (average rating of 5). Interestingly, there was no difference between average referral teacher ratings for students with more than one presenting difficulty compared to one (average rating of 4.3).

Students with negative “reputations” amongst school staff (per their referral teachers) had somewhat lower ratings (i.e., rated as needing more time being educated outside of general education settings) than their peers without reputation or with positive reputations. Students with negative reputations (King, Adrian, Wiat) received an average rating of 4 (should spend 60-89%
of the time being educated in the general education setting) whereas those without reputations (Myles, Tanner, Mariah, Henry) or with positive reputations (Eli) received an average rating of 4.5 from their teachers.

Student age was also somewhat associated with teachers’ ratings of where the student should be educated. The average age of students who received ratings of 5 (Exclusively/mostly needing education in the general education setting) was 6.5; students whose teachers rated them as needing at least some time educated outside the general education classroom (scores below 5) had an average age of 8.5.

Interestingly, a student’s SPED-need rating by their referral teacher was only somewhat associated with their rating to be educated outside the general education setting; higher SPED-need ratings were only slightly associated with higher ratings of needing education outside the classroom. For example, students who received ratings of 5 from their teachers regarding the need to be educated in the general education classroom (Exclusively/most of the time), had an average SPED-need rating of 4.25. Yet, students with ratings below 5 from their teachers regarding the need to be educated in the general education setting (i.e., rated as needing to spend at least some of their time educated outside general education) had an average SPED-need ratings of 4.25 as well. However, when looking at students who were rated as needing to spend about half of their time being educated in the general education setting (rating of 3; the lowest rating any teachers gave), these students had an average SPED-need rating of 4.75 (Slightly Agree/Agree that the student needs SPED services). On the other hand, students who were rated as needing to spend most of their time educated in the general education setting (receiving scores 4 or higher from their teachers) had average SPED-need ratings of 4.1 (Slightly Agree that the student needs SPED services).
Teacher-Level Variables Associated with Belief in Student’s Need for SPED

There did not appear to be any teacher-level demographic variables associated with referral teachers’ ratings of SPED-need for their students. Referral teacher race did not appear to be associated with teacher ratings of SPED need (though the only Black teacher, Ms. 6, was the only teacher to rate her student as a SPED-need of 0). Years of teaching experience did not appear to be associated with ratings of SPED-need either.

There did not appear to be any association between the number and types of codes that emerged from teachers’ Referral Teacher Survey responses and teachers’ rating of SPED-need except for the code Educational Need: Intensive/SPED. Teachers who rated their students as a SPED-need of 6 (Strongly Agree SPED services are needed) had an average of two codes of Educational Need: Intensive/SPED in their responses to Referral Teacher Survey questions. For teachers rating SPED-need of 5, 4, 3, and 0 (no teachers rated 2 or 1), the average number of Educational Need: Intensive SPED codes for each rating respectively was 1, 1, 1.5, and 0.

Teacher-Level Variables Associated with Removal from Mainstream Education

Like the findings regarding teacher-level variables and teachers’ ratings of their students SPED-need, there did not appear to be much- if any- association between teacher-level demographic variables and their ratings of the extent to which their referred students should be educated outside the general education setting. Teacher race did not seem to have any association with ratings of educational placement. There were only two teachers, Ms. 26GE and Ms. 2, who rated that their students (Myles and Wiat) needed to be educated 50% of the time outside of their classroom. Ms. 26GE and Ms. 2 had an average of 22 years teaching experience; all other teachers had an average of 12 years of teaching experience and indicated their students should be predominantly to exclusively educated in the general education setting (rating 4 - 5)
There did, however, appear to be several patterns in the number and types of codes that emerged from teachers’ Referral Teacher Survey responses and teachers’ ratings of the extent to which their students should be educated outside the general education classroom. Of teachers who rated their students as needing to be educated at least 50% of the time outside the general education classroom (rating of 3: Ms. 26Ge and Ms. 2), they had more codes of Deficit: within student and more codes of Educational Need: Intensive/SPED compared to their colleagues who rated their students’ educational placement as 4 or higher. Specifically, teachers rating their students a 3 on educational placement averaged 3 codes of Educational Need: Intensive/SPED compared to their colleagues who averaged about 1 code; they also averaged 4 codes of Deficit: within student whereas their colleagues averaged 2-3 codes. Conversely, the teachers rating their students a 3 on educational placement had no codes of Strength: within student in their responses (compared to their colleagues’ average of 2) and averaged 1 code for Educational Need: General Education (compared to their colleagues’ average of 3).

**PRM-Level Variables Associated with Belief in Student’s Need for SPED**

There did not appear to be any difference between school setting, PRM type, the number of PRM attendees, or the roles of professionals (e.g., the presence of a diagnostician, an assistant principal etc.) and teacher’s rating of SPED-need for their students. It should be noted, however, that of the PRMs that were attended by the researcher, 3 were at School A (which were unique for each having a diagnostician in attendance) and one was at School B (which was unique for there not being a diagnostician but rather an instructional specialist).

**PRM-Level Variables Associated with Removal from Mainstream Education**

School settings were somewhat related to referral teachers more highly rating that their students should stay in the general education classroom. For School A, teachers provided an
average rating of 3.9 for their students (60-89% of the time educated in the general education classroom). For School B, all referral teachers rated their students a 5 (90-100% of the time educated in the general education classroom). This school difference seems to be because, despite School A’s Student Review and School B’s Student Intervention Teams both being the “last step” before a formal SPED referral is made for a student, these PRMs operated in different ways. It was clear that intervention was not the priority at School A’s Student Review. Rather, at best it seemed the purpose was getting the “buy-in” from the school’s administration/evaluation staff to move forward with a SPED evaluation. Often, talk about a students’ strengths or intervention strategies were completely side-stepped and instead staff discussed what IDEA labels they would investigate in the student’s soon-to-be-requested SPED evaluation.

Conversely, at school B intervention was the cornerstone of the PRM; the assistant principal asked direct questions about what strategies the teacher had tried and what supports the team could connect both the student and the teacher with. The meeting ended with scheduling a follow-up date to discuss the students’ response to the intervention strategies. The differences in these meeting proceedings might also explain why at School A the diagnostican and (typically) a psychological services provider were a part of the PRM as they were the staff who complete SPED evaluations. This is in contrast with School B where the school’s diagnostician and psychological services provider were typically not involved, but other staff members like behavioral intervention specialists or instructional specialists were in attendance.
Chapter 5: Discussion

The present exploratory, phenomenological study sought to contribute to the literature on the phenomenon of ORB in SPED by investigating how teachers discussed and made decisions about Black students during PRMs. Regarding research question one, there were no PRM's for Black students that were available to be attended by the researcher. This left this research question largely unanswerable. However, there were still some general findings regarding the PRMs that were generated. Notably, there were major differences between the conduct and the processes of the PRMs between School A and School B. At School B, the PRM attended was largely a collaborative, problem-solving, space that was structured to provide teachers with suggestions, resources, and techniques to address their concerns for their students. It was also a space for educators to formulate plans for staffed students before (or even in lieu of) any referrals for SPED that would occur.

At School A, the PRM process was almost exclusively centered around making a SPED referral. The meetings were conducted to talk about student’s deficits and difficulties and then to discuss which categories of disability should be investigated during SPED testing for the staffed student. Moreover, at School A educators frequently spoke about how much they enjoyed/were fond of their students or struggled with/were frustrated by their students; this information seemed to be used along with explicit information about the student's strengths and weaknesses to make a case for moving forward with a SPED evaluation. It is uncertain why the PRMs at School A and School B were conducted differently. Though School A was known to be an “affluent” school, there were no observable resource differences between School A and School B. In fact, despite having similar numbers of students (see Table 1), School B employed slightly more
teachers than School A (see Table 2). It seemed the only differences between the schools were the racial demographics of each school where both the student body and the teachers employed at School B were more diverse in terms of race/ethnicity. Importantly, as seen in Table 1, despite its focus on interventions for struggling students, there was only slightly less ORB in SPED at School B compared to School A. Thus, it remains uncertain to what extent discussion about pre-referral interventions is useful in countering ORB in SPED. Considering the Critique of Liberalism tenet, we would predict that unless school staff can explicitly discuss how their current SPED placement processes (like PRMs) over-identify Black students for SPED placements and pursue explicit, meaningful actions that center racial justice in the SPED-placement process, those schools are unlikely to meaningfully address ORB in SPED.

Indeed, work by Artiles (2019) supports critiques and suppositions we could make about both School A and School B’s using the Critique of Liberalism tenet. Artiles (2019) explains that race appears to be both visible and invisible to educators. For example, on the surface, as educators almost never talk explicitly about students’ race (let alone their race-based beliefs about their students), race is seemingly rendered “invisible” during teaching, when assigning disciplinary consequences, conducting meetings like PRMs, or conducting SPED evaluations. Despite this, through educator’s use of coded-language, differential patterns in conceptualizing students’ strengths and deficits based by race, the differential (consciously or unconsciously) treatment enacted between groups of students, and the resultant differential outcomes for students mediated through that differential treatment, race appears clearly “visible” – or at least cognitively relevant- to educators as they go about the mechanics of their jobs.

Regarding research question two, findings indicated that referral teachers were made more negative comments about their relationship with their Black students compared to their
white students (as measured by counts of the Educator affect: negative code). This is despite similar numbers of positive, relational comments educators make about both their Black and white students. Per counts of the Deficit: within student codes, while referral teachers made comparable numbers of deficit statements for both Black and white students, they made more “back-handed” comments about their Black (as measured by counts of the Strength: within student, spoiled code). Additionally, while referral teachers of both Black and white students at times described those students’ deficits succinctly and plainly, there was divergence in the style with which referral teachers described deficits between students of different races. Some educators described their Black students with many more deficits and tended to be more extreme/harsh in their descriptions of those deficits.

Conversely, some referral teachers of white students described their students’ difficulties with nuance and seemingly without exaggeration. These patterns are in congruence with previous research in which teachers have been found to more readily perceive and interpret deficits in Black students as signs of disability (e.g., Ford, 2020; Freeny et al., 2020; Kang & Harvey, 2019) and that Black students’ behavior is interpreted by teachers as more objectionable compared to the same behaviors displayed by white students (e.g., Fabelo et al., 2011; Howard, 2021; Santiago-Rosario et al., 2021; Woods Jr. et al., 2021). When we understand these findings regarding these discourse patterns were uncovered in schools where ORB in SPED is demonstrated, this appears to be a “window” into how teacher’s racial bias manifests in the SPED referral process for Black students. As predicted by CRT tenets, it was assumed that anti-Black bias would be present (Racial Realism; Bell, 1992) despite seemingly race-neutral processes (PRMs) and with little to no overt manifestations (Critique of Liberalism, e.g., Carbado & Harris, 2008; Taylor, 2013).
There has been exceptionally little research that has focused on the difference in language use for teachers describing their Black vs. white students during PRMs. Though Knotek’s (2003) study of PRMs found evidence that referred Black students were more likely to be subjected to educators’ “confirmatory bias,” Knotek did not provide sufficient detail regarding how this bias manifested in the language of PRMs for Black students. Moreover, Knotek did not explicitly compare educator language used for Black vs. white students. Thus, the findings of the present study appear to be novel. Nonetheless, it is possible the findings of the present study may indicate support for the bias Knotek alludes to in his study. However, as Knotek was able to study PRMs for Black students directly and lacked such PRM data, support for Knotek’s findings is limited.

Referral teachers also discussed utilizing SPED services for Black students as a means to remediate perceived deficits those students had (such as speech or academic difficulties) or as a means by which Black students may be removed from their classroom should those Black students no longer be manageable behaviorally (per Ms. 5) or if the teacher were to lose their “hook” with their Black student (per Ms. 4). Referral teachers of white students were more uncertain about whether their white students should be placed in SPED, but all of them were worried about making sure they could give their white students what they needed to be successful—regardless of whether those supports were in or outside of special education. Comparatively, only one teacher expressed any sort of concern about how SPED services could be useful for their Black student’s future. However, even in that instance, the educator’s concern may have had more to do with that educator having had a family member with a similar difficulty to their Black student. Lastly, referral teachers discussed much more often using/recommending more general education strategies and interventions for their white students
compared to their Black students. Again, these findings point not only to anti-Black bias in the SPED referral process, but these also support the growing notion that

Regarding research question three, Black students and white students largely had the same number and type of academic and behavioral problems. However, Black students were referred for PRM's at a younger age, earlier in the school year, and without having had previous PRMs compared to their white peers. Referral teachers of Black students had an average of eight years less teaching experience than the referral teachers of white students. Moreover, although all referral teachers were certified, the only two teachers without explicit degrees in education were teachers of Black students.

Regarding research question four, student-level variables that were associated with their teachers rating them more highly for SPED-need, were race (being Black), age (being younger), and not having a previous PRM. However, a closer look at the data showed that age and not having a previous PRM seemed more associated with race than they were as stand-alone factors that described associations with higher SPED-need ratings across all students. Student-level variables associated with higher ratings for removal from the mainstream general education classroom were race (being white) and having a more “negative” reputation (as described by the referral teacher). Interestingly, a student’s SPED-need score did not seem associated with their ratings for needing to be educated outside the general education classroom. There were no teacher-level variables associated with higher SPED-need scores for their referred students.

Teacher-variables associated with the need for the referred student to be educated outside the mainstream, general education classroom were: talking more frequently about students deficits (i.e., higher Deficit: within student code counts) and talking more frequently about the student’s need for SPED services (i.e., higher Educational need: intensive/SPED code counts). There were
no PRM-level variables associated with SPED-need scores. However, school setting was PRM-level variable associated with higher ratings for removal from the mainstream general education classroom. Referral teachers from School A more frequently spoke about their referred students as needing removal from the mainstream general education classroom compared to the referral teachers from School B.

In summary, the findings of the current study support previous research that illustrates differences in the ways that educator’s regard their Black students- that they are more readily viewed as disabled or needing to be controlled or managed (e.g., Gilliam et al. 2016, Knotek, 2003). Additionally, in accordance with the CRT tenet of Counter-narrative, the findings of the present study (including the school and district statistics which demonstrate ORB in SPED) can be seen less as idiosyncratic, enigmatic, racial injustice but rather as a manifestation of an old, ongoing-pattern injustice for Black students in which the mechanisms of the educational system are employed against them for the benefit of (mostly) white educators (e.g., Cartledge & Dukes, 2009; Dumas, 2016; Dumas & Ross, 2016; Dunn, 1968; Ladson-Billings & Tate, 1995; U.S. Department of Justice - Civil Rights Division, 2014). Indeed, the results of the study seem to suggest that the SPED referral process is not one that is being wielded by educators for the same outcomes for Black and white students. The differences in the SPED referral process observed here show that Black students are talked about less favorably by their educators and with less concern for their future.

Educators’ conceptualizations of SPED services for their students differ between students of different races. For Black students, SPED was a pathway of remediation for their deficits or as a potential outcome for “inappropriate/unmanageable” behavior, whereas for white students SPED services were about connection to resources will better ensure their future success. The
CRT tenet of Racial Realism allows us to interpret the race-related differences in how educators conceptualized their students’ difficulties as couched in the historical, racial characterization that Black people are “inferior”, and thus need more remediation, and in need of more control, compared to their white peers (e.g., Bell, 1992; Delgado & Stefancic, 1993; Hartman, 2008; Taylor, 2013; Wynter, 1995). The apparent differential use of SPED services between Black and white students can be seen as a manifestation of white supremacy: ensuring white students’ success while Black students’ educational futures are jeopardized. Lastly, using the Critique of Liberalism tenet, findings from this study reveal how the SPED pre-referral process- though seemingly objective, fair, and color-blind- is in fact generating differential outcomes for students based on race.

**Recommendations**

In light of this study’s results, there are several recommendations made for school psychologists who, in most educational settings, are key personnel in the SPED referral, testing, and placement processes. First, school psychologists should encourage their schools and districts to move away from practices of exclusionary special education services (e.g., self-contained classrooms where students become segregated and isolated from their mainstream peers). RTI and MTSS systems hold promise as they allow students to receive educational services dictated by their need rather than by first needing to be labelled with a disability (Artiles, 2021; Williams, 2015). This is not assumed to be a cure-all; in fact, schools with RTI and MTSS may still have self-contained educational settings and practice some level of exclusionary SPED services. However, these models would certainly reduce the ability of educators to use SPED placement as a tool of *de facto* segregation for Black and students of color. The tenet of Racial Realism would assert that, as demonstrated by ORB in SPED, the current SPED system implemented by many
school districts is a tool of white supremacy that will function at the expense of Black students/students of color. Until such a system can be replaced with a more just system (e.g., RTI/MTSS), we cannot expect ORB in SPED to be meaningfully remediated by any other action.

Second, school psychologists are encouraged to look up SPED placement data by race for their school district and schools in which they work. School psychologists should do this to understand what SPED disproportionality, if any, looks like where they work. Should disproportionality be discovered, it should be shared with teachers, administration, and staff involved in the SPED pre-referral and SPED referral processes. This usefulness of this strategy would be twofold. First, there is some evidence that educators become motivated (at least temporarily) to change their practices when they are shown evidence that their practices are related to racial disparities (Alesina et al., 2018). Second and more importantly, the sharing of this data would create awareness of an issue school staff either may not have known existed or did not believe was a problem at their school and thus allow the school psychologist to initiate conversations about meaningful solutions (e.g., changes to the PRM process, alternatives to exclusionary SPED practices, etc.).

Relatedly, when it comes to evaluating Black students/students of color for high-incidence disabilities (ED, SLD, OHI, Mild ID), school psychologists ought to employ extra care to guard them from the racial bias they inevitably carry (per Racial Realism). For example, school psychologists should more effortfully consider if SPED eligibility (and the resultant services) are truly needed to address a student’s educational needs. School psychologists should remember that IDEA disability categories have largely not changed since the 1970s (see Bower, 1960; Dunn, 1968); they are broad enough such that students could be found eligible for SPED services under IDEA even if they do not in fact have a disability. Thus, school psychologists should put forth effort to collect data that could potentially
disconfirm the presence of disability and information that rules out non-student variables that
could describe potential difficulties the student is experiencing in school (e.g., such as lack of
appropriate instruction, disrupted educational experience due to absence/high mobility, high
student-teacher conflict, etc.).

Third, if it is possible to provide a student the services they require outside of the realm
of SPED and/or without changing a child’s educational placement, those should be pursued to
the greatest extent possible. In order to do this, school psychologists will need to both contribute
input to and attend students’ Individualized Educational Programming (IEP) meetings rather than
simply attending meetings where SPED eligibility is determined. This will allow them to exert
influence in the type of programming schools will provide to their Black students. During
review/annual IEP meetings, for students who have been receiving at least some time in self-
contained educational settings, the school psychologist should inquire about that student’s
progress towards being integrated back into the general education setting. Moreover, school staff
should be challenged to use data and SMART goals that can objectively/appropriately track a
student’s progress toward mainstream reintegration.

Lastly, school psychologists are encouraged to be involved in their schools PRM process
and to help shape them into solution-focused and collaborative spaces rather than spaces that act
as a formality before SPED testing. This would help disrupt the use of SPED referral (intentional
or not), to be a mechanism by which “problematic” students (often students of color) may be
removed from a general education teacher’s classroom. Relatedly, during PRM’s or other related
meetings school psychologist are encouraged to talk about a student’s strengths not as a
perfunctory gesture but with the intention of using that knowledge to inform better instructional
techniques or to help design interventions that will truly be effective for the student in question.
Results of the present study indicate that merely listing a student’s strengths does not translate into any meaningful educational planning for a student. School psychologists are encouraged to promote the idea that students can receive intervention regardless of being eligible for SPED services and that SPED services are not synonymous with getting a student “help”. Indeed, per Ms. 1’s statement, it is possible that students are placed within SPED and do not receive meaningfully different educational services compared to when they were general education students.

School psychologists are pivotal components of the SPED placement process, but others also play important roles. For teachers who have referred students to PRMs historically, they should consider compiling a list of past students they have referred to PRMs to look for patterns in their referrals. Do they refer students across races at rates that seemed matched the demographics of their classrooms? Or were students of certain races being identified more? It would be important for teachers not to rationalize why those students deserved those referrals based on “self-evident” traits of disability or those students’ supposed “poor” home environments (which Racial Realism would predict would be particularly easy to do for Black students). Rather, teachers should be honest and specific with what kinds of outcomes they hoped for the students they referred. Did they truly think SPED placement was necessary for those student’s future success, or were they interested in potentially having those students removed from their classrooms? Having done this, moving forward with PRM referrals in the future, if a teacher does not think that SPED placement would be more beneficial for a student’s future than general education supports, they may reconsider their push for SPED placement.

Secondly, teachers need to think about what specific interventions they could try to give struggling students in their classrooms that they need to be successful. For help in
conceptualizing a students’ difficulties and or designing/implementing an intervention plan, teachers can rely on their school psychologists, instructional specialists, and/or behavioral support staff for consultation. Any plans that teachers develop should utilize some form of data to track how the intervention seems to be working- this would include baseline data on how the student was performing before the intervention(s) were implemented. Taking the initiative to create and implement some form of intervention can give students what they need more expeditiously than the SPED referral process, would reduce the number of referrals to special education, and, should the interventions not be successful, would be a powerful piece of evidence to present at a PRM to demonstrate that a student may have an impairing disability.

For parents of Black, Latinx, and Native American students, there are several ways they can protect their children from inappropriate placement into SPED. If schools ask for permission to evaluate their student for SPED, parents can question why the school believes such testing (and potentially SPED placement) is necessary. Specifically, parents would benefit from asking what specific interventions have been tried to address their student’s needs, how long the interventions had been tried, data regarding how school staff knew those interventions were not working, and what other general education supports- including 504 accommodations- may be useful in helping their student. If school staff cannot describe previous interventions, cannot provide information about the content or duration of interventions they used, cannot provide data regarding the intervention’s efficacy, or have not explored other general education supports, this may indicate that the school’s push for SPED evaluation was hasty and potentially inappropriate. Parents can thus refuse to provide school’s permission to evaluate until the school has employed such interventions. Likewise, if SPED testing has been completed, parents may disagree with the services that the school intends to provide their students- especially if the school is suggesting a
change of educational placement when the parent is unconvinced that the change of placement will is necessary for their child.

For those in educational leadership (e.g., principals, superintendents, state boards of education etc.), data can and should be collected regarding how many students are being placed into SPED by disability and by race. This would allow leadership to explore the extent to which racial disproportionality in SPED is a problem in their schools and districts. If there is evidence of disproportionate representation, these leaders should recognize that the problem of disproportionality in SPED is problem of inappropriate educational services, not a problem of numbers. For example, leaders who believe disproportionality would be meaningfully solved by simply capping the number of Black students placed into SPED (either in general or in specific categories), may find their placement numbers drop, yet find that their Black students are still not having their educational needs met. Indeed, both the Counter-narrative history of Black children in education (e.g., Ladson-Billings, 1998; Ladson-Billings & Tate, 1995; U.S. Department of Justice - Civil Rights Division, 2014) and research have shown that SPED placement has been a way to control or segregate Black students (Ansalone, 2006; Blanchett, 2006; Eitle, 2002; Fedders, 2018). Thus, if schools and school districts were limited by leadership in their ability to use SPED placement to remove Black students from certain educational settings, those in educational leadership may find that educators simply use other means to do so such as suspending or expelling Black students at even higher rates than they are already (e.g., Bal et al., 2017; Fabelo et al., 2011; Skiba et al., 2011).

Instead of arbitrary caps, those in educational leadership should identify any disproportionate, race-based SPED placement rates as alerts of educational injustice. From there, leadership should conduct its own research to investigate the differences in processes that
schools/districts use to place Black students in SPED (e.g., how do the PRM and SPED evaluation processes differ between educational settings with and without ORB in SPED?). Additionally, leadership should investigate if Black students are receiving the same kinds of services – especially with regard to amount of time they are placed outside of general education settings - compared to their white peers with the same kinds of educational disabilities. If not, understanding the historical and present anti-Black bias that exists in educators, efforts should be enacted to discern if schools’ out of class placements are indeed serving the needs of the student rather than a pathway educators can use to remove “problematic” students from their classrooms.

**Future Research Directions**

Future qualitative research would benefit from replicating the study and/or expanding the number of participants (e.g., from eight educators to 20 educators). The benefit of this would be two-fold. First, it would allow exploration regarding the first research question which was not answerable at this time. Secondly, it would provide evidence for or against the transferability of the current study's findings: showcasing the extent to which these findings represent the PRM processes of other schools that demonstrate ORB in SPED. Relatedly, future qualitative research could benefit from follow-up data-collection measures to determine how pre-referral processes/discussion relates, if at all, to if or when a referred student is placed into SPED and under what IDEA eligibility categories.

Relatedly future qualitative studies may consider exploring the assumption that ORB in SPED can only or does only occur in districts that practice exclusionary spread (i.e., districts that do not utilize RTI/MTSS). Future quantitative or mixed-method studies may find it useful to explore the relationship between key variables of this study (e.g., student reputation, teacher belief in SPED-need for a student, teacher belief in need for a student to be educated outside the
classroom, student race etc.) and the receipt, number, and type of SPED services that a student is provided. Results from the present study supports the notion proposed by researchers that there is a “dual nature” of SPED services (e.g., Artiles, 2016, 2021): that SPED is neither inherently good or bad, but a tool that can be used in service and at the expense of students (Racial Realism; Bell, 1992). This nuance of SPED services should be explored more in the future as it draws our attention not merely to race-based placement rates, but also race-based differences in SPED services/service delivery.

Limitations

The present study has several major limitations as well. First, the researcher was unable to attend any PRM's for Black students. This was due to disruptions in the timeliness of data collection due to the COVID-19 pandemic and the fact that the few Black students referred at PRMs were referred earlier in the school year before data collection could start. This resulted in a lack of data on race-based differences in conceptualization/language choices that teachers employ during PRMs, which was a primary purpose of the study.

Secondly, due primarily to time constraints to complete the present study, only one PRM transcript was coded in conjunction with research assistants. The remaining PRM transcripts and Referral Teacher Surveys were coded by the researcher; this limited the credibility of the study’s findings. Future studies should continue to use research assistants to code all data sources and continue to meet to discuss discrepancies in coding better safeguard credibility.

Additionally, the researcher assumed that students overarching referral concerns per the referral teachers would be more or less the same in terms of severity. It was not feasible to determine if one student’s school-based difficulties were just as severe as another student’s due to relying on referral teacher descriptions of students’ problems. More objective data, such as
classroom observation data would have potentially been one way gauge students’ school-based difficulties both in comparison with other students and in relationship to teachers’ descriptions of students’ difficulties. However, this would have been much more time intensive and required far more complicated consent procedures. Nonetheless, future research in ORB in SPED may consider assessing/comparing student’s purported difficulties via more objective measures such as behavioral observations completed by one or more researchers and/or the use of rating scales (e.g., Behavior Assessment System for Children, Third Edition).

Lastly, both the small number of referral teachers studied (8) and the differences in the available data collected for Black vs. white students makes it difficult to draw strong conclusions about the various patterns observed in the data. For example, when considering different student-level variables that may have had an association with referral teachers’ higher ratings for SPED-need, though Black students seemed to be somewhat more highly rated as needing SPED-services, these ratings also seemed to be associated with younger students and students who had not had previous PRMs. Without more referral teacher data and without being able to attend Black students’ PRMs, it is hard to triangulate the data to come to a stronger conclusion.

Conclusion

The phenomenon of ORB in SPED should continue to be explored with research guided by theory such as CRT, which cannot only explain patterns observed in analyses but that can connect those patterns to the socio-historical reality of Black students in education. Several promising directions exist not only for future research, but also for remedial, transformative, educational solutions for Black students.

As this study concludes, one CRT tenet more relevant than ever is the tenet of Activism: that one must not simply generate understanding of race-related injustices but use that
knowledge to bring about some meaningful change. Given this tenet, the current state of the literature on disproportionality in SPED, and the results of this study, the question before us now does not appear to be “what can we do to solve these problems of inequity?” Rather, the question for each of us appears to be “given what we already know, do we have the courage and drive to bring forth meaningful change for our Black students?”
## Appendix A Pre-Referral Meeting (PRM) Characteristics Fact Sheet

### Pre-Referral Meeting (PRM) Characteristics Fact Sheet

<table>
<thead>
<tr>
<th>Section 1. General Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting Date:</td>
</tr>
<tr>
<td># Attendees:</td>
</tr>
<tr>
<td>StudentCode:</td>
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<tr>
<td>Prev. Refer?:</td>
</tr>
</tbody>
</table>

### Section 2. Attendees

<table>
<thead>
<tr>
<th>Name (Pseudonym)</th>
<th>Position</th>
<th>Spoke? (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
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<td>2.</td>
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<td>8.</td>
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</tbody>
</table>

### Section 3. Transcription Notes
## Appendix B Referral Teacher Survey

<table>
<thead>
<tr>
<th>Questions</th>
<th>Referral Teacher Survey</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark the box that best describes this student’s difficulties at school</td>
<td>Academic Difficulties</td>
<td>Behavioral Difficulties</td>
</tr>
<tr>
<td></td>
<td>Both Academic and Behavioral Difficulties</td>
<td>Other (write):</td>
</tr>
<tr>
<td>Does this student have a reputation amongst the staff here at school?</td>
<td>Y/N/Unsure</td>
<td>If “yes”, please describe:</td>
</tr>
<tr>
<td>How likely are you to implement interventions for this student suggested by the PRM staff? (OR Circle N/A)</td>
<td>0 Almost Certainly Will Not</td>
<td>1 Unlikely</td>
</tr>
<tr>
<td></td>
<td>2 Somewhat Unlikely</td>
<td>3 Uncertain</td>
</tr>
<tr>
<td></td>
<td>4 Somewhat Likely</td>
<td>5 Likely</td>
</tr>
<tr>
<td></td>
<td>6 Likely</td>
<td>6 Almost Certain</td>
</tr>
<tr>
<td>Rate your agreement: “I believe this student needs special education services to address their needs”</td>
<td>0 Strongly Disagree</td>
<td>1 Disagree</td>
</tr>
<tr>
<td></td>
<td>2 Slightly Disagree</td>
<td>3 Uncertain, Neither Agree nor Disagree</td>
</tr>
<tr>
<td></td>
<td>4 Slightly Agree</td>
<td>5 Agree</td>
</tr>
<tr>
<td></td>
<td>6 Strongly Agree</td>
<td></td>
</tr>
<tr>
<td>Explain why you chose the previous rating</td>
<td></td>
<td></td>
</tr>
<tr>
<td>How much of this student’s education should happen in your classroom?</td>
<td>90-100% Mostly/Exclusively in my classroom</td>
<td>60-89% Predominantly in my classroom</td>
</tr>
<tr>
<td></td>
<td>~50% Half in my class, Half in other settings</td>
<td>11-40% Predominantly in other settings</td>
</tr>
<tr>
<td></td>
<td>10-0% Mostly/Exclusively in other settings</td>
<td></td>
</tr>
<tr>
<td>If you think the student needs to get at least some of their educational needs met outside your classroom, what other settings would be best for them?</td>
<td></td>
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</tbody>
</table>

### Teacher Info

<table>
<thead>
<tr>
<th>Teacher Pseudonym:</th>
<th>Student Code:</th>
<th>Certified? Y/N</th>
<th>Prev. Referral? Y/N</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Degree Held:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td># of Years Teaching:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Languages Spoken:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grade(s) OR Subject(s) Taught:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix C Coding Manual

Coding Manual

1. Coding Basics
   a. A sentence may contain several different ideas for coding. Code each idea separately.
   b. Consider relevant context- either within the same sentence or in an adjacent sentence. This context may alter how or what text is coded, or potentially eliminates the ability to code a section of text entirely.
   c. Text can only receive one code.
   d. Code only text that relates to a student’s current functioning/current status. Text related to past functioning/status can only be coded if it is being explicitly connected to statements of current functioning/status.

2. Codes and code specifiers
   a. Deficit (: within student, : school, : home, : other environmental)
      i. Code “Deficit: within student” when:
         1. a student is compared to their peers seemingly to demonstrate that the student is deficient academically.
         2. a student’s academic performance is reported as declining in some way.
         3. a student’s schoolwork is described as deficient.
         4. data is presented (e.g., test scores, work products, BIP data, BASC-3 results etc.) that shows the student experiences academic/skill difficulties OR is declining in functioning.
         5. a student is described to “struggle”.
         6. a student is described as “not being able” to do or “can’t” do something.
         7. a student is described as having OR is alluded to having an IDEA disability (e.g., Specific Learning Disability, ED/Emotional Disturbance, Other Health Impairment/OHI)
         8. a student is described as having OR is suspected of having a diagnosable mental health or other medical condition.
         9. a student is described with features/symptoms associated with disability (e.g., dyslexic, reverses letters/numbers, hyperactive, inattentive, flapping hands, irritable, depressed, low cognitive ability, slow processing)
         10. someone alludes that the student has “something” wrong with them/“something is there”/“something is going on”/“something is off”.

         NOTE: “Deficit: within student” does NOT apply to statements of students NOT liking certain subjects unless such statements are connected to any of the above.

      ii. Code “Deficit: school” when:
         1. An educator makes a statement that a student was subjected to poor quality/ineffective educational programming (e.g., a specific
curriculum, poor teacher, or intervention) while at the present school which explains their current levels of school functioning.

   a. **NOTE:** This statement must NOT be made to describe what educational services a student needs (if it was, code for Educational Need)

iii. Code “**Deficit: home**” when:
   1. A student’s family member(s) is(are) discussed AND were described to also have social, behavioral and/or academic difficulties.
   2. A student’s parents are described as being negligent OR not satisfactory in some way (e.g., not responsive to school’s contact attempts, unwilling to collaborate or comply with school requests, “poor” parenting, not providing the student enough resources.)
   3. A parent’s behavior is suggested to be the reason the student is experiencing difficulties at school (e.g., provides unreliable transportation for the student to school, does not help with completion of homework, lacks discipline, lacks home structure, drug/alcohol use etc.)

iv. Code “**Deficit: other environmental**” when:
   1. COVID-19 is discussed as a negative impact on access to education/educational supports.
   2. Life events (e.g., moving around, catastrophes, hospitalizations) are discussed which are implied to negatively impact a student’s education.
   3. It is stated that a student the student has previously attended a school or community program that is regarded as being ineffective.
   4. A student’s known or suspected status as an emergent bilingual student (previously known as English Language Learner) is discussed as a driver of school-based difficulties.
   5. A student has demonstrated a pattern of absences OR tardies that are NOT attributed to student deficits, home deficits, or a student’s character/personality.
   6. A student has demonstrated a pattern of not completing/turning in schoolwork that is NOT attributed to student deficits, home deficits, or a student’s character/personality.

b. **Strength (: within student, : home)**
   i. Code “**Strength: within student**” when:
      1. Student achievements are discussed.
      2. What a student is good at is discussed.
      3. Statements of student skills or talents are discussed.
      4. Evidence of OR statements of “improvement” – either general improvements or specific improvements- are provided.
      5. A student’s school performance is discussed as normal, average, or “on-level”
NOTE: “Strength: within student” does NOT apply to statements of students liking certain subjects unless such statements are connected to any of the above.

ii. Code “Strength: within student, spoiled” when:
   1. An educator makes a comment that would be coded as “Strength: within student” BUT the educator ruins/spoils the statement and/or turns it into a back-handed compliment. Examples include: providing a compliment and following it with “but...” + a dismissive/undermining clause (e.g., “He was actually able to do...but that is definitely not the norm).
   2. An educator makes a comment that would be coded as “Strength: within student”, but there is evidence of sarcasm/insincerity. Possible contextual indicators of sarcasm include:
      - laughter denoted in the transcription
      - rhetorical questions
      - exclamation marks
      - interjections such as “wow”, “well”, “gee”, and “huh”

iii. Code “Strength: home” when:
   1. A student’s guardians are described as timely and/or responsive to school communication.
   2. A student’s guardians are described as supportive and/or onboard with the school’s plans/processes.
   3. A student’s guardians are described as caring about/invested in their student’s wellness/education.

c. Educational Need (: general education, : intensive/SPED)
   i. Code “Educational Need: general education” when there are statements or allusions for next steps for a student which include:
      1. Teaching/academic strategies that can be provided/are being provided in the mainstream educational setting (i.e., non-SPED).
      2. Behavioral intervention strategies that can be provided/are being provided in the mainstream educational setting (e.g., behavior contracts, check-in/check-out etc.).
      3. Relationship building or relationship building strategies.
      4. Recommendations to pursue psychological consultation (also called a “psych consult”).
      5. Statements that a student has not qualified for SPED in the past or will not qualify for SPED.
      6. Explicit statements that a student needs more or ongoing English-language instruction.
   ii. Code “Educational Need: intensive/SPED” when there are statements or allusions for next steps for a student which include:
      1. Recommendations to pursue a Full and Individual Evaluation (FIE).
      2. Recommendations for SPED testing.
3. Recommendations/desire for special education/special education accommodations.

4. Statements that a student needs a change of educational placement (e.g., resource classroom, adaptive behavior [AB] classroom, life skills classroom).

5. Statements that a student needs so much attention/help in the current educational setting that it significantly reduces the teachers’ ability to help/teach other students.

6. The need for a one-to-one aid or in-class support.

7. General statements that the mainstream educational setting is insufficient:

Examples:

- “They need something more”
- “We’re out of options”
- “We have tried/done everything”

**d. Educator Affect (positive, negative)**

i. Code “Educator Affect: positive” when:

1. Statements or anecdotes are shared which demonstrate endearing and/or pro-social interactions between the student and others.

2. Educators use positive, socially desirous labels or epithets to describe the student’s character, personality/personality characteristics, or disposition (e.g., “sweet”, “sweetheart”, “a joy”, “friendly” etc.)

   a. NOTE: Not to be confused with the “Strength: within student” code which relates to a student’s skill or capabilities.

3. Educators make overt positive appraisals of the student (“I love this student”, “this student is super likeable”).

4. Educators express a spirit of advocacy for their student; they express concern for the student’s well-being, academic achievement, and/or future if the student does not get appropriate school services.

5. Educators make positive, favorable, or hopeful statements about a student’s future.

NOTE: “Educator Affect: positive” does NOT apply to statements of students liking certain subjects unless such statements are connected to any of the above.

ii. Code “Educator Affect: negative” when:

1. Statements or anecdotes are shared which demonstrate interpersonal conflict between the student and others.

2. Educators use negative, socially undesirable labels to describe the student’s character, personality/personality characteristics, or disposition (e.g., “mean”, “scary”, “this student is a handful”, “frustrating”)  

   a. NOTE: Not to be confused with the “Deficit: within student” code which relates to a student’s lack of skill or capabilities.
3. Educators make overt negative appraisals of the student (e.g., “It’s hard to like this student”, “I’m glad this student isn’t in my classroom anymore” etc.)

4. Hyperbolic/dramatic or overly negative statements are made about the student’s deficits (e.g., “he’s so… it’s not even funny”, “he can't sit still for 5 seconds”, “he never shuts up”).

5. Interpretive statements are made about WHY a student is experiencing classroom difficulties which are supposedly the result of a students’ lack of character or a problematic personality/disposition (e.g., "all he's about is making people laugh", "...it's because he doesn't want to put in the work.")

6. Sarcastic statements are made that cast the student in an unfavorable light. Possible contextual indicators of sarcasm include:
   - laughter denoted in the transcription
   - rhetorical questions
   - exclamation marks
   - interjections such as “wow”, “well”, and “huh"

7. Educators make negative, unfavorable, or pessimistic statements about a student’s future.

NOTE: “Educator Affect: negative” does NOT apply to statements of students NOT liking certain subjects unless such statements are connected to any of the above.
References


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