

## Research Evidence Against Dismantling the U.S. Education Department: How to Support Students with Disabilities

# Federal Oversight of Racial Disproportionality in Special Education

## A RAPID EVIDENCE REVIEW

Alyn Turner, PhD, Research for Action

Cara Jackson, PhD, Center for Outcomes Based Contracting

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## Why This Issue Requires Urgent Attention

Current debates about scaling back federal oversight of the Individuals with Disabilities Education Act (IDEA) make this an especially critical moment for states to understand the **implications of a potentially weakening federal role in monitoring racial and ethnic disproportionality in special education**, defined as the overrepresentation of students from specific racial and ethnic groups in special education identification, placement, and disciplinary actions. Such issues are concerning as they indicate the **potential for discriminatory practices or systemic biases** that result in inappropriate special education identification, more restrictive placements, and harsher disciplinary actions for students of color with disabilities, perpetuating educational inequities that IDEA was designed to prevent.

Decades of research show that racial disproportionality is shaped not only by student need, but by policy choices governing referral, evaluation, placement, discipline, and monitoring. IDEA currently requires states to collect and analyze data annually to determine whether significant disproportionality based on race and ethnicity occurs in

special education and to take action when it does (U.S. Department of Education, 2016), and states are required by the 2016 Significant Disproportionality regulation to use a common framework for identifying disproportionality and linking identification to required state and local action.

In January 2026, the federal government proposed to change to the IDEA Part B Annual State Application information collection to remove the “Significant Disproportionality Reporting Form.” In practice, this would mean states would no longer have to submit data to the U.S. Department of Education (USED) for review or report any changes to the methodology they use to identify significant disproportionality by race/ethnicity.

The current policy concern is not that weakening federal enforcement will cause disproportionality to suddenly increase, but instead that it will **reduce the likelihood that state monitoring systems detect inequities and prompt action, allowing inequitable patterns to persist without accountability.** In this environment, state choices about monitoring thresholds, follow-up requirements, and public reporting become decisive in determining whether IDEA continues to function as an equity-protective framework. In this context, careful attention to research evidence is essential as states consider adjustments to monitoring systems, accountability thresholds, and enforcement practices.

## Overview

In the special education literature, racial disproportionality typically refers to racial/ethnic differences in the likelihood of being identified for IDEA services—often summarized with risk indices or risk ratios—and to racial/ethnic differences across related decision points, including referral, evaluation/eligibility, disability category assignment, placement restrictiveness, and discipline/behavioral removals (Skiba et al., 2008).

**IDEA monitoring requirements reflect longstanding concerns that state and local policies governing referral, evaluation, placement, and discipline can produce systematically different outcomes for students from different racial and ethnic groups.** These concerns arose from evidence that Black children were disproportionately routed through special education systems in ways that reflected bias and structural inequities, resulting in misidentification and consistently more restrictive and exclusionary educational experiences (National Association of School Psychologists, 2013). The issue was not simply whether these students had disabilities, but how system responses to student race shaped how disability was defined, identified, and addressed, often in ways that limited the access of students of color to inclusive, high-quality instruction (National Center for Learning Disabilities, 2023; U.S. Department of Education, 2015).

## Strengthening federal regulations: 2016 Significant Disproportionality

In the early 2000s, national reviews documented that Black students were more likely to be identified in certain subjective disability categories, placed in more restrictive settings, and excluded through disciplinary removals, raising concerns about whether state monitoring systems were adequately identifying inequitable practices and triggering corrective responses (U.S. Government Accountability Office [GAO], 2013). However, because IDEA did not define “significant disproportionality,” **states used widely varying methodologies and thresholds**, resulting in **large differences in how often districts were identified and required to respond**, even when disparities were evident (GAO, 2013). States’ disparate definitions of significant disproportionality resulted in wide variation in identification rates, with many states identifying few or no districts despite clear racial gaps in identification, placement, and discipline. Federal reviews found that this **variability limited the reach of corrective action** and reduced the likelihood that districts would be required to examine root causes or invest in prevention (GAO, 2013).

**The 2016 Significant Disproportionality regulations were adopted to strengthen state accountability by establishing a common framework for identifying disproportionality and linking identification to required state and local action.** The regulations require states to use a standard methodology to examine data across identification, placement, and discipline, and to ensure that districts identified with significant disproportionality review and revise policies and practices and use coordinated early intervening services to address contributing factors (USED, 2016). This framework was intended to support more consistent state monitoring and reduce the likelihood that inequities would go unaddressed due to permissive thresholds or limited oversight.

**Under stronger federal oversight, states are more likely to maintain conservative thresholds, apply the methodology consistently, and require districts to engage in substantive policy and practice review.**

## Federal monitoring identifies critical state-level issues

Within USED’s Office of Special Education and Rehabilitative Services, the Office of Special Education Programs (OSEP) plays a critical policy function in monitoring, overseeing states’ compliance with IDEA requirements. OSEP’s current umbrella monitoring approach is **Differentiated Monitoring and Support (DMS) 2.0**, a cyclical process focused on states’ general supervision systems, including State Performance Plan/Annual Performance Report (SPP/APR) systems as a core component, plus targeted monitoring when other information warrants it. Recent OSEP progress monitoring reports identified failures in how three states monitor and address significant disproportionality.

- [Indiana](#) had the **most extensive violations**, lacking a reasonably designed system to implement significant disproportionality requirements, failing to ensure that comprehensive coordinated early intervening services properly address the root causes of disproportionality, and having no reasonable standard for determining whether Local Education Agencies (LEA) are making progress in reducing disparate outcomes.
- [Idaho](#) **lacked mechanisms** to determine whether significant disproportionality in identification, placement, or disciplinary removals was caused by non-compliant policies, practices, and procedures.
- [South Carolina](#)'s policies regarding “reasonable progress flexibility,” which allows states to delay identifying LEAs with significant disproportionality if they show improvement, **did not comply with federal requirements** that limit this flexibility to LEAs that have failed to demonstrate progress for two consecutive years.

Additionally, in May and July of 2025, OSEP identified critical data collection and reporting failures across four states that compromise their ability to monitor compliance with IDEA Part B requirements and identify systemic problems affecting students with disabilities. These data system failures are particularly concerning because accurate data collection is fundamental to identifying discrimination, monitoring compliance, and ensuring that students with disabilities receive appropriate services and are not disproportionately subjected to disciplinary actions.

- [Kansas](#) had the most extensive data system failures, including an **inability to collect and report valid and reliable data**, failure to report annual suspension and expulsion rates by LEA, and a flawed methodology that inflates student counts when calculating discipline risk ratios for students with disabilities.
- [Mississippi](#) similarly **failed to submit valid and reliable data** for their State Performance Plan/Annual Performance Report (SPP/APR), including specific deficiencies in reporting secondary transition requirements data.
- [Idaho](#) **lacked mechanisms to review policies** when significant discipline discrepancies occur for students with disabilities and couldn't determine whether disproportionate representation of racial and ethnic groups in special education was due to inappropriate identification.
- [New Jersey](#) **failed to establish a mechanism for collecting due process complaint data** as required by federal law.

## Current concerns about reduced federal enforcement heighten the relevance of this history for state policymakers

As federal oversight weakens, the concern is that **states will regain responsibility for setting monitoring expectations, enforcing corrective action, and maintaining transparency**. Under weaker enforcement, progress monitoring systems may revert to

their pre-2016 status, failing to identify critical issues like those described above. Historical evidence suggests that, for example, fewer districts may be identified for significant disproportionality, and fewer systemic changes may be required, increasing the risk that inequities in identification pathways, restrictive placement, and exclusionary discipline persist or worsen despite ongoing data collection (GAO, 2013; USED, 2016). Furthermore, states may face incentives—political, fiscal, or administrative—to raise thresholds, narrow eligibility, or treat identification as a compliance exercise rather than a trigger for systems change.

## Importance of Grounding Policy Decisions in Evidence

As federal enforcement of IDEA becomes less certain, state policymakers play an increasingly central role in determining whether longstanding racial inequities in special education are identified and addressed. Grounding state decisions in the evidence can help ensure that changes in federal posture do not inadvertently weaken protections for students with disabilities or allow racial inequities in identification, placement, and discipline to go unaddressed.

## How do we know that racial disproportionality is a significant issue in special education?

**Disproportionality is a durable feature of U.S. schooling systems, visible across identification, placement, and discipline, and it cannot be safely dismissed as random variation.** Scientific consensus reviews have treated disproportionality as persistent and system-linked for decades (National Research Council [NRC], 2002; National Academies of Sciences, Engineering, and Medicine, 2023). Descriptively, Grindal and colleagues analyzed the full population of roughly 4.5 million K–12 public school students in three states and found racial/ethnic disparities in identification persisted within income categories and were larger for disability categories typically identified in school settings than for categories more often identified via medical pathways (Grindal et al., 2019). Across states, non-low-income Black students had about twice (or higher) the probability of identification in more subjective, school-identified categories (especially emotional disturbance and intellectual disability) compared with otherwise similar non-low-income White students. Their evidence extends beyond identification: students of color are also more likely to experience more restrictive placement. For example, in one state the fitted probability of being placed in a substantially separate classroom was 16.2% for non-low-income Black students versus 10.3% for non-low-income White students.

## What are the root causes of racial disproportionality?

Root causes are critical to the debate because understanding them gives direction for policy and program response. In 2002, the National Research Council (NRC) consensus report, *Minority Students in Special and Gifted Education*, examined plausible contributors to disproportionate representation in special education, including potential bias in referral and assessment systems and differences in opportunity to learn (National Research Council, 2002).

### Existing methods cannot determine whether disparities reflect bias in organizational routines and discretionary judgments or the impact of broader inequities in opportunity

This is because different studies ask different questions and use different methodological choices, especially how they treat covariates like test scores, behavior ratings, poverty indicators, or prior achievement.

- A prominent, “otherwise similar children” line of work finds that, after extensive covariate adjustment, **minoritized students can appear less likely than comparable White students** to be identified for special education across multiple disability categories (Morgan et al., 2015).
- However, a more recent critique argues that these “**under-representation**” **findings can be methodologically fragile**, especially when covariates (like achievement) are themselves shaped by unequal schooling and other structural factors. Fish and colleagues (2025) highlight risks such as included-variable bias (controlling for variables on the pathway through which inequality operates) and data-quality limitations that can distort estimates of disparities.
- Cruz and Rodl’s integrative synthesis argues that conclusions about disproportionality are also **contingent on how those covariates are conceptualized** (e.g., confounder vs. mechanism) (Cruz & Rodl, 2018).

### Racial disproportionality may reflect bias and subjectivity in referral and evaluation systems

The potential role of **bias in the referral and assessment system** leading to placement in special programs was highlighted in NRC’s 2002 report. Subsequent research provides suggestive evidence on the role of educators as actors in the system, showing how

minoritized students potentially experience the classification process differently because of **how educators interpret behavior, ability, and need.**

- Differential/racialized judgments about behavior begin early. Experimental/behavioral evidence in early childhood education (including eye-tracking) indicates **educators' attention and expectations can be racially patterned** (Gilliam et al., 2016).
- **Racialized subjective behavior judgments may culminate in different kinds of formal special education identification.** For example, experimental evidence suggests that teachers are more likely to refer Black students for evaluation when challenges are framed as behavioral, while White students are referred more often for academic concerns (Fish 2017).
- Additionally, a consistent empirical signal of bias is that **disproportionality concentrates in categories that require more discretionary school judgments** (e.g., emotional disturbance, specific learning disability) rather than categories typically identified through clearer medical pathways (e.g., sensory impairments), implicating **school-based decision points as a key mechanism of racial disproportionality in special education** (Grindal et al., 2019).

## School judgements about special education can stem from racially patterned disciplinary actions

Discipline may be a pipeline where repeated exclusion increases academic difficulty and intensifies behavioral labeling and can alter referral and eligibility decisions. In K-12, **two complementary evidence streams support discipline as a potential root cause of racial disproportionality in special education:** (a) causal evidence of bias in how educators interpret repeated misbehavior, and (b) large-scale administrative patterns linking disproportionality in discipline to special education identification risk.

- In a controlled experiment with teachers, the **“Two Strikes” study** found that after a second infraction, teachers interpreted behavior as more indicative of a pattern and endorsed harsher discipline more when they believed the student was Black than White (Okonofua & Eberhardt, 2015).
- As far as administrative patterns, a GAO analysis of near-census Civil Rights Data Collection (CRDC) data found **persistent discipline disparities for Black students and students with disabilities across school contexts** (GAO, 2018).
- Going further, Sullivan & Bal (2013) provide descriptive evidence that disproportionality in special education identification is linked to discipline exposure. Using multilevel models in a large urban district (about 18,000 students in 39

schools), **disability identification risk varied substantially by race across categories, and suspensions were among the consistent predictors of identification risk** (Sullivan & Bal, 2013).

Taken together, the best-supported read of the current literature suggests that policies should treat disproportionality as a **multi-level production process**: structural conditions shape student need and school resources; organizational routines shape how concerns become referrals; and discretionary judgments shape evaluation, eligibility, and placement decisions.

## Has the 2016 Disproportionality Rule shown evidence of reducing racial and ethnic disproportionality in special education identification and placement?

**There is not yet conclusive evidence that the rule alone has measurably reduced racial disproportionality in identification, placement, or discipline at the national level.**

Persistent disparities in minority representation in special education remain, and most analyses of trends after 2016 emphasize continuing inequities and the complexity of the problem rather than clear reductions traceable to the rule (Katsiyannis et al., 2023).

Although there is limited evidence that the 2016 Significant Disproportionality rule has reduced racial disparities in special education outcomes, the rule's primary function was to strengthen monitoring and accountability rather than to directly change practice. Federal enforcement establishes minimum expectations that shape how states design their monitoring systems, including decisions about what data are examined, how thresholds are set, which districts are identified, and what actions follow identification. Historical evidence shows that when federal oversight is weak, states tend to identify fewer districts with significant disproportionality and require less corrective action, even when inequities persist. In this context, **weakening IDEA enforcement risks reducing transparency and accountability at the state level, allowing longstanding inequities in identification, placement, and discipline to continue without systematic response.**

## What are evidence-based strategies for addressing racial disproportionality in special education?

Regulatory mandates alone are insufficient without complementary investments in evidence-based policies and programs to reduce racial disproportionality in special education. Well-designed monitoring rules and adequate staffing at the federal level need to be paired with evidence-based strategies at the state and local levels to eliminate inequities (Voulgarides et al., 2017).

There is **limited causal evidence on what works to directly reduce racial disproportionality in special education identification** using strong designs. **Most causal evidence focuses on upstream dynamics related to reducing inequities in discipline referrals**, though impacts on special education identification are not typically measured.

### Direct interventions on racial disproportionality

Response to Intervention (RTI), of which a Multi-Tiered System of Support (MTSS) is a common version, is a universal intervention policy designed to provide academic support to students and identify specific learning disabilities, the most commonly identified disability in U.S. schools. Since 2006, nearly all states have adopted RTI. Large-scale, rigorous designs have produced mixed evidence and suggest that how states implement RTI may matter:

- Leveraging variation in state adoption of RTI from 2004–2018, Shea and Jenkins (2024) sought comprehensive evidence on the effects of state-level policy adoption of RTI on students' disability outcomes. The study reports that states adopting RTI (with variations in what components were mandated or whether the policy simply allowed or encouraged districts to use RTI) saw *increases* in identification of students with specific learning disabilities (SLD) and *reductions* in placements of students with disabilities in separate school settings. The authors also found that **RTI adoption may disproportionately increase disability identification among non-White students relative to White peers.**
- Evidence from Oregon suggests RTI can reduce special education placement and improve outcomes from Black students. One of the key aims of Oregon Response to Instruction & Intervention Initiative (ORTII) adoption was to ameliorate inequities in these outcomes by race/ethnicity and socioeconomic status (ORTII, 2023) Using Oregon's staggered rollout of RTI supports (ORTII), Ainsworth, Cleveland, and Penner (2024) found that RTI adoption *reduced* special education and SLD identification and it reported reading test score gains for Black students.

While the evidence is not conclusive, these findings suggest that RTI/MTSS adoption alone is unlikely to reduce racial disproportionality in identification, even if it changes identification or placement patterns. **RTI/MTSS may be more effective if paired with equity monitoring at multiple steps:** referral rates, evaluation initiation, evaluation completion, eligibility, disability category, and least restrictive environment (LRE) placement, disaggregated by race/ethnicity and disability category.

Two additional studies point to emerging evidence of strategies for reducing disproportionality in special education identification or referral:

- Gravois and Rosenfield (2006) evaluated **Instructional Consultation Teams (IC Teams)**, a structured consultation/prereferral support approach intended to improve classroom instruction and reduce inappropriate special education referral/placement. Using data from IC Team schools and comparison schools, the authors report decreases in the relative risk/odds of minority students being referred to and placed in special education in IC Team schools compared with nonproject schools.
- While not a program per se, a strong quasi-experimental study using North Carolina administrative data finds that **Black students matched to Black teachers** were less likely to be newly identified for special education in the following year, with the largest effects for Black boys and economically disadvantaged Black boys, and for “high-incidence” disability categories that involve greater discretion (Hart & Lindsay, 2024).

## Upstream evidence: Reducing racial disparities in discipline

Several interventions explicitly target racial disproportionality in discipline and, by design, aim to reduce downstream special education referrals by changing how staff respond to behavior. **Rigorous trials show that system changes – especially equity-focused discipline interventions – can reduce racial inequities in discipline:**

- An **equity-focused version of Positive Behavioral Interventions and Supports (PBIS)** can reduce racial inequities in office discipline referrals under trial conditions (McIntosh et al., 2021). A randomized controlled trial tested an equity-focused PBIS approach intended to reduce racial inequities in discipline. The study reports reductions in disparities in office discipline referrals in treatment schools due to reduction in exclusionary discipline among Black students.
- A separate, group-randomized effectiveness trial of **schoolwide PBIS** found impacts on discipline outcomes (e.g., reduced suspensions and office discipline

referrals), demonstrating that school system redesign can change exclusionary practices at scale (Bradshaw et al., 2010).

- A randomized controlled trial of **Double Check coaching** (combined with school-wide professional development) found that coached teachers had lower office discipline referrals for Black students and no significant changes for White students or overall referrals. (Bradshaw et al., 2018).
- **Restorative practices** may benefit students most affected by repeated suspensions, but outcomes may depend on school context and consistency. In their study of restorative practices in New Orleans, Glenn and colleagues (2021) used a quasi-experimental approach and found suspensions may decline after restorative practices adoption, with stronger and more consistent declines in schools with more implementation intensity, among certain suspension categories, and for specific subgroups (e.g., students with prior suspensions).

## Evidenced-Based Policy Considerations for States

As changes to IDEA that potentially loosen federal accountability and oversight are being considered or enacted, states need to stay grounded in the best available evidence to chart a path forward that retains a commitment to equity in special education. To balance these challenges, states may consider:

### State policy levers

- **Workforce strategies.** Treat educator diversity as a *special education equity strategy*, not only a workforce goal: strengthen recruitment, preparation, licensing pathways, and retention supports that expand the pool of Black teachers.
- **Prioritize evidence-backed equity discipline models in guidance and funding.** Include equity-focused PBIS as a high-priority option in state technical assistance menus.
- **Require or encourage subgroup discipline monitoring using clear metrics.** Encourage districts to track office discipline referrals and suspensions by subgroup using measures that show inequities clearly (e.g., risk differences) and to review trends regularly.
- **Strengthen data infrastructure and use.** States can support special education and discipline data systems that allow timely, disaggregated reporting and actionable dashboards.
- **Promote discipline policy designs that reduce subjectivity without increasing exclusion.** Mechanism evidence suggests subjective decision points can amplify

disparities; state guidance can encourage clearer discipline definitions and structured response options.

## District practice levers

- **Embed structured prereferral documentation in special education identification processes** (intervention history, progress-monitoring data, language/cultural context) so identification is less driven by subjective interpretation.
- **Standardize high-subjectivity decision points in discipline.** Given the centrality of staff discretion in many discipline decisions, equity-oriented policy and practice changes may be most promising when they use clearly defined referral categories, require written justification and documentation, and specify escalation/response rules (e.g., what warrants classroom removal versus a restorative response versus additional supports). These strategies are best framed as reducing **subjective variability and inconsistency** in discipline responses—conditions under which racial disparities can emerge—and as a plausible (but empirical, not assumed) lever for influencing downstream special education gatekeeping.
- **Build implementation supports and allocate sufficient resources.** For approaches like RTI, PBIS, and restorative practices, budget time for coaching, staff practice, and routines that make the approach real in classrooms, not only in policy. **Resource needs to plan for:** staff training time, coaching or facilitation, data reporting capacity, and leadership routines to review subgroup trends and respond.
- **Audit teacher assignment patterns** (who has access to experienced and diverse educators) as part of special education equity work, not only HR planning.

## Conclusion

The prospect of weakened federal oversight of IDEA creates both risks and responsibilities for states. Historical evidence demonstrates that when federal enforcement is permissive, state monitoring systems often fail to identify districts with significant disproportionality and require limited corrective action, even when racial inequities in identification, placement, and discipline persist. Recent OSEP monitoring reports underscore how critical federal oversight has been in identifying state-level failures in data collection, methodology design, and compliance with significant disproportionality requirements.

However, the absence of conclusive evidence that the 2016 regulations alone have reduced disproportionality at the national level highlights an important reality: **monitoring frameworks establish accountability infrastructure, but they do not directly change**

**practice.** Reducing racial disproportionality requires states and districts to move beyond compliance exercises and invest in evidence-based interventions that address root causes, including bias in referral and evaluation systems, racially patterned discipline practices, and structural inequities in educational opportunity.

The research evidence reviewed here points to promising strategies, particularly upstream interventions targeting discipline disparities through equity-focused PBIS, Double Check coaching, and restorative practices. Evidence on teacher-student racial matching and structured prereferral support systems like Instructional Consultation Teams suggests that intentional workforce strategies and procedural changes at high-discretion decision points can reduce inappropriate referrals. While RTI/MTSS shows mixed results on disproportionality, implementation matters, and pairing these approaches with systematic equity monitoring at multiple decision points may strengthen their effectiveness.

**As federal accountability recedes, state choices become decisive.** States that maintain conservative monitoring thresholds, require substantive policy review when disproportionality is identified, ensure transparent public reporting, and invest in evidence-based prevention and intervention strategies can preserve IDEA's equity-protective function. States that relax thresholds, limit corrective action requirements, or treat disproportionality monitoring as a pro forma exercise risk allowing longstanding inequities to persist without systematic response.

The evidence is clear on what is at stake: racial disproportionality in special education is not random variation but a persistent, system-linked pattern shaped by discretionary decisions at multiple points: referral, evaluation, placement, and discipline. Without strong state-level accountability and strategic investment in evidence-based practice, the conditions that produce these inequities will remain intact. In this moment of federal policy uncertainty, states have both the opportunity and the obligation to demonstrate that equity in special education can be advanced through policy choices grounded in research evidence and a sustained commitment to identifying and addressing systemic bias.

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