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**Alaskan Natives and Other Minorities in the
Special Education Programs of Four
Alaskan School Districts**

**Alaska Advisory Committee to the
United States Commission on Civil Rights**

June 1999

This report of the Alaska Advisory Committee to the United States Commission on Civil Rights was prepared for the information and consideration of the Commission. Statements and viewpoints in this report should not be attributed to the Commission, but only to the Advisory Committee.

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The United States Commission on Civil Rights

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957, and reestablished by the United States Commission on Civil Rights Act of 1983, is an independent bipartisan agency of the Federal Government. By the terms of the 1983 act, as amended by the Civil Rights Commission Amendments Act of 1994, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study and collection of information relating to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections; and preparation and issuance of public service announcements and advertising campaigns to discourage discrimination or denials of equal protection of the law. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 3(d) of the Civil Rights Commission Amendments Act of 1994. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee, and attend, as observers, any open hearing or conference that the Commission may hold within the State.

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**Alaska Advisory Committee to the
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Letter of Transmittal

Alaska Advisory Committee to the
U.S. Commission on Civil Rights

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Attached is a report that provides information on the percentages of Native Alaskans and other minorities in the special education programs of four Alaskan school districts. The study was prompted by the allegation from parents of the Juneau School District that Native Alaskans were overrepresented in special education programs. Parents from this school district filed a complaint with the Office for Civil Rights of the U.S. Department of Education during the 1993-94 school year and the matter was resolved in summer 1997.

The information was gathered by the Advisory Committee at two briefing meetings conducted in October 1996 and June 1997 and through letters forwarded in September and December 1997 to the superintendents of the four districts soliciting information on the identification of students for placement in special education classes, number of students served, certificated staffing, and complaint procedures. The report is not an exhaustive study of special education but simply attempts to evaluate the representation of Native Alaskans and other minorities in special education programs of the districts reviewed.

The Advisory Committee found mixed results and could not totally refute the allegation. The Advisory Committee was encouraged by the efforts of the Juneau School District to resolve the issue of overrepresentation and deal with placement of Native Alaskans and American Indians in its special education programs. The Advisory Committee believes that other school districts in the State may benefit by reviewing Juneau's efforts. The Advisory Committee offers this report as part of its function to advise the Commission of civil rights issues of concern in Alaska. The report was unanimously approved for submission by the Advisory Committee.

On behalf of the Advisory Committee,



Gilbert F. Gutierrez, *Chairperson*
Alaska Advisory Committee

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Acknowledgments

The Alaska Advisory Committee wishes to thank staff of the Commission's Western Regional Office in Los Angeles for its assistance in the preparation of this report. The data collection and report draft were the principal assignment of Thomas V. Pilla, with assistance and support from Grace Hernandez and Priscilla-Lee Herring. The project was carried out under the overall supervision of Philip Montez, Director, Western Regional Office.

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Chapter 1 Introduction

Minority parents in Alaska have alleged that a disproportionate number of their children are found in special education programs. At its meeting of October 17, 1996, the Alaska Advisory Committee¹ to the U.S. Commission on Civil Rights heard from parents of the Juneau School District alleging a disproportionate number of Alaska Natives in special education and remedial speech programs.² These parents questioned the District's methodology for school placements, including assessments, clustering, the receipt of assistance, tracking, and labeling.³ They noted that the problem had been ongoing for a number of years.

Following this presentation, the Advisory Committee passed a motion to develop an investigative study on special education in the State.⁴ Members also requested that school district officials be invited to the next meeting to provide information on special education programs and methodology for identifying students with learning disabilities and/or communicative disorders. Since this meeting was planned for Anchorage, an invitation to meet with the Advisory Committee was extended to Robyn Rehmann, executive director, special education, Anchorage School District.⁵ At the Advisory Committee's meeting of June 17, 1997, Ms. Rehmann and members of her staff

provided an overview of the Anchorage School District's special education program.⁶

Based upon the information provided at these two meetings, the Advisory Committee determined that it should collect data to determine whether Alaska Native and other minorities were disproportionately represented in programs for special education. Data would be collected from the Anchorage, Fairbanks, Juneau, and Nome school districts, the major metropolitan areas of the State.

Letters requesting information on the identification of students for placement in special education classes, number of students served, certificated staffing, and complaint procedures were forwarded to the superintendents of the four districts identified for study.⁷ Followup letters were sent to two of the districts to ensure compliance with the request.⁸ The responses were forwarded to the members of the Advisory Committee for their review and assessment regarding the allegation of overrepresentation of minorities in the special education programs studied. In addition, the data would be reviewed to assess the participation of Alaska Native and other minorities as certificated staff for these programs.

The Commission is mandated to establish State Advisory Committees in all States and the District of Columbia 42 U.S.C. §1975a(d)(1998). These 51 Federal advisory bodies advise the Commission of civil rights issues within their boundaries.

¹ Alaska Advisory Committee, Meeting of Oct. 17, 1996. Minutes.

² Ibid. In a follow-up letter, a member of the Alaska Advisory Committee wrote "that many times the parents are not even aware that their child is classified as a special education student." Rosalee T. Walker, member, Alaska Advisory Committee, USCCR, July 28, 1998.

³ Ibid. The Advisory Committee's motion was unanimously passed 7-0. 5 absent.

⁴ Thomas V. Pilla, civil rights analyst, Western Regional Office, USCCR, letter to Robyn Rehmann, executive director, special education, Anchorage School District, May 13, 1997.

⁵ Alaska Advisory Committee, Meeting of June 12, 1997, Minutes. In addition to Ms. Rehmann, other Anchorage School District personnel in attendance were Sharon Roy, supervisor, elementary special education, Chris Tower Zafren, school psychologist, Rusty Donahoo, speech specialist, and John Alexander, equal employment opportunity officer.

⁶ Thomas V. Pilla, letters to Gary D. Jackson, director, Office for Civil Rights, U.S. Department of Education, Seattle, WA, Sept. 17, 1997; Mary Rubedeau, superintendent, Juneau School District, Juneau, AK, Sept. 18, 1997; John Monahan, superintendent, Fairbanks School District, Fairbanks, AK, Sept. 18, 1997; and Robert G. Kinna, superintendent, Nome School District, Nome, AK, Sept. 19, 1997. Copies of these letters are on file in the Western Regional Office of the USCCR.

⁷ Thomas V. Pilla, letters to John Monahan, Dec. 4, 1997, and Robert G. Kinna, Dec. 4, 1997. Copies of these letters are on file in the Western Regional Office of the USCCR.

Chapter 2 Background

In a 1994 compliance report, the Department of Education, Office for Civil Rights noted 130,686 elementary and secondary school students in Alaska.¹ Statistics from this report showed 31,665 American Indian (24.23 percent); 5,029 Asian/Pacific Islander (3.85 percent); 3,315 Hispanic (2.54 percent); 7,055 black (5.40 percent); and 83,622 white (63.99 percent) students.²

In a report released April 1997, the State Department of Education reported 124,754 "average daily membership" in grades K-12 for the 1995-96 school year, including 81,290 white (65.1 percent); 31,323 Alaska Native/American Indian (25.1 percent); 5,308 black (4.7 percent); 5,606 Asian/Pacific Islander (4.4 percent); 3,491 Hispanic (2.7 percent); and 111 students classified as Other (0.08 percent).³ According to Erik McCormick, statistical technician, Alaska State Department of Education, the State's 53 school districts and 2 State-run schools serve 130,000 K-12 students, and one-third of them are in the Anchorage School District.⁴ Robin Rehmann noted that 46

percent of all students in the State are within the Anchorage School District.⁵

According to the State Department of Education as of September, 1997 there were no existing Office for Civil Rights complaints regarding overrepresentation of minorities in special education.⁶ This was confirmed by the U.S. Department of Education. Gary D. Jackson, director, Seattle Office, Office for Civil Rights, U.S. Department of Education wrote, "A search of [Western Division] files representing the past five fiscal years reveals no complaints alleging disproportionate representation of minorities in special education by recipients of Department funds in the state of Alaska."⁷ However, OCR did report the resolution of the single compliance review reflected in its Alaska files during the last 5 years.⁸

During the 1993-94 school year, a complaint was filed with the Office for Civil Rights (OCR) of the U.S. Department of Education (DOE) alleging that the Juneau School District was labeling a disproportionately high number of Alaska Native students as having learning disabilities and communicative disorders.⁹ The complaint initiated a compliance review. According to Gary D. Jackson, director, OCR, "The issue investigated in this compliance review was whether the district discriminated against Native Alaskan students on the basis of race or national origin in the place-

Department of Education (DOE), Office for Civil Rights (OCR), 1994 Elementary and Secondary School Civil Rights Compliance Report, Projected Values for the State of Alaska revised July 22, 1997 (hereafter cited as OCR compliance 1994). Gary D. Jackson, director, Seattle Office, Western Division, OCR, DOE wrote "Neither the Department nor OCR requires regular statistical submissions by all school districts in Alaska. Elementary and Secondary district and building data are collected by the Department each year according to a stratified random sampling of school districts in all states." Gary D. Jackson letter to Thomas V. Pilla, civil rights analyst, WRO, USCCR, Oct. 2, 1997.

⁴ OCR compliance 1994. OCR noted that the numbers should be used "with caution due to large statistical uncertainty in the estimate." They added, "Numbers may not add to Total or 100% due to rounding or reporting errors."

⁵ Alaska State Department of Education, *Summary of Alaska's Public School Districts, Report Cards to the Public School Year 1995-96*, April 1997.

⁶ Erik McCormick, statistical technician, Alaska State Department of Education, telephone interview, Sept. 16, 1997. There are 53 independent districts plus Alutka Central School and Mt. Edgecumbe, two State-run schools.

⁷ Alaska Advisory Committee, Meeting of June 12, 1997, Minutes.

⁸ Although there were no existing complaints on file in September 1997, OCR had completed a compliance review and reached a settlement agreement with the Juneau School District by August 1997.

⁹ Gary D. Jackson, letter to Thomas V. Pilla, Oct. 2, 1997. The OCR Case Resolution Manual states, "Correspondence that OCR receives, even if it concerns an alleged civil rights violation, may not be a complaint. Immediately upon receipt, OCR must determine whether or not the correspondence is a complaint."

¹⁰ Gary D. Jackson, letter to Thomas V. Pilla, Oct. 9, 1997. OCR may initiate a compliance review without a complaint.

¹¹ Cathy Brown, "Special-ed probe ends," *Juneau Empire*, Aug. 10, 1997 (hereafter cited as Special-ed).

ment of such students into special education programs.¹⁰ DOE's OCR found that "during the 1993-94 school year there was a statistically significant overrepresentation of Native Alaskan students in programs for students who had been determined to have a learning disability or a communicative disorder."¹¹ OCR reported only 20 percent of the student body was Alaska Native, but 30 percent of the students identified as learning disabled and 54 percent of those identified as having a communicative disorder were Native.¹² OCR questioned if the district was considering whether a child's problems in school could be a result of cultural and linguistic differences, rather than an actual disability. OCR completed its compliance review and determined that its findings supported "a conclusion that the district did not fully comply with Title VI, section 504, and Title II."¹³ The district voluntarily agreed to remedial actions set forth in a settlement agreement.¹⁴

The *Juneau Empire* of August 10, 1997, reported the settlement of the suit filed against the Juneau District alleging disproportionate minority student placement in special education programs. According to the news report, the district changed its special education referral process and planned to commission a study to learn more about cultural and linguistic influences that affect local Native children.¹⁵ Mary Rubadeau wrote, "The resolution put several systems in place including an intervention process... prior to referral for special education evaluation."¹⁶ She noted that "the formal complaint was resolved over a two year period with District staff working closely with the Alaska Native Community, parents, specialists, and the Office for Civil Rights."¹⁷

¹⁰ Gary D. Jackson, letter to Mary Rubadeau, superintendent, Juneau School District, Dec. 4, 1995 (hereafter cited as Jackson compliance letter)

¹¹ Jackson compliance letter

¹² Special-ed

¹³ Jackson compliance letter

¹⁴ Ibid

¹⁵ Special-ed

¹⁶ Mary Rubadeau, letter to Thomas V. Pills, Oct. 13, 1997 (hereafter cited as Rubadeau letter).

¹⁷ Rubadeau letter

Rubadeau added, "The District developed and implemented an intervention process to document the cultural/ethnic and linguistic background of each student referred for special education assessment."¹⁸ The *Juneau Empire* reported that teams composed of psychologists and classroom teachers have been established at each elementary school, which meet to discuss the root cause of a student's problem and strategies for effectively teaching the child. Mary Rubadeau wrote:

The intervention team must determine for each Alaskan Native student receiving special education or related services for a learning disability or communicative disorder whether or not the student's cultural and linguistic background was properly addressed during the evaluation and placement process.¹⁹

Bernie Sorenson, coordinator, multicultural programs, Juneau School District, stated that the team approach has "slowed down probably three-fold the referrals to special education."²⁰ Andy Hope, a member of the Juneau Native Education Commission, told the *Juneau Empire* that representatives of the Native community worked with the district on resolving the complaint.²¹ Gary D. Jackson, director, OCR, believes the district is committed "to ensuring that Native Alaskan students' cultural and linguistic background are considered throughout the special education referral, assessment and placement process."²² Jackson wrote:

The district has agreed to take voluntary corrective actions as set forth in the agreement. OCR concludes that the district will be in compliance with Title VI, Section 504, and Title II with respect to the issue investigated in this case upon full implementation of the actions and commitments contained in the agreement.²³

While not commenting directly on the Juneau situation, a member of the Alaska Advisory Committee wrote:

¹⁸ Ibid

¹⁹ Ibid

²⁰ Special-ed

²¹ Ibid

²² Ibid

²³ Jackson compliance letter.

I have no doubts there may be some cultural aspects involved with why Native Children end up in special education. However, since many of these children are raised in English speaking households, I am not sure linguistic differences play that large a role.²⁴

While the Advisory Committee looks favorably upon the result in Juneau, it also notes the length of time it took for the educational establishment and OCR to resolve the Native Alaskan community's concern. The complaint was filed in 1993-94; a compliance review was provided the district in December 1995, and settlement was announced in August 1997. The Advisory Committee was concerned that the length of time required to resolve the complaint in an urban Alaskan school

district might be magnified in the State's rural districts where the need might be greatest. Based upon September 1997 figures, 58,631 students were enrolled in districts other than the four reviewed by the Advisory Committee. This present monitoring effort did not focus on rural school districts and no data was collected from them. The Advisory Committee may look at these remaining districts in a future study. Data provided by each of the districts contacted were reviewed solely to determine if overrepresentation in special education programs existed.

²⁴ Beverly Masek, member, Alaska Advisory Committee USCCR, letter to Thomas Pilla, Aug. 3, 1998. Ms Masek added, "The one area where [she] would like to see some further study and information provided would be parental responsibilities. In many cases there could be problems with these children's home life that cause them to end up in special education." This present study focused only on whether there was disproportionate representation of Alaska Natives and other minorities in the special education programs of the four school districts.

Chapter 3

Special Education Programs

Anchorage School District

The Anchorage School District (ASD) reported a total K-12 student enrollment of 48,635 as of October 1997.¹ Of this total, 32,557 students were white (66.94 percent); 5,644 Alaska Native/American Indian (11.60 percent); 4,234 black (8.71 percent); 3,819 Asian/Pacific Islander (7.85 percent); and 2,381 Hispanic (4.90 percent).²

ASD reported that as of May 19, 1997, there were a total of 9,636 special education students ages 1 through 22.³ Of this total, 1,314 students were Alaska Native/American Indian (13.6 percent); 451 Asian (4.6 percent); 883 black (9.1 percent); 399 Hispanic (4.1 percent); and 6,589 white (68.3 percent).⁴ Although Alaska Native/American Indian students represent 11.60 percent (5,644 students) of the total K-12 student enrollment, 23.3 percent (1,314) of these students are in special education programs. Ms. Rehmann told the Advisory Committee that the figures are deceiving because "ASD provides [program] services for students from all over the State."⁵ For example, under the Alaska Youth Initiative (AYI), ASD is the catchman program because of the services it provides. ASD reported in June 1997 that 40 of the 75 students in AYI were from outside the district.⁶

ASD has nine special education departments.⁷ The largest categories of students served

in 1997 were: 4,547 learning disabled students (47.19 percent); 2,171 gifted (22.53 percent); 1,321 speech impaired (13.7 percent); and 400 emotionally disturbed (4.15 percent).⁸ Alaskan Native represented 16.27 percent (740) of learning disabled students; 3.09 percent (67) of gifted; 15.44 percent (204) speech impaired; and 21.25 percent (85) of emotionally disturbed students.⁹ According to Ms. Rehmann, the district provides three levels of service: level 1 for mild disabilities; level 2 for half-day special education program or adapted classes; and level 3 for entire-day program accommodated in special education.¹⁰ Table 1 provides a breakdown of level of service for students by ethnicity.

The ASD has 5,041 total employees, including 3,071 certificated¹¹ and 1,970 classified¹² staff.¹³ Among certificated staff, 54 were Alaska Native (1.75 percent); 43 American Indian (1.40 percent); 81 Asian (2.63 percent); 117 black (3.80 percent); 66 Hispanic (2.15 percent); and 2,710 white (88.24 percent). Among classified staff, 54 were Alaska Native (2.74 percent); 0 American Indian, 153 Asian (7.76 percent); 238 black (12.08 percent); 93 Hispanic (4.72 percent); and 1,432 white (72.69 percent).¹⁴

Education: Deaf Education, Wahley School, Special Schools Program, Related Services, Gifted Education, and Health Services

¹ Sara Hotchkiss, secretary, Assessment and Evaluation, Anchorage School District, telephone interview, July 21, 1998.

² *Ibid*.

³ Robyn Rehmann, "Special Education Presentation to the Alaska Advisory Committee," Xeroxed handouts, June 12, 1997.

⁴ *Ibid*. The percentages were calculated by Western Regional Office staff.

⁵ Alaska Advisory Committee, Meeting of June 12, 1997, Minutes.

⁶ *Ibid*.

⁷ The departments are the following: Preschool Special Education, Elementary Special Education, Secondary Special

Education, Deaf Education, Wahley School, Special Schools Program, Related Services, Gifted Education, and Health Services

⁸ ASD Special Education statistics.

⁹ June minutes.

¹⁰ Teachers are required to have a certificate issued by the State. They are referred to as certificated staff.

¹¹ Classified staff include nonclassroom personnel such as secretarial, janitorial, cafeteria employees and maintenance workers.

¹² Sandy Fillmore, executive secretary, Human Resources Department, Anchorage School District, telefaxed letter, July 21, 1998.

¹³ *Ibid*. The percentages were calculated by Commission regional staff using data supplied by ASD.

TABLE 1**Special Education Students' Level of Service, Anchorage School District, May 19, 1997**

Ethnicity	Level 1		Level 2		Level 3	
	Count	Percentage	Count	Percentage	Count	Percentage
Native	931	9.63%	230	2.38%	150	1.55%
Asian	359	3.72%	57	0.58%	38	0.39%
Black	656	6.79%	172	1.78%	55	0.57%
Hispanic	317	3.28%	60	0.60%	22	0.23%
White	5,386	55.72%	786	8.13%	414	4.28%
Totals	7,649		1,305		679	

The category Native includes Alaska Native and American Indian.

Source: Robyn Rehmann, executive director, special education, Anchorage School District, presentation handout, June 12, 1997. The percentages used in this table are based on the total of 9,633 for all three levels.

TABLE 2**Instructional/Certificated Staff in the Anchorage School District, October 1996**

Ethnicity	Special education	Speech language	Psychologists/
	teachers	staff	therapists
Native	5	0	0
Asian	3	1	0
Black	7	0	1
Hispanic	1	2	0
White	406	65	62
Total	422	68	63

Source: Anchorage School District, Instruction/Certificated Staff in ASD, October 1996

As of October 1996, ASD reported 422 special education teachers, 68 speech language staff, and 63 psychologists/therapists. Table 2 provides a breakdown of this staff by ethnicity. The 20 total Alaska Native, Asian, black and Hispanic staff represented only 3.61 percent of the 553 certificated personnel for these programs.

Ms. Rehmann told the Advisory Committee that the district has "a difficult time recruiting special education teachers."¹⁵ She added that the district has not had a formalized recruiting program since 1993, when the budget for recruiting travel was eliminated.¹⁶

Fairbanks School District

The Fairbanks North Star Borough School District (FNSBSD) reported a student population of 16,273 for the 1998-99 school year.¹⁷ Of this total, 1,386 were African American (8.51 percent); 11,992 white (73.69 percent); 1,597 Alaska Native (9.81 percent); 535 Hispanic (3.28 percent); 508 Asian (3.12 percent); and 255 American Indian (1.56 percent). The FNSBSD employs a director of special education and two special education coordinators who oversee special education programs across the district.¹⁸ The

¹⁷ Barbara Burch, director of special education, Fairbanks North Star Borough School District, letter to Thomas V. Pilla, civil rights analyst, WRO, USCCR, Jan. 15, 1998 (hereafter cited as Burch letter). Unless otherwise cited, material on the Fairbanks North Star Borough School District is from the Burch letter. Ms. Burch is no longer the director of special education.

¹⁸ Burch letter. The director of special education supervises the special education coordinators and reports directly to the

¹⁵ June minutes.

¹⁶ *id.*

TABLE 3
Fairbanks Student Population, 1998-1999 School Year

	District total		Special education		Gifted	
African American	1,386	(8.51%)	188	(3.94%)	15	(1.48%)
Alaska Native	1,597	(9.81%)	334	(15.89%)	41	(4.06%)
American Indian	255	(1.56%)	52	(2.47%)	10	(0.99%)
Asian	508	(3.12%)	52	(2.47%)	29	(2.87%)
Hispanic	535	(3.28%)	63	(2.99%)	15	(1.48%)
White	11,992	(73.69%)	1,412	(67.20%)	899	(89.09%)
Totals	16,273		2,101		1,009	

Source: Barbara Burch, Director of Special Education, Fairbanks North Star Borough School District, Jan. 5, 1998.

TABLE 4
Fairbanks North Star Borough School District Certificated Staff by Ethnicity, 1998

	Overall staff(a)		Special education staff(b)	
African American	33	(3.3%)	2	(1.70%)
American Indian/Alaska Native	31	(3.1%)	0	
Asian	10	(1.0%)	1	(0.85%)
Hispanic	14	(1.4%)	3	(2.56%)
White	978	(97.8%)	110.1	(93.9%)
Totals	1,066		116.1	

Source: (a) Barbara Burch, director of special education, Fairbanks North Star Borough School District, Jan. 15, 1998. (b) Caroline Klein, administrative secretary, Fairbanks North Star Borough School District, Jan. 17, 1998.

total number of special education students served by the district is 2,101, including 188 African American (8.94 percent); 1,412 white (67.20 percent); 334 Alaska Native (15.89 percent); 63 Hispanic (2.99 percent); 52 Asian (2.47 percent), and 52 American Indian (2.47 percent) students. The total number of gifted students served by the district is 1,009 including: 15 African American (1.48 percent); 899 white (89.09 percent); 41 Alaska Native (4.06 percent); 15 Hispanic (1.48 percent); 29 Asian (2.87 percent), and 10 American Indian (0.99 percent) students.¹⁹ Table 3 provides a breakdown of the student population by ethnicity. The FNSBSD has approximately 1,000 certificated staff.²⁰ Of

this total, 33 are African American (3.3 percent); 14 Hispanic (1.4 percent); 10 Asian (1.0 percent); and 31 American Indian/Alaska Native (3.1 percent).²¹ Of the 117.1 certificated staff and 4 occupational therapists²² who teach special education classes, there is 1 Asian male (0.85 percent), 1 African American male (0.85 percent), 1 African American female (0.85 percent), and 3 Hispanic females (2.56 percent).²³ Table 4 provides a breakdown of the district's certificated staff.

estimate based upon planned departures, resignations, and new hires as of this date.

¹⁹ Burch letter. The percentages were calculated by Commission regional staff using data received from the school district. In addition, the remaining 912 certificated staff represented 91.2 percent of the total.

²² Caroline Klein, administrative secretary, special education, FNSBSD, telephone interview, July 17, 1998. The certificated special education teacher category also includes Federal grant teachers and those hired on an as-needed basis, which accounts for the fractional amount.

²³ Burch letter. The percentages were calculated by Commission regional staff using data received from the school

assistant superintendent who also oversees the Special Education Department

¹⁹ Ibid. The percentages were calculated by Commission regional staff using data received from the Fairbanks North Star Borough School District.

²⁰ Caroline Miller, personnel clerk, FNSBSD, telephone interview, July 17, 1998. Ms. Miller noted that this was an

TABLE 5

Students Served—Special Education, Juneau School District, October 13, 1997

	Asian	Black	Hispanic	Indian	White	Total
Autistic	1	1	0	1	5	8
Communication disordered	2	0	4	68	71	145
Developmentally delay	1	1	0	8	18	28
Deafness	0	0	0	3	0	3
Serious emotional disturbance	0	0	0	9	13	22
Health impairment	0	2	1	6	13	22
Hearing impairment	0	0	0	1	1	2
Learning disability	9	3	9	105	211	337
Multiple disabilities	0	0	1	6	16	23
Mental retardation	0	1	0	8	5	14
Orthopedic impairment	0	0	0	0	2	2
Traumatic brain injury	0	0	0	1	1	2
Visual impairment	0	0	0	2	1	3
Total	13	8	15	218	357	611

Source: Mary Rubedeau, superintendent, Juneau School District, letter, Oct. 13, 1997

Within the past 5 years, there have been no complaints alleging disproportionate representation of minorities, particularly Alaskan Natives, in special education received by the director of special education for the district, and no complaints have been filed with the Office for Civil Rights of the U.S. Department of Education.²⁴

Juneau School District

The city and borough of Juneau School District (JSD) had 5,682 students as of February 2, 1998, and 5,530 students as of June 3, 1998. The mid-year total includes 381 Asian (6.7 percent); 1,238 Alaska Native/American Indian (21.8 percent); 96 black (1.7 percent); 159 Hispanic (2.8 percent), and 3,808 white (67.0 percent) students.²⁵ The district serves a total of 611 special education and 553 gifted/talented students.²⁶

district. The remaining 111.1 special education staff represent 94.87 percent of the total.

²⁴ Ibid.

²⁵ Janice Speech, Juneau School District, telefax letter to Thomas V. Pilla, July 22, 1998. The figures are as of Feb. 2, 1998, and total 5,682 students.

²⁶ Mary Rubedeau, superintendent, Juneau School District, letter to Thomas V. Pilla, Oct. 13, 1997 (hereafter cited as Rubedeau letter). Special education includes the following categories: autistic (8 students); communication disordered

The categories of special education serving the most students were: learning disability with 337 students; communication disordered with 145; developmentally delayed with 28; multiple disabilities with 23; and serious emotional disturbance and health impairment with 22 each.²⁷ Table 5 provides a breakdown by ethnicity of the special education students. Of the total 611 students served in all categories, 13 were Asian

(145), developmentally delayed (28); health impairment (22); hearing impairment (2); learning disability (337); multiple disabilities (23); mental retardation (14); orthopedic impairment (2); traumatic brain injury (2); and visual impairment (3). Gifted/Talented (G/T) includes the following: G/T (511 students), G/T Art (37), and G/T Music (5).

²⁷ Rubedeau letter. Commission staff calculated percentages for each of these major categories and found, Learning disability: 9 Asian (2.67 percent); 3 black (0.89 percent); 8 Hispanic (2.67 percent); 105 Indian (31.15 percent); 211 white (62.61 percent); Communication disordered: 2 Asian (1.37 percent); 4 Hispanic (2.75 percent); 68 Indian (48.89 percent); 71 white (48.96 percent); Developmentally delayed: 1 Asian (3.57 percent); 1 black (3.57 percent); 8 Indian (28.57 percent); 18 white (64.28 percent); Multiple disabilities: 6 Indian (26.09 percent); 16 white (69.56 percent); Serious emotional disturbance: 9 Indian (40.90 percent); 13 white (59.09 percent); Health impairment: 2 black (9.09 percent); 1 Hispanic (4.54 percent); 6 Indian (27.27 percent); 13 white (59.09 percent).

TABLE 6**Nome Public School District Student Population, December 1997**

	Overall students		Special education students	
African American	11	(1.07%)	2	(1.27%)
Alaska Native	788	(76.87%)	109	(69.42%)
American Indian	10	(0.975%)		
Asian	14	(1.36%)	1	(0.636%)
Caucasian	191	(18.63%)	46	(29.29%)
Hispanic	11	(1.07%)	1	(0.636%)
Totals	1,025		159*	

* The number of students receiving special education services varies on a day-to-day basis according to enrollment, and the Advisory Committee assumes their variation accounts for the discrepancy in the total and the amount reported by the district.
Source: Brenda Hutchison Smith, director, Nome Public Schools, December 19, 1997.

(2.12 percent); 8 black (1.30 percent); 15 Hispanic (2.45 percent); 218 Alaska Native/American Indian (35.67 percent); and 357 white (58.42 percent).²⁸

JSD has 363 total certificated staff. Of those, 236 are Caucasian female, 87 Caucasian male (combined 88.98 percent), 32 minority female, and 8 minority male (combined 11.01 percent).²⁹ There are a total of 53 certificated special education staff, including 43 Caucasian females, 8 Caucasian males (combined 96.22 percent); 1 minority female and 1 minority male (combined 3.77 percent).³⁰

In the past 5 years, the JSD has received one formal complaint regarding disproportionate representation of Alaskan Native children in special education.³¹ According to Mary Rubadeau, superintendent, JSD:

The formal complaint was resolved over a two year period with District staff working closely with the Alaska Native Community, parents, specialists, and the Office of Civil Rights. The resolution put several systems in place including an intervention process which has strengthened educational services for all children prior to referral for special education evaluation.

²⁸ The percentages were calculated by Commission regional staff using data provided by the Juneau School District.

²⁹ Rubadeau letter.

³⁰ Ibid. The percentages were calculated by Commission regional staff using data supplied by the Juneau School District.

³¹ Ibid.

tion. There are no existing complaints regarding disproportionate placement.³²

According to Rubadeau, "The District developed and implemented an intervention process to document the cultural/ethnic and linguistic background of each student referred for special education assessment."³³

Nome School District

The Nome Public School District (NPS) serves 1,025 students, including 191 Caucasian (18.63 percent); 11 Hispanic (1.07 percent); 11 African American (1.07 percent); 14 Asian (1.36 percent); 10 American Indian (0.975 percent); and 788 Alaska Native (76.87 percent) students.³⁴ According to Brenda Hutchison Smith, director, Nome Public Schools, "The number of students receiving special education services varies on a day to day basis according to enrollment." As of December 19, 1997, NPS had 157 students re-

³² Ibid. The superintendent wrote: "The intervention team must determine for each Alaskan Native student receiving special education or related services for a learning disability or communicative disorder whether or not the student's cultural and linguistic background was properly addressed during the evaluation and placement process."

³³ Ibid.

³⁴ Brenda Hutchison Smith, director, Nome Public Schools, Nome, AK, letter to Thomas V. Pilla, Dec. 19, 1997 (hereafter cited as Smith letter). Percentages were calculated by Commission regional staff using data supplied by Nome public schools.

ceiving special education services including 109 Alaska Native (69.42 percent), 1 Hispanic (0.64 percent), 2 African American (1.27 percent), 46 Caucasian (29.29 percent), and 1 Asian (0.636 percent) student.³⁵ Table 6 provides a breakdown by ethnicity of the District's student population.

The 64 certified staff of the NPS includes 1 African American (1.56 percent), 6 American Indian/Alaska Native (9.37 percent), and 57 Caucasians (89.06 percent). "The certified and classified staff in the department of special education" includes two males, six females, no

Alaska Native certified staff, and one male, eight females, and five Alaska Native classified staff, respectively.³⁶

According to Brenda Hutcheson Smith, director, special education, NPS, "There have never been any formal complaints regarding the disproportionate number of minorities placed in special education."³⁷ The office of special education at NPS has not been involved with the U.S. Department of Education, Office for Civil Rights, regarding the disproportionate number of minorities placed in special education.³⁸

³⁵ Smith letter. The ethnic breakdown figures total 159 and the Advisory Committee assumes "day-to-day" enrollment variation accounts for the discrepancy. Commission staff calculated percentages on the 157 reported students.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

Chapter 4 Findings and Conclusions

The Advisory Committee undertook the task of determining the accuracy of the allegation that Alaska Natives and other minorities were disproportionately represented in special education programs in school districts in Alaska. The Advisory Committee selected the Anchorage, Fairbanks, Juneau, and Nome districts because they collectively serve approximately 71,615 or 57.4 percent of the State's K-12 students. The Advisory Committee found mixed results.

The Anchorage School District's 48,635 students include 5,644 Alaska Native and American Indian students, who represent 11.60 percent of that student body. The Anchorage School District's 9,636 special education students include 1,314 Alaska Native and American Indians or 13.6 percent of those students. Although the special education category also includes 2,171 gifted students, the Advisory Committee found that 19.8 percent of all the District's students, or nearly 1 in 5, were in special education programs.

The Fairbanks School District's 16,273 students include 1,597 Alaska Native and 255 American Indian students who represent 9.81 and 1.56 percent, respectively, of that student body. Of the District's 2,101 special education students, 334 are Alaska Native and 52 are American Indian representing 15.89 percent and 2.47, respectively, of all special education students.

The Juneau School District's 5,682 students include 1,238 Alaska Native/American Indians, who represent 21.8 percent of that student body. The District's 611 special education students includes 218 Alaska Native/American Indians, 35.67 percent of all students in these programs.

The Nome School District's 1,025 students include 788 Alaska Natives and 10 American Indians, who represent 76.87 and 0.98 percent, respectively, of that student body. The

District's 157 students receiving special education include 109 Native Alaska and American Indians, or 69.42 percent of all students in that category.

Although recognizing the problem with an analysis based solely on statistics, the Advisory Committee believes that special education programs in the Anchorage and the Fairbanks Northstar Borough school districts have an overrepresentation of Native Alaskans and American Indians.

The Advisory Committee believes the districts it reviewed make good faith attempts to identify those students who require special education and provide the services for them. Parents who met with the Advisory Committee expressed concerns regarding the process and questioned whether cultural attributes were being considered. Some disabilities may be obvious, while others are identified through professional observation, standardized tests and measures. The Advisory Committee does not believe that cultural traits and social attitudes toward education are disabilities.

In the complaint against the Juneau schools, parents alleged students were placed in special education programs based upon cultural traits. The Office for Civil Rights of the U.S. Department of Education questioned whether cultural and linguistic differences were leading to a child's problems in school and if the Juneau district was considering this possibility. The Advisory Committee learned that the district has developed procedures to deal with this concern, including training "in ways to identify students who have a potential cultural or language background influence."¹

The Advisory Committee is concerned that cultural and linguistic differences also account for some of the overrepresentation of Alaskan

¹Mary Rubedeau, superintendent, Juneau School District, letter to Thomas V. Pilla, Oct. 13, 1997.

Natives in other special education programs is reviewed. The Advisory Committee believes that efforts undertaken by the Juneau School District to deal with this issue could assist other districts. Therefore, the Advisory Committee recommends that other school districts in Alaska review these procedures for adaptation.

Through its review of data provided by the school districts, the Advisory Committee discovered a lack of ethnic diversity in the

certificated and instructional staff within special education programs. The districts should review their own statistics and develop strategies to recruit and hire additional staff who reflect the ethnicity of the student body.

The Advisory Committee will continue to monitor this issue and other educational concerns throughout the State as part of its mandate to advise the U.S. Commission on Civil Rights of civil rights matters.