



## OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE

Marc Elrich  
County Executive

Tiffany Ward  
Director and Chief Equity Officer

### MEMORANDUM

November 22, 2023

To: Jennifer Bryant, Director  
Office of Management and Budget

From: Tiffany Ward, Director  
Office of Racial Equity and Social Justice

Re: Racial Equity Impact Assessment (REIA) Supplemental Appropriation (SA) #24-27  
Reducing Overidentification in Special Education (ROSE) Grant

- I. **FINDING:** The Office of Racial Equity and Social Justice (ORESJ) finds that supplemental appropriation #24-27 *Reducing Overidentification in Special Education (ROSE) Grant* is likely to advance racial equity and social justice as it supports the development and implementation of practices and systems changes that are likely to reduce the overidentification of Hispanic/Latino emergent multilingual learners (EMLs) as students with intellectual disabilities. In addition, this supplemental appropriation is likely to increase the capacity of MCPS to provide targeted support to Emerging Language Learners (EMLs) of other racial and ethnic groups and, therefore, is likely to help reduce other disparities and inequities students of color experience.
- II. **BACKGROUND:** The purpose of Supplemental Appropriation #24-27 Reducing Overidentification in Special Education (ROSE) Grant is to allocate \$1,000,000 in State funds to address the overidentification of Hispanic/Latino emergent multilingual learners (EMLs) as students with intellectual disabilities. This funding will be used to help Montgomery County Public Schools undertake the following activities:
  - The development and implementation of practices for determining eligibility criteria—including considerations for linguistic differences—for EMLs who may also have disabilities;

Racial Equity Impact Assessment (REIA) Supplemental Appropriation (SA) #24-27 Reducing  
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- The creation of a Multi-Tiered System of Supports (MTSS) guide for EMLs.

Based on available information, these activities are rooted in research and recommendations provided by the Center for Applied Linguistics (CAL) in a December 2022 report titled, “Report of the Center for Applied Linguistics Commission on ELD Instruction and Latina/o Student Achievement in Montgomery County Public Schools”. The report and its guiding framework look specifically at both racial and linguistic inequities, with the aim of examining Latina/o student engagement and achievement in MCPS.

ORESJ has written about the intersection of racial equity, the overidentification/ under-identification of students of color in special education, and disparities in educational outcomes:

- REIA of Supplemental Appropriation #22-24 High-Quality Early Childhood Inclusion <https://www.montgomerycountymd.gov/ore/Resources/Files/22-24.pdf>
- REIA of Supplemental Appropriation (SA) #22-75 ARPA IDEA Early Intervention Grant <https://www.montgomerycountymd.gov/ore/Resources/Files/22-75.pdf>
- REIA of Supplemental Appropriation #22-77 ARPA IDEA Part B1 Grant and SA#22- 78 ARPA IDEA Part B2 Grant <https://www.montgomerycountymd.gov/ore/Resources/Files/22-77and22-78.pdf>

Previously conducted REIAs, the strong evidence-based strategies proposed under this grant, and the ways the grant aims to change identification systems as well as the capacity of staff to deliver culturally responsive and linguistically appropriate assessments and interventions, all support the conclusion that this supplemental appropriation is likely to help to reduce disproportionate rates of disability identification (and misidentification) for EMLs. In the longer term, the systems change this grant enables are likely to produce benefits for other student groups who are likely to experience over/ under-identification in special education. An additional consideration worth raising is that many of the newcomers arriving in Montgomery County and entering MCPS may be miscategorized as Hispanic/Latino, “many newly arriving children from Guatemala are Native American, not Hispanic/Latino. They speak indigenous languages (for example, Mam, K’iche’, and Q’anjob’al) and many do not speak Spanish”<sup>1</sup>. Further research on this factor could strengthen the efficacy of newly developed practices.

cc: Monifa McKnight, Superintendent, Montgomery County Public Schools  
Ken Hartman, Director, Strategic Partnerships, Office of the County Executive

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<sup>1</sup> <https://www.nonprofitmoco.org/wp-content/uploads/2021/09/DHHS-Montgomery-Countys-Response.pdf>