Disproportionality in Special Education
This training session focuses on...

- Defining disproportionality
- Why disproportionality is an important concern
- IDEA regulations
- How “significant disproportionality” is determined
- What SEAs, LEAs, Parent Centers, and communities can do to reduce disproportionality

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What is Disproportionality?

**Percent of students of a specific ethnicity or race**

- In school’s population
- In special education

**Over representation**

- In special education

**Percent of students of a specific ethnicity or race**

- In school’s population
- In special education

**Under representation**
## What is Disproportionality?

| Significant differences in special education practices for specific ethnic or racial groups | - Who is referred to special education and what disability “label” they receive |
|                                                                                         | - Where students receive special education services (placement) |
|                                                                                         | - How school discipline matters are handled (suspension, expulsion) |

**Over** representation → Too many...

**Under** representation → Too few...
Examples of Disproportionality

In **referring students for evaluation**

Black/African-American students are... *twice as likely* as White students to be referred for evaluation.

In **disability identification**

American Indian/Alaskan Native students are... *nearly twice as likely* to be identified with specific **learning disabilities** than all other racial/ethnic groups.

Black/African-American children are... *twice as likely* as Whites and American Indians/Alaskan natives to be identified as having **intellectual disabilities**.
Examples of Disproportionality

In *placement* | Where students receive special education services

Students with disabilities who are:

- African-American
- Hispanic
- American Indian/Alaska Native
- English language learners

...are more likely to be taught in *separate classrooms or schools* than...

...students with disabilities who are:

- White
- Asian/Pacific Islander

\(^4\)
Examples of Disproportionality

In *disciplinary action* | Suspension, expulsion, restraint and seclusion

Students with disabilities are **more than twice as likely** to receive an out-of-school **suspension** (13%) as students without disabilities (6%)\(^5\)

- **Black preschool** children are **3.6 times** as likely to receive one or more out-of-school **suspensions** as their White peers

- **Black K-12** students are **3.8 times** as likely to receive one or more out-of-school **suspensions** as White students\(^6\)
What, Me Worry?
“For ethnic minority students, misclassification or inappropriate placement in special education programs can have devastating consequences”
In-School Concerns

Students receiving special education services:

- tend to remain in special education classes
- often encounter a limited, less rigorous curriculum
- have less access to academically able peers and their peers in general
- may be stigmatized socially
- often become isolated from the “pulse” of school life and activities
Being Suspended or Expelled from School

Means **lost** classroom and learning time

**Disconnects** students from school

Increases likelihood of:

- being retained a grade
- landing in the juvenile justice system
- dropping out$^9$
“The disproportionate placement of African American (and Latino and Native American) students in special education programs reverberates throughout the lifespan”

The Association of Black Psychologists
## Post-School Consequences

**Dropout Rates**
- African American, Hispanic/Latino, and Native American students are disproportionately represented among the nation’s dropouts\(^\text{11}\)

**Unemployed but not in school**
- 38% | Native American/Alaska Native
- 29% | African-American
- 21% | Hispanic
- 16% | White
- 13% | Asian\(^\text{12}\)

**Imprisonment Rates**
- Young adult Black males are incarcerated at:
  - 2 times the rate of Hispanic males
  - 6 times the rate of White males\(^\text{13}\)
Failure of general education to educate children from diverse backgrounds

Misidentification, misuse of tests

Lack of access to effective instruction

Bias and misperception

Teachers who are less well prepared

Problems associated with poverty
Important changes are made in how states, LEAs, and schools will now measure their levels of disproportionality in special education.
What States Must Do

Effective January 18, 2017

§300.646

States must monitor for disproportionality in its LEAs and meaningfully identify LEAs with significant disproportionality
How is disproportionality measured?

Technical Assistance Guide from U.S. Department of Education:

https://ideadata.org/resource-library/54480c2b140ba0665d8b4569/
IDEA requires states to **annually collect and examine data** to determine whether **significant** disproportionality based on race or ethnicity is occurring in the state and its LEAs in:

- **Identification** of children as children with disabilities, including identification as children with particular impairments
- **Placement** of children in particular educational settings
- **Disciplinary actions taken** (incidence, duration, and type of actions, including suspensions and expulsions)
To identify LEAs with significant disproportionality, states must look at data specific to these “racial and ethnic groups”

- Hispanic/Latino of any race (this includes individuals that are Latino only)
- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Two or more races
Are children from any of the mentioned racial or ethnic groups more (or less) likely than others to be identified by an LEA as...

- having a disability?
- having one of **these** disabilities?

- Intellectual disabilities
- Specific learning disabilities
- Emotional disturbance
- Speech or language impairments
- Other health impairments
- Autism
“Placement” of Children with Disabilities

Are children from any of the mentioned racial or ethnic groups more (or less) likely than others to receive their special education services in a particular place or setting?

Especially in any of these placements?

For children with disabilities ages 6 through 21

- Inside a regular class less than 40% of the day
- Inside separate schools and residential facilities*

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*For children with disabilities ages 6 through 21 who are enrolled in public schools.
And how about in any of these **disciplinary placements**?

For children with disabilities ages 3 through 21

- **Out**-of-school suspensions and expulsions
  - of 10 days or less
  - of more than 10 days

- **In**-school suspensions and expulsions
  - of 10 days or less
  - of more than 10 days

- Disciplinary removals in total**
How is “Significant Disproportionality” Determined?

By collecting & examining numerical data using the methods in §300.647

—Not based on a district’s policies, procedures, or practices
Defining “Significant Disproportionality”

State defines for LEAs and for state in general

State determines *what* level of disproportionality is “significant” using the standard methodology in §300.647
About the Standard Methodology

New in IDEA in 2017!

Intended to promote equity in IDEA

Requires all states to use the same basic approach to determining significant disproportionality

States must implement the standard methodology in school year 2018–19

Where in IDEA is the standard methodology described?
At §300.646(b) and §300.647(a) and (b) of IDEA’s regulations
Stakeholder Involvement Is Required!

The standard methodology requires each state to **consult with stakeholders** to define key elements in the state’s plan.

**Who’s a “Stakeholder”?**

All of us, really!

**IDEA doesn’t define the term but explicitly does mention the State Advisory Panel** (which includes individuals with disabilities and parents of children with disabilities).

IDEA also requires states (*when amending policies and procedures*) to conduct public hearings, ensure adequate notice of those hearings, and provide an opportunity for public comment.
What happens if there’s a determination of significant disproportionality?

Fast Forward!