

# Disproportionality



in Special Education

## This training session focuses on...

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- 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

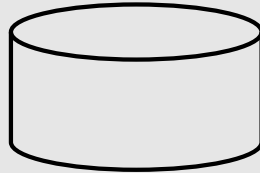


*Produced by CPIR, 2017*

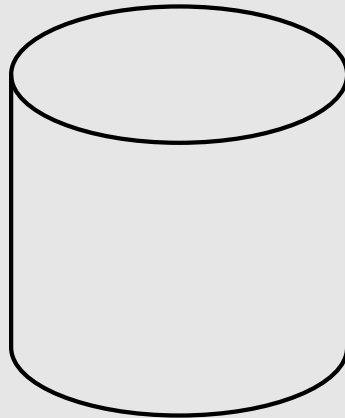
# What is Disproportionality?

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

In school's population



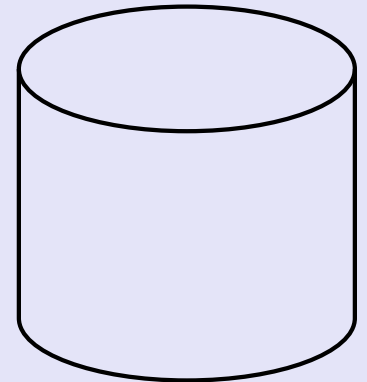
In special education



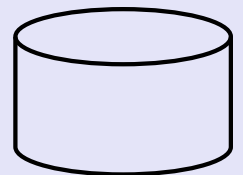
Over representation

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

In school's population



In special education



Under representation

# What is Disproportionality?

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*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)

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Over representation



*Too many...*

Under representation



*Too few...*

# Examples of Disproportionality

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In *referring students for evaluation*

**Black/African-American students** are...**twice as likely** as White students to be referred for evaluation <sup>1</sup>



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<sup>2</sup>

**Black/African-American children** are...*twice* as likely as Whites and American Indians/ Alaskan natives to be identified as having **intellectual disabilities**<sup>3</sup>

# Examples of Disproportionality

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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<sup>4</sup>

# Examples of Disproportionality

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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%)<sup>5</sup>

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- 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<sup>6</sup>

# What, Me Worry?

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**“For ethnic minority students, misclassification or inappropriate placement in special education programs can have **devastating consequences**”**

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Elementary and Middle Schools  
Technical Assistance Center (EMSTAC) <sup>7</sup>

# In-School Concerns

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## 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 <sup>8</sup>



# Being Suspended or Expelled from School

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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<sup>9</sup>



**“The disproportionate placement of African  
American (and Latino and Native American)  
students in special education programs  
reverberates throughout the lifespan”**

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The Association of  
Black Psychologists<sup>10</sup>

# Post-School Consequences

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## Dropout Rates

- African American, Hispanic/Latino, and Native American students are disproportionately represented among the nation's dropouts<sup>11</sup>
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## Unemployed but not in school

- 38% | Native American/Alaska Native
  - 29% | African-American
  - 21% | Hispanic
  - 16% | White
  - 13% | Asian<sup>12</sup>
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## Imprisonment Rates

Young adult Black males are incarcerated at:

- 2 times the rate of Hispanic males
- 6 times the rate of White males<sup>13</sup>

# Why?

## Some Hypotheses

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- 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

December 2016

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U.S. Department of  
Education publishes **new**  
**final regulations** for IDEA  
re: disproportionality



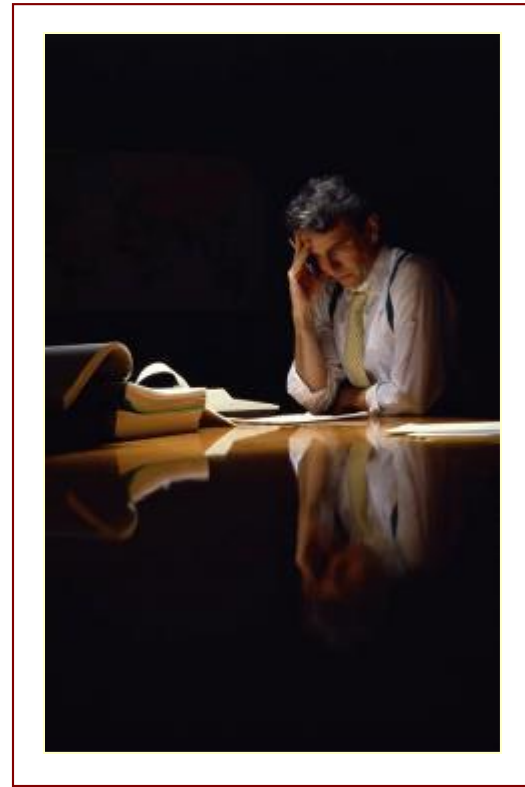
**Important changes are**  
**made** in how states, LEAs,  
and schools will now  
measure their levels of  
disproportionality in  
special education

[http://www.parentcenterhub.org/  
final-idea-rule-on-disproportionality/](http://www.parentcenterhub.org/final-idea-rule-on-disproportionality/)

## What States Must Do

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*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?

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



<https://ideadata.org/resource-library/54480c2b140ba0665d8b4569/>

## Looking at Specific “Trouble” Areas

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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)

## “Racial and Ethnic Groups” | *Which?*

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To identify LEAs with significant disproportionality, states must look at data specific to ***these*** “racial and ethnic groups”

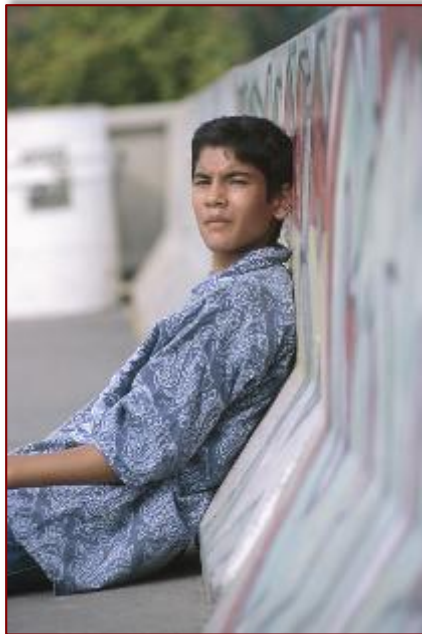
- Hispanic/Latino of any race (this includes individuals that are Latino only)
- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Two or more races

# “Identification of Children with Disabilities”

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**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

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**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

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

# “Placement” of Children with Disabilities *(continued)*

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*And how about in any of these **disciplinary placements**?*



————→ For children with disabilities ages 3 through 21

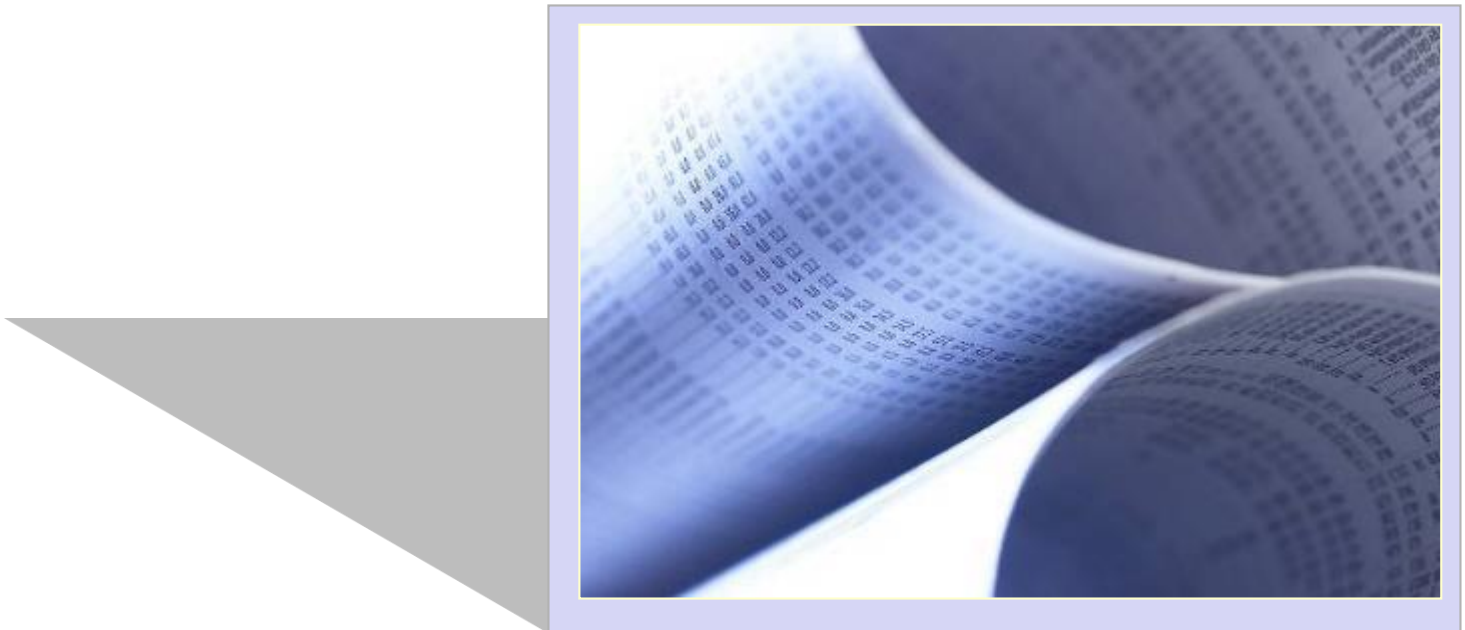
- **Out**-of-school suspensions and expulsions
  - of 10 days or less
  - of more than 10 days
- **In**-school suspensions and expulsions
  - of 10 days or less
  - of more than 10 days
- Disciplinary removals in total\*\*

# How is “*Significant Disproportionality*” Determined?

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

—*Not* based on a district’s policies, procedures, or practices



# Defining “Significant Disproportionality”

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State defines for LEAs  
and for state in general



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

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NEW



# About the Standard Methodology

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**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

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**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!

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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

*Fast Forward!*



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What happens if there's a determination  
of significant disproportionality?