

Disproportionality



in Special Education

This training session focuses on...

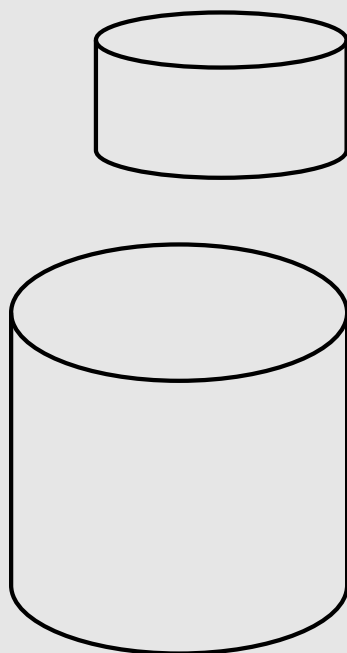
- Defining disproportionality
- Why disproportionality is an important concern
- IDEA regulations
- How “significant disproportionality” is determined
- What SEAs, LEAs, Parent Centers, and communities can do to reduce disproportionality



Produced by CPIR, 2020

What is Disproportionality?

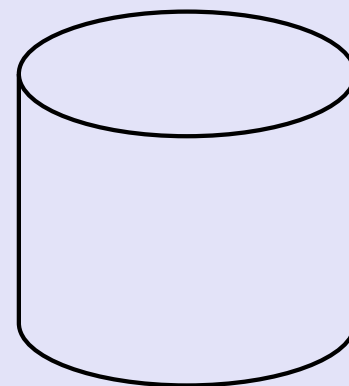
In special
education



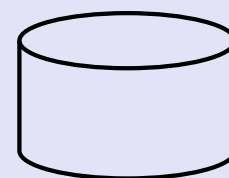
Over representation

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

In school's
population



In special
education



Under representation

What is Disproportionality? *(continued)*

*Noteworthy
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...**more likely** than White students to be referred for evaluation, especially in schools where the student population and staff are largely White ¹

In *disability identification*

American Indian/Alaskan Native students are... *twice* as likely to be identified with specific **learning disabilities** than all other racial/ethnic groups²

Black/African-American children are...*twice* as likely as their peers to be identified as having **intellectual disabilities** or **emotional disturbance**³



Examples of Disproportionality *(continued)*

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 Islander⁴

More 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** (26%) as students without disabilities (12%)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* males are **3.8 times** as likely to receive out-of-school **suspensions** in a year as White males⁶

What, Me Worry?





Consider...

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

Elementary and Middle Schools
Technical Assistance Center (EMSTAC) ⁷

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 ⁸



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 out⁹



Lifelong Consequences

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

The Association of
Black Psychologists¹⁰

Post-School Consequences

Dropout Rates

- African American, Hispanic/Latino, and Native American students are disproportionately represented among the nation's dropouts¹¹
-

Unemployed but not in school (18-24 year olds)

- 29% | Native American/Alaska Native
 - 22% | African American
 - 20% | Pacific Islander
 - 16% | Hispanic
 - 11% | White
 - 7% | Asian¹²
-

Imprisonment Rates

- African Americans are 6 times as likely to be incarcerated than Whites
- Hispanic adults are 3 times as likely to be incarcerated as Whites¹³

Why?

Some Hypotheses



- Lack of responsiveness to cultural and socioeconomic differences among children and their families
- 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



U.S. Department of
Education publishes **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

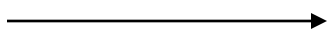
[https://www.parentcenterhub.org/
final-idea-rule-on-disproportionality/](https://www.parentcenterhub.org/final-idea-rule-on-disproportionality/)

What States Must Do

Effective immediately



§300.646



States must monitor for disproportionality in the state and in its LEAs and meaningfully **identify LEAs with *significant* disproportionality**



Looking at Specific “Trouble” Areas

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?*

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”

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*

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

*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

Stakeholder Involvement Required!

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

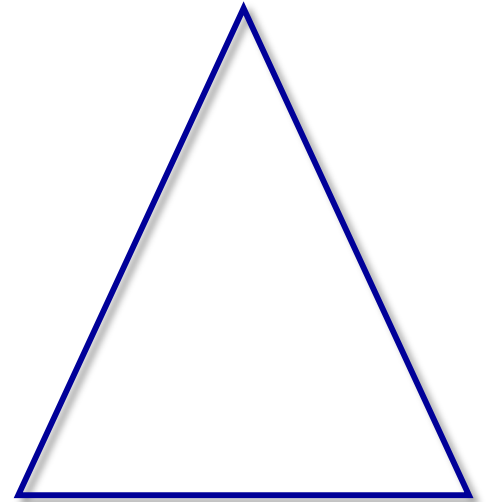
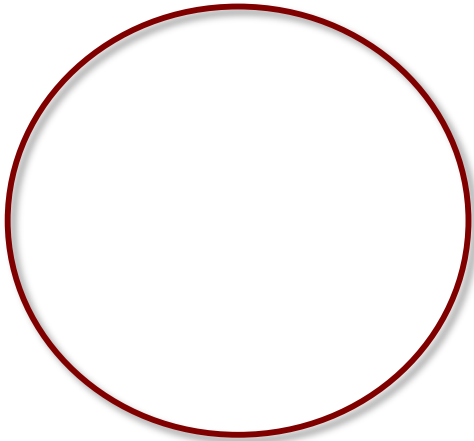
Who's a "Stakeholder"?

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 hold public hearings, ensure adequate notice of those hearings, and provide an opportunity for public comment

Wrapping All This Up



Thank you very much for joining us today!

Together let us strive to give all our children an equal opportunity to learn, grow, and become in our schools and communities.



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<https://www.parentcenterhub.org>



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