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

Under representation

In special education
### What is Disproportionality?

(continued)

<table>
<thead>
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<th>Noteworthy differences in special education practices for specific ethnic or racial groups</th>
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<td><strong>Over</strong> representation</td>
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- 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)
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.

In disability identification

American Indian/Alaskan Native students are... 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 their peers to be identified as having intellectual disabilities or emotional disturbance.
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 Islander
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 males\(^6\)
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
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\(^9\)
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 Psychologists\textsuperscript{10}
Post-School Consequences

 Dropout Rates

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

 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% | Asian\(^{12}\)

 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 Whites\(^{13}\)
**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/
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)
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*
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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