



Significant Disproportionality in Special Education: Trends Among American Indian and Alaska Native Students

Years of research point to inequities in education for students of color, students from low-income backgrounds, and students with disabilities. These inequities are particularly apparent when it comes to rates of discipline and special education enrollment. The term “significant disproportionality” is used to describe the widespread trend of students of certain racial and ethnic groups being identified for special education, placed in more restrictive educational settings, and disciplined at markedly higher rates than their peers. Due to bias within the education system (including within assessments and academic and other policies), students of color can be misidentified as needing special education, and are then placed in more restrictive settings and experience harsher discipline because of the intersectionality of race and special education. Being misidentified as needing special education, placed in a restrictive setting, or disciplined more harshly can negatively affect student outcomes. It is imperative that education professionals and policymakers understand the magnitude of significant disproportionality for students of different races, ethnicities, and incomes and take actions to correct it.

This brief summarizes the trends in significant disproportionality for American Indian and Alaska Native students. For a full discussion of the research on disproportionality in special education and a set of policies and practices that can reduce significant disproportionality in schools, visit nclد.org/sigdispro.

Introduction

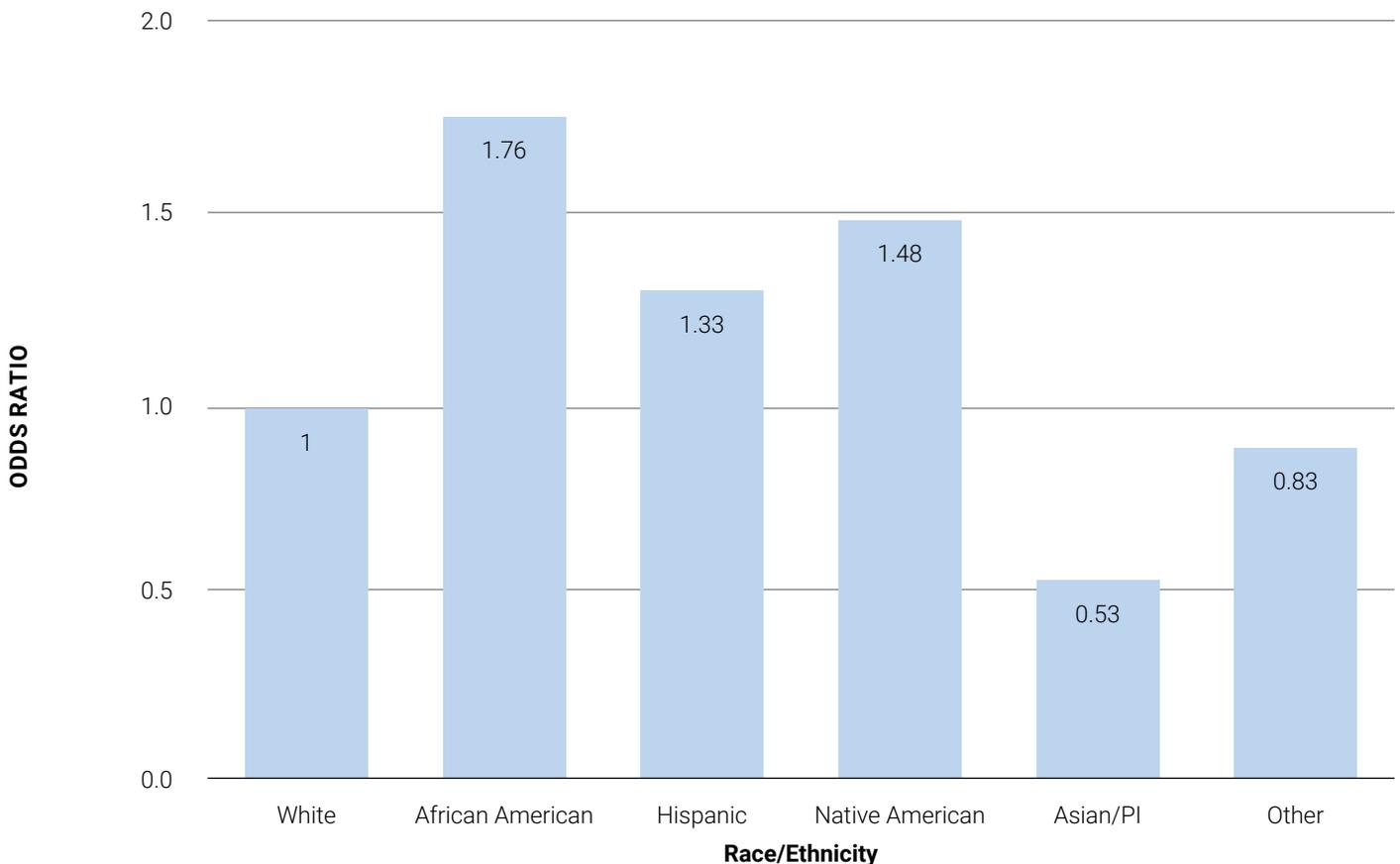
American Indian and Alaska Native students are subject to disparities in special education identification and discipline practices but have a unique experience compared to other students of color. In general, significant disproportionality can lead to poor academic outcomes for students. However, there are unique considerations for American Indian and Alaska Native students. They are disproportionately identified with more subjective disabilities and placed in special education. American Indian and Alaska Native students are also disciplined more harshly and more likely to be chronically absent in school. These trends only worsen when looking at Native¹ students with disabilities.

Disproportionality Challenges for Native Students

Special education identification

Native students receive special education at twice the rate of students overall,² and they are often identified with more subjective disabilities. For example, they are 1.5 times more likely to receive services for a specific learning disability (SLD), compared to White students.³ They are overrepresented in the intellectual disability (ID) category, and twice as likely to receive special education services for developmental delays when compared to other culturally and linguistically diverse students.⁴ In 2012, 90 percent of Native students ages 6–21 were more likely to be identified with a learning disability, and 70 percent were more likely to be identified with significant emotional disturbances, when compared to students ages 6–21 in all other racial and ethnic groups combined.⁵ Overall in the 2012–13 school year, 16.3 percent of Native students received special education services under the Individuals with Disabilities Education Act (IDEA).⁶ This chronic overrepresentation is matched with harmful underrepresentation in gifted and talented programs.⁷

Figure 1. Odds ratio for being identified with a learning disability, by race or ethnicity.⁸



Discipline disparities

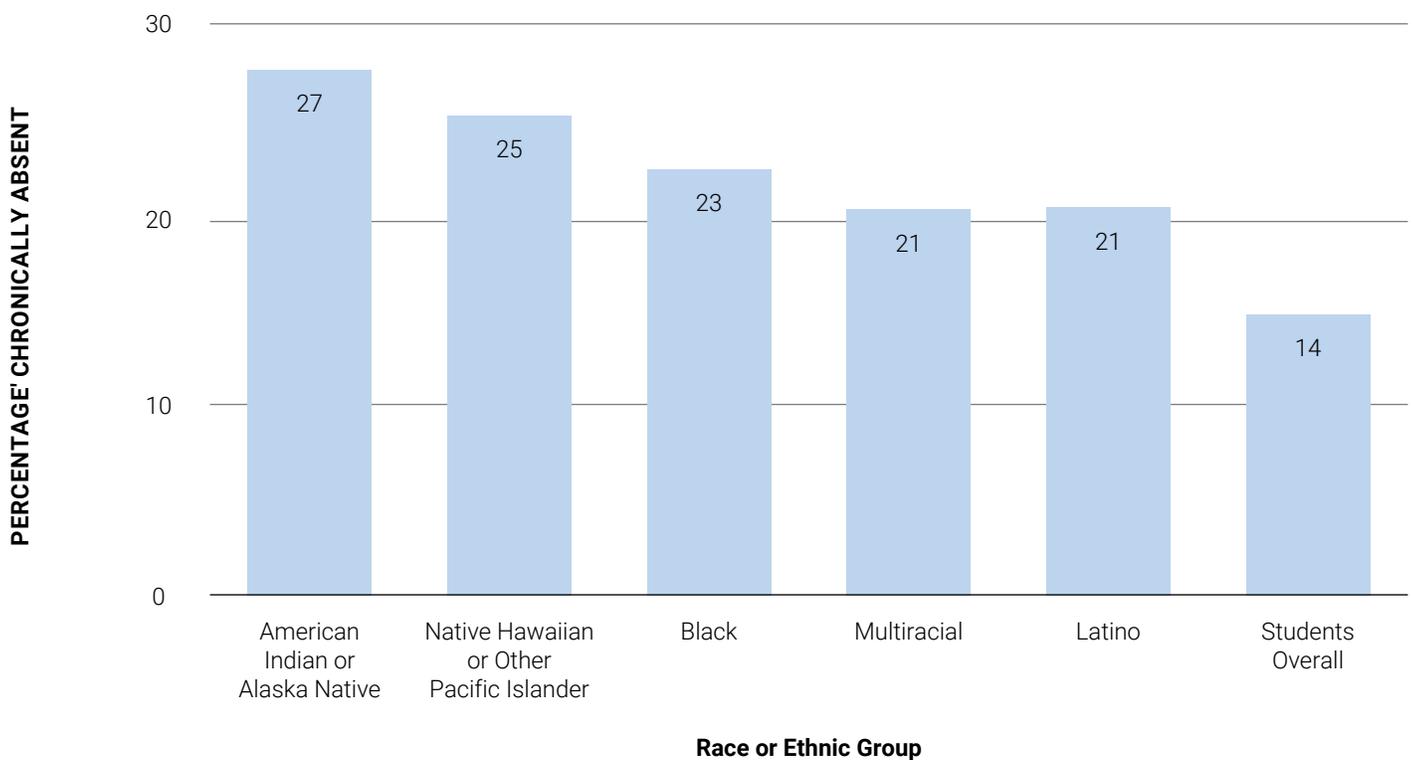
In general, Native students are subject to harsher discipline. According to the 2013–14 Civil Rights Data Collection, 15 percent of Native boys are suspended from school and 5 percent are subject to seclusion or restraint.⁹ Additionally, a higher percentage of Native girls are suspended¹⁰ compared to the overall student population.¹¹ Native students are also disproportionately expelled and given office referrals.¹²

These discipline disparities worsen when looking at Native students with disabilities. Native students with disabilities are more likely to be suspended¹³ or removed from school grounds by a hearing officer, when compared to their White peers.¹⁴ Native students with disabilities are also more likely to be taught in separate classrooms when compared to White students with disabilities.¹⁵

Chronic absenteeism

Native students also struggle with chronic absenteeism. They are 1.9 times more likely to be chronically absent from elementary school, compared to White students.¹⁶ Later on, 27 percent of Native students are chronically absent from high school.¹⁷ Given that research on chronic absenteeism shows that even missing minimal school can be detrimental to outcomes, these trends are especially concerning.¹⁸

Figure 2. Percentage of students who are chronically absent in high school, separated by racial or ethnic group.¹⁹



Resource access

Native students are disproportionately affected by poverty. Compared to White children, Native children are six to nine times more likely to live in poverty.²⁰ In 2011, it was found that 30 percent of Native students attended high-poverty schools.²¹ Additionally, Native students often lack access to resources that could aid them in their academic efforts. A third of Native students lack telephone service, and 17 percent of Native eighth graders do not have a computer in their home.²² Homelessness is also a major issue for Native students, according to the U.S. Department of Education, contributing to resource access and transportation issues.²³ Low-income students are more likely to be placed in special education,²⁴ which could be worsening the disproportionate disability identification issues that face Native students.

Policy and Practice Considerations

When addressing significant disproportionality, it is vital to guard against over-identification of students for special education services. However, if state education agencies engage in this effort without also meeting their legal responsibility to ensure students' right to a free appropriate public education (FAPE), children with disabilities could be at risk of not receiving the critical services and supports that they need. The following important policy and practice changes can be made in the areas of evaluation, assessment, discipline, teacher preparation and training, and data:

- **States and districts can refine their special education eligibility process with a focus on:**
 - seeking outside expertise to implement training on disability identification that includes considerations for linguistic and cultural differences;
 - investing in and prioritizing hiring educational professionals with expertise in cultural and linguistic consideration in identification;
 - completing an audit of their discipline and special education policies and processes to uncover and address bias within the system itself and the actors within the system; and
 - investing in developing relationships with families and creating an open dialogue with parents and families to better understand a student's familial, social, and cultural background and to incorporate parents' observations into the special education evaluation.
- **Districts can:**
 - modify their discipline policies to restrict the usage of suspensions and expulsions, focusing instead on creating positive learning environments with sufficient social workers and school counselors; and
 - implement (and provide training to educators in) Multi-Tiered Systems of Supports (MTSS), Universal Design for Learning (UDL), Positive Behavioral Interventions and Supports (PBIS), culturally responsive teaching (CRT), and restorative practices.
- The federal government, states, and local school districts should take action to diversify the principal, teaching, and school staff workforce and incentivize the use of culturally responsive approaches.
- The federal government and states should continue with regular data collections such as the Civil Rights Data Collection (CRDC). It must continue to track and report on the number of English learners (ELs) in EL programs by disability status. Additionally, it should disaggregate the data by student status under Section 504 of the Rehabilitation Act and by the race and ethnicity categories used in the American Community Survey and require that this data is able to be cross-tabulated (with a minimum n-size to protect identity).
- The U.S. Department of Education must continue to enforce the Equity in IDEA regulations and provide intensive technical assistance to states and districts with the highest levels of significant disproportionality.

For a full discussion of the research on disproportionality in special education and a set of policies and practices that can reduce significant disproportionality in schools, visit nclد.org/sigdispro.

¹ For the duration of this brief, American Indian and Alaska Native will be referred to as Native. This is done with the understanding that this demographic is complex and full of many people coming from diverse tribes and backgrounds. While it is important to understand trends for the demographic as a whole, it is also important to do so while not contributing to erasure and generalization of tribal groups.

² National Education Association. (2008). Disproportionality: Inappropriate identification of culturally and linguistically diverse children.

³ Harper, K. (2017). The school-to-prison pipeline: The intersections of students of color with disabilities. Retrieved 2020.

⁴ National Education Association. (2007). Truth in labeling: Disproportionality in special education. Retrieved 2020.

⁵ U.S. Department of Education: White House Initiative on American Indian and Alaska Native Education. (2015). School environment listening sessions final report. pp. 47–49.

⁶ Ibid.

⁷ National Education Association. (2007). Truth in labeling: Disproportionality in special education. Retrieved 2020.

⁸ Graph made using data from De Valenzuela, J. S., Copeland, S. R., Qi, C. H., & Park, M. (2006). Examining educational equity: Revisiting the disproportionate representation of minority students in special education. *Exceptional Children*, 72(4), 425–441.

⁹ U.S. Department of Education Office for Civil Rights. (2016). 2013–2014 Civil Rights Data Collection.

¹⁰ U.S. Department of Education Office for Civil Rights. (2014). Issue Brief No. 1. *Civil Rights Data Collection – Data Snapshot: School Discipline*.

¹¹ U.S. Department of Education Office for Civil Rights. (2016). 2013–2014 Civil Rights Data Collection.

¹² National Education Association. (2008). Disproportionality: Inappropriate identification of culturally and linguistically diverse children.

¹³ U.S. Department of Education Office for Civil Rights. (2014). Issue Brief No. 1. *Civil Rights Data Collection – Data Snapshot: School Discipline*.

¹⁴ National Education Association. (2008). Disproportionality: Inappropriate identification of culturally and linguistically diverse children.

¹⁵ Ibid.

¹⁶ U.S. Department of Education Office for Civil Rights. (2016). 2013–2014 Civil Rights Data Collection.

¹⁷ Ibid.

¹⁸ Harper, K. (2017). The school-to-prison pipeline: The intersections of students of color with disabilities. Retrieved 2020.

¹⁹ Graph made using data from U.S. Department of Education Office for Civil Rights. (2016). 2013–2014 Civil Rights Data Collection.

²⁰ U.S. Department of Education. White House Initiative on American Indian and Alaska Native Education. (2015). School environment listening sessions final report. p. 45.

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ Schifter, L., Grindal, T., Schwartz, G., & Hehir, T. (2019, January 17). Students from low-income families and special education. Retrieved July 16, 2020, from <https://tcf.org/content/report/students-low-income-families-special-education/>



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