



Significant Disproportionality in Special Education: Trends Among Black 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 Black 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

This brief explores the research relating to the relationship between race and special education, particularly for Black students. Discussions about disproportionality in special education often relate to both race and income as factors in the disparities in identification, placement, and discipline. Income status is an important piece in the conversation of disproportionality due to the real consequences income status has on students as well as the complex relationship between income status, race, and ethnicity in special education identification. However, research suggests that income alone does not explain the disparities and that race and racial bias in the education system play a larger role.

Black 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 Black students that are explored here. Black children are overrepresented in special education and are subject to harsher discipline than their White peers. Additionally, Black students with disabilities are more likely to be restrained and excluded from general education classrooms compared to their White peers.

Disproportionality Issues for Black Students

Special education identification

Black students have been overrepresented in special education since the U.S. Office of Civil Rights first started to sample school districts in 1968.¹ Disparities in identification are greatest for more subjective disabilities, like specific learning disabilities (SLD), intellectual disabilities (ID), and emotional disturbances (ED).² Researchers have suggested that teacher or assessment biases could have greater impacts on these more subjective disabilities, leading to the observed disparities.³ Black students are twice as likely to be labeled as emotionally disturbed and three times as likely to be identified with an ID, compared to their White peers.⁴ They are also disproportionately identified as having an SLD, representing only 16 percent of the student population, but 20 percent of students with SLD, during the 2013–14 school year.⁵

Research has clearly shown the benefits of inclusion⁶—the practice of educating special education students in general education classrooms alongside their peers who are not receiving special education services. When inclusion begins early and embeds supports into the curriculum, students have better outcomes, including higher test scores and graduation rates. However, once placed in special education, Black students are more likely to be taught in separate classrooms.⁷ While 55 percent of White students with disabilities spend more than 80 percent of their school day in a general education classroom, only a third of Black students spend that much time in a general education classroom.⁸

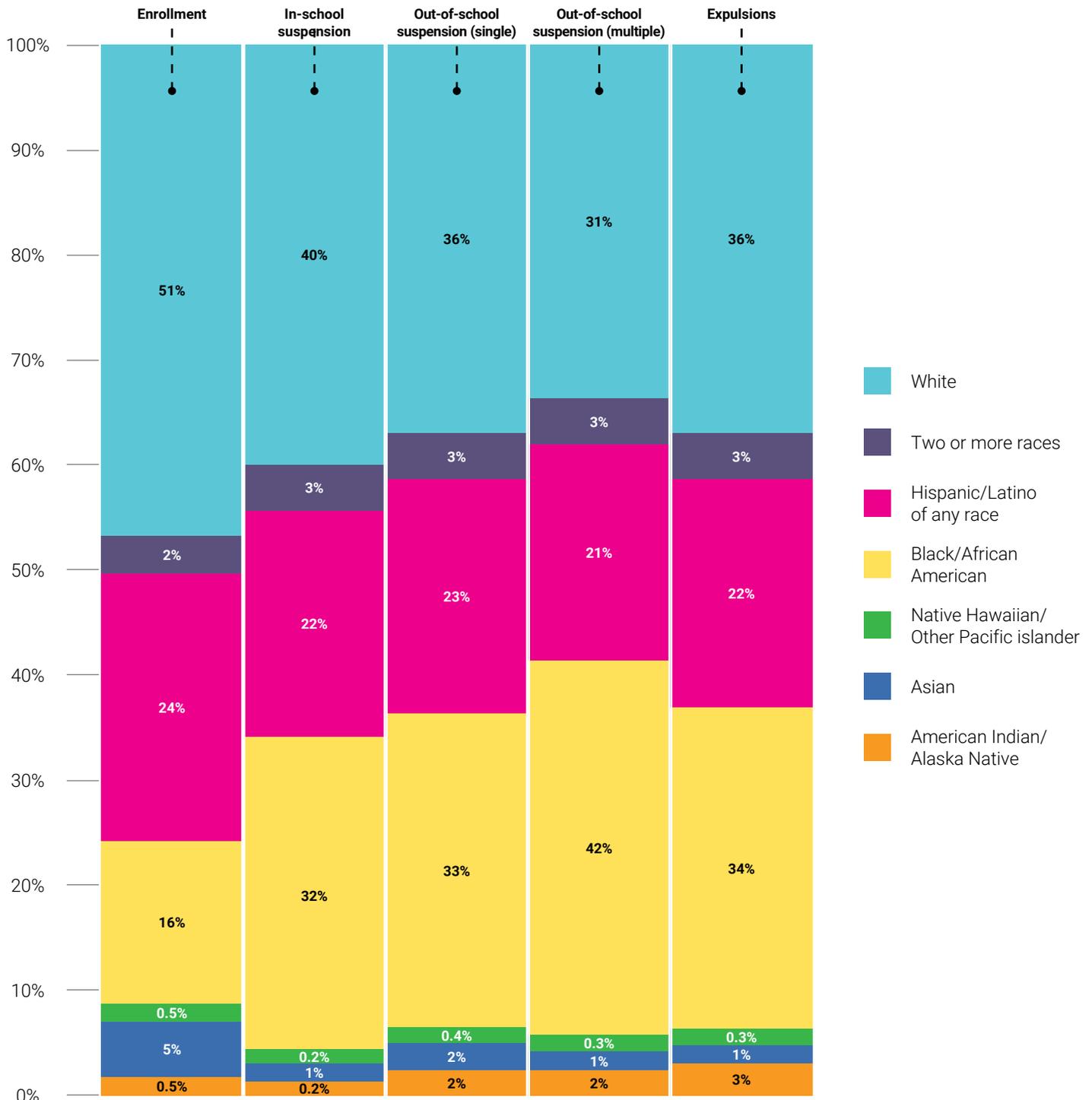
Access to advanced coursework

It is important to note that education disparities are not limited to special education. While overrepresented in special education, Black students are woefully underrepresented in advanced courses. Likewise, Black students are underrepresented in gifted and talented programs. They represent 16 percent of elementary school enrollment, but only 9 percent of students in gifted and talented programs.⁹ The imbalance continues in high schools, where Black students make up 15 percent of students, but only 9 percent of all students enrolled in at least one AP course.¹⁰

Discipline disparities

In general, Black students are subject to harsher discipline than White students. During the 2015–16 school year, Black students only made up 16 percent of students but 31 percent of students arrested or referred to law enforcement.¹¹ Additionally, Black students make up 32–42 percent of students suspended or expelled.¹² For context, only 4.6 percent of White students are ever suspended, compared to 16.4 percent of Black students.¹³ Black students are also disproportionately restrained and secluded in school.¹⁴ Black males are consistently disciplined more harshly for the same behaviors, when compared to White students,¹⁵ and socioeconomic disparities do not explain this difference.¹⁶

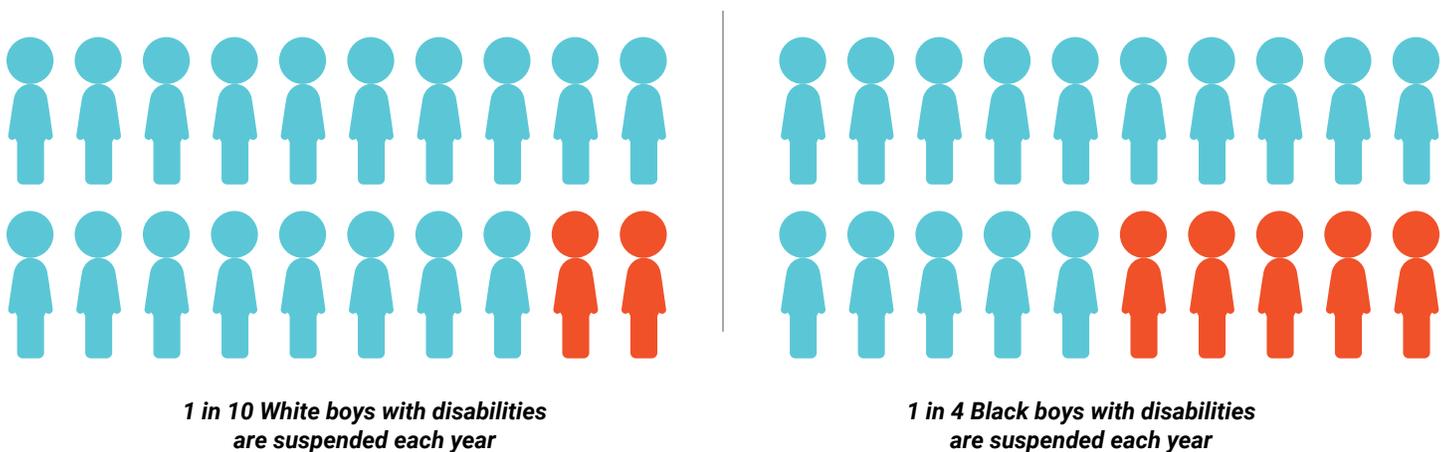
Figure 1. Students receiving suspensions and expulsions, by race and ethnicity.¹⁷



These discipline disparities continue to be glaring when looking at the population of Black students with disabilities. One in four Black boys with disabilities are suspended each year, compared to only one in ten White boys with disabilities.¹⁸ Black male students from low-income backgrounds receiving special education services are actually suspended at the highest rates of any subgroup.¹⁹

Black students with disabilities are also disproportionately restrained.²⁰ Students with disabilities make up 75% of students who are physically restrained and, although Black students only make up 19 percent of children served by the Individuals with Disabilities Education Act (IDEA), they make up 36 percent of the students with disabilities who are mechanically restrained.²¹

Figure 2. Rate of suspension for boys with disabilities, by race.²²



Policy and Practice Considerations

When addressing significant disproportionality, it is vital to guard against overidentification 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 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 National Education Association. (2007). Truth in labeling: Disproportionality in special education. Retrieved 2020.

² Ibid.

³ Sullivan, A. L., & Bal, A. (2013). Disproportionality in special education: Effects of individual and school variables on disability risk. *Exceptional Children*, 79(4), 475–494.

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

⁵ The Understood Team. (2020, June 22). FAQs on racial disparities in special education and the “significant disproportionality” rule. Retrieved July 16, 2020, from <https://www.understood.org/en/community-events/blogs/the-inside-track/2018/05/23/faqs-on-racial-disparities-in-special-education-and-the-significant-disproportionality-rule>

⁶ Schoolwide Integrated Framework for Transformation (SWIFT) Center (n.d.). Benefits of inclusive education for all students. Retrieved 2020 from <https://iod.unh.edu/sites/default/files/media/InclusiveEd/researchsupport-final.pdf>

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

⁸ Ibid.

⁹ Ed Trust. (2020, June 04). Black and Latino students shut out of advanced coursework opportunities. Retrieved July 28, 2020, from <https://edtrust.org/press-release/black-and-latino-students-shut-out-of-advanced-coursework-opportunities/>

¹⁰ Ibid.

¹¹ U.S. Department of Education Office for Civil Rights. (2018). 2015–16 Civil Rights Data Collection School Climate and Safety.

¹² U.S. Department of Education Office for Civil Rights. (2014). Issue Brief No. 1. *Civil Rights Data Collection – Data Snapshot: School Discipline*.

¹³ Ibid.

¹⁴ U.S. Department of Education Office for Civil Rights. (2018). 2015–16 Civil Rights Data Collection School Climate and Safety

¹⁵ National Education Association. (2007). Truth in labeling: disproportionality in special education. Retrieved 2020.

¹⁶ Harper, K. (2017). The school-to-prison pipeline: The intersections of students of color with disabilities. Retrieved 2020.

¹⁷ U.S. Department of Education Office for Civil Rights. (2014). Issue Brief No. 1. *Civil Rights Data Collection – Data Snapshot: School Discipline*.

¹⁸ The Understood Team. (2020, June 22). FAQs on racial disparities in special education and the “significant disproportionality” rule. Retrieved July 16, 2020, from <https://www.understood.org/en/community-events/blogs/the-inside-track/2018/05/23/faqs-on-racial-disparities-in-special-education-and-the-significant-disproportionality-rule>

¹⁹ National Education Association. (2007). Truth in labeling: Disproportionality in special education. Retrieved 2020.

²⁰ U.S. Department of Education Office for Civil Rights. (2014). Issue Brief No. 1. *Civil Rights Data Collection – Data Snapshot: School Discipline*.

²¹ Ibid.

²² Graphic made using data from The Understood Team. (2020, June 22). FAQs on racial disparities in special education and the “significant disproportionality” rule. Retrieved July 16, 2020, from <https://www.understood.org/en/community-events/blogs/the-inside-track/2018/05/23/faqs-on-racial-disparities-in-special-education-and-the-significant-disproportionality-rule>



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1220 L Street, NW Ste. 100 Box #168 Washington, DC 20005
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