



## Significant Disproportionality in Special Education: Trends Among Latinx Students

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*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 Latinx 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](https://nclد.org/sigdispro).*

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# Introduction

Latinx students<sup>1</sup> 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 Latinx students. In addition, because Hispanic students make up 76.5 percent of English learners (ELs)<sup>2</sup> in U.S. public schools,<sup>3</sup> there are important considerations related to language acquisition and special education identification. Therefore, this brief should be read in conjunction with NCLD’s brief “Significant Disproportionality in Special Education: Trends Among English Learners (ELs).”

## Quick facts<sup>4</sup>

Latinx students represent 13 million public school students across the country, and 4.9 million English learners.

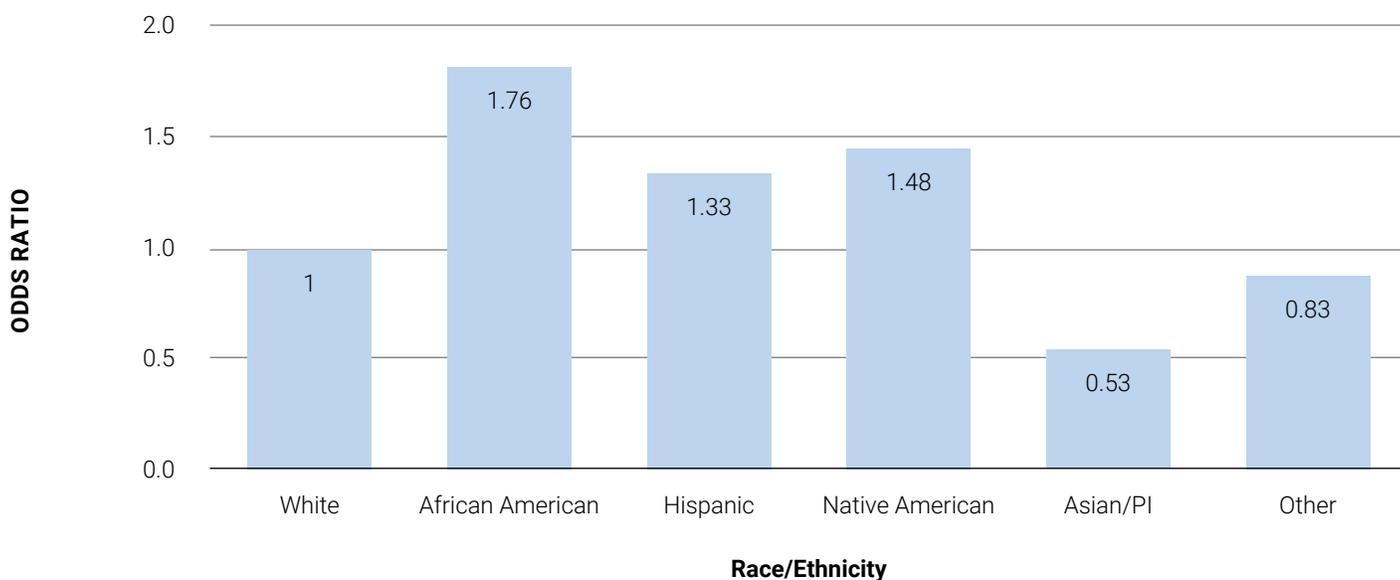
There are nearly 700,000 English learners with disabilities and 1.8 million Latinx students with disabilities.

## Disproportionality Trends for Latinx Students

### Identification: Special education and gifted programs

Latinx students are overidentified for special education<sup>5</sup> and underidentified for gifted and talented programs.<sup>6</sup> For example, even though 7.47 percent of White students are placed in gifted and talented programs, only 3.57 percent of Hispanic students are in these programs.<sup>7</sup> Although Hispanic students overall are overidentified for special education, Hispanic students are underidentified for certain disabilities, compared to their peers. For example, Hispanic students are less likely than White students to be identified for speech and language impairment or autism spectrum disorder but more likely to be identified with a specific learning disability (SLD).<sup>8</sup> In addition, the type of school environment also impacts the rate of identification, with Hispanic students being overidentified in schools that have a relatively small population of racial and ethnic minorities and substantially underidentified in schools with larger minority populations.<sup>9</sup>

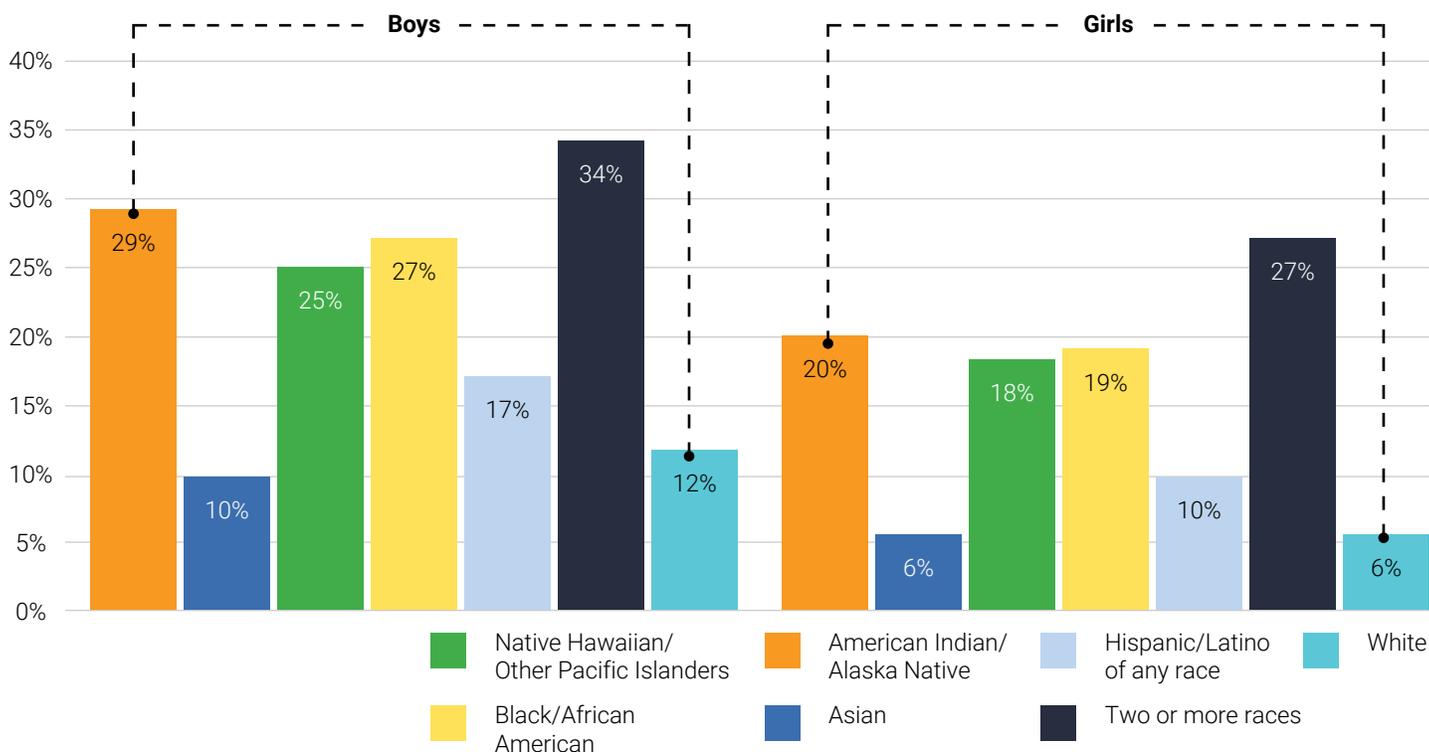
**Figure 1.** Odds ratio for being identified with a learning disability, by race or ethnicity.<sup>10</sup>



## Discipline disparities

Like many other children of color, Latinx students<sup>11</sup> with disabilities are disproportionately recipients of harsh discipline, and socioeconomic status does not account for these disparities.<sup>12</sup> They are more likely to be taught in separate classrooms,<sup>13</sup> given office referrals,<sup>14</sup> removed from school by a hearing officer,<sup>15</sup> suspended, and expelled<sup>16</sup> compared to White students with disabilities. Approximately one-quarter of Hispanic children with disabilities in public school experience one out-of-school suspension.<sup>17</sup>

**Figure 2.** Students with disabilities (IDEA) receiving out-of-school suspensions by race/ethnicity and gender.<sup>18</sup>



## Policy and Practice Considerations

While the data paints a picture of the trends in disproportionality, it does not clearly suggest the reasons for over- and underrepresentation. Specific to the Latinx community, two long-standing trends have been observed anecdotally. First, some Latinx students might be immigrants or come from mixed-status families who fear requesting or accessing public services due to their immigration status.<sup>19</sup> This includes special education services as well as those provided through the Children's Health Insurance Program (CHIP), Supplemental Nutrition Assistance Program (SNAP), and free and reduced-price lunches in school.<sup>20</sup> And second, there can be stigma associated with special education and pressure for a family to choose between receiving special education services or English language services, and difficulties associated with receiving both services at the same time. One survey found that Latinx parents thought many in the Latinx community "perceived disabilities, and particularly mental health problems, as embarrassing or shameful, and that this might be a reason that families did not discuss developmental concerns with community members, health care providers, or even each other," which resulted in identification of autism at older ages and when more severe symptoms were present.<sup>20</sup>

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](http://nclد.org/sigdispro).

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<sup>1</sup> The term "Latinx" is used in this brief whenever possible, but where specific data sets use another term (such as "Hispanic"), that alternative term will be used for accuracy. The terms "Hispanic" and "Latino" are used interchangeably by federal agencies collecting data and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race. This document may also refer to this population as "Latinx" to represent the diversity of gender identities and expressions that are present in the community.

<sup>2</sup> The term "English learner" (EL) is used in this brief as it is the preferred term for many communities and organizations representing students who are non-native English speakers. However, federal agencies collecting data on English learners often use the term "English Language Learner (ELL)," so that term may be used here for accuracy when the data set requires.

<sup>3</sup> National Center for Education Statistics. (2020). English language learners in public schools. *The Condition of Education*.

<sup>4</sup> UnidosUS (2020). Latino students and English learners: Fast facts 2020. Available at: [http://publications.unidosus.org/bitstream/handle/123456789/2022/unidosus\\_fastfacts\\_latinostudentsels.pdf?sequence=4&isAllowed=y](http://publications.unidosus.org/bitstream/handle/123456789/2022/unidosus_fastfacts_latinostudentsels.pdf?sequence=4&isAllowed=y)

<sup>5</sup> 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/>

- <sup>6</sup> National Education Association. (2007). Truth in labeling: Disproportionality in special education. Retrieved 2020.
- <sup>7</sup> Ibid.
- <sup>8</sup> Elder, T. E., Figlio, D. N., Imberman, S. A., & Persico, C. L. (2019). School segregation and racial gaps in special education identification (No. w25829). National Bureau of Economic Research.
- <sup>9</sup> Ibid.
- <sup>10</sup> 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.
- <sup>11</sup> For research showing discipline rates for Latinx students generally, see a study by the Council of State Governments Justice Center showing that Latinos face higher rates of disciplinary measures than White students, with 74 percent of Latino male students having at least one disciplinary violation, compared to 59 percent of White male students; 58 percent of Latinas having a disciplinary violation, compared to 37 percent of their White counterparts; and 18 percent of Hispanic students given out-of-school suspensions for their first disciplinary violation, at twice the rate of White students. Available at: <https://www.ewa.org/blog-latino-ed-beat/research-examines-how-latino-students-are-disciplined>.
- <sup>12</sup> Harper, K. (2017). The school-to-prison pipeline: The intersections of students of color with disabilities. Retrieved 2020.
- <sup>13</sup> National Education Association. (2008). Disproportionality: Inappropriate identification of culturally and linguistically diverse children.
- <sup>14</sup> Ibid.
- <sup>15</sup> Ibid.
- <sup>16</sup> Ibid.
- <sup>17</sup> Harper, K. (2017). The school-to-prison pipeline: The intersections of students of color with disabilities. Retrieved 2020.
- <sup>18</sup> National Education Association. (2007). Truth in labeling: Disproportionality in special education. Retrieved 2020.
- <sup>19</sup> Boyd-Barrett, C. (2016). Undocumented parents face extra challenges when caring for a disabled child. Retrieved September 10, 2020, from <https://www.calhealthreport.org/2016/11/07/undocumented-parents-face-extra-challenges-when-caring-for-a-disabled-child/>
- <sup>20</sup> Bernstein, H., Gonzalez, D., Karpman, M., & Zuckerman, S. (2020). Amid confusion over the public charge rule, immigrant families continued avoiding public benefits in 2019. *Washington, DC: Urban Institute*.
- <sup>21</sup> Zuckerman, K. E., Sinche, B., Mejia, A., Cobian, M., Becker, T., & Nicolaidis, C. (2014). Latino parents' perspectives on barriers to autism diagnosis. *Academic Pediatrics*, 14(3), 301–308.



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