

Overview

Years of research point to inequities in education for students who are Black, Indigenous, or a person of color (BIPOC), students impacted by poverty, 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/or
- disciplined at markedly higher rates than their peers.

Due to bias within the education system (including within assessments and academic and other policies), BIPOC students can be misidentified as needing special education. They 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 frequently and 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 and ethnicities and take actions to correct it and prevent it from happening.

FAST FACTS

- Asian students are underrepresented in identification rates of specific learning disabilities (SLDs), making up nearly 5% of the total public school population in the 2013–2014 school year, but only 1.5% of the students identified with SLDs.¹
- While 68% of White students with disabilities spend more than 80% of their school day in a general education classroom, only 60% Black students with disabilities spend that much time in a general education classroom.²
- Among Black, Native Hawaiian and Pacific Islander, American Indian and Alaska Native, and multiracial students with disabilities, one in four boys and nearly one in five girls receive an out-of-school suspension.³



NCLD believes:

1. Schools must objectively assess a student's needs in a culturally and linguistically competent manner when evaluating whether a student is eligible for special education.
2. Students with disabilities should have the opportunity to learn in the least restrictive environment.
3. Students with disabilities should be in schools that practice positive behavioral interventions and supports that build on student assets, develop skills, and support meaningful student engagement.

To ensure that students with disabilities and BIPOC students are properly served under IDEA and do not experience disproportionate rates of disciplinary actions, identification for services, and removal from the general education setting, NCLD advocates for:

- The passage of federal legislation that would prohibit schools that receive federal funds from secluding students, and that would limit the use of restraints to situations where it is necessary to protect staff and ensure student safety, i.e., the Keeping All Students Safe Act.
- The passage of federal legislation that ends the use of discriminatory discipline policies that disproportionately impact students of color, and that establishes a new federal grant to support states and schools that commit to banning these practices, i.e., Ending Punitive, Unfair, School-Based Harm that is Overt and Unresponsive to Trauma (Ending PUSHOUT) Act and the Protecting Our Students in Schools Act.
- The strong federal enforcement and monitoring of the [Equity in IDEA](#) regulations that seek to address widespread disparities in the treatment of students of color with disabilities.

- 1 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>
- 2 U.S. Department of Education, EDFacts Data Warehouse (EDW): “IDEA Part B Child Count and Educational Environments Collection,” 2019-20. Data extracted as of July 8, 2020 from file specifications 002 and 089.
- 3 35 U.S. Department of Education Office for Civil Rights. (2014). Issue Brief No. 1. Civil Rights Data Collection – Data Snapshot: School Discipline.



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