

Disproportionality: A Look at Special Education and Race in the Commonwealth

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African Americans¹ account for approximately 12.4 percent of the United States population.² They also account for approximately 79 percent of the players in the National Basketball Association.³

Ask anyone to compare these two statistics and they would arrive at more or less the same conclusion: in light of our country's demographics, African Americans represent a much greater proportion of the NBA relative to what one would expect. Or, in other words, relative to our country's demographics, there is a disproportionate number of African Americans in the NBA.

Considering the average player's salary is \$5,200,000, the over-representation of African Americans in the NBA has not produced much of a public outcry from civil rights advocates.

There is increasing public attention, however, being given to a similar phenomenon in America's public schools. On average, African American and Hispanic students are found eligible for special education services at higher rates than their populations would suggest, while white and Asian students are less likely to be found eligible for special education relative to the size of their respective populations. This national trend, known simply as *disproportionality*, has recently become the subject of greater scrutiny from the U.S. Department of Education (USDE). Federal legislation has states more engaged than ever in researching, identifying, and modifying special education policies or procedures that result in disproportionality. The purpose of this paper is to present the most recent data concerning disproportionality in the Commonwealth and to promote a more complete understanding of its complexities.

Framing the Issue

Is disproportionality really a problem in the first place? After all, if students are struggling in the general education environment, isn't it a *good* thing that they are receiving specialized services?

One of the foundations of the federal Individuals with Disabilities Education Act (IDEA), arrived at after decades of education research, is the notion of educating students in the

¹ Anyone who considers themselves black or African American.

² United State Census Bureau, 2006.

³ www.nba.com, 2008.

“least restrictive environment.” That is, students with disabilities learn more in the general education classroom among their nondisabled peers. They are removed for specialized instruction only when it is absolutely necessary (i.e. when bringing services into the classroom would not do the job).

In a recent study by special education professors Beth Harry and Janette Klinger, students from different cultural backgrounds were found to have different learning styles. When unsuccessful in general education classrooms, these students were referred for special education evaluations and subsequently found to have disabilities requiring special education services. These students were served in more restrictive settings, instructed at a slower pace, and subjected to lower expectations for skill- and knowledge-building in a less rigorous curriculum.⁴ Compounding this problem is that once students are identified as eligible for special education services, they are rarely exited from those services. Therein lies the central problem of disproportionality: While special education benefits thousands of students in the Commonwealth, some students are inappropriately identified as disabled and may actually lose ground rather than benefit from the manner in which such services are typically provided.

Disproportionality in Massachusetts

Prior to the enactment of the Massachusetts special education law (effective in 1974) and the federal Education for All Handicapped Children Act (now known as IDEA) in 1975, many students with disabilities were either not allowed in schools, or if permitted to stay in a school setting, they spent that time isolated from the general education environment.⁵ Since these laws took effect, however, over three million Massachusetts students with disabilities have benefitted from specialized instruction, accommodations, and related services that have enabled them to access a free and appropriate public education. Students with disabilities are now held to the same high standards as their non-disabled peers and they are included in the general education classroom more than ever.⁶ Each student with a disability receives an Individualized Education Program (IEP) that details measurable and attainable learning goals and depending on the individual needs of the student, may outline the provision of related services such as speech/language therapy, physical therapy, and occupational therapy. Students with disabilities also have due process rights beyond those afforded to their non-disabled peers. Several important indicators suggest that these special education policies and practices have produced positive outcomes for students with disabilities. The Massachusetts public school 4-year graduation rate for students with disabilities who were members of the Class of 2007 was 62.8 percent, a 1.7 percentage point increase over 2006.⁷ On a similar upswing are college-going rates for students with disabilities.⁸

Despite these positive trends and obvious success stories, there are aspects of the special education system where much work remains. Disproportionality is one of those areas.

⁴ Harry and Klinger. “Why Are So Many Minority Students in Special Education?” (2006)

⁵ Losen, Daniel and Orfield, Gary. *Racial Inequity in Special Education*. page xv. (2002)

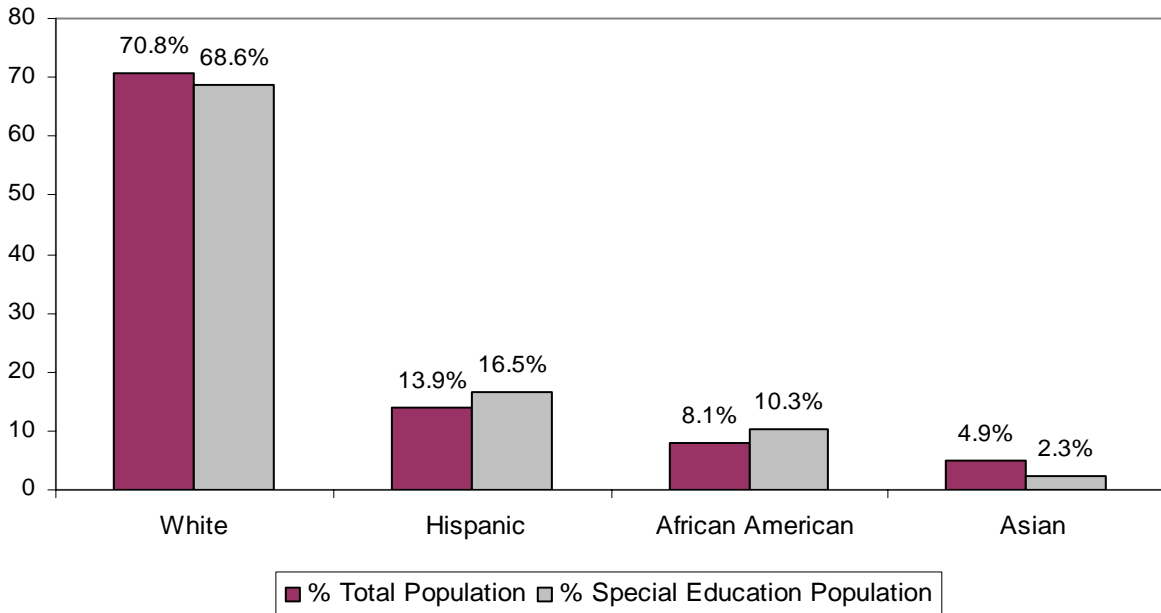
⁶ Nationally, from 1995-2005, the proportion of students spending 80 percent or more of their day in the general education environment increased from 45.3 percent to 52.1 percent (USDE, 2007).

⁷ Massachusetts Department of Elementary and Secondary Education. (2008)

⁸ National Council on Disability, *Back to School on Civil Rights: Advancing the Federal Commitment to Leave no Child Behind*. (2000).

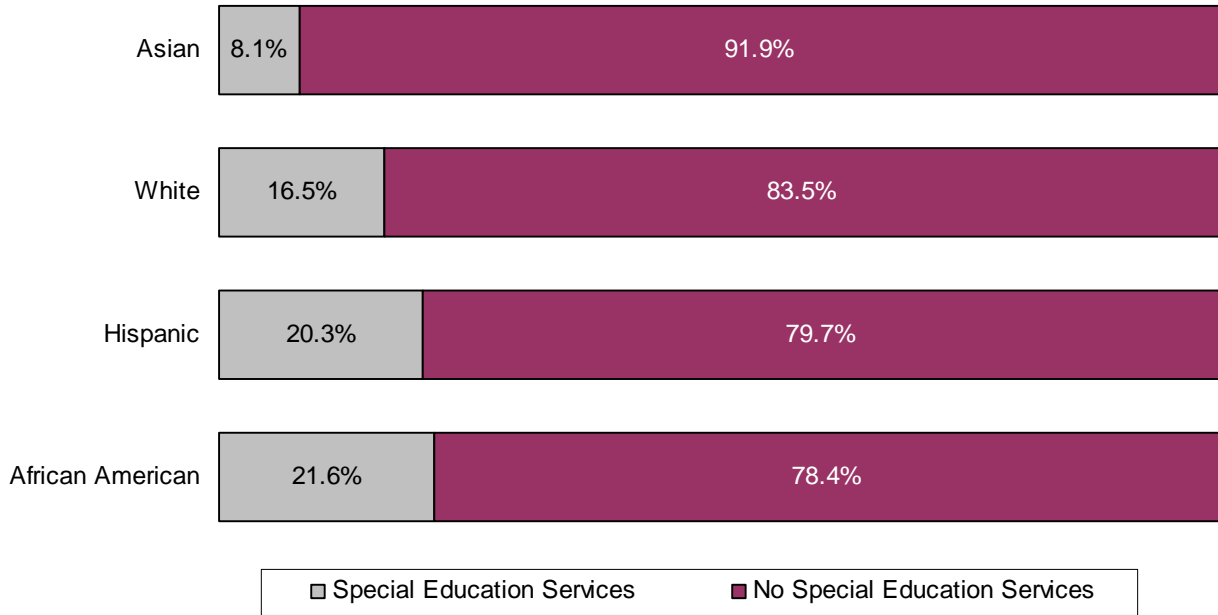
Disproportionality in special education populations resembles other areas of our society where racial inequity is a concern, such as in the juvenile justice system, public health arena, and poverty, among others. Disproportionality in Massachusetts' special education program is no exception. The following chart illustrates the percentage differences between the total student population and the population of students with disabilities.

Figure 1: Comparison of Total Student Population and Special Education Population in Massachusetts, 2007-2008 School Year



Hispanic and African American students represent a greater share of the special education population than the total population, while Asian and white students represent a smaller share of the special education population than the total population. In answering the question: *“If a student is in special education, what are the chances that the student is from a particular racial or ethnic group?”* figure 1 tells only part of the story. The bigger story is found when that question is reversed: *“If a student is of a particular racial or ethnic group, what are the chances that the student will be found eligible for special education?”* Figure 2 answers this question.

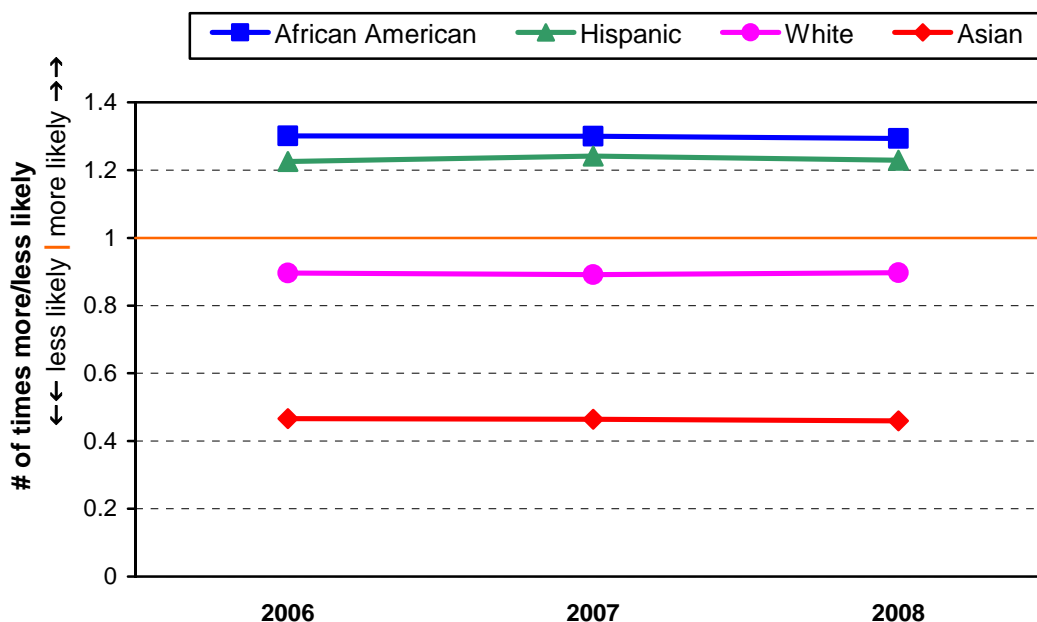
Figure 2: Comparison of Special Education Incidence by Race in Massachusetts, 2007-2008 School Year



Expressed in these terms, simple comparisons can produce powerful conclusions. For instance, since 16.5 percent of white students and 8.1 percent of Asian students receive special education services, we can conclude that white students are slightly more than twice as likely to be found eligible for special education services as Asian students ($16.5 \div 8.1 = 2.04$). This number, 2.04, is what’s known as a “risk ratio” because it conveys the probability, or risk, that one student from any given racial or ethnic group will be found eligible for special education services compared to any other student.

From a state-wide perspective, it is most instructive to compare one group of students to all other students from all other racial groups. For example, to determine the likelihood that an African American student will be found eligible for special education, we compare African American students to all non-African American students. This way, the risk ratios for each racial and ethnic group can be compared to one another because all students in the state are included in every risk ratio calculation. Looking at Figure 3, which incorporates the last three years of data from the Department’s Student Information Management System (SIMS), we see that in school years 2006, 2007, and 2008, African American students were approximately 1.3 times (approximately 30 percent) more likely than non-African American students to be found eligible for special education. Similarly, Hispanic students were 1.2 times (approximately 21 percent) more likely than non-Hispanic students to be found eligible for special education.

Figure 3: Likelihood that Student is Found Eligible for Special Education



If all of these lines were around 1.0, it would mean that students from one racial or ethnic group were just as likely as those from all other groups to be found eligible for special education. The evidence taken from figures one through three indicates that African American and Hispanic students are overrepresented in special education, white students are slightly under-represented, and Asian students are substantially under-represented in special education.

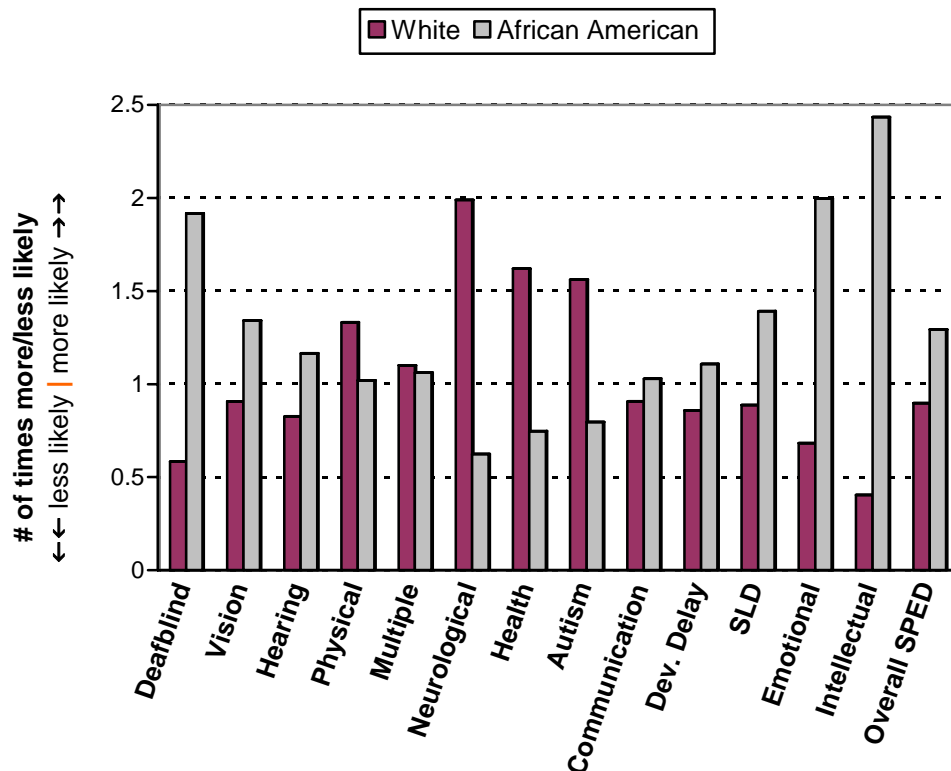
Differences in Disproportionality by Category of Disability

Recent research suggests that high levels of poverty are associated with high overall disability incidence as well as high rates of disproportionality. One might reasonably expect that children in such difficult circumstances would be at greater risk to develop a disability. However, while the association between high poverty and high disability rates holds true for disability categories such as specific learning disabilities (SLD) and sensory impairments, high levels of poverty are not associated with other categories such as intellectual disabilities. Rather than just a product of higher disability rates in low-income communities, therefore, disproportionality seems to be the product of a much more nuanced and layered set of factors and human interactions.⁹

⁹ Oswald, Coutinho, Best. "Community and School Predictors of Overrepresentation of Minority Children in Special Education." (2002).

Disabilities range from being genetic or physical in nature to those that are socially constructed. Because special education law requires that a team of people (the “IEP Team”) make determinations of eligibility, such determinations are subject to assumptions, beliefs, community norms, personal judgments, and social negotiation.¹⁰ Figure 4 shows the results of this social decision-making process when the type of disability is in question, specifically when African American students’ identified disabilities are compared to white students’ identified disabilities in the Commonwealth.

Figure 4: Disproportionality by Disability Type



Compared to all other students, African American students are much more likely to receive a determination of specific learning disability, emotional disturbance, deafblind, or intellectual disability. On the other hand, white students are much more likely to be identified as having a neurological impairment, health impairment, or autism. While the data show clear differences in the ways students from different racial and ethnic backgrounds are identified in certain disability categories, it is yet unclear as to why this is the case. Are students from certain backgrounds more susceptible to particular disabilities, or are the IEP Teams charged with determining a student’s eligibility exhibiting some kind of bias when identifying disabilities?

As the body of research grows in this area, we are better able to understand and contextualize this phenomenon. For instance, researchers have found that IEP Team bias is a factor. When teachers or parents refer a student to be evaluated for disabilities, they

¹⁰ Harry, Klinger, Sturges, Moore. “Of Rocks and Soft Places.” (2002)

typically make their own informal diagnosis (“That kid definitely has ADD...”).¹¹ After evaluative testing has been completed, these same teachers and parents are involved in deciding whether or not the student has a disability, and a self-fulfilling prophecy can ensue that reflects acceptable community norms. Further research has shown that a good school climate—the combination of strong discipline, a focus on classroom instruction where all staff members feel a sense of ownership, and high expectations for all—is a strong predictor of low disproportionality rates.¹² Teachers and parents in these positive environments tend to treat disability determination differently than teachers and parents in less positive environments. It is important to note, however, that while IEP Team bias and school climate can contribute to disproportionality, researchers cannot rule out the possibility that other, unknown factors play a role in the disproportionate representation of students from various racial and ethnic backgrounds receiving special education services.

From Identification to Placement

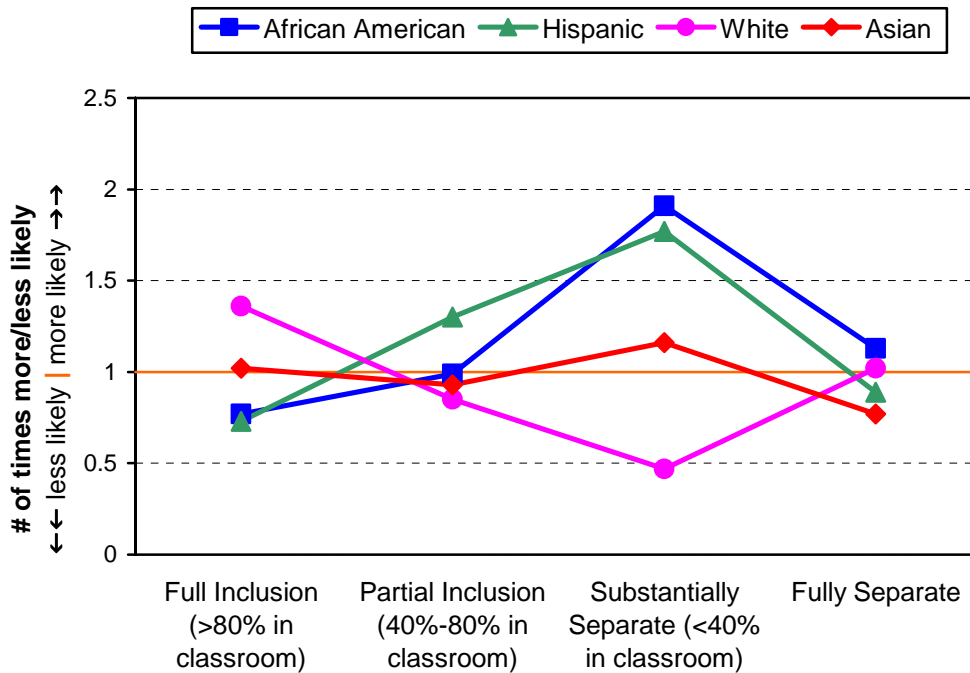
We have seen earlier that African American and Hispanic students in the Commonwealth are more likely to be found eligible for special education services. Once they are found eligible, these students are given individualized programs that specify services, some of which may be provided in the general education classroom, but some of which will likely be provided in another environment. The amount of services that is required to be delivered outside of the general education classroom drive the student’s placement. Administrators use four different categories of placement: *Full Inclusion*, where a student receives all services in the general education classroom or, if removed, is removed only for relatively few services, spending 80 - 100 percent of school time in the general education environment; *Partial Inclusion*, where a student receives services outside of the general education classroom for 20 percent to 60 percent of the school day; *Substantially Separate*, where a student spends more than 60 percent of the school day outside of the general education classroom for services; and *Out of District Placements*, which includes students in need of services in a separate facility such as a public or private day school or residential school typically serving only students with disabilities.

Because the SIMS database collects data on these four placement categories, the Department is able to calculate risk ratios to describe student placements—in this case, the likelihood that a student will be placed in a particular setting after having been identified for special education services. Consider the following graph, which represents all students with disabilities in the Commonwealth ages 6-21 during the 2007-2008 school year, and how likely they are to be placed in the four categories of educational environment, from the most amount of time in the general education environment to the least amount.

¹¹ Ibid.

¹² Osher, Woodruff, Sims. “Schools Make a Difference: Over-representation in Special Education and the Justice System.” (2002).

Figure 5: Likelihood of Placement for Special Education Students, 2007-2008 School Year



White students receiving special education are about 1.4 times more likely to be placed in a full inclusion setting than all other students. However, as the setting becomes more restrictive, their likelihood of being placed in those settings diminishes. A white student is half as likely as any other student to be placed in a substantially separate setting, while African American and Hispanic students are almost twice as likely as whites to be placed in substantially separate settings. The message from this graph is clear: African American and Hispanic students with disabilities are more often receiving special education services in settings outside of the general education classroom and away from their non-disabled peers, especially in substantially separate classrooms, at higher rates than their white peers. If the purpose of special education is to assist a student to ameliorate the perceived negative effects of the disability so that the student can perform as well as he/she is able in the general curriculum, then we would expect that bringing special education services to the classroom would be the most beneficial method of service delivery. Yet, African American and Hispanic special education students are less present in general education classrooms than we would expect.

Moving from a substantially separate setting to the fully separate or out-of-district setting, the trend lines reverse direction for each of the racial and ethnic groups and the resulting risk ratios for all four groups are relatively similar. This is somewhat surprising given that it is relatively more likely for African American and Hispanic students to be placed in more restrictive settings within the district. However, in out of district settings the differences are minimal among the groups. This trend reversal raises some interesting questions: Is it a statistical artifact caused by the relatively small number of students in these settings? Is

it that disabilities that require an out-of-district placement are distributed more equally in the population? Is it that, in general, parents of white students believe that private special education schools are the superior option to public substantially separate programs and thus they are more likely to retain the services of advocates or lawyers to argue for that out-of-district placement? Is it that the cost of out-of-district placements tend to be greater and therefore access to those placements is more restricted, and therefore more equitable? Or is it that substantially separate settings are used more frequently in districts with larger concentrations of African American and Hispanic students? Further research on this subject is certainly warranted.

Preventing Disproportionality

While disproportionality may seem like an inevitable result of socioeconomic and random human factors, some school districts have instituted systems in their general education programs that ensure students are not treated differently when special education eligibility is in question. A few basic practices can promote responsible identification of disabilities, where only those students who need special education services are provided those services, and those students who need additional support or instruction, yet do not have disabilities, are given the help they need in the general education environment:

- **Child study teams:** When a student struggles, a teacher can refer him or her to a child study team instead of referring the student directly to the special education department and asking for an evaluation. Child study teams are composed of both general education teachers and specialists, and it is their job to consult with the teacher and suggest classroom strategies that may benefit the student. After a few weeks of implementing these strategies, the child study team meets with the teacher again. If the strategies worked and the student shows progress, no special education referral is made. If the strategies do not work, the child study team proposes new ideas and makes more suggestions. Only after the child study team has exhausted its “bag of tricks” and has seen no progress in the student’s situation is a referral for a special education evaluation finally made. By focusing on instructional strategies that the general education teacher can employ, child study teams help prevent disproportionate numbers of students from being unnecessarily evaluated for disabilities.
- **Early social and pre-social skills work:** New York City, Baltimore, and several other large school districts teach social skills to preschool and early elementary school students as part of the curriculum. Students learn appropriate ways to resolve and prevent conflicts and to behave appropriately in a variety of contexts. Studies show that such interventions help students who are at risk for developing emotional or behavioral problems. Early organizational skill development too has been useful in preventing learning difficulties and the exacerbation of learning disabilities.
- **Professional development in differentiated instruction and cultural proficiency:** In order for the general education classroom teacher to be able to reach all students of all abilities and learning styles, high quality professional development is necessary in two main areas: differentiated instruction and cultural

proficiency. Differentiated instruction responds to the individual needs of learners by presenting information in a variety of ways, engaging students in a variety of learning activities, and using a variety of assessments to draw on each student's strengths. Cultural proficiency encourages teachers to build relationships with all students, let students know that they are valued, and acknowledge individual and group differences to create an environment of trust and mutual respect.¹³

Promising practices like these can go a long way toward ensuring that students in the Commonwealth are given every opportunity to succeed in school and beyond.

¹³ Lindsay, Randall. *Cultural Proficiency: A Manual for School Leaders*. Corwin Press. (2003).