

Disproportionality: Inappropriate Identification of Culturally and Linguistically Diverse Children

NEA is dedicated to providing every child with a quality education. That's why we are concerned about disproportionality. Labeling children as disabled when they really are not leads to unwarranted services and reduced expectations. All of us who care about public education— educators, administrators, school board members, community decision-makers, and local and state association leaders— have an important stake in making sure that children from culturally and linguistically diverse backgrounds receive the supports and programs they need to be successful learners.

—NEA President Dennis Van Roekel

Disproportionate representation of culturally and linguistically diverse (CLD) students in special education programs has been a concern for nearly four decades.¹ One of the most complex issues in the field of special education today, disproportionality refers to the “overrepresentation” and “underrepresentation” of a particular demographic group in special education programs relative to the presence of this group in the overall student population. Approximately 13.5 percent of all students in K–12 schools receive special education services. However, some subgroups of CLD populations receive special services at rates that are significantly higher or lower than the overall national rate.²

Disproportionality exists in various forms and at different levels. For example, overrepresentation can be present in any or all of these ways:

- National, state, and district level over-identification of CLD students as disabled;
- Higher incidence rates for certain CLD populations in specific special education categories, such as mental retardation or emotional disturbance;

- Significant differences in the proportion of CLD students who are receiving special education services in more restrictive or segregated programs;
- Excessive incidence, duration, and types of disciplinary actions, including suspensions and expulsions, experienced by CLD students.

Some CLD groups are under-represented because the proportions of these students who receive special services are notably less than the percentage of these same students in the overall school population. For example, Hispanics and Asian and Pacific Islanders are generally under-represented in special education programs while American Indians/Alaska Natives are under-represented in programs for the gifted.

Why is disproportionality a concern?

Research suggests that a child’s race and ethnicity significantly influence the probability that he or she will be misidentified as needing special education and that disproportionality can have immediate and long term negative effects.³ Labeling students as disabled when they really are not leads to unwarranted services and supports. Misidentified students are likely to encounter limited access to rigorous curricula and diminished expectations. And, more importantly, it

creates a false impression of the child's intelligence and academic potential. Here's why:

- Once students are receiving special education services, they tend to remain in special education classes.
- Students are likely to encounter a limited, less rigorous curriculum.
- Lower expectations can lead to diminished academic and post-secondary opportunities.
- Students in special education programs can have less access to academically able peers.
- Disabled students are often stigmatized socially.
- Disproportionality can contribute to significant racial separation.

Who Really Is Disabled?

- African-American students who are viewed as having "challenging behaviors" are referred more often for special education programs for emotional disabilities.²
- American Indian/Alaska Native children receive special education labels and services at twice the rate of the general student population.²
- Asian and Pacific Islander students are less likely to be identified for special education but are overrepresented in gifted and talented programs.²
- English-language learners (ELL) are more likely to receive special education services in school districts with relatively small ELL populations than in districts with large populations.³

Discipline and segregated classes

Studies show that CLD students with disabilities are often educated in more segregated or restrictive environments than their white peers. For example, African-American, Hispanic, American Indian/Alaska

Native, and ELL students with disabilities are more likely to be taught in separate classrooms or schools than students who are white or Asian and Pacific Islander.³ In addition, CLD students have higher rates of office referrals, suspensions, and expulsions from school. Often, they receive more severe punishment than white students do for the same type of behavior.⁴

Contributing Policies and Procedures

A variety of policies, procedures, and practices exist at the national, state, district, school, or classroom levels that can lead to overrepresentation or underrepresentation of CLD populations in special education programs and underrepresentation in gifted and talented programs.

In an effort to define the issue of disproportionality more clearly, Congress included provisions in the Individuals with Disabilities Education Act (IDEA) that require states and school districts to collect and publicly report data on race and ethnicity in these circumstances:

- the various disability categories assigned to students;
- the restrictiveness of class and school placements of all students with disabilities;
- the incidence, duration, and type of disciplinary actions, including suspensions and expulsions experienced by all students.

Researchers have found that some specific state policies and procedures contribute to disproportionality. For example, differences in how states define special education categories, such as specific learning disabilities and emotional disturbance, and state special education eligibility criteria can influence the procedures used to identify students as disabled.⁵ When school policies or procedures strain needed supports or restrict options for students, disproportionality can be intensified. For instance, funding policies that create large general education class sizes or constrict the availability of early intervention programs and support

services impede the ability of teachers to give students the personalized attention they need. Also, rigid discipline policies, such as zero tolerance rules, may inadvertently promote lower tolerance for cultural differences. This, in turn, can increase discipline-related referrals of CLD students.

Call to action

All stakeholders—classroom teachers, parents, and community leaders, school and district decision makers, and state and federal policymakers—have an important role in decreasing disproportionality. Working together, we can make changes in state, local, and classroom policies, procedures, and practices so that every child, no matter his or her cultural or linguistic background, receives an appropriate education in a great public school.

References

¹ Gamm, S., *Disproportionality in Special Education: Identifying Where and Why Overidentification of Minority Students Occurs*, (Bethesda, Md.: LRP Publications, in press).

² U.S. Department of Education, *Twenty-fourth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act*, (Washington, D.C.)

³ de Valenzuela, J.S., S.R. Copeland, C. Huaqing Qi, & M. Park., Examining Educational Equity: Revisiting the Disproportionate Representation of Minority Students in Special Education. *Exceptional Children* 72, no. 4 (2006): 425-441; Keller-Allen, C., *English Language Learners with Disabilities: Identification and Other State Policies and Issues*, (Alexandria, Va.: Project Forum, National Association of State Directors of Special Education, 2006).

⁴ Cartledge, G., K.Y. Tam, S.A. Loe, A.H. Miranda, M.C. Lambert, C.D. Kea, & E. Simmons-Reed, *Culturally and Linguistically Diverse Students with Behavioral Disorders*, (Arlington, Va.: Council for Exceptional Children).

⁵ Harry, B., J.K. Klinger, K.M. Sturges, & R. Moore, "Of Rocks and Soft Places: Using Qualitative Methods to Investigate Disproportionality," in *Racial inequity in special education*, ed. D.J. Losen and G. Orfield, (Cambridge, Mass.: Harvard Education Press, 2002).

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Resources

Building the legacy: A training curriculum on IDEA, disproportionality and overrepresentation module.

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