Disproportionality in Special Education

by Nicole Patton Terry, Coretta Doss, Monique Harris, and Nancy Marencin

KEY TAKEWAYS

- The misrepresentation of specific student groups in special education is a complex, multi-faceted issue of educational inequity.
- There are differences by race group and disability category in the identification and placement for special education services.
- Eligibility and identification for special education are complicated by the biases that all individuals bring to the process.
- Research evidence from studies on disproportionality is mixed, but studies with diverse student groups allow us to consider how disproportionality in special education is not just about poverty.

Disproportionality in special education refers to the probability that members of a specific group are identified with a disability and receive special education services. Over-representation occurs when members of a specific subgroup (e.g., men) make up a larger proportion of a group (e.g., U.S. professional soccer players who have won the World Cup with multimillion-dollar contracts) than would be expected given their overall representation in the broader population (e.g., U.S. professional soccer players who have won the World Cup). Under-representation is the reverse—members of a specific subgroup (e.g., women) make up a smaller proportion of a group (e.g., U.S. professional soccer players who have won the World Cup with multimillion-dollar contracts) than would be expected given their overall representation in the broader population (e.g., U.S. professional soccer players who have won the World Cup).

Disproportionality in special education by race and ethnicity has been observed for over half a century, even pre-dating the passage of the Education for All Handicapped Children Act of 1975, now the Individuals with Disabilities Act (IDEA). These observations are particularly distressing because federal guidelines for the identification and placement of students with disabilities are meant to be objective and guided both by medical diagnoses (in that most eligibility criteria can be found in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (American Psychiatric Association, 2013) and educational data (in that education agencies are required to gather observational and performance data on student achievement to determine eligibility and placement for services). However, the persistent disproportionate representation of specific race and ethnic subgroups of students suggests that this decision-making process is also guided by social factors that promote discrimination.

Among the obvious negative circumstances that emerge from discrimination, one particularly salient danger for students with special needs is questions about whether or not the disability is real. This is especially concerning for heterogeneous, developmental disabilities such as specific learning disabilities—the category that captures students with reading disabilities (RD), including dyslexia. Popular media accounts of RD and dyslexia as labels reserved for White or affluent families are commonplace (Carr, 2022). These reports call into question not only if minoritized children and children growing up in poverty can or should receive these labels (and the associated interventions and services that come with identification), but also if RD and dyslexia are real conditions at all (Kale, 2020). Thus, understanding disproportionality, the mechanisms that allow it to arise, and effective approaches to eliminating it should be priorities for everyone who advocates for special education services for children with disabilities.

Significant Disproportionality

Reauthorizations of IDEA have attempted to tackle these issues by regular monitoring of disproportionality through the Office of Special Education Programs (OSEP) in the Department of Education. Under IDEA, states are required to examine whether *significant disproportionality* based on race and ethnicity is present at the state and local education agency (LEA) level for three indicators:

1) identification of children with disabilities,
2) placement of children with disabilities in educational settings, and
3) incidence, duration, and type of disciplinary actions for children with disabilities.

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Abbreviations

IDEA: Individuals with Disabilities Education Act
LEA: Local education agency
MTSS-R: Multi-tiered Systems of Support in Reading
OSEP: Office of Special Education Programs
RD: Reading disabilities

IDEA does not define significant disproportionality and only requires states to set a threshold for what it deems as significant using calculations of risk and risk ratios. Risk is the likelihood of a specific outcome for a specific group. Risk is calculated by dividing the number of children from a specific group by the total number of children in that group enrolled in the LEA or state. For example, if 100 Black/African American students in District A are identified with a disability and District A has a total of 1,000 students, then the risk of a Black/African American student being identified with a disability in District A is 100/1,000 or 10%.

The disproportionate representation of students from race and ethnic groups in special education is complex and multi-dimensional.

A *risk ratio* represents a comparison between the risk of a specific outcome for a specific group and the risk for that same outcome for all other children in the LEA. A risk ratio is calculated by dividing the risk of a specific outcome for a specific group by the risk of that same outcome for all children enrolled in the LEA or state. For example, in District A, the risk for a Black/African American student being identified with a disability is 10%. If 100 out of all the other 2,000 children in District A are identified with a disability, then the risk for all other children being identified with a disability is 100/2,000 or 5%. The risk ratio for Black/African American children in District A being identified with a disability is 10/5, 2:1, or 2.0. In other words, in this example, in District A, Black/African American children are two times more likely than all other children to be identified with a disability.

In general, a risk ratio of 1.0 indicates that children from one group are no more or less likely than children from another group to experience an outcome (e.g., being identified with a disability). Ratios higher than 1.0 indicate that over-representation may be present. Ratios under 1.0 indicate that under-representation may be present. Although a standard methodology is used to calculate risks and risk ratios, states choose their own thresholds for reasonable or acceptable risk. Therefore, responses to over- and under-representation can vary by state and by LEA. Nonetheless, if significant disproportionality is observed, states are required to address it annually by reviewing and revising policies, practices, and procedures to ensure compliance with IDEA and requiring the LEA to set aside 15% of its IDEA part B funds to provide early intervention services.

Despite these laws and policies, disproportionality remains. The most recently available data reveal patterns of over- and under-representation of specific student subgroups being served in special education. Figures 1, 2, and 3 show disproportionality data from OSEP for the 2019–2020 school year—before the onset of the global COVID-19 pandemic. It is important to note that the data in these figures reflect national averages during one academic school year. These data vary widely over time, by state, and by LEA.

Who is identified with a disability?

Figure 1 shows the percentage of the overall student population, ages 5–21 years old, identified with a disability by race and disability category during the 2020–2021 school year. The data show differences by race group and disability category. For example, because the percentage of Black/African American students receiving special education services (17.66%) is more than what would be expected given their representation in the overall student population (13.79%), these data indicate that Black/African American students may be over-represented in special education. Alternatively, because the percentage of Asian students receiving special education services (2.52%) is less than what would be expected given their representation in the overall student population (5.17%), these data indicate that Asian students may be under-represented in special education.

Differences are also noted within specific disability categories. For example, Black/African American students make up 13.79% of the student population, but 18.57% of students being served for specific learning disability, 12.98% for specific language impairment, 26.17% for intellectual disability, and 22.98% for emotional disturbance. These data suggest that Black/African American students are over-represented in all categories except speech or language impairment, where their representation appears to be nearly commensurate with their representation in the student population. Alternatively, Asian students make up 5.17% of the student population, but 1.06% of students served for emotional disturbance and 1.52% for specific learning disability—both suggesting under-representation.

Just how under- or over-represented are specific student groups?

Figure 2 shows the risk ratios for students, ages 5–21years old, by race and disability category. Although these data are available for all disability categories served under IDEA, only four are highlighted in the figure: specific learning disability, speech or language impairment, intellectual disability, and emotional disturbance. Differences are by race group and disability category. For example, for specific learning disabilities, Native Hawaiian/Other Pacific Islander students were 1.31 times more likely to be identified with a specific learning disability compared to all students with disabilities, suggesting a trend toward over-representation), while Asian students were only 0.60 times more likely to be identified with a specific learning disability, suggesting a trend towards under-representation. Other ratios may suggest over-representation, including, for example:

- American Indian/Alaska Native students were 2.41 times more likely to be identified with developmental delay, and 1.2 times more likely with multiple disabilities;
- Black/African American were 1.30 times more likely to be

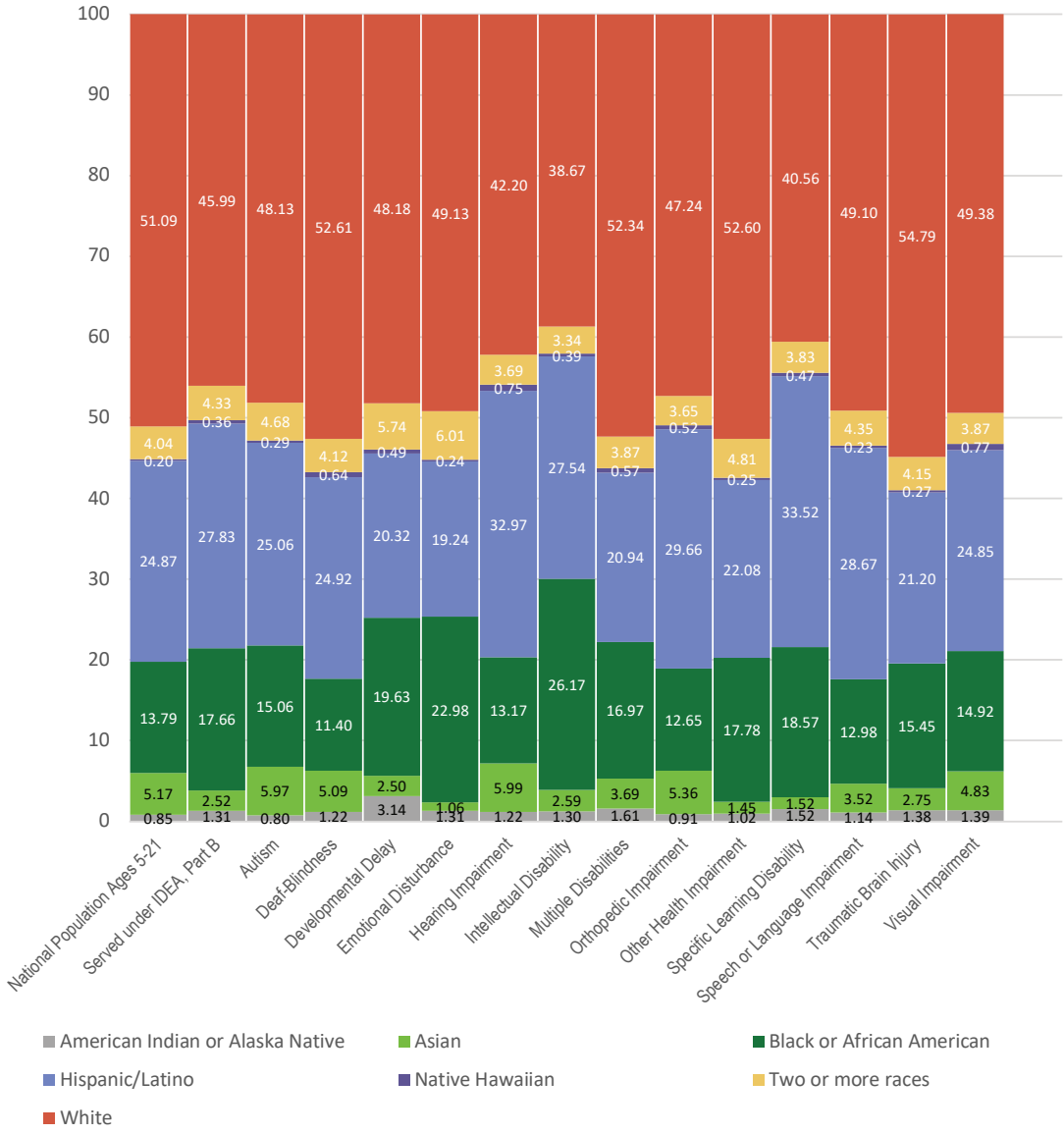

Figure 1.
Percentage of Population (age 5 through 21) Served Under IDEA, Part B, 2019-2020, by Disability Category and by Race/Ethnicity
Note. Office of Special Education Programs (2021, August 9). OSEP Fast Facts: Race and Ethnicity of Children with Disabilities Served Under IDEA Part B. https://sites.ed.gov/idea/osep-fast-facts-race-and-ethnicity-of-children-with-disabilities-served-under-idea-part-b/

identified with an emotional disturbance and 1.48 times more likely with intellectual disability; and

- Hispanic/Latinx students were 1.2 times more likely to be identified with a specific learning disability.

The range of ratios was wide for different subgroups. For example, among Asian students, the ratios ranged from 0.42 (emotional disturbance) to 2.38 (hearing impairment). For American Indian/Alaskan Native students, ratios ranged from 0.61 (autism) to 2.41 (developmental delay). However, the range was narrow for White students, ranging from 0.84 (intellectual disability) to 1.19 (traumatic brain injury). In other words, the risk ratios for White students were near 1.0, indicating little over- or under-representation and a more even experience with special education. For minoritized students, the ranges indicate a much more varied experience with special education.

Where do students receive services to address their needs?

Placement data allow for examination of how specific subgroups are receiving access to free and appropriate public education in the least restrictive environment. Figure 3 shows the percentage of students receiving services under IDEA, ages 5–21 years old, by race and educational placement. The data show differences by race group. The majority of students (64.82%) are in the regular education classroom 80% or more of the day. However, a greater percentage of minoritized students are outside of the regular education classroom during the day. For example, 12.83% of all students with disabilities

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are inside the regular education classroom less than 40% of the day compared to 9.93% of White and American Indian/Native American students, 12.23% of multiracial students, 13.84% of Native Hawaiian/Pacific Islander students, 14.86% of Hispanic/Latinx students, 16.35% of Black/African American students, and 21.13% of Asian students. These data suggest that Black/African American and Asian students are more likely to receive educational supports outside of the general education classroom.

OSEP reports data on other indicators of student success, including disciplinary actions and graduation rates. The data show differences by race group. For example, during the 2018–2019 school year, 72.60% of all students with disabilities, ages 14–21, graduate with a regular high school diploma, compared to 77.93% of Asian students, 76.24% of White students, 71.11% of American Indian/Native Alaskan students, 70.90% of Native Hawaiian/Pacific Islander students, 69.13% of Hispanic/Latinx students, and 65.45% of Black/African American students. While 16.55% of all students with disabilities dropped out of school, the rates for American Indian/Native Alaskan students (24.34%) and Black/African American students (21.46%) were much higher. The rate of disciplinary removals reported in 2018/19 for children ages 3–21 years old was also much higher for Black/African American students (64 per 100 Black/African American students) compared to all other race groups (for example, 24 per 100 White students, 6 per 100 Asian students, 22 per 100 Hispanic/Latinx students).

Research on Disproportionality

In general, the OSEP data suggest that children's experiences with special education vary by race and ethnicity. However, these data only describe the problem. They help us see that over- and under-representation may be occurring in the identification and placement of specific groups of students and for specific disability categories. They tell us little about why disproportionality may be occurring or how to resolve it. Researchers have explored multiple factors that may contribute to disproportionality. However, the evidence base is mixed.

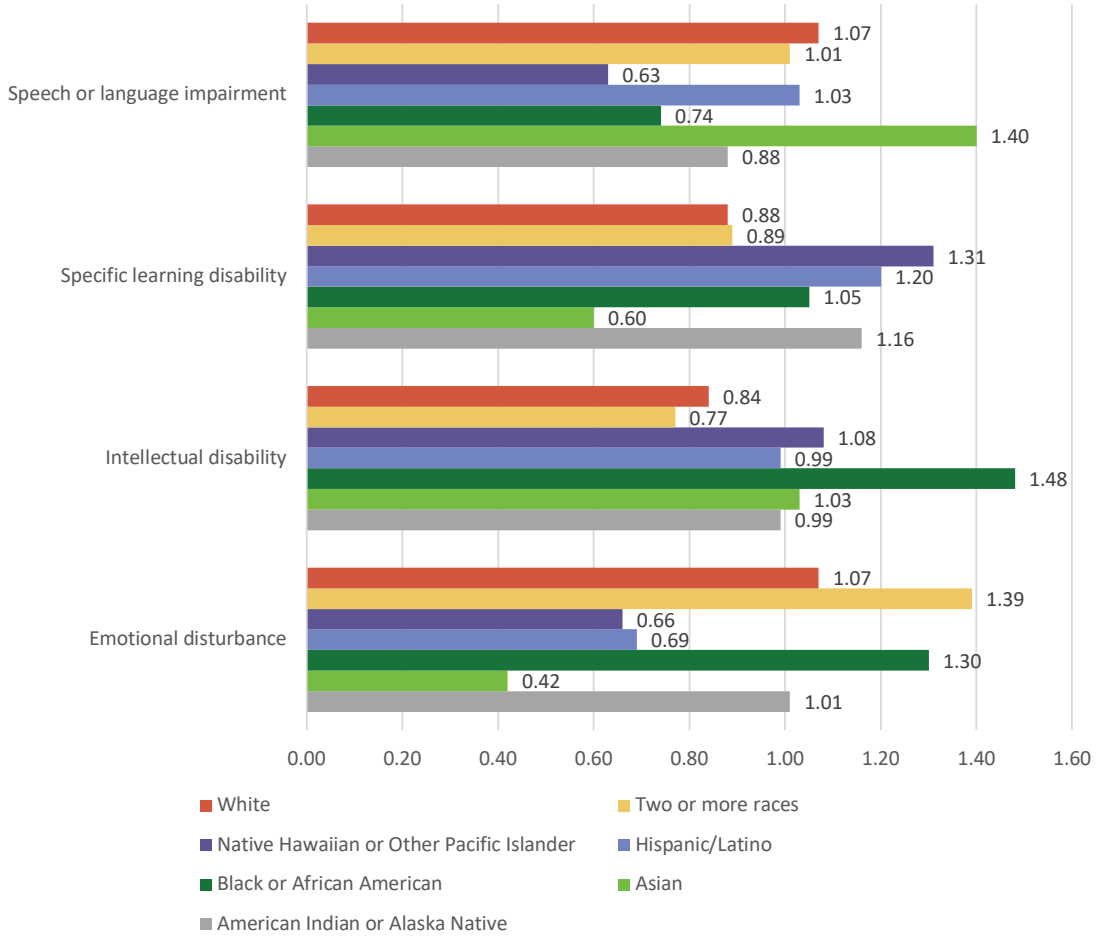

Figure 2.
Risk Ratio for Students (Age 5 Through 21) Served Under IDEA, Part B, 2019-2020, within Racial/Ethnic Groups by Disability Category
Note. Office of Special Education Programs (2021, August 9). OSEP Fast Facts: Race and Ethnicity of Children with Disabilities Served Under IDEA Part B. https://sites.ed.gov/idea/osep-fast-facts-race-and-ethnicity-of-children-with-disabilities-served-under-idea-part-b/

Historically, research findings have pointed to the general **over-representation** of many minoritized students in special education (Cruz & Rodl, 2018; Sullivan & Bal, 2013). In general, these research studies have found that minoritized children are more likely to be identified and placed in special education. For example, in a study using individual student-level data in districts in Indiana, Skiba, Poloni-Staudinger, Gallini, Simmons, & Feggins-Azzis (2006) found that African American students with disabilities were three times more likely than their peers with disabilities to receive services outside of the general education classroom for 60% or more of the day. Disproportionate placements were not associated with African American students being identified with more severe disabilities. For example, African American students identified with learning disabilities were more than three times more likely to receive services in a separate classroom; students identified with speech or language impairments were more than seven times more likely. It is difficult to justify why African American students would require more intensive supports than their peers with the same disabilities for conditions that are typically provided services in the general education classroom.

Alternatively, recent research findings have pointed to the **under-representation** of minoritized students in special education (Morgan, Farkas, Cook, Strassfeld, Hillemeier, Pun, & Schussler, 2017; Morgan, Farkas, Hillemeier, Mattison, Maczuga, Li, & Cook, 2015). In general, these research studies have found that minoritized children are less likely to be identified for and placed in special education. For example, in a study using individual-level, longitudinal, national data, Morgan et al. (2015) found that minoritized children were generally less likely to be identified with disabilities than White, English-speaking children who were matched on various child-, family-, and state-level characteristics. Specifically, from kindergarten through middle school, students in race and ethnic minority groups were less likely to be identified in the categories of specific learning disability, speech or language impairment, emotional disturbance, intellectual disability, and other health impairment. Students labeled as English learners were less likely to be identified within the specific learning disability and speech or language impairment categories.

These problems will not be solved by addressing poverty alone or by viewing disproportionality as a problem of race alone.

Differences in the findings across research studies may be confusing. However, one conclusion from the research literature is clear: the disproportionate representation of students from race and ethnic groups in special education is complex and multi-dimensional. Whether or not students are over- or under-represented will vary by district size and funding, by state, disability category, race group, ethnic group, socioeconomic status, language status, immigrant and refugee status, and by student grade levels. Advances in rigorous and equitable methodological approaches to the study of culturally and linguistically diverse learners have allowed a much richer narrative on disproportionality to emerge, one that centers the intersectionality of factors associated with the educational experiences of minoritized students with special needs.

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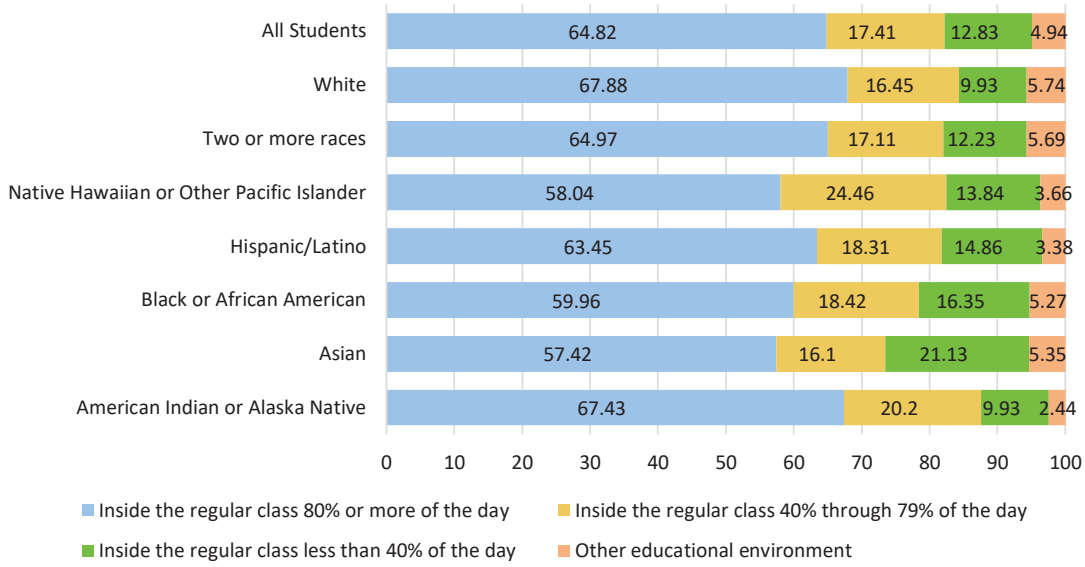

Figure 3.
Percentage of Students (Age 5 Through 21) Served Under IDEA, Part B, 2019-2020 within Racial/Ethnic Groups, by Educational Environment
Note. Office of Special Education Programs (2021, August 9). OSEP Fast Facts: Race and Ethnicity of Children with Disabilities Served Under IDEA Part B. https://sites.ed.gov/idea/osep-fast-facts-race-and-ethnicity-of-children-with-disabilities-served-under-idea-part-b/

For example, in a study using individual-level, cross-sectional, national data, Samson and Lesaux (2009) examined patterns and predictors of disproportionality among students for whom English was not the primary language used at home. They found that language minority students with disabilities were more likely to be under-identified for disabilities in kindergarten and first grade and over-identified in every disability category in third grade. They also found that language minority students with disabilities had teacher ratings and reading performance that were significantly lower than their language minority peers without disabilities, but similar to their native English-speaking peers with disabilities. In other words, language minority students performed like English-speaking students with disabilities. Yet, language minority students with disabilities were identified much later in school, suggesting they had limited access to early intervention supports to prevent later difficulty.

Sullivan, Kulkarni, and Chhuon (2020) used data from both state and national databases to examine patterns and predictors of disproportionality among Asian American and Pacific Islander students. Importantly, not all students who are grouped into the Asian category are alike, and they are often absent from discussions on disproportionality—masking the challenges that many children and families encounter with special education. Using data reported at the national and state levels, they found that Pacific Islander students tended to have higher risk ratios in every disability category than Asian and White students. The elevated relative risk for more severe (and more objectively identified) low-incidence disabilities than less severe (and more subjectively identified) high-incidence disabilities was observed for students in both subgroups. In analyses that included individual child-level factors to ascertain who was identified for special education, they found that the odds of being identified for special education differed by ethnic group, with American Indian students having the lowest odds, followed by Southeast Asian, East Asian, and Pacific Islander students (compared to White students). Race and ethnicity were not significant predictors of special education status, after accounting for child and family sociodemographic characteristics such as household income, level of education completed by parent, gender, and birth weight.

It is important to highlight that the pattern of findings from these studies is different from what has been observed in studies focused on other race and ethnic groups. Studies with diverse student groups are critical because they widen the conversation on disproportionality to consider more than differences between Black/African American and White students. The student population in the U.S. is growing more and more diverse every year and is projected to increase noticeably among Hispanic/Latinx, Asian and Pacific Islander, and multiracial students in the coming years (Hussar & Bailey, 2020). Moreover, minoritized students are heterogeneous—they are not all alike. Variation is considerable within a single race or ethnic group. So, studies with diverse student samples allow us to consider disproportionality beyond static race and ethnicity categories toward more dynamic and comprehensive whole-child characterizations of disability. They also help us consider how the problem of race and ethnic disproportionality in special education is not just about poverty.

Poverty is often proposed as a primary mechanism for disproportionality. Race and income are confounded in the U.S., and minoritized children are more likely to be growing up in poverty and low-income households. For example, Black/African American and American Indian children are three times as likely to experience deep poverty (defined as less than 50% of the federal poverty threshold) compared to their White peers (Koball, Moore, & Hernandez, 2021). In addition, Black/African American and American Indian children are also seven times more likely to live in high poverty neighborhoods than White children; Hispanic/Latinx children are four times more likely (The Annie E. Casey Foundation, 2019). These children are also more likely to attend schools in neighborhoods with concentrated poverty.

To be clear, poverty begets biological and environmental conditions that can impair learning and development. For example, high poverty neighborhoods exist in marginalized communities that tend to have limited resources, such as primary health care, early intervention services, healthy food, and quality schools. Children and families in these neighborhoods are also more likely to be exposed to conditions associated with congenital or acquired disorders, such as low birth weight, lead exposure, poor air quality, chronic stress, and violence (see, for example, The Annie E. Casey Kids Count Data Center: https://datacenter.kidscount.org/). Therefore, it makes sense that children growing up in poverty and low-income households may be more likely to encounter difficulty in school. It also makes sense that researchers may find increased odds of identification for special education among students living in poverty. And, it also makes sense that educators and clinicians may find it difficult to recognize and respond to disabilities quickly and effectively among children whose difficulties could be attributed to these conditions.

Yet, long-standing and widespread reports of significant differences by race and ethnic group status, resulting in evidence of disparate discipline removals, graduation rates, and access to appropriate supports in schools, irrespective of family income, suggest that discrimination and bias are mechanisms by which disproportionality operates as well (Skiba, Artiles, Kozleski, Losen, & Harry, 2016). Although aspirational, the decision-making process for the identification and placement for services is not color-blind or agnostic to inequities present within society. Demonstrated academic difficulty in school is a primary indicator considered in eligibility and placement decisions for all disability categories, but it is not the only one. By law, other data are required to inform the decisions, including, for example, functional and adaptive behaviors, parent and caregiver observations in the home and community, and historical accounts of health, academic, interpersonal, and socioemotional status.

Although educators and clinicians are charged with applying as objective a lens as possible to gathering and interpreting these data sources to make evidence-informed decisions

about students, eligibility and identification are complicated by the biases that all individuals bring to the process. Whether implicit or explicit, these biases are reflected clearly in reports on systemic barriers that minoritized children and families encounter while trying to access appropriate special education services, including reports that,

- clinicians are differentially responsive to White parents and children during the screening, evaluation, and treatment processes (Guerrero, Rodriguez, & Flores 2011);
- educators and clinicians medicalize White students' difficulties and behaviors while criminalizing Black/African American students who demonstrate the same difficulties and behaviors (Girvan, Gion, McIntosh, & Smolkowski, 2017);
- diagnosis and treatment for disabilities is delayed among minoritized children, even when they are displaying needs that are similar to or greater than White children (Flores & Committee on Pediatric Research, 2010);
- parents and caregivers are provided with inaccessible information on disabilities, special education, and due process rights (Mandic, Rudd, Hehir, & Acevedo Garcia, 2012);
- educators treat special education as a safe haven for poor children, delivering services that are perceived to be more effective but are not matched to the students' abilities (Skiba et al., 2006); and
- parents and caregivers report perceived and actualized bias, prejudice, and stigma in referral, assessment, and eligibility process (Yeh, Forness, Ho, McCabe, & Hough, 2004).

These problems will not be solved by addressing poverty alone or by viewing disproportionality as a problem of race alone.

Embracing the Complexity of Disproportionality

By this point, you may be completely frustrated. It's understandable. Educators, clinicians, parents, and caregivers are desperately seeking research-based solutions to inform their decisions about how to best support minoritized students with disabilities. Unfortunately, there are no easy solutions. Despite well-intended laws and policies, patterns of over- and under-representation of minoritized students continue to plague the field of special education. Certainly, additional research is needed to better understand why and under what conditions over- and under-representation persist. Innovations in research and practice are also needed to develop effective and scalable solutions to decrease and prevent over- and under-representation. Educators and clinicians should also continue their learning on these issues, taking care to understand how disproportionality may be operating in their schools and communities (see the table below for resources to get started today).

We encourage you to view disproportionality as a problem of educational inequity. Doing so places disability within the sociocultural contexts in which we expect children to develop and learn. It forces deep reflection on how we expect special education to improve all children's lives. It also focuses our attention on systems inside and outside of schools that create barriers and opportunities for students with disabilities. It allows us to see not only that most children encounter conditions that make it challenging to experience success in school, but also that the presence of a disability exacerbates those challenges in ways that may require a different response to make sure that children are thriving. Ultimately, viewing disproportionality as a problem of inequity requires embracing the complexity of the issue at the systems level—considering the child, family, classroom, school, community, and federal and state policy.

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Free, Publicly Available Resources to Learn More about Issues Related to Disproportionality

Resource	Brief Description	Resource Type	Resource Location
U.S. DEPARTMENT OF EDUCATION OFFICE OF SPECIAL EDUCATION PROGRAMS (OSEP)			
Fast Facts	Data collected from states on infants, toddlers, children, and youth with disabilities who receive services under IDEA.	Website	https://sites.ed.gov/idea/osep-fast-facts/
IDEA Data Center	An interactive table and PDF comparing the three equity requirements in IDEA.	Website	https://ideadata.org/resources/resource/1590/equity-requirements-in-idea
Center for Parent Information and Resources *Disproportionality in Special Education—IDEA Part B Module*	The module includes two training sessions and facilitator guides about IDEA regulations related to disproportionality.	Training Modules	https://www.parentcenterhub.org/disproportionality-in-special-education/
IDEAs that Work Resources	A variety of evidence-based publications, events, resources, and tools to help educators and families support students with special needs.	Website	https://osepideasthatwork.org/federal-resources-stakeholders/disproportionality-and-equity
IDEAs that Work Resources *OSEP Symposium on Significant Disproportionality*	A symposium on topics related to significant disproportionality from a national perspective.	Symposium	https://osepideasthatwork.org/find-a-resource/significant-disproportionality-symposium-2017
IDEAs that Work Resources *Disproportionality 101: Equity in IDEA: Contents of the Final Rule*	A webinar on the Equity in IDEA regulations.	Webinar	https://osepideasthatwork.org/find-a-resource/disproportionality-101-equity-idea-contents-final-rule-2017
IDEAs that Work Resources *Significant Disproportionality 201 – Equity in IDEA: Implementing the Final Rule*	A webinar on implementing the Equity in IDEA regulations.	Webinar	https://osepideasthatwork.org/find-a-resource/significant-disproportionality-201-equity-idea-implementing-final-rule
NATIONAL CENTER FOR LEARNING DISABILITIES (NCLD)			
Significant Disproportionality in Special Education: Current Trends and Actions for Impact	A white paper and briefs on disproportionality in special education.	White Paper Briefs	https://www.ncld.org/sigdispro/
RTI Action Network	Articles on implementation of Response to Intervention with diverse student populations.	Articles	http://www.rtinetwork.org/learn/diversity

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