

Restrictiveness and Race in Special Education: The Failure to Prevent or to Return

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Disproportionality in special education is a widespread problem for racial minorities, particularly for African and Native American students. Furthermore, special education placements for racial minority students tend to be highly restrictive and permanent. School personnel might approach this problem through a focus on prevention. That is, schools need to develop policies, programs, and goals designed to (1) prevent general education at-risk students from developing a disorder, (2) keep diagnosed students from moving to more restrictive environments, and (3) assist placed students to be transitioned into less and less restrictive settings. Interventions that address administrative procedures, educational programs, and teacher competence are needed to achieve these goals and avoid further jeopardizing the schooling of vulnerable students. These factors are discussed within the context of race.

Keywords: Disproportionality, Restrictive Placements, Special Education, Racial Minority Students, Prevention

Issues relative to race and special education have been a concern within the field for nearly three decades and recently researchers, policy makers, and school personnel have increased their focus on this matter. Much of the discussion has centered on the disproportionate placements of racial minorities within special education. In their paper, “Restrictiveness and Race in Special Education Placements in For-Profit and Non-Profit Charter Schools in California,” Fierros and Blomberg address an additional component of disproportionality: the pattern of some minority students to receive the most restrictive placements along the special education continuum. An analysis of the data of the charter schools within the state of California led the authors to conclude that the restrictiveness for racial minority students within charter schools paralleled the same restrictiveness found in the non-charter schools for this group.

This finding is not surprising considering that charter schools often operate under the same conditions and biases as non-charter schools. These results are consistent with the national data in general and the state of California in particular (US Department of Education, 1999; Parrish, 2002). In some earlier work, Fierros and Conroy (2002) determined California to have the 10th highest level of restrictiveness in the U.S. for emotional and behavioral disorders (EBD) and showed that African Americans were more than 1.5 times as frequently as whites to be labeled emotionally disturbed. In another analysis of California data, Parrish (2002) observed that black students were likely to be placed in the most restrictive settings and that black students were more likely than whites to be referred to the juvenile justice system.

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This trend of restrictiveness appears to be in violation of Individuals with Disabilities Education Act (IDEA, 1997), which is predicated on the principle of the least restrictive environment for all students with disabilities.

One issue not addressed by Fierros and Blomberg or other researchers on this topic is the *failure to return*. Once placed in special education programs students typically are not returned to general education or to less restrictive placements. Even if schools find it necessary to place some students in more restrictive settings, if special education is truly special, would there not be evidence of behavioral or academic improvements so that students are increasingly re-integrated into mainstreamed environments? Special education enrollments peak in the middle grades with a steady decline in the high school years. Since these students are not returned to general education, it must be assumed that these students drop out of school or experience some other poor outcome. This dismal prognosis with disproportional representation by racial minorities further underscores this restrictiveness concern.

Beyond analyzing existing data sets, researchers might also investigate special education programs to determine policies or attitudes that contribute to this restrictiveness. It would be of interest, for example, to learn the rate of return, the degree to which students receive re-evaluations for the purpose of least restrictive environment (LRE), the relationship between parental involvement and restrictiveness, and the role race plays in each of these factors.

RECOMMENDATIONS TO REMEDY RACIAL RESTRICTIVENESS

Disproportionality is a complex issue compounded by a variety of factors including socioeconomics, quality schools, and personal bias. Some of these conditions are beyond the control of school personnel, but knowing that some populations are disproportionately affected by these variables should lead schools to take preemptive steps to ward off deleterious effects. Possible actions would include effective administrative and classroom procedures, programs of prevention, effective assessments, and culturally competent personnel.

Effective Administrative and Classroom Procedures

Before the problem can be addressed, most administrators need to become aware not only that restrictive disproportionality exists, but also that it is discriminatory and harmful. School districts need to periodically review pupil data relative to race and gender to determine the existence and extent of this situation within their schools. Educational restrictiveness has received some attention in the professional literature but there is little evidence that it is systematically being addressed in the schools.

Perhaps one of the most direct ways to reduce the disproportionate restrictiveness for racial minorities is for schools to mandate that the initial placement for **all** students should be in the least restrictive placement. That means that students identified as needing special education supports might first only receive assistance from an intervention specialist who serves the child within the general education classroom or on a pullout basis. At most, the student might be served in a resource room. If it is determined that the student needs more intensified instruction within a more restrictive setting, then the student is moved to another class that provides more supports.

A related administrative mandate to ensure that racial minorities are not unfairly

pushed into undue restrictiveness might be that regardless of the setting for services all students would receive continuous and progressive monitoring for academic and behavioral progress. Interventions would be revised for students who failed to show regular academic and social gains. Formal evaluations would be conducted periodically, such as every two years to assess progress and take steps for partial or full reintegration into general education classes/settings. Special attention and accountability would be prescribed for racial minority students who failed to make progress toward less restrictive environments.

Programs of Prevention

Interventions in the form of special education typically come after an extended period of failure, often at a point when it is too late for the student to make the kind of academic or behavioral gains that would produce school and later life success. Instead, early intervention programs and effective instruction could help to minimize the need for special education supports. Children born into families with specific markers associated with severe school failure (e.g., poverty, premature parenting, parent criminality, family disorganization) need to be targeted for early intervention. This is especially important for racial minorities. These interventions should include family support/education, health services, sustained high-quality care and cognitive stimulation. Recent scientific reports showing lasting effects of quality early childhood child-care into adulthood are instructive (e.g., Campbell, Pungello, Miller-Johnson, Burchinal, & Ramey, 2001).

Effective instruction is instruction that meets the learning needs of the targeted population. Academic inefficiency appears to be one predictor of special education disproportionality (Hosp & Reschly, 2004). Racial minorities, who are likely to begin school substantially behind their more affluent peers in readiness skills, will need an instructional program and curriculum that addresses these skill deficits. Instructional programs based on research with middle class white children are likely to be inadequate. Teachers of these young children need to be prepared to deliver interactive lessons, provide for high response rates, provide systematic instruction, and develop critical skills.

Reading, for example, is fundamental. Yet, many authorities in reading insist that all children be taught to read using whole language approaches, which de-emphasize phonological awareness and other specific reading skills. This position is contrary to the findings of the National Reading Panel (National Institute of Child Health and Human Development, 2000) and is at odds with the obvious needs of many struggling racial minorities.

Consider the case of a set of identical twin African American low socioeconomic brothers: Jerry and John. At the beginning of the first grade, we assessed both boys on tests of phonemic awareness and reading readiness. John showed more strengths on these assessments so we included only Jerry in a remedial program that provided instruction in phonemic awareness and alphabetic principle. Intervention was provided three times a week for seven months. End of the year assessments revealed that Jerry outperformed John on every measure. More importantly, the following year, when the boys began second grade the reading assessments showed that Jerry scored at the 2.1 grade level while his brother John scored only 1.3. This indicated that Jerry showed good readiness for second grade reading, but his brother, who originally appeared

stronger academically, was now one grade behind in reading. If John continues at his current pace, within the next year or two he will be referred and possibly placed in special education. In contrast, Jerry, who received research-validated interventions in first grade and continues to receive support, is not likely to be referred for services outside the general education classroom. Although not a controlled study, my recent work in the schools convinces me that John's story is repeated thousands of times for struggling racial minorities in our society. Inappropriate instruction, inadequate readiness, and limited parental advocacy combine to push these children into special education and low academic achievement. Pejorative attitudes and low expectations further compound these conditions, resulting in excessive educational restrictiveness.

Effective Assessment

The difficulties associated with the assessment of racial minorities in both cognitive and behavioral areas are well documented (Arnold & Lassmann, 2004; Loe & Miranda, 2002). Beyond the typical multifactorial evaluations, quality assessments for racial minorities need to consider environmental assessments, along with teacher bias/skill/cultural competence. Influential environmental factors include the (a) working conditions within the school system, (b) pressures within the school, and (c) ecology of the classroom. Loe and Miranda (2002) point out that in urban areas, partly due to large caseloads, thorough evaluations are often sacrificed in the interest of expediency.

An assessment of the student's classroom at the time of referral can provide useful information. For example, behaviorally vulnerable boys enrolled in disorderly first grade classrooms show trajectories across the grades of increasingly aggressive behavior (Harry, Klingner, Sturges, & Moore, 2002). The implication here is the need for these students to be in well-organized and structured classrooms taught by highly competent teachers. Another aspect of the classroom assessment should be the appropriateness of the academic instruction. Is the instruction presented at the performance level of the student(s) or does it contribute further to frustration and learning/behavior problems?

Teacher Competence

There is legitimate concern regarding teacher bias in the eligibility process. Riccio, Ochoa, Garza, and Nero (2003) report that teachers make the majority (75%) of referrals for programs for EBD. They also note that teachers are more likely to refer minority students than white students and that white children are more likely to be referred by their parents. Harry, et al. (2002) cite research indicating that 90% of referred students will be placed. They offer that the teacher's decision to refer the student typically triggers the entire process, and depending on the structure of the school and professional team, weighs heavily in the child's eventual removal from the general education classroom.

The preceding leads to the obvious question of teacher characteristics and competence. When considering the referrals of racial minority students to special education, an initial consideration needs to be teacher characteristics and skill. What do we know about the teacher of struggling racial minority students? The concerns raised by various authorities questioning the qualifications, experience, preparations, commitments and beliefs of these teachers (e.g., Kozleski, Sobel, & Taylor

2003; Skiba, Simmons, Ritter, Kohler, Wu, 2003) justify the scrutiny of teacher factors at the point of referral of racial minority students. Some examples of important teacher questions include:

1. Does this teacher have a structured, disciplined class? Does the teacher have a record of making numerous disciplinary referrals?
2. Does the teacher have a good to excellent instructional record? Is there evidence that the teacher is able to teach students who may need mild to moderate modifications in the classroom?
3. Is the teacher resourceful? Does the teacher seek out ways to help challenging students?

Racial minority students are more likely to be taught in classrooms with inexperienced or unskilled teachers (Irvine, 1990; Kozleski, et al. 2003; Pang & Sablan, 1998), which only exacerbate their learning or behavior problems. Before making special education placements, certainly within restrictive settings, students should first be assigned to general education classrooms with more experienced/skilled teachers along with specialized supports.

Another factor found to be predictive of disproportionality is demographics, that is, the relative proportion between a racial minority group and white students in a district (Hosp & Reschly, 2004). Professionals whose culture or class differs from that of their students are likely to misinterpret the students' behaviors, often attributing to the student more pathology or punishing consequences than warranted. There is a need for *cross-cultural training*, especially for teachers with limited experiences with racial minorities.

As educators grapple with disproportionality, it is important to recognize that the onus of this phenomenon lies greatly with general educators. This might partly explain the somewhat intractable nature of this problem, since general educators typically are not engaged in attempting to resolve the issue. The child is most likely to be referred to special education by the general educator and the general educator often plays a major role in the child's success in less restrictive environments. If we are to reduce the disproportionate restrictiveness of racial minorities in special education, it will be necessary for special and general educators to work collaboratively to implement prevention programs, to assess contributing school as well as pupil factors, to provide effective instruction, and to foster the cultural competence of school personnel.

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Received September 29, 2004

Revised October 11, 2004

Accepted October 12, 2004

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