



## Significant Disproportionality in Special Education: Current Trends and Actions for Impact

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*Years of research point to inequities in education for students of color, students from low-income backgrounds, 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 disciplined at markedly higher rates than their peers. Due to bias within the education system (including within assessments and academic and other policies), students of color can be misidentified as needing special education, and 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.*

*This brief summarizes the literature and latest research on disproportionality in special education and offers changes in policy and practice that can reduce significant disproportionality in schools.*

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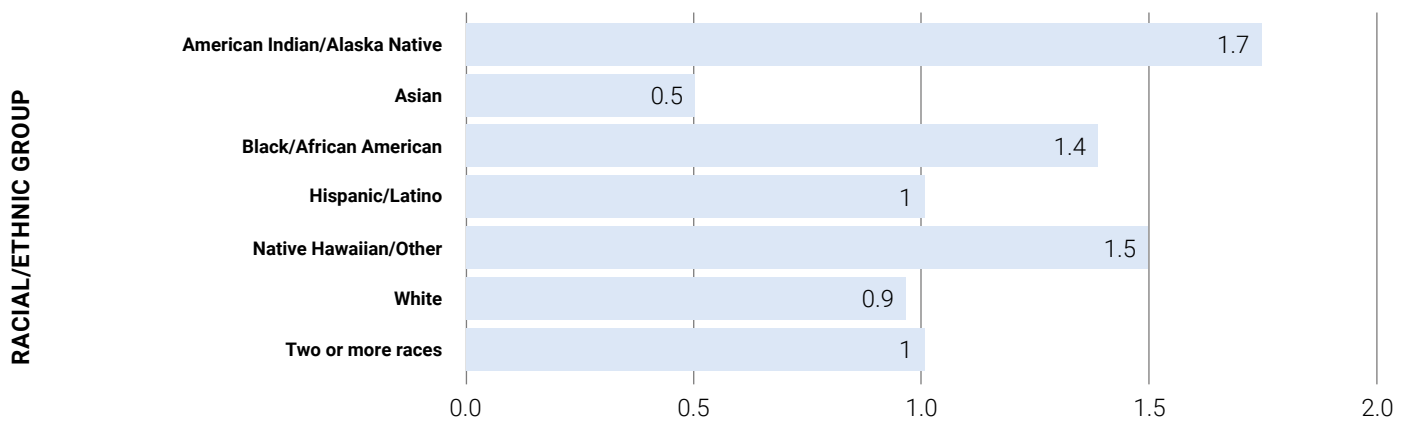
# The Three Components of Disproportionality

“Significant disproportionality” refers to three separate but related trends that impact a student’s educational experience: (1) identification for special education (also called eligibility); (2) educational placement (once identified as eligible for special education); and (3) discipline.

## Special education identification

The most often discussed pattern of significant disproportionality is the overrepresentation of students of color in special education. Students of color, with the exception of Asian students<sup>1</sup>, are identified for special education at a higher rate than their White peers.<sup>2</sup> American Indian and Alaska Native children receive special education at twice the rate of the general student population,<sup>3</sup> and Black students are 40 percent more likely to be identified with a disability versus all other students.<sup>4</sup> Hispanic,<sup>5</sup> Black, and Native students all have higher risk ratios for being identified with disabilities than White students.<sup>6</sup> The overrepresentation of children in special education programs causes short-term and long-term harm, specifically for students of color.

**Figure 1.** Risk ratios for students ages 6 through 21 served under the Individuals with Disabilities Education Act (IDEA), Part B, within racial/ethnic groups: Fall 2016.<sup>7</sup>



Some researchers argue that disparities in identification rates exist because students of color actually do experience disability at a higher rate than their White peers, and that these students are actually *underrepresented* in special education based on their significant level of need.<sup>8</sup> This theory rests in part on the fact that race and income in the United States are highly correlated. According to the National Survey of Children’s Health, children living at or below the federal poverty level are more than twice as likely to be identified with specific learning disabilities (SLD) as children in households with income four times the poverty level.<sup>9</sup> Poverty has been tied to outcomes that are sometimes risk factors for disability such as low birth weight and exposure to lead<sup>10</sup> and a higher likelihood of having adverse childhood experiences (ACEs).<sup>11</sup> Students who experience four or more ACEs have been found to be 32 times more likely to be diagnosed with learning or behavioral challenges.<sup>12</sup>

### Adverse Childhood Experiences (ACEs) include:<sup>13</sup>

- Economic hardship
- Divorce or separation of a parent
- Death of a parent
- Parent served time in jail
- Witnessing adult domestic violence
- Victim or witness to neighborhood violence
- Living with someone who was mentally ill or suicidal
- Living with someone with an alcohol or drug problem
- Being treated or judged unfairly due to race/ethnicity

However, a great deal of recent evidence points to the troubling existence of systemic racial biases in our schools and communities that lead to students of color being identified for special education at higher rates. Research by Grindal et al., 2019, has demonstrated that while both race and income play a role in identification disparities, income itself does not fully explain the patterns of identification. Specifically, when looking at students within the same income bracket (i.e., comparing only students from low-income backgrounds across races, or comparing only students from non-low-income backgrounds across races), Black and Hispanic students are more likely to be identified for special education, compared to White students.<sup>14</sup> For example, in their study, Black students from non-low-income backgrounds had about twice the likelihood of being identified with intellectual disabilities (ID) or emotional disturbances (ED), compared to White students from non-low-income backgrounds in the states studied.<sup>15</sup>

### **Disability Categories Recognized by IDEA**

1. **Specific learning disability (SLD)** includes learning disabilities in reading (dyslexia), math (dyscalculia), and writing (dysgraphia) and makes up approximately 37% of all students with disabilities
2. **Speech or language impairment (SLP)** includes difficulties such as stuttering, pronunciation, or other expressive language issues and makes up approximately 17% of all students with disabilities
3. **Other health impairment (OHI)** includes ADHD and other medical conditions and makes up approximately 16% of all students with disabilities
4. **Autism spectrum disorder (ASD)** is a developmental disability that mainly affects a child's social and communication skills and makes up approximately 10% of all students with disabilities
5. **Intellectual disability (ID)** is a disability characterized by below-average intellectual ability and may include poor communication, self-care, and social skills and makes up approximately 7% of all students with disabilities
6. **Emotional disturbance (ED)** includes disorders such as anxiety disorder, schizophrenia, bipolar disorder, and depression and makes up approximately 5% of all students with disabilities
7. **Developmental delay** includes delays in physical, cognitive, social, emotional, or behavioral development up to age 9 and makes up approximately 3% of all students with disabilities
8. **Multiple disabilities** includes more than one disability type and makes up approximately 2% of students with disabilities
9. **Hearing impairment** includes difficulties with hearing that do not include deafness and makes up approximately 1% of students with disabilities
10. **Orthopedic impairment** includes difficulties with physical functioning or bodily control, including cerebral palsy, and makes up less than 1% of students with disabilities
11. **Traumatic brain injury** includes disabilities caused by brain injury and physical force and makes up less than 1% of students with disabilities
12. **Visual impairment** includes blindness or eyesight problems and makes up less than 1% of students with disabilities
13. **Deafness** includes a lack of hearing even with hearing aids\*
14. **Deaf-blindness** includes co-occurring hearing and visual impairments and makes up less than 1% of students with disabilities

\*No data is reported by the U.S. Department of Education on this specific category. See IDEA Section 618 Data Products: Static Tables at <https://www2.ed.gov/programs/osepidea/618-data/static-tables/index.html#partb-cc>.

The magnitude of these identification disparities is greatest for those disabilities that experts say are more subjective. We would consider disabilities affecting vision or hearing to be objective in nature, because there is a clear root cause and a definitive assessment that can tell you whether and to what degree a student’s vision or hearing is impacted without the possibility of bias. Subjective disabilities are those for which non-subjective tests are not available, meaning that identification depends on the professional judgment—and potentially the biases—of the assessors. For example, SLD, ID, and ED are considered to be more subjective disabilities.<sup>16</sup> American Indian/Alaska Native students are almost twice as likely to receive services for SLD, compared to White students. Black students are more than twice as likely to be identified with ID as their peers.<sup>17</sup> While researchers have suggested that teacher or assessment biases could have greater impacts on the determination of these disabilities, leading to the observed disparities, more research is needed.<sup>18</sup>

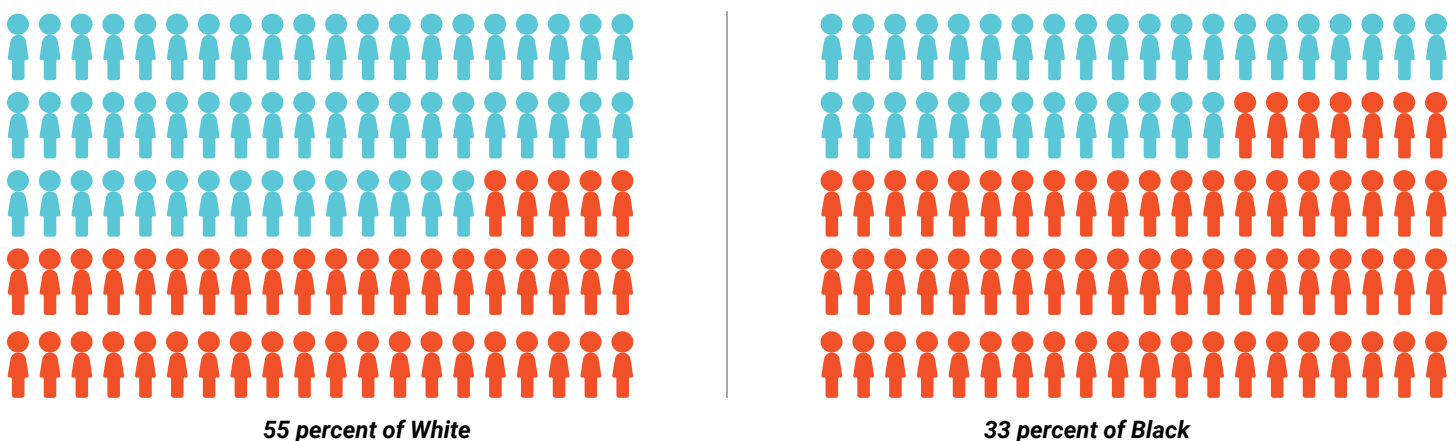
Although IDEA affords students with disabilities many essential protections and gives them access to specialized instruction and related services to address their needs, special education is not an adequate solution nor equitable for students who do not actually have a disability. Inappropriately placing children into special education programs causes short-term and long-term harm, specifically for students of color, students from low-income backgrounds, and students of color from low-income backgrounds. Misidentified students risk being exposed to a less rigorous curriculum, lower expectations, and fewer opportunities to successfully transition to postsecondary education.<sup>19</sup> Inappropriate disability identification can also result in social consequences, with students suffering from a loss of self-esteem,<sup>20</sup> being exposed to greater stigma, and facing increased racial separation in classrooms.<sup>21</sup> Once misidentified, students are likely to stay in the special education program for the remainder of their academic career.<sup>22</sup>

### Placement disparities

Once a student is eligible for special education, a decision is made about the instruction and support they’ll receive—often referred to as a student’s “placement.” IDEA is premised on the principle that students must be educated in the least restrictive environment (LRE). This means that students with disabilities should be educated in general education and among their nondisabled peers to the greatest extent possible. Research has clearly shown the benefits of inclusion<sup>23</sup>—the practice of educating special education students in general education classrooms alongside their peers who are not receiving special education services. When inclusion begins early and embeds supports into the curriculum, students have better outcomes, including higher test scores and graduation rates.

Being educated in a separate setting, or in a classroom specifically designed for students with disabilities, is only appropriate for a small percentage of students.<sup>24</sup> In fact, the vast majority of students with disabilities spend more than half of their day in general education.<sup>25</sup> However, data have shown that students of certain racial and ethnic backgrounds are more likely to be taught in more restrictive environments, where they miss out on experiences with their general education peers and are denied rigorous learning opportunities.

**Figure 2.** Students with disabilities who spend more than 80 percent of their day in general education classrooms.<sup>26</sup>



While 55 percent of White students with disabilities spend more than 80 percent of their school day in a general education classroom, only a third of Black students with disabilities spend that much time in a general education classroom.<sup>27</sup> Hispanic and American Indian students with disabilities are also more likely to be taught in separate classrooms, compared to White students.<sup>28</sup>

Placement decisions that segregate students only work to exacerbate achievement gaps, as researchers have found that students in general education classrooms have better academic and employment outcomes than students placed in separate spaces.<sup>29</sup> For example, research on students in Massachusetts found that students with disabilities taught in fully inclusive environments were five times more likely to graduate on time, compared to other students with disabilities.<sup>30</sup> Another study found that after high school, students with disabilities who were fully included in general education classrooms were 11 percentage points more likely to be employed.<sup>31</sup>

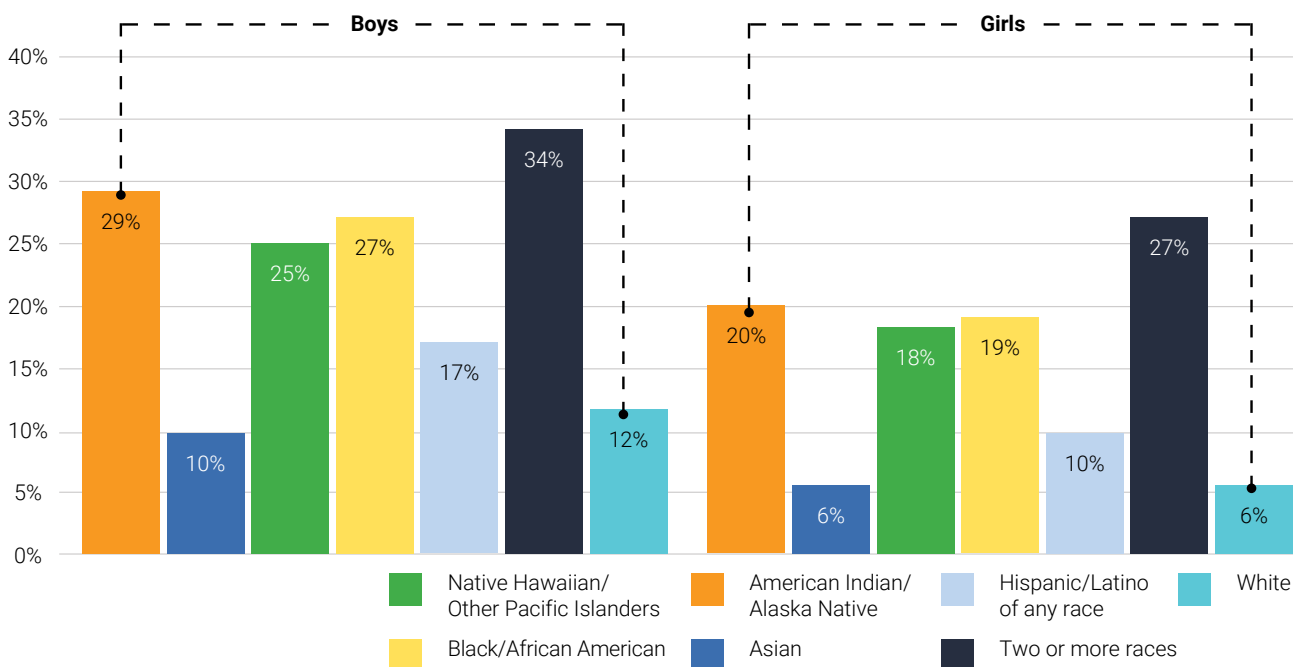
These poor outcomes may result from segregated educational practices that expose students to unfavorable educational environments with fewer resources. For example, Georgia Network for Educational and Therapeutic Support schools are public schools exclusively for students with disabilities. Students in these schools are excluded from many extracurricular activities, taught largely through computers, lack access to graduation imperative courses, and often attend classes in inferior buildings (that used to be Jim Crow schools).<sup>32</sup>

### Discipline disparities

It is well established that Black, Hispanic, and Native students often receive harsher punishments in school for the same behavior when compared to their White counterparts, and are more likely to receive office referrals, suspensions, and expulsions from school.<sup>33</sup> Black students, for example, are three times more likely than White students to be suspended or expelled. One study concluded that this disparity is at least partially due to internalized racial stereotypes held by teachers.<sup>34</sup>

Discipline disparities are even more apparent for students with disabilities. Students of color with disabilities receive severe punishments at very high rates. 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.<sup>35</sup> Black males from low-income backgrounds receiving special education services are suspended at the highest rates of any subgroup.<sup>36</sup> Research has shown that when socioeconomic differences of Black and Hispanic students are accounted for, disparities still exist.<sup>37</sup>

**Figure 3.** Students with disabilities (IDEA students) receiving out-of-school suspensions by race/ethnicity and gender.<sup>38</sup>



Black students with disabilities are also mechanically restrained at a disproportionate rate. These students make up only 19 percent of students with disabilities served by IDEA, but account for 36 percent of students who are restrained at school by equipment meant to limit their movement.<sup>39</sup>

### **Defining “Restraint”**

Students with disabilities are restrained in school more frequently than students without disabilities.

Though there are guidelines on restraint, there are no federal laws governing how these practices should be used. There are two types of restraint:

- (1) **Physical restraint**, or a personal restriction (i.e., physically performed by an adult) that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely.
- (2) **Mechanical restraint**, or the use of any device or equipment to restrict a student’s freedom of movement (excluding devices used by trained school personnel, prescribed by a professional, or designed for the student).

Another form of discipline is the widespread use of informal removal from school, such as when a student receives a shortened school day or is sent home early. Anecdotal evidence would suggest that these practices have a disparate impact on students of color, but more data is needed.

These discipline disparities are not only unfair, but they can have traumatic and lifelong consequences. First, there is no evidence suggesting that removing children from school instead of teaching pro-social skills and addressing the behavior in the moment actually improves behavior. Further, students who are suspended or expelled are more likely to be held back, drop out, or enter the juvenile justice system when compared to their peers.<sup>40</sup>

Graduation rates are lower for Black, Hispanic, and Native students with disabilities than they are for White students with disabilities. In one study, approximately 75 percent of Asian and White students with disabilities left high school with a regular diploma, but only around 65 percent of Black, Hispanic, and Native American students with disabilities left high school with a regular diploma in the 2014–2015 school year.<sup>41</sup>

## **Current Efforts to Address Significant Disproportionality**

### **“Equity in IDEA” regulations**

In January 2017, the Obama administration issued new rules—the Equity in IDEA regulations—that states were required to comply with by July 1, 2018.<sup>42</sup> These regulations seek to help districts address racial and ethnic disparities in identification, placement, and use of discipline for students of color with disabilities. Before these regulations took effect, there was no uniformity across states in how they determined whether and to what extent districts had disparities in eligibility, placement, and discipline among racial and ethnic subgroups. In fact, some states designed data systems that were unlikely to result in a district appearing to have significant disproportionality problems.<sup>43</sup> Therefore, the regulations aimed to set a standard methodology for how all states determine if a district has significant racial and ethnic disparities in special education.

As July 1, 2018, approached, despite a flood of comments urging the Trump administration to implement the regulations as planned, Secretary DeVos issued new rules that would delay implementation of the Equity in IDEA regulations by two years, pushing them off until 2020. Legal challenges arose as to whether Secretary DeVos could delay the implementation of the regulations, and in March 2019 the United States District Court for the District of Columbia required that the regulations take effect immediately.<sup>44</sup> In order for disproportionality effects to be properly addressed, the U.S. Department of Education must continue to strongly enforce the regulations by monitoring the data that are collected and by providing high-quality technical assistance to districts with the largest disparities.

# The Path Forward: Additional Policy and Practice Recommendations

The effects of significant disproportionality harm students while exacerbating existing and future societal inequalities. In response to these issues, important policy and practice changes can be made in the areas of evaluation, assessment, discipline, and teacher preparation and training.

## Improvements to the eligibility process

IDEA lays out an evaluation process that districts must follow to determine special education eligibility. IDEA recognizes 13 categories of disabilities, and there are different types of evaluation processes that depend upon the particular disability category being considered. For example, the evaluation for disabilities like deafness or blindness might include clear-cut findings and diagnoses from pediatricians or other medical professionals, while the evaluation for specific learning disabilities relies heavily upon observations, assessments, and judgments by school personnel. The subjective nature of certain evaluation processes coupled with the lack of informed observations can allow for bias, such as racial or cultural bias, and mistakes within the special education eligibility process. In particular, the evaluation process for students with SLD requires schools to determine that the learning problem is not “primarily the result of visual, hearing, or motor disabilities, of intellectual disabilities, of emotional disturbance, **or of environmental, cultural, or economic disadvantage**”<sup>45</sup> [emphasis added]. Additional regulations from the U.S. Department of Education also require schools to consider “limited English proficiency” as a factor.<sup>46</sup> Many schools struggle to effectively rule out these factors or understand the interaction between English proficiency, environment, historical cultural disadvantage, or poverty and a student’s disability (or perceived disability). Without an ethical and contextually relevant lens, it can be difficult to determine whether a student’s low achievement is primarily the result of one of these factors. The ability to definitively rule out these factors relative to learning problems using tests is exceptionally limited.<sup>47</sup>

Improving policies and practices within the eligibility process can help reduce significant disproportionality. Specifically:

- State and local school districts should seek outside expertise to implement training on disability identification that includes considerations for linguistic and cultural differences. They must invest in and prioritize hiring educational professionals (including staff, administrators, and specialized instructional support personnel) with expertise in this area.<sup>48</sup>
- Districts should work with experts to complete an audit of their discipline and special education policies and processes to uncover and address bias within the system itself and the actors within the system.
- Schools should also invest in developing relationships with families and creating an open dialogue with parents and families to better understand a student’s familial, social, and cultural background and to incorporate parents’ observations into the special education evaluation.<sup>49</sup>

In a special report written in collaboration with partners, the National Center for Learning Disabilities (NCLD) developed principles for SLD identification, including: using targeted, valid, and reliable data; making clear, unbiased, and timely decisions regarding special education placements; using teams of professionals who have regular conversations with family members to best assess the full situations of students; and using universal and evidence-based assessments to measure student learning and monitor progress.<sup>50</sup> These principles are important for supporting students and thereby accurately identifying students with disabilities in an unbiased way.

## Discipline alternatives

Even though high-quality instruction and support have been shown to be effective alternatives to suspensions and classroom removals, many schools use suspensions for even minor acts of misbehavior.<sup>51</sup> Research on chronic absenteeism and classroom integration has clearly shown that missing school or being segregated from classmates can have significant negative implications on a student’s academics.<sup>52</sup> Therefore, districts should change their discipline policies to restrict the use of suspensions and expulsions, and focus on creating positive learning environments with sufficient access to social workers and school counselors.<sup>53</sup> To best support

the needs of all students and develop a learning environment that is engaging, responsive, and accessible, districts should implement and provide training to educators in Multi-Tiered Systems of Supports (MTSS), Universal Design for Learning (UDL), Positive Behavioral Interventions Supports (PBIS), culturally responsive teaching (CRT), and restorative practices.<sup>54</sup>

## **Evidence-Based Practices Defined<sup>55</sup>**

**Multi-Tiered Systems of Supports (MTSS):** MTSS is a framework for providing high-quality instruction and interventions matched to student need, monitoring progress frequently to make decisions about changes in instruction or goals, and applying child response data to important educational decisions. MTSS includes universal screening for all students, targeted support for those who are struggling, data-based progress monitoring, and interventions that increase in intensity based on student need.

**Universal Design for Learning (UDL):** A framework for teachers to design differentiated learning experiences in flexible ways to meet the needs of individual learners. UDL fosters a learning environment with flexible means and multiple methods and materials so that teachers better meet the needs of every student—removing barriers to learning and creating equal opportunities to succeed. Lesson plans and assessments that use UDL are grounded in three main principles:

- (1) **Representation:** Offering students information in more than one format (e.g., text, audio, video, and hands-on)
- (2) **Action and expression:** Giving students more than one way to interact with the material and show what they've learned
- (3) **Engagement:** Motivating students in multiple ways, such as letting students make choices and designing assignments that are relevant to them

**Positive Behavioral Interventions and Supports (PBIS):** Data-driven approach for developing students' positive behavior in the classroom, with initial screening, interventions that increase with intensity based on student need, and continuous progress monitoring as critical parts of the approach for all students. PBIS focuses on teaching positive behavior choices moment to moment. It involves setting and teaching observable behavioral expectations and acknowledging students for meeting these expectations.

**Culturally responsive teaching (CRT):** Understands, responds to, incorporates, and celebrates students' cultural references—engaging families/caregivers as equal partners. CRT creates learning environments that are respectful and inclusive, and that connect to and build upon what students know. By better understanding the whole child, caregivers and schools can better support learning together. Culturally responsive instruction increases student engagement and learning and behavior outcomes, especially for students who are culturally and linguistically diverse.

**Restorative practices:** Restorative practices are processes that build healthy relationships and a sense of community to prevent and address conflict and wrongdoing. Restorative practices can be used in schools to address student behavior and improve school climate by investing in relationships between students and educators. Restorative practices offer an opportunity for individuals to take full responsibility for the harm they caused and relies on individual understanding of how behavior affects others.<sup>56</sup>

Some legislative proposals seek to improve school discipline practices through the elimination of exclusionary discipline responses and the promotion of restorative approaches and school-wide positive behavior supports, and the reinstatement of school support personnel in the schools. Many schools throughout the country do not have a school nurse on site, nor a school counselor. For example, the Counseling Not Criminalization in Schools Act, introduced in 2020 by Senator Chris Murphy and Representative Ayanna Pressley, would prohibit schools or districts from using federal funds to cover the cost of having police in schools, instead diverting that funding toward hiring more counselors and social workers.<sup>57</sup> Additionally, the Keeping All Students Safe Act would make it illegal for schools receiving federal funding to put a student in seclusion, and would ban the practice

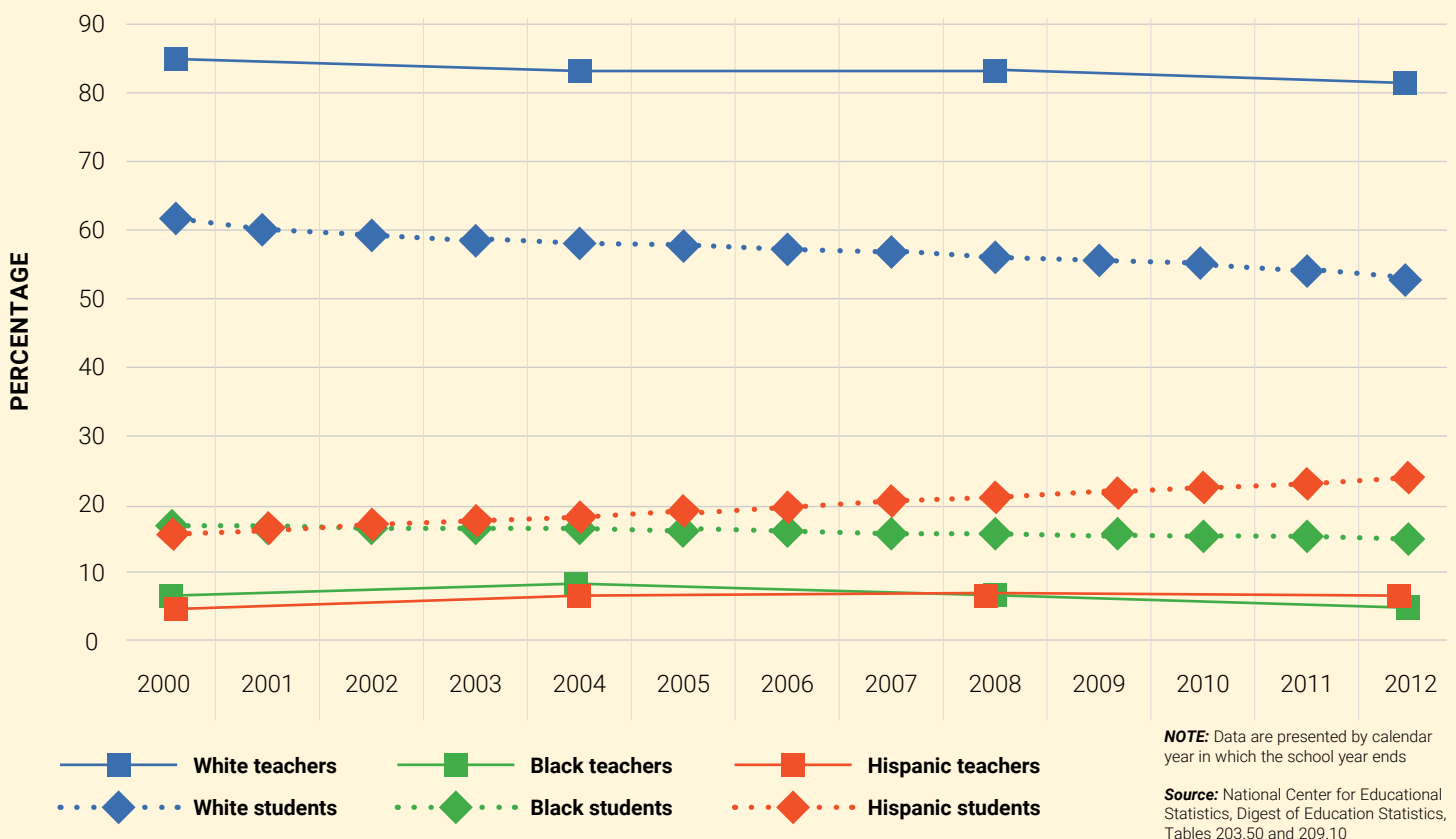


of restraining children, except in cases where it is necessary to protect staff and ensure student safety.<sup>58</sup> Introduced in 2019 by Representative Pressley, the Ending Punitive, Unfair, School-Based Harm that is Overt and Unresponsive to Trauma (PUSHOUT) Act seeks to address discriminatory discipline policies that disproportionately impact girl students of color and establishes a new federal grant to support states and schools that commit to banning these practices.<sup>59</sup> The passage and implementation of these bills could help foster safe and supportive school environments.

### Educator preparation and supports

Beyond investing in training and professional development on disability identification and student support, schools should focus on improving diversity and culturally responsive practices within the educator workforce. Increasing diversity in teacher populations has been tied to decreases in racial discipline disparities. A handful of studies have shown that in schools with higher concentrations of Black and Latinx teachers, Black and Latinx students are less likely to be subject to exclusionary discipline.<sup>60</sup> This impact is especially powerful for Black boys, with one study finding that in North Carolina schools, exclusionary discipline rates for Black male students decreased when they had a Black teacher.<sup>61</sup> Unfortunately, as the nation’s student populations become more and more diverse, teachers continue to be disproportionately White.<sup>62</sup> Data from NCES shows that White teachers made up 79 percent of the total K–12 teaching workforce in public elementary and secondary schools during the 2017–2018 school year, while 9 percent were Hispanic and 7 percent were Black.<sup>63</sup> Active efforts must be made by schools and districts to diversify their educator workforce, as doing so could greatly impact the success of their students.<sup>64,65</sup> Current proposals to address educator diversity include reforming the Teacher Quality Partnerships within the Higher Education Act<sup>66</sup> in an effort to encourage partnerships to create “grow-your-own” pathways toward degrees/teacher certification for candidates from untapped sources (e.g., paraprofessionals, early childhood caregivers) and meet the existing requirement to recruit “individuals from underrepresented populations.” These candidates are likely to reflect the diversity of the student population and to be dedicated to serving students of color and/or dual language learners. In addition, the Teacher Diversity and Retention Act<sup>67</sup> would provide funding to historically Black colleges and universities and other minority-serving institutions of higher education to establish or revamp programs to recruit and retain diverse teachers.

**Figure 4.** Student diversity is rapidly increasing. Teacher diversity is not.<sup>68</sup>



In addition to diversifying educators, schools can implement culturally responsive teaching (CRT) to better support a diverse range of students. CRT asks educators to see students' diverse backgrounds as strengths rather than weaknesses. Under this model, teachers would reflect on their own biases, use real-world examples, and draw on students' cultures when designing instructional materials and curriculum. This teaching approach has been shown to have powerful results, with studies showing that the kinds of strong racial-ethnic identities cultivated through CRT are linked to higher self-esteem and greater interest in school, as well as better academic attitudes, well-being, academic achievement, persistence, and ability to navigate discrimination.<sup>69</sup> While all states include some elements of CRT in their teaching guidelines, many states' guidelines can be much more thorough and specific in what they require.<sup>70</sup> Every state should have comprehensive and specific CRT guidelines, and provide schools and districts with the necessary resources and support to implement and monitor the impact of CRT practices.

## **Data reporting**

Having accurate and transparent data is essential to understanding the scope of the significant disproportionality problem, as well as where and how it is affecting students the most. Protecting and enforcing the Equity in IDEA regulations can help ensure that standardized data on special education identification by racial and ethnic groups continues to be made available.

However, in addition to Equity in IDEA, other data must be reported to ensure transparency of other inequities students experience in school. The U.S. Department of Education's Civil Rights Data Collection (CRDC) is one of the most comprehensive data sets available on the experience of public school students with disabilities, and is disaggregated by race and ethnicity. It is an important data source for tracking English learners who are enrolled in EL programs and are also students with disabilities. In addition, it is the only federal data source that considers a student's status under Section 504 of the Rehabilitation Act. While most federal data collections only consider students with disabilities to be those who are eligible under IDEA, the CRDC also recognizes the category of students with disabilities who are served under 504 plans. In order for there to be a better understanding of special education and disability trends, both 504 plan and IDEA data must be made readily available.

Further disaggregation in education-related data collections would also be helpful, including in areas related to income and ethnicity, to ensure that accurate and equitable decisions are made for students. Data should be disaggregated in a way that allows for cross-tabulation of data across race or ethnicity and income, with a minimum n-size to protect identity. For students receiving special education services, income status trends should be made public. In addition, the CRDC and IDEA data collections should disaggregate race and ethnicity data by the American Community Survey categories to prevent obscuring significant diversity within communities. For example, Asian Americans, Native Hawaiians, and Pacific Islanders make up an incredibly diverse demographic, including various communities with differing trends and experiences. By simply reporting these students as "Asian," great inequities within this demographic are obscured.<sup>71</sup>

## **Conclusion**

Inappropriately putting children into special education programs causes short-term and long-term harm, specifically for students of color, students from low-income backgrounds, and students of color from low-income backgrounds. Students misidentified as having disabilities and placed in special education are denied opportunities and rigorous curriculum that is crucial to their academic success. Additionally, even when appropriately identified, students of color, once placed in special education programs, are disproportionately secluded and harshly punished. The effects of these actions on children of color are widespread and damaging, though the experience of students from different racial or ethnic backgrounds may differ.<sup>72</sup> Local school districts, states, and federal lawmakers must acknowledge the widespread inequities that exist and take steps to improve practices and policies so every child is given the opportunity to receive a high-quality public education that meets their individual needs.

- <sup>1</sup> The category of “Asian students” is used here because it is the label used by the primary federal data source (the U.S. Department of Education) for the many students whose ethnicity is from countries in Asia, Southeast Asia, or the Pacific Islands. Though students with these identities may be grouped together within the “Asian” category for data purposes, the trends that exist for students with ethnic roots in one Asian country are not representative of all students in this demographic category. In particular, Southeast Asian and Pacific Islander students often experience education very differently than students with backgrounds from other Asian countries.
- <sup>2</sup> National Education Association. (2008). *Disproportionality: Inappropriate identification of culturally and linguistically diverse children*.
- <sup>3</sup> Ibid.
- <sup>4</sup> Harper, K. (2017). *The school-to-prison pipeline: The intersections of students of color with disabilities*. Retrieved 2020.
- <sup>5</sup> The term “Latinx” is used in this brief whenever possible, but where specific data sets use another term (such as “Hispanic”), that alternative term will be used for accuracy. The terms “Hispanic” and “Latino” are used interchangeably by federal agencies collecting data and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race. This document may also refer to this population as “Latinx” to represent the diversity of gender identities and expressions that are present in the community.
- <sup>6</sup> U.S. Department of Education. (2018). *40th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act*.
- <sup>7</sup> Graph created with data from the following report: U.S. Department of Education. (2018). *40th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act; Note on risk ratios*, from the original report: “Risk ratio compares the proportion of a particular racial/ethnic group served under IDEA, Part B, to the proportion served among the other racial/ethnic groups combined.”
- <sup>8</sup> Studies by Drs. Paul Morgan and George Farkas are often cited in support of the notion that students of color are underrepresented in special education, but other researchers have identified flaws in their work. For example, their research assumed that teacher reports on student behavior and scores on assessments were not biased measures, even though other studies have shown the opposite. Morgan and Farkas’ work also relied on parent and teacher reports on disability status, rather than potentially more accurate administrative records; Grindal, T., Schifter, L., Schwartz, G., & Hehir, T. (2019). Racial differences in special education identification and placement: Evidence across three states. *Harvard Education Review*, 89(4), 525–553.
- <sup>9</sup> Committee to Evaluate the Supplemental Security Income Disability Program for Children With Mental Disorders (2015). *Mental disorders and disabilities among low-income children*. Boat, T. F., & Wu, J. T. (Eds.). Washington, DC: National Academies Press.
- <sup>10</sup> Samuels, C. (2015, June 24). Minorities less likely to be identified for special education, study finds. *Education Week*. Available at: [http://blogs.edweek.org/edweek/speced/2015/06/minorities\\_identification\\_special\\_education.html](http://blogs.edweek.org/edweek/speced/2015/06/minorities_identification_special_education.html)
- <sup>11</sup> Child Trends (2013, July). *Adverse experiences: Indicators on children and youth*. Available at: <http://www.childtrends.org/indicators/adverse-experiences/>
- <sup>12</sup> Burke, N. J., Hellman, J. K., Scott, B. G., Weems, C. F., & Carrion, V. G. (2011). The impact of adverse childhood experiences on an urban pediatric population. *Child Abuse & Neglect*, 35(6), 408–413.
- <sup>13</sup> Child Trends (2013, July). *Adverse experiences: Indicators on children and youth*. Available at: <https://www.childtrends.org/indicators/adverse-experiences/>
- <sup>14</sup> Grindal, T., Schifter, L., Schwartz, G., & Hehir, T. (2019). Racial differences in special education identification and placement: Evidence across three states. *Harvard Education Review*, 89(4), 525–553.
- <sup>15</sup> Ibid.
- <sup>16</sup> National Education Association. (2007). *Truth in labeling: Disproportionality in special education*. Retrieved 2020.
- <sup>17</sup> U.S. Department of Education. *White House Initiative on American Indian and Alaska Native Education. (2015). School environment listening sessions final report*.
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