

## Promising Practices for Curbing Disproportionate Representation of Minority Students in Special Education

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The disproportionate representation of minority students in special education programs has been a persistent problem in American education. Being labeled as disabled often has a negative impact on social relationships and self-concept (Hallahan & Kauffman, 2004; Pavri & Monda-Amaya, 2001) and long-term outcomes such as graduation and employment (Blackorby & Wagner, 1996). Disproportionate identification of students from certain ethnic and racial groups begins in general education when teachers view a child's poor academic performance and/or behavior as a problem inherent to the child. It is critical for general education teachers and administrators to understand the relationship between insufficient supports and interventions in the classroom —

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academic and behavioral — and the overrepresentation of minorities in special education. This paper will examine the issue and explain general education practices that may reduce the number of students inappropriately identified and referred for special services.

Dunn (1968) was the first to bring attention to the practice of labeling students with mild learning problems as “educable mentally retarded” and placing them in segregated classrooms. These students were typically from low status backgrounds including “Afro-Americans, American Indians, Mexicans and Puerto Rican Americans; those from nonstandard English speaking, broken, disorganized, and inadequate homes; children from non-middleclass environments” (p.6). Disability labels allowed general education to “dump” students that were deemed difficult to teach into special education programs. As illustrated in Table 1, more than three decades later overrepresentation in special education remains a national problem.

For example, American Indian students are over three times as likely to be identified as learning disabled as Asian American students, and African American students are over twice as likely to be identified as meeting the criteria for mental retardation as White students (U.S. Department of Education, 2002). In California, 12% of African American students are identified as disabled, whereas only 7.4% of White students and 3.5% of Asian American students are classified as disabled (U.S. Department of Education, 2002). Similar to national statistics, over and under representation of students of color in specific categories such as

**Table 1**  
Representation in Special Education by Ethnicity

Ethnicity	Risk Indices		
	Learning Disabilities	Mental Retardation	Emotional Disturbance
American Indian/ Alaskan Native	7.45	1.28	1.03
Asian/Pacific Islander	2.23	.64	.26
Black	6.49	2.64	1.45
Hispanic	6.44	.92	.55
White	6.02	1.18	.91
Total	6.02	1.37	.93

Based on the fall 1998 Elementary and Secondary School Civil Rights Compliance Report, National Projections (Donovan & Cross, 2002). Risk indices equal the percentage of all students of a given racial/ethnic group receiving special education services under an identified disability category.

learning disabilities and mental retardation is a serious problem in California.

For example, African American students in California are more than twice as likely as White students and six times as likely as Hispanic students to be identified for the category of emotional disturbance (U.S. Department of Education, 2002). While many of the factors that may lead to disproportionate representation have been identified, little change in disproportional qualification rates has occurred. The focus needs to shift from the current status quo to using the identified factors to systematically address inequalities and offer a more equitable education for all students, including minority students in general and special education programs.

### The Role of General Education and Accountability

The most current issue that may impact the placement of minority students in special education programs is standards-based education. In recent years, curriculum and instruction have been organized around standards or skills and competencies that students demonstrate at each grade level in order to ensure consistency or standardization across teachers, programs, schools and districts (Tucker & Coddling, 1998). Standards-based education is the driving curricular force in most of the states in the U.S. (McDonnell & McLaughlin, 1997). The attainment of standards is often measured through large-scale assessments and consequences for the results of those tests are often considered "high-stakes." In high-stakes accountability systems, poor performing students may be more likely to be referred to special education so that they can be excluded from the test results (Zlatos, 1994). When students labeled as disabled are provided accommodations such as extra time or the use of a marker to track reading, their scores are not counted, thus, potentially inflating the school's or district's assessment results. The temptation to label underachieving students as disabled for purposes of exempting them from large-scale assessment is clear.

Another major contributing factor to disproportionate representation of minority students in special education settings is the failure of teachers and administrators in general education to provide effective instruction in reading and math and to effectively manage their classrooms (Orfield, Losen, & Edley, 2001). For example, recent research has identified effective strategies for ameliorating reading problems (Kamil, Mosenthal, Pearson, & Barr, 2000), yet there has not been systematic implementation of those strategies, especially in urban schools where students have the greatest needs.

A mismatch between minority learner characteristics and the mate-

rials and teaching methods presented in school contributes to underachievement among minority youth (Echevarria & Graves, 2003; Powers, 2001; Vogt & Shearer, 2003). Much of what students understand and are able to do in school is based on their background experiences, and most academic tasks and curricula reflect middle class values and experiences. Naturally, students who are culturally and linguistically diverse, especially those who are immigrants or from low socioeconomic status, may not have the requisite background to perform well academically. Their experiences and point of reference may differ significantly from those of the teacher and curriculum. Further, these students' behaviors may not be consistent with the values of school.

In general, students achieve better educational outcomes if they have been reared in a culture that has expectations and patterns of behaviors that are consistent with those of the school (Comer, 1984). For example, dominant teaching methods may not match a student's learning style. Greenbaum (1985) found that Choctaw and Anglo students who were presented with the same type of teacher directed lecture format displayed very different levels of engagement. The Choctaw students were hypothesized to appear less academically engaged due to the cultural incompatibility of this type of teaching. Similar findings have been reported with other ethnic groups such as Latino, native Hawaiian and African American (Echevarria, 1995; Hale-Benson, 1986; Harry, 1992a; Tharp & Gallimore, 1989).

Underachievement among minority youth, which leads to special education referral and placement, may also be explained by factors such as the effects of poverty (Smith, 2001), poor study habits and poor time management (Ford, 1998), cultural differences in students' and teachers' behavioral expectations (Patton & Townsend, 1999) and language differences (Cummins, 1984; Echevarria & Graves, 2003; Genesee, 1994).

### Special Education Referral, Assessment, and Placement

Disproportional representation of minority students in special education is most striking among the mild and moderate disability categories. These categories require subjective judgment because the disabilities do not have a clear biological cause and are less clearly identifiable. Thus, some argue that the disabilities themselves are socially constructed (Barnes, Mercer, & Shakespeare, 1999).

The socially constructed definition of disability contributes to overrepresentation (Keogh, 1975; Patton, 1998). What is considered "normal" is influenced by a number of factors including culture, age, point in history, and school expectations. The labels associated with mild

disabilities are assigned arbitrarily and are subject to extreme variability in identification rates. For example, three times as many children are served as learning disabled in Massachusetts as in Georgia, and 10 times as many children are labeled as mentally retarded in Alabama as in New Jersey (MacMillan & Reschly, 1998). It seems that there is an element of subjectivity in the referral and assessment process for learning disabilities and emotional disturbance that calls into question the extent to which student needs have been appropriately identified.

All students placed in special education programs are required to have gone through a referral, assessment, and placement process. For students with mild or moderate disabilities, the process is initiated once a student is experiencing considerable difficulties in the general education program, in either academic or behavioral areas or both. Whether or not a student is referred for special education is often a reflection of teacher tolerance and the interaction of perceived student ability or behavior with the teacher's own expectations and approach to instruction and classroom management (Podell & Soodak, 1993).

Typically, a student is referred to a site-based team that examines the reason for the referral and makes recommendations for interventions to be implemented in the general education program. Site-based intervention teams have been shown to decrease referral and special education placement (Fuchs, Fuchs, & Bahr, 1990; Ysseldyke & Marston, 1999), and even reduce disproportional referrals of minority students to special education (Marston, Muyskens, Lau, & Canter, 2003; Powers, 2001). Unfortunately, many of these teams act as "capitulation conferences" by confirming the referring teacher's notion that student failure is equal to student disability. Furthermore, lack of cultural diversity among the members of the team may limit the implementation of appropriate and effective interventions that in turn contributes to placement of minority students in special education (Harry, 1992b). This is often exacerbated when second language issues contribute to a student's underperformance (Echevarria & Graves, 2003). Recruitment and retention of a diverse staff is an important variable in addressing issues of disproportionality (Salend, Duhaney & Montgomery, 2002). Teachers who understand and are familiar with culturally appropriate behaviors that may conflict with school expectations are invaluable resources both as classroom teachers and also as members of site based problem solving teams to which students are referred when they experience academic and behavioral problems. In addition to offering an informed, knowledgeable perspective to school personnel, these individuals also may serve as an important liaison between the school and the home.

While minority students often demonstrate poor educational perfor-

mance and may qualify for placement in special education programs, ecological rather than within-child factors may account for their poor performance but are not considered to a sufficient degree. Quality of the instructional environment, years of classroom teacher's experience, amount and type of English language support (for English language learners), communication between the teacher and specialists, classroom management and other factors impact a child's academic performance and behavior. While IDEA 1997 (U.S. Department of Education, 2002), the current special education federal law, requires eligibility decisions to be based on tests that "are selected and administered so as not to be discriminatory on a racial or cultural basis" [300.532(a)(1)(i)], often poor performance on these tests is more a result of inappropriate educational experiences than a disability (Cummins 1984).

Patton (1998) argues that despite these laws and regulations, policies and processes used in special education continue to reflect the values, attitudes and needs of the dominant culture in the U.S. Over the years, substantive changes in special education referral, placement and categorical services that may reduce the disproportionate representation of minority students have not taken place for a variety of reasons. Primarily, special and general educational systems are replete with obstacles for students from diverse ethnic communities. For example, there is a lack of supports and services in the general education environment that will assist students with academic and behavior problems to achieve success. Also, students in urban schools are the most needy but often have teachers who are the least prepared to deal with students who have significant academic needs. They tend to be unfamiliar with the research-based reading instruction that must be provided to all students who struggle with reading (Patton, 1998; Vaughn, Gersten & Chard, 2000). When referred to special education, appropriately or inappropriately, there is no guarantee that the special education personnel have sufficient understanding of the cultural or linguistic factors that may be affecting student performance.

As an indicator that overrepresentation is a cause for concern, the U.S. Office of Civil Rights monitors four socially constructed categories because of possible Civil Rights infringements: mental retardation, emotional disturbance, specific learning disabilities and speech and language impairments. Results for three of these categories from 1998 can be found in Table 1. If however, students' academic achievement and mental health were significantly advanced by special education, few would be concerned about overrepresentation. As Skrtic (1991) noted:

Given the weak effects of special educational instructional practices and the social and psychological costs of labeling, the current system of

special education is, at best, no more justifiable than simply permitting most students to remain unidentified in regular classrooms, and, at worst, far less justifiable than regular classroom placement in conjunction with appropriate in class support services. (p. 156)

### Special Education Services and Outcomes

Special education services are intended to provide support to students with disabilities so that they may reach their full academic and social potential. These supports include an individualized educational program that is evaluated and reviewed annually and services that are delivered by a teacher(s) with specialized training in a setting with a student-teacher ratio that is considerably lower than that in general education (Reschly, 1996). One of the positive outcomes of special education services is that invaluable support has been provided to many students who need it, particularly students with severe cognitive or sensory disabilities. However, there still remains great concern about the disproportionate representation of minority students in special education programs that serve students with mild and moderate disabilities, primarily because the educational and post-secondary outcomes of special education students is rather dismal.

Students who are segregated through pull out or placement in a separate class miss essential exposure to the core academic curriculum and opportunities to develop socially (Pavri & Monda-Amaya, 2001). Furthermore, they may be more likely to receive instruction from insufficiently prepared teachers. Special education teachers in urban settings are among the least prepared. In one large urban school district in California, 21% of all teachers work on emergency permits and 45% of special education teachers are not fully credentialed. Accordingly, once students are removed from the mainstream, it is nearly impossible for them to catch up to their peers; placement in a segregated special education setting is often a life sentence (Mamlin, 1995). Minority students placed in special education are even less likely to return to the general education program than White students with disabilities because minority students are served in more restrictive settings (Lipsky & Gartner, 1995); thus, they are more likely to be confined to “dead-end” programs (Judge Peckman, cited in Reschly, 1997).

The current high-stakes accountability landscape has made it even more difficult for special education students to graduate from high school. Currently, 22 states have graduation exams that students must pass to receive a diploma. In addition, 19 of these states have credit or Carnegie unit requirements. In other words, students must take and pass a number of required classes and pass a high school exit exam to graduate

from high school. In this manner, one of the biggest issues for students receiving special education services is access to the standards and curriculum on which they will be assessed (Elliott, 2000). For example, a student who is removed from the general education program for part or all of the school day, is often less likely to be provided standards-based instruction taught by a teacher who has the content knowledge. Tragically, students with disabilities are not afforded the same access and opportunity to learn the material assessed by high-stakes tests as students without disabilities (Thurlow, Elliott & Ysseldyke, 2002). The overrepresentation of African American and American Indian students in special education may contribute to their disproportional failure rates on these exams.

Additionally, there appear to be limited postsecondary opportunities for minority students in special education. Oswald, Coutinho and Best (2000) reported that among secondary aged youth with disabilities, about 75 percent of African American students, as compared to 47 percent of white students, are not employed two years out of school. Slightly more than half (52%) of African Americans, as compared to 29 percent of White young adults, are still not employed three to five years after school (Oswald et al., 2000). The postsecondary statistics for unemployment and underemployment of minorities with disabilities remain alarmingly high suggesting that the combination of minority and disability status acts as a double jeopardy (Lipsky & Gartner, 1995).

Since special education programs are more costly than general education programs, inequity in over-identification of minority students lies not in resource inequality, but in the deleterious effects of being categorized as disabled, removed from the general education curriculum and instruction, subjected to inferior educational programming, and deemed expendable in the high-stakes accountability system. There are many programs in which minority youth are overrepresented, including Head Start, free/reduced cost lunch, and Title 1. Yet these programs have not been nearly as controversial as special education (Reschly, 1997). Unlike these other programs, special education segregates students into a parallel system with its own schools, classrooms, teacher training, due process, accountability, and curriculum (Ysseldyke & Marston, 1999), and this system continually fails to demonstrate results (Skrtic 1991).

### Promising Practices for Curbing Disproportionate Representation in Special Education

The National Research Council (Donovan & Cross, 2002) and the Center for Civil Rights at Harvard University ([www.civilrightsproject.harvard.edu](http://www.civilrightsproject.harvard.edu)) have provided the field with important information about the



issue of disproportionate representation of minorities in special education programs. The following discussion on promising practices is organized around and elaborates on some of the findings of both organizations.

### ***Improved Teacher Preparation***

Preparing general education and special education teachers to work effectively with culturally and linguistically diverse students begins at the preservice level. Teacher preparation programs that address issues of diversity, second language acquisition, culturally relevant instructional methods and empirically supported interventions contribute to a teaching force that implements meaningful and appropriate instruction for students with differing abilities (Echevarria & Graves, 2003). However, change requires more than curricular adjustments in teacher preparation programs. Preservice teachers benefit from field experiences in culturally and linguistically diverse communities and opportunities to acquire a realistic understanding of real school conditions (Bynoe, 1998). Appreciation of cultural, linguistic, and learning differences is promoted when teachers understand the issues that underlie those differences. Students' interactions with their teachers can be either disabling or empowering and the quality of teacher-student interaction has a significant impact on academic performance and classroom behavior (Kea & Utley, 1998). Further, instruction that takes into consideration students' English language development needs has a positive impact on achievement (Echevarria, Vogt & Short, 2004). As Bynoe (1998) so aptly states, "Failure to effectively prepare teachers inevitably leads to the school's failure to effectively prepare children" (p. 39).

Effective teachers reflect on their practice and are mindful of the interaction between the learner, instructional setting, materials, and teaching methods, making adjustments as needed to facilitate learning. The importance of context to learning cannot be overstated; characteristics of the classroom and school can increase the risk for academic and behavioral problems. Teachers need training in understanding the interaction between learning and context, avoiding the deficit model which views academic and behavior problems as a within child problem.

Another important aspect of teacher preparation involves literacy. The majority of referrals to special education are made for reading difficulties — fully 80% of students identified as learning disabled have problems with reading. All teachers, including special educators, would benefit from intensive training in how to teach reading and its associated skills. Although there is not universal agreement about the best way to teach reading, empirically sound teaching methods have been identified and must be instantiated in practice.

Finally, more research needs to address the effects of teacher variables (e.g., their beliefs and professional experiences) and teaching contexts (e.g., type of instruction, grouping configurations, and curricula) on student achievement (Keogh & Speece, 1996). The interaction of the teacher, the type of pedagogy used, selection of materials, etc. may have a profound impact on student performance.

### ***Earlier Intervention***

Students who are experiencing difficulties require systematic intervention to enable them to participate fully in the academic and social opportunities offered by school. At present, students must exhibit significant academic or behavior problems before they are eligible for specialized support services. However, a more effectual and humane approach is to give appropriate supports in the general education program as soon as risk factors are manifested. Early intensive intervention significantly improves reading ability in children who struggle (Allington, Stuetzel, Shake & Lamarche, 1986) which results in fewer referrals to special education.

All youngsters should be screened for potential reading problems since early identification and intervention reduces problems that are exacerbated by time and continued failure. Screening tools that identify gaps in pre-reading skills, such as the *DIBELS* (Good, Simmons, & Smith, 1998) and *Get Ready To Read* (Whitehurst, Lonigan, Fletcher, Molfese & Torgesen, 2001), provide the kind of early identification and treatment needed to reduce referrals to special education. Similarly, multi-gating procedures can identify early problem behaviors and allow for early treatment of maladaptive behaviors before they become entrenched and difficult to modify. Multi-gating procedures require all the teachers in a school to complete rating scales on three or four students in their class. Students are selected based on exhibiting any type of academic failure or aberrant behavior (either internalizing or externalizing), however mild. Students who receive below average rating scores are further assessed and individualized achievement or behavior plans are implemented based on these assessments (Merrell, 2000).

### ***Search for Interventions Rather Than Disabilities***

School-based intervention teams have the potential for curbing the over-identification of minority youth in special education, especially when there is a diverse membership of individuals, including parents, who are most knowledgeable of the issues related to diverse learners (Harry, 2002). Together, the team brainstorms ideas and suggests strategies to implement within the general education program, offering

supports that address the student's emotional and/or academic needs as well as giving consideration to the student's unique cultural and linguistic characteristics. The emphasis is on resolving the problem within the general education program by identifying interventions rather than student disability. Interventions may include small group instruction, a home visit, more intensive English language development, counseling, differential reinforcement of prosocial behaviors, or explicit teaching of learning strategies for students who need assistance in learning how to learn. A key element to this process is progress monitoring. Progress monitoring allows the team to evaluate intervention effectiveness, which in turn leads to higher intervention fidelity, better results, and data based decision-making.

If, as noted above, repeated interventions fail to produce the desired results, special education supports may be considered by the team. This consideration is based on a student's insufficient response to general education interventions and subsequently the level of support needed to increase achievement. The benefits of focusing on interventions and intervention responsiveness rather than disability are twofold: (a) more students' needs are met in the least restrictive environment, and (b) useful information is gathered for designing individualized programs for the student. The first point suggests that fewer minority youth will be identified as disabled, and the second point promises that for those who are determined in need of special education, their programs will be improved by identifying instructional strategies and curriculum modifications that are effective for an individual child.

### Conclusion

Disproportionate representation of minority students in special education has been a persistent problem that has plagued American education for decades. The issues surrounding this trend are complex and are often shaped by the cultural experiences of students and the professionals with whom they work (Salend, Duhaney, & Montgomery, 2002). Recent research on identification, referral and placement of minority students in special education provides the field with an important body of work that has the potential to inform policy and practice (Oswald & Coutinho, 2001; Oswald, Coutinho, Best & Singh 1999; Salend et al, 2002). However, what we do know has not sufficiently impacted the practices that affect the lives of minority students. Modifications to the Individuals with Disabilities Act and accompanying regulations likely to occur in 2004 attempt to correct over identification of minority youth in special education programs by strengthening pre-referral interventions

and introducing a response-to-intervention model to identifying students with specific learning disabilities (the largest category of disabled students). Researchers of the response-to-intervention model are just beginning to demonstrate its capacity to curb overrepresentation (e.g., Marston, et al., 2003; Ysseldyke & Marston, 1999). Further research needs to be extended to investigate effective educational programs that address the academic, cognitive and emotional needs of students at risk for inappropriate placement in special education programs.

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