Disproportionality in Special Education: What Do We Know and What Should We Do?

Russ Skiba
The Equity Project at Indiana University

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Equal Educational Opportunity Since Brown v. Board of Education

- Federal Protections:
  - Title VI of Civil Rights Act
  - No Child Left Behind
  - IDEA

- Yet Disparities Remain:
  - Achievement gap
  - Gifted/Talented
  - Discipline
Background: This Didn’t Start Yesterday

- 1787: Thomas Jefferson
- 1853: Margaret Douglas jailed
- 1897: *Plessy v. Ferguson*
  - Jim Crowe included burning of schools
- 1900-1930: Development of mental testing and eugenics
- The purpose of education before *Brown*
“I advance it therefore as a suspicion only, that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind.”

Thomas Jefferson (1787)

*Notes on the State of Virginia*
Lewis Terman  
(1877-1956)  

Developer of Stanford-Binet Test;  
Developed and popularized intelligence quotient  

“Their dullness seems to be racial, or at least inherent in the family stocks from which they come. The fact that one meets this type with such extraordinary frequency among Indians, Mexicans, and negroes suggests quite forcibly that the whole question of racial differences in mental traits will have to be taken up anew and by experimental methods.”
Indiana: Ahead of the Curve on Disproportionality

- Indiana Disproportionality Project
  - Est’d 1998
  - CEL, Equity Project (CEEP), 10 corporations

- Goals
  - Monitor and evaluate status of disproportionality
  - Understand context and causes
  - Address the issues creating and maintaining inequity in special education
I. What does the data say?
Disproportionality in Special Education: African American Students

Relative Risk: 2.60
Relative Risk: 1.60
Disproportionality in Special Education: Latino Students

Relative Risk: 0.75
Relative Risk: 0.28
Disproportionality in Settings: African American Students

Relative Risk: 0.73
Relative Risk: 2.48
Disproportionality in Settings: Latino Students

<table>
<thead>
<tr>
<th>Setting</th>
<th>Latino %</th>
<th>All Other %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reg. Class</td>
<td>57.71</td>
<td>63.43</td>
</tr>
<tr>
<td>Sep. Class</td>
<td>16.04</td>
<td>13.01</td>
</tr>
</tbody>
</table>

Relative Risk:
- Latino: 0.91
- All Other: 1.24
Disproportionate Representation: Some Interesting Characteristics

- Greatest in the judgmental categories (Donovan & Cross, 2002; Losen & Orfield, 2002)
- Increases as the racial/ethnic group increases in proportion (Parrish, 2002)
- Complex patterns across national, state, and local (Harry & Klingner, 2006)
Indiana Out-of-School Suspension Incident Rate Comparison: 2003 and 2005
Indiana Expulsion Incident Rate Comparison: 2003 and 2005

Incident Rate Compared to White Students

- Asian: 0.27 (2002-2003), 0.3 (2004-2005)

(Equal Likelihood Line)
How Do We Know Its Disproportionate? Three Measures

- **Composition Index**
  - African Americans represent 11% of our students who are enrolled but 25% of those in special ed.

- **Risk Index**
  - The risk of any AA student being in special education is 16.5%

- **Relative Risk Index**
  - African American students are 2.6 times as likely to be served in the mental disability categories
Disproportionality Terms in IDEA 2004

- Significant Disproportionality
  - Racial/Ethnic Over-representation in
    - Overall Special Ed Enrollment
    - Categories & Settings
    - Suspensions and expulsions
    - Requires reservation of 15% of funds for EIS

- Disproportionate Representation
  - Based on federal monitoring priorities
  - Overall, Categories, Discipline
  - Requires submission of action plan
II. What are the causes?
What Causes Disproportionality in Special Education and Discipline?

- Test bias?
- Poverty?
- Unequal Educational Opportunity?
- Special Education Eligibility Process?
- Classroom Behavior/Management?
- Cultural Issues?
Psychometric Test Bias

- Extensively studied in 1970’s/80’s
- Evidence against test bias:
  - Extensive analysis yielded little evidence
- But is the case closed?
  - Old and not fully representative research
  - New research on item bias
  - What about bias in language, administration?
The Effects of Poverty (In General)

- Poverty is associated with lower achievement/cognitive growth
  - Neighborhood & housing stability
  - Home environment
  - Family health care
The Effects of Poverty in Indiana

“Is ethnicity the problem or is poverty the problem?”
---Principal

“There are days that I walk away with like 200 pounds on my shoulders thinking ‘it keeps getting worse.’ The stories are more bizarre, more traumatic; how can we possibly meet all these needs?”
---Classroom Teacher
The Effects of Poverty (on Disproportionality)

- Poverty predicts lower achievement
  - But disability categories are more than low achievement

- The Data
  - Prediction of sp.ed. from poverty inconsistent and often counterintuitive
    - ED: Richer districts have more disproportionality

- Do we carry our assumptions about poverty too far?
Unequal Opportunity in General Education

- Racial and ethnic disparities in:
  - Physical facilities/resources
  - Unequal funding formulas
  - Curriculum
  - High quality teaching
Educational Resources in Indiana

“I do have to wonder why we don’t invest a little bit more resources at the primary level when things are little smaller..as opposed to waiting till they get to middle school and high school and their parents have just about given up.”

--Principal
Special Education Eligibility and Decision Making

- Referral
  - Disproportionality appears to begin at referral
- Assessment and decision making (NRC)
  - Numerous sources of slippage
  - But findings were mixed.
Referral and Decision Making in Indiana

“I am pretty open to referring any child that is not finding success. My goal is for every child to be successful.”
--Classroom Teacher

“If there’s a chance they might qualify, it’s always to their benefit to have them checked.”
--Classroom Teacher
Disproportionality Begins at Referral

African American Disproportionality: Referral-to-Eligibility

- Referral: 3.12
- Testing: 1.10
- Eligibility: 0.92
Classroom Behavior and Classroom Management

- Disproportionality in school discipline
  - Not simply due to poverty
  - No evidence of differential disruption
What Behaviors are Students Referred For? By Race

Of 32 infractions, only 8 significant differences:

- White students referred more for:
  - Smoking
  - Vandalism
  - Leaving w/o permission
  - Obscene Language

- Black students referred more for:
  - Disrespect
  - Excessive Noise
  - Threat
  - Loitering
Classroom Behavior and Classroom Management

- Disproportionality in school discipline
  - Not simply due to poverty
  - No evidence of differential disruption

- Also disproportionality in special ed. disciplinary provisions
  - African American students more likely to be referred for behavior
Figure 6. Black Student Relative Risk for IDEA Discipline:
2004-2005 School Year

IDEA Disciplinary Provision Category

Other Suspension/Expulsion
> 10 Days

Drug/Weapon

Hearing Officer
Behavioral Issues in Indiana Schools

“Behaviorally I don’t feel that the needs of the children are met adequately at all.”

--Classroom Teacher

“If we had more resources for behavior and we could take care of those problems and address those issues in class...we could get that behavior controlled in class [and] they might not need a referral.

--Classroom Teacher
Issues of Culture

- How well does our teaching force reflect our population?
- Cultural reproduction: The effects of history today
  - How do unconscious actions maintain inequity?
Issues of Culture in Indiana Schools

“A lot of things that go on if the teacher doesn’t understand it, while it isn’t really acting out behavior it could appear to be...threatening behavior.”
--Special Education Director

“We talked about it at lunch the other day and one of the black teachers said, ‘You know, sometimes I think some teachers are afraid of the little black boys.’”
--Classroom Teacher
The Multiply-Determined Nature of Disproportionality

- Implications:
  - There is no single cause of disproportionality
  - Underlying causes will vary by area, locale, grade level
  - Intervention plans must be tailored to local needs
    - Needs assessment as crucial
III. What do we do?
Interventions Identified to Address Disproportionate Representation

- Training in Culturally Responsive Teaching
- Early Literacy Approaches
- Improved Behavior Management
- Prevention and Early Intervention
- Preferral Intervention/RTI
- Improved Assessment
- Family and Community Involvement
Addressing Disproportionality through Ruby Payne?

- “A Framework for Understanding Poverty”
  - 800,000 copies sold
  - “...students who bring the middle class culture with them are decreasing in number and the students who bring the poverty culture are increasing in numbers.”

- Critiques
  - “Her views on the poor lack substantiation in research.” (Bomer et al., 2008)

- But what if it's not just poverty...?
Other Causes of Disproportionality

- Test bias
- Unequal Educational Opportunity
- Special Education Eligibility Process
- Classroom Behavior/Management
- Cultural Issues
Studying Equity at Home: The LEAD Process

- Develop a Team
  - Examine the data
  - Courageous conversations
- Identify Actions of Greatest Potential Impact
- Develop a Plan
- Implement, Assess, Adapt
LEAD Projects Implementation

- Ten districts piloted LEAD projects
  - Pre-Referral Process
  - Peer Coaching
  - K-2 Instructional Project
  - Family Involvement
## Results in Pilot Districts

Table 1: Trends in African American Disproportionality

<table>
<thead>
<tr>
<th>Relative Risk</th>
<th>Statewide</th>
<th>Non-LEAD</th>
<th>Most Active LEAD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Disability</td>
<td>-0.3%</td>
<td>0.3%</td>
<td>-19.3%</td>
</tr>
<tr>
<td>MiMH</td>
<td>-6.7%</td>
<td>-2.2%</td>
<td>-18.9%</td>
</tr>
<tr>
<td>MoMH</td>
<td>-2.3%</td>
<td>2.7%</td>
<td>-18.5%</td>
</tr>
<tr>
<td>EH</td>
<td>2.0%</td>
<td>-2.4%</td>
<td>-4.2%</td>
</tr>
<tr>
<td>LD</td>
<td>12.4%</td>
<td>17.9%</td>
<td>3.9%</td>
</tr>
<tr>
<td>CD</td>
<td>5.2%</td>
<td>-2.5%</td>
<td>-17.0%</td>
</tr>
<tr>
<td>Regular Class</td>
<td>7.4%</td>
<td>3.1%</td>
<td>5.1%</td>
</tr>
<tr>
<td>Separate Class</td>
<td>16.5%</td>
<td>29.9%</td>
<td>-1.9%</td>
</tr>
</tbody>
</table>
A Needs- Based Approach to Address Inequity

- Examination of *disaggregated* data
Risk Indexes (Mental Disability):
African Americans

<table>
<thead>
<tr>
<th>Year</th>
<th>African American</th>
<th>All Other</th>
<th>Statewide AA Avg</th>
<th>Statewide AO Avg</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006-2007</td>
<td>5.48%</td>
<td>4.36%</td>
<td>1.26%</td>
<td>1.20%</td>
</tr>
<tr>
<td>2007-2008</td>
<td>4.15%</td>
<td>4.36%</td>
<td>1.20%</td>
<td>0.80%</td>
</tr>
</tbody>
</table>

Relative Risk Ratios (Mental Disability):
African American vs. All Other

<table>
<thead>
<tr>
<th>Year</th>
<th>RRR 2006-2007</th>
<th>RRR 2007-2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006-2007</td>
<td>4.35</td>
<td>3.63</td>
</tr>
<tr>
<td>2007-2008</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.
A Needs- Based Approach to Address Inequity

- Examination of *disaggregated* data
- Develop local, culturally representative hypotheses
What is Our Theory?

- Test bias?
- Poverty?
- Unequal Educational Opportunity?
- Special Education Eligibility Process?
- Classroom Behavior/Management?
- Cultural Issues?
The Difficulty of Talking About Race

“When you say minorities, are you, what are you speaking of?...[INTERVIEWER: Ethnic and racial minorities]...Oh....OK...Alright...We have like...I guess we have about half and half. I don’t know that I’ve ever really paid attention to it .”

--Classroom Teacher
Overall, do you think problems with the hurricane relief effort are or are not an indication of racial inequality in this country?

<table>
<thead>
<tr>
<th>Among:</th>
<th>SIGN OF RACIAL INEQUALITY</th>
<th>NOT ABOUT RACIAL INEQUALITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHITES</td>
<td>25%</td>
<td>73%</td>
</tr>
<tr>
<td>BLACKS</td>
<td>63</td>
<td>36</td>
</tr>
</tbody>
</table>

No opinion not shown.
A Needs- Based Approach to Address Inequity

- Examination of *disaggregated* data
- Develop local, culturally representative hypotheses
- Culturally responsive intervention
<table>
<thead>
<tr>
<th>Programs (Literacy)</th>
<th>Purpose</th>
<th>Materials/Cost</th>
<th>More Information</th>
</tr>
</thead>
</table>
| **Read Well**       | • K-1  
                      • Proven effective with ELL students  
                      • Improve students literacy | • Instructors packages $300-$1000  
| **Peer-Assisted Learning (PALS)** | • Grades K-6  
                      • Math/Reading  
                      • Used w/ students w/ diverse ability levels, including ELL & students w/ LD  
                      • Supplemental | • Materials range from $15 to $35 | [http://kc.vanderbilt.edu/pals/ordering](http://kc.vanderbilt.edu/pals/ordering) |
| **Read Naturally** | • Reading fluency K-3 Grades  
                      • Effective with English Language Learners (ELL)  
                      • Supplemental | Est. cost $10,000 ($108 per student) | [www.readnaturally.com](http://www.readnaturally.com) |
| **Read 180**       | • To meet the needs of struggling readers whose reading achievement is below proficient level Grades 4th-12th | • $30,000 per school | [1-877-234-READ teacher.scholastic.com/products/read180/](http://www.scholastic.com/products/read180/) |
A Needs-Based Approach to Address Inequity

- Examination of *disaggregated* data
- Develop local, culturally representative hypotheses
- Culturally responsive intervention
- Evaluate on the target behavior: Did we really reduce disproportionality?
Referral Rates

RRR=2.0

Overall Rate

Disaggregated Rate

Rate of Referral to Special Ed.
Referral Rates

RRR = 2.0

Bar chart showing:
- Overall Rate: 9.19
- Disaggregated Rate: 10.13

Legend:
- BLACK
- WHITE
- OVERALL
Referral Rates Disaggregated

RRR=4.0

Incident Rate Per 100 Students

Overall Rate

Disaggregated Rate

0 5 10 15 20 25

BLACK
WHITE
OVERALL
Referral Rates

RRR = 2.0

Rate of Referral to Special Ed.

- Overall Rate
  - Black: 14.18
  - White: 10.12
  - Overall: 20.24

- Disaggregated Rate
  - Black: 14.18
  - White: 10.12

Legend:
- Black
- White
- Overall
Referral Rates: Equity

RRR=1.0

Overall Rate

<table>
<thead>
<tr>
<th></th>
<th>BLACK</th>
<th>WHITE</th>
<th>OVERALL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate</td>
<td>9.18</td>
<td>9.18</td>
<td>9.18</td>
</tr>
</tbody>
</table>

Disaggregated Rate
Some Relative Lengths...

- State sponsored discrimination: 351 years
- Since its end: 39 years
"The past isn't dead and buried. In fact, it isn't even past."

--William Faulkner