



## **Core Principle: Disproportionality in Identification for Special Education**

In December of 2016, the United States Department of Education (USED) finalized guidance and regulations to address racial and ethnic disparities in special education eligibility, placement, and school discipline. Disproportionality in special education placement and school discipline are issues that need to be addressed by educators and policymakers, as students of color—especially students of color with disabilities—are disproportionately subjected to exclusionary discipline and may more often be placed in segregated settings that limit their access to a rich, rigorous education. The focus of this paper, however, is on the issue of identification of students of color as having learning and other disabilities. We will issue future papers on placement and discipline.

When the Department issued its new policy documents four years ago, the agency noted the commonly accepted fact that “children of color with disabilities are overrepresented within the special education population.” The Department also noted that it is critical to “ensure that overrepresentation is not the result of misidentification, including both over- and under-identification,” and that it is equally important to “ensure that all children who are suspected of having a disability are evaluated and, as appropriate, receive needed special education and related services in the most appropriate setting.”

To address under-identification, the [guidance](#) issued by USED reiterated the longstanding and important legal requirement that “[s]tudents with disabilities have a civil right to receive necessary individualized special education and/or related aids and services.” To address patterns of over-identification, the Department issued new regulations that established the requirement for “...a standard methodology states must use to determine whether significant disproportionality based on race and ethnicity is occurring in the State and in its local educational agencies (LEAs) (81 Fr 92376, 12/9/2016).”

Disproportionality is often explained in the literature as situations when a group’s representation in a particular disability category *exceeds* expectations. It is the position of the Learning Disabilities Association of America (LDA) that disproportionality in identification involves both under- and over-identification of students of color. Disproportionate identification is complex, context dependent, and the result of a number of factors. Using “a standard methodology” to guard against over-identification is important. If, however, State Educational Agencies (SEAs) do so without meeting their responsibility to ensure every student’s legal right to a Free Appropriate Public Education (FAPE) under the law, children with disabilities may not receive the services and supports that they both need and deserve. LDA advocates for policies and practices that will ensure each child is considered as an individual with a unique set of circumstances. We assert that racial, ethnic, language, and economic factors should not create barriers to receiving the services and supports afforded by the Individuals with Disabilities Education Act (IDEA).

Disproportionality is often explained in the literature as situations when a group's representation in a particular disability category *exceeds* expectations. It is the position of the Learning Disabilities Association of America (LDA) that disproportionality in identification involves both *under* and over-identification of students of color. It is critical that state and local education agencies attend to the serious issue of disproportionality in special education. In addressing this issue, LDA urges LEA's & SEA's to recognize the fact that disproportionate identification is complex, context dependent and the result of a number of factors. The conceptualization of disproportionality as a "risk ratio" could lead to overly formulaic responses by LEAs and (SEAs) and a sole focus on overrepresentation. LDA advocates for policies and practices that recognize the complexities of disproportionality in identification and which will ensure each child is considered as an individual with a unique set of circumstances. We assert that racial, ethnic, language and economic factors should not create barriers to receiving the services and supports afforded by the Individuals with Disabilities Education Act (IDEA)

Debate over disproportionality has long focused on the over-representation of culturally and linguistically diverse students in special education. As early as 1968, Dunn proposed that educator and societal bias resulted in students of color and in particular, Black students, being placed in special education at a higher rate than their white peers. This emphasis on overidentification and the potential stigmatizing impact of special education eligibility and placement has dominated much of the disproportionality debate (Blanchett, 2006; Codrington & Fairchild, 2012; Hosp & Reschley, 2003). Early studies that did not control for other explanatory variables did indeed find overrepresentation at a descriptive level. More recent research that controls for confounds at the individual student level, and so compares similarly situated students, challenges the prevailing assertion that children of color are consistently over-identified for special education.

A number of researchers (Elder, et. al., 2019; Fish, 2019; Morgan et. al. 2015 & 2017; Shifrer, 2018; Shifrer, et. al., 2011) find that in many situations, students of color are less likely than their white peers to be identified and to receive special education services, despite demonstrating similar levels of academic performance and behavior, even when attending the same schools. Under-identification of students of color with disabilities occurs prior to and following school entry in general and across specific disability conditions (Constantino, 2020; Dababnah et. al., 2018 and Morgan et al., 2012). Achievement gaps have recently been reported to largely explain minority over-representation in special education (Farkas et al., 2020; Shifrer, 2018). Control for these gaps indicated that, on average, U.S. school districts are more likely to identify and provide special education services to white students than to Black or Hispanic students. Studies in public health also find that students of color are less likely to be diagnosed and receive treatment for health conditions including disabilities (Flores et al., 2010; Miller et al., 2008). Students of color are less likely on average to be identified as having learning disabilities including dyslexia as well as comorbid conditions such as speech or language impairments or ADHD (Bax et al., 2019; Constantino, et. al., 2020, Morgan et al., 2016; Morgan et al., 2017; Odegard et al., 2020). There is evidence, however, that students of color are more likely to receive less socially desirable classifications such as emotional disturbance and intellectual disabilities (Harper, 2017). It is the experience of LDA members that often, students of color are misidentified as intellectually disabled or emotionally or behaviorally disordered when in fact they have undiagnosed learning disabilities.

Researchers have found that context plays a role in that students of color attending schools that were primarily non-white, were less likely to be identified with a qualifying disability than those attending predominantly white schools (Fish, 2019; Hibel et al., 2010; Odegard et. al., 2020; Elder, et. al., 2019; Shifrer & Fish, 2019). While still finding under-identification in students of color overall, Shifrer and Fish suggest the likelihood that a student is classified as having a disability seems to be higher in cases when the student is distinctive from the majority of students in the school in terms of “nonclinical qualities” such as race and English learner status (2019, p. 1). Fish notes (2019) that a higher proportion of “...teachers of color may help remediate disparities in access to special education services” (p. 221). Cooc (2017) found that, when teachers compared white students and students of color with similar academic and behavioral profiles, teachers were less likely to consider the difficulties experienced by students of color as potentially the result of a disability. It is the position of LDA that in order to fully understand and appropriately address disproportionality, states, districts and schools must collect and analyze student identification and academic outcome data that is disaggregated by disability category, age when first identified, race, ethnicity, gender, primary and home language and type and amount of special education. Additionally, LDA recognizes the importance of diverse and well-trained teaching staff in order to best serve the needs of *all* learners.

The body of evidence establishing the neurobiological basis of learning disabilities is ever increasing. Studies of developmental dyslexia indicate that atypical brain development associated with this disorder is already present in the first 18 months of life, long before any formal education has occurred (Langer, et. al. 2017). While the neurobiological and genetic underpinnings of dyslexia are better understood than those of other learning disabilities, progress is being made in understanding the neural networks involved in specific reading comprehension deficits, math disabilities such as dyscalculia and writing-related disabilities such as dysgraphia.

As researchers come to better understand the neurobiology of learning disabilities, they also affirm the plasticity of the human brain and the ability of environmental factors to mitigate the impact of genetic and other risk factors. Researchers at the Center on the Developing Child at Harvard (2016) find that prenatal and childhood healthcare, good nutrition, high-quality preschool education, and early intervention help improve learning outcomes for children. Unfortunately, access to the very things that have been proven to contribute to healthy brain development continues to be inequitable. For example, a report recently released by the National Institute for Early Education Research finds that the quality of early childhood education programs attended by Black children in the United States continues to be lower than that of those attended by White non-Hispanic students (2020). LDA advocates for increased funding in order to ensure equitable access to high-quality healthcare, nutrition, and education for *all* children.

While environmental factors such as healthcare and early child education can positively impact neurobiological development, there is a growing body of evidence demonstrating that environments that increase exposure to toxins can alter brain development and neurobiology in a negative manner. Lead exposure has long been linked to learning and attention disorders. The Children’s Environmental Health Center has published a list of other chemicals found in consumer products and in the environment that are linked to learning disabilities and autism (2012). A recent study found that prenatal exposure to

chemicals in flame retardants had a specific effect on the efficiency of the reading neural network (Margolis et. al., 2020). There is a significant body of research that has established that economically disadvantaged communities, which are disproportionately populated by people of color, are more likely to be exposed to a variety of environmental toxins including lead, mercury, and harmful chemicals, like Polybrominated diphenyl ethers (PBDEs) found in flame retardants, organophosphate pesticides and phthalates (Nguyen, et. al., 2020, TENDR, 2016 and Zota et. al, 2008 & 2010). Children from those communities typically also attend schools fraught with exposure to environmental toxins (Philadelphia Inquirer, 2019). Giving priority attention to the role of educator bias in the discussion of disproportionality in special education identification has the effect of shifting attention away from other social inequities that could be having a significant impact on the rate of learning and other disabilities among specific populations. LDA's Healthy Children Project works to reduce chemical exposures harmful to brain development and health especially among pregnant women and children, and advocates for environmental justice and the right of all children to grow, learn and develop in toxin-free environments.

Embedded within arguments that students of color are overrepresented in special education, is an underlying assumption that special education is harmful to students and that receiving special education limits educational outcomes. Ford & Russo (2016) suggest that thousands of Black students have been misidentified and placed into special education needlessly. More troubling, they suggest that special education has denied the students their potential. Shifrer et. al. (2013) did indeed find that students with learning disabilities were less likely to take college preparatory coursework than their non-disabled peers and that this was often due to school level policies that limit access to such courses for students receiving special education. Data also shows that students of color and low-income students are more likely to receive special education services in segregated settings. Special education should always be designed and delivered in a manner that supports the highest level of achievement for students with disabilities. The goal should always be to remove rather than create barriers to high achievement. What has denied students of color, their potential, especially students of color with disabilities, is the inability of schools to provide quality education and special education services due to inadequate funding, inadequate teacher training, and low expectations.

There is repeated rigorous evidence that special education services can help improve student outcomes, especially when children are identified early and receive evidence-based supports (Hanushek et al., 2002, Hurwitz et. al. 2020; Schwartz, Hopkins & Stiefel, 2019; Blachman, et. al., 2004). Families and advocates of students with dyslexia have made great strides in securing accurate diagnosis and evidence-based interventions, yet students of color are not reaping the same benefits as their white counterparts (Bowen, 2013; Odegard et. al., 2020; Romney, 2020). When students of color experience barriers that limit access to services and supports they are legally entitled to, achievement gaps are likely exacerbated (Anastasiou et. al, 2017). LDA urges researchers and policymakers to focus on enhancing and improving special education by assisting educators with research-informed identification methods and supporting the implementation of evidence-based instruction, intervention and accommodations in order to ensure that all students receive the services they need.

Educator bias certainly has a role in the disproportionate identification of students of color. Framing language, cultural, and dialectical differences as deficits can indeed result in the misidentification of

culturally and linguistically diverse students as having learning or other disabilities (Dudley-Marling & Lucas, 2009). LDA recognizes the need for educator training to distinguish differences from disability and to ensure that the implicit biases of educators do not create barriers to educational attainment for any student. Concomitant use of pedagogical frameworks developed to address student differences, such as culturally responsive teaching and universal design for learning, are key to supporting diverse learners (Kieran & Anderson, 2019). LDA calls on researchers and publishing companies to develop culturally sensitive screening and diagnostic assessments for the purpose of ensuring all students with learning and other disabilities are properly identified and supported. We call on educators, researchers and policymakers to acknowledge that more than the biases of individuals are at play when large numbers of children in schools that are predominantly populated by students of color are not receiving the interventions and services to which they are legally entitled (Odegard et. al., 2020); when low-income students of color struggle to get the evaluations they are legally entitled to (Zimmerman, 2019; Mosley, 2020); when children of color are significantly more likely to live and learn in toxic environments (Bell, 2016), and when due process remedies are widely inaccessible. Data such as these, combined with the well documented racialized educational opportunity gaps (Shifrer, 2013), strongly suggest that systemic racism and structural inequalities function to disproportionately disadvantage students with disabilities from historically marginalized communities. Studies recently reporting under-identification are consistent with systemic bias resulting in students of color with disabilities often not being provided the supports to which they are legally entitled.

LDA visualizes a world in which learning disabilities are universally understood, so all individuals are accepted, supported, and empowered to live a self-determined life. Until we fully understand and address the nuances and complexities of disproportionality in identification for special education and ensure that systemic racism, social inequities, and implicit bias do not serve as barriers to identification and appropriate supports, that vision cannot be achieved. SEAs must never cease their focus on guarding against both over- and under-identification of students for special education services; focusing on one to the exclusion of the other will undoubtedly harm our most vulnerable students. LDA demands that educators, researchers, and policymakers remain focused on IDEA's mandate that the unique characteristics and individualized needs of each child be the driver of special education eligibility decisions.

Anastasiou, D., Morgan, P. L., Farkas, G., & Wiley, A. L. (2017). Minority disproportionate representation in special education: Politics and evidence, issues, and implications. In J. M. Kauffman, D. P. Hallahan, & P. C. Pullen (Eds.), *Handbook of special education (2nd ed.)* (pp. 911-923). New York: Routledge.

Bax, Ami C. MD\*; Bard, David E. Ph.D.\*; Cuffe, Steven P. MD†; McKeown, Robert E. PhD‡; Wolraich, Mark L. MD\* The Association Between Race/Ethnicity and Socioeconomic Factors and the Diagnosis and Treatment of Children with Attention-Deficit Hyperactivity Disorder, *Journal of Developmental & Behavioral Pediatrics*: February/March 2019 - Volume 40 - Issue 2 - p 81-91doi: 10.1097/DBP.0000000000000626

Bell, J. (2016). 5 Things to Know About Communities of Color and Environmental Justice. *Center for American Progress* April 24, 2016.

- Blanchett, W. J. (2006). Disproportionate Representation of African Americans in Special Education: Acknowledging the role of White Privilege and Racism. *Educational Researcher*, 35(6), 24-28.
- Codrington, J., & Fairchild, H. H. (2012). *Special education and the mis-education of African American children: A call to action*. Washington, DC: Association of Black Psychologists.
- Constantino, J. N., et. al. (2020). Timing in the Diagnosis of Autism in African American Children. *Pediatrics*, August 2020, <https://doi.org/10.1542/peds.2019-3629>
- Cooc, N. (2017). Examining Racial Disparities in Teacher Perceptions of Students Disabilities. *Teachers College Record* Volume 119 Number 7, 2017, p. 1-32 <https://www.tcrecord.org> ID Number: 21755, Date Accessed: 6/24/2020 9:19:59 PM
- Dababnah, S., Shaia, W. E., Campion, K., & Nichols, H. M. (2018). "We had to keep pushing": Caregivers' perspectives on autism screening and referral practices of black children in primary care. *Intellectual and Developmental Disabilities*, 56(5), 321-336,389,391.
- Dunn, L. M. (1968). Special education for the mildly retarded: Is much of it justifiable? *Exceptional Children*, 35, 5-22.
- Elder, T., Figlio, D., Imberman, S. & Persico, C. (2019). School Segregation and Racial Gaps in Identification. National Bureau of Economic Research. NBER Working Paper No. 25829.
- Farkas, G., Morgan, P. L., Hillemeier, M. M., Mitchell, C., & Woods, A. D. (2020). District-Level Achievement Gaps Explain Black and Hispanic Overrepresentation in Special Education. *Exceptional Children*. <https://doi.org/10.1177/0014402919893695>
- Fish, R. (2019). Standing out and sorting in: Exploring the role of racial composition in special education. *American Educational Research Journal* 56(6) 2573-2608.
- Flores, G. (2010). Racial and ethnic disparities in the health and health care of children. *Pediatrics* 125(4) 979-1020.
- Ford, D. & Russo, C. (2016). Historical and Legal Overview of Special Education Overrepresentation: Access and Equity Denied. *Multiple Voices for Ethnically Diverse Exceptional Learners*, 16 (1), 2016, 50-57.
- Gonen, Y. & Zimmerman, A. (2019). A two-tiered system: Families who can't afford private evaluations struggle to secure special education placements. *Chalkbeat New York*. Oct 331, 2019.
- Hanushek, E., Kain, J., & Rivkin, S. (2002). Inferring Program Effects for Special Populations: Does Special Education Raise Achievement for Students with Disabilities? *The Review of Economics and Statistics*, 84(4), 584-599. Retrieved June 25, 2020, from [www.jstor.org/stable/3211720](http://www.jstor.org/stable/3211720)
- Harper, K. (2017). 5 things to know about racial and thnic disparities in special education. *Child Trends* <https://www.childtrends.org/publications/5-things-to-know-about-racial-and-ethnic-disparities-in-special-education>

Hurwitz, S., Perry, B., Cohen, E. D., & Skiba, R. (2020). Special Education and Individualized Academic Growth: A Longitudinal Assessment of Outcomes for Students With Disabilities. *American Educational Research Journal*, 57(2), 576–611. <https://doi.org/10.3102/0002831219857054>

Hosp, J. L., & Reschly, D. J. (2004). Disproportionate representation of minority students in special education: Academic, demographics, and economic predictors. *Exceptional Children*, 70, 185–199.

Kieran, L., & Anderson, C. (2019). Connecting universal design for learning with culturally responsive teaching. *Education and Urban Society*, 51(9), 1202–1216.

King, J. (2016). Fact Sheet: Equity in IDEA. <https://www.ed.gov/news/press-releases/fact-sheet-equity-idea>

Miller TW, Nigg JT, Miller RL. Attention deficit hyperactivity disorder in African American children: what can be concluded from the past ten years?. *Clin Psychol Rev*. 2009;29(1):77-86. doi:10.1016/j.cpr.2008.10.001

Morgan, P. L., Farkas, G., Hillemeier, M. M., & Maczuga, S. (2012). Are Minority Children Disproportionately Represented in Early Intervention and Early Childhood Special Education? *Educational Researcher*, 41(9), 339–351.

Morgan, P. L., Farkas, G., Hillemeier, M. M., Li, H., Pun, W. H., & Cook, M. (2017). Cross-Cohort Evidence of Disparities in Service Receipt for Speech or Language Impairments. *Exceptional Children*, 84(1), 27–41. <https://doi.org/10.1177/0014402917718341>

Morgan, P. L., Hammer, C. S., Farkas, G., Hillemeier, M. M., Maczuga, S., Cook, M., & Morano, S. (2016). Who receives Speech/Language services by 5 years of age in the United States? *American Journal of Speech-Language Pathology*, 25(2), 183-199. Retrieved from <http://libproxy.temple.edu/login?url=https://search-proquest-com.libproxy.temple.edu/docview/2011262617?accountid=14270>

Mosley, T. (2020). After Flint water crisis, number of students with special education needs spikes. WBUR, Feb 5, 2020. <https://www.wbur.org/hereandnow/2020/02/05/flint-water-students-special-needs>

Nguyen VK, Kahana A, Heidt J, et al. (2020). A comprehensive analysis of racial disparities in chemical biomarker concentrations in United States women, 1999-2014. *Environ Int*. 2020;137:105496.

Odegard, M. N., Faris, E.A., Middleton, A. E. (2020). Characteristics of students identified with dyslexia within the context of state legislation. *Journal of Learning Disabilities* 1 (14) online.

Romney, L. (2020). Public schools are failing black students with dyslexia: One grandmother's story. *Morning Edition KALW Public Radio*, June 17, 2020.

Schwartz, A. E., Hopkins, B.G., Stiefel, L. (2019). The Effects of Special Education on the Academic Performance of Students with Learning Disabilities. (EdWorkingPaper: 19-86). Retrieved from Annenberg Institute at Brown University: <http://www.edworkingpapers.com/ai19-86>

\_Shifrer, Dara, Chandra Muller, and Rebecca Callahan. (2011). Disproportionality and Learning Disabilities: Parsing Apart Race, Socioeconomic Status, and Language. *Journal of Learning Disabilities* 44(3):246–57.

\_Shifrer, Dara, Rebecca Callahan, and Chandra Muller. (2013). Equity or Marginalization? The High School Course-Taking of Students Labeled with a Learning Disability. *American Educational Research Journal* 50(4):656–82.

\_Shifrer, Dara. (2018). Clarification of the Social Roots of the Disproportionate Labeling of Racial Minorities and Males with Learning Disabilities. *The Sociological Quarterly* 59(3):384–406.

Zota AR, Adamkiewicz G, Morello-Frosch RA. (2010). Are PBDEs an environmental equity concern? Exposure disparities by socioeconomic status. *Environmental Science and Technology* 44(15):5691–5692.

Zota AR, Rudel RA, Morello-Frosch RA, Brody JG. (2008). Elevated house dust and serum concentrations of PBDEs in California: unintended consequences of furniture flammability standards? *Environmental Science and Technology* 42(21):8158–8164