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DISPROPORTIONALITY IN SPECIAL EDUCATION

A MAJORITY OF MINORITY STUDENTS

IN SPECIAL EDUCATION

A REVIEW OF THE LITERATURE

A MASTER'S THESIS

SUBMITTED TO THE FACULTY

OF BETHEL UNIVERSITY

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SHARON HUBBARD BOOTH

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DISPROPORTIONALITY IN SPECIAL EDUCATION

A MAJORITY OF MINORITY STUDENTS

IN SPECIAL EDUCATION

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APPROVED

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Abstract

Disproportionality in special education has been discussed, written about among scholars, authors, and has been debated in courts for over four decades. Minority groups that are most often referred to in this context are African Americans, Hispanics, and Native Americans. Disproportionate representation means that the percentage of these groups in special education differs significantly in proportion to their percentage enrollment in the general school population. This paper discusses the over-representation of children of color, particularly African Americans, in some special education disability categories, such as learning disabilities and emotional behavioral disorders.

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Chapter I:

Introduction

Since the passage of The Public Law 94-142 (IDEA) Individuals with Disabilities Education Act in November of 1975, both the court systems and the U.S. Offices of Civil Rights and the Office Special Education continue to put on record the problem of overrepresentation of minority groups in special education. This problem is receiving attention because of the large number of students receiving special education services who are not of Western European descent.

During a testimony before Congress in October of 2001, Secretary of Education, Dr. Robert Paige, expressed his own concern about the issue of overrepresentation of minority groups in Special Education Programs.

Diagnosing a disability always has been and is still a complex issue. In settings other than the public school, disability determination is a multidisciplinary process in which teams of professionals work together to determine the appropriate “label” for the person or individual who is disabled. (Snell, M.E., & Brown, F.,2000).

The problem of representation does not exist in the diagnosis of a low incidence disability such as blindness, deafness (Overton, T., 2000). High incidence disabilities require an extensive degree of “professional judgment” to come to consensus to determine the disability status (MacMillan, D.L., & Reschly, D.J. 1998). There is no standard definition for the high incidence disabilities. From one state to another, a student can move and “recover from” a high incidence disability label. It is the very nature of high incidence disabilities and the frequency with which they occur that contributes to errors in the public school referral process (Reschley, D.L., 1997; Eads, P., Arnold, M., Tyler J.L., 1995).

For years the legal system has confronted the issue of overrepresentation of minority students in special education programs and the results of those efforts are not consistently considered in the literature. The professional literature has utilized the referral-to-placement process as an organizational tool to investigate bias. (U.S. Department of Education, 1996). Unconscious Bias and Bias Within the Process were both addressed and used the court-ordered remediation programs to help identify specific sources of racial bias in the referral-to-placement process. (Reschley, D.J., 1997). Because of the large number of students receiving special education services who are not of Western European descent, this problem is receiving increased attention.

In public schools in America today, the culture does not lend itself to deliberative diagnostics. Multidisciplinary personnel are not always available in all schools. It is not out of the ordinary to find schools that do not have school psychologists, social workers, school nurses, or counselors on staff. All these professionals are crucial and help make important decisions in the diagnostic process. Many schools determine the eligibility process of referring a student for special education services without these professionals. Referrals are often made with the help of the special education teacher, general education teacher, and principal.

Referral to Special Education is the title of the form typically used by the school to document the beginning of the referral process. This form includes the date of the referral in order to ensure the referral process is completed within a specific legal time frame. Referrals can originate from the teacher or the parent or guardian. The Assessment Process provides additional information to determine any possible sources of bias, along with determining and understanding how often both evaluations and reevaluations are completed. The Referral Form includes the background of the person or persons who will participate in the assessment process,

the names of the evaluation tools or instruments that will be used to determine students' present level of performance in a variety of areas. The data will be used to determine if one particular test, or one test administrator consistently had score results which were different from other similar groups (Murdick, N., Gartin, B., & Arnold, M., & Carter, S., 1981).

Much information related to bias during the special education placement process can be documented by reviewing the student records in the placement process. When placement decisions are made it is very important that the student and or family members are present (Arnold, M., 1992; Arnold, M., & Tyler, J.L., 1994; Harrison, L., Arnold, M., & Henderson, D,1995). During this meeting parents and the school professionals participate in developing the Individual Education Plan (IEP). The IEP is a legal document by the school district. It is at this meeting that a classification for special education services is agreed upon. Bias in the process of placement is generally not a concern. It is primarily when parents are not informed participants in the process or when a single individual or a single instrument is used for classification and placement that bias in the placement process must be considered. (Murdick, N., Gartin, B., & Arnold, M., 1994) When it comes to the Native American Culture, limited data was available for this intensive review. Other ethnic groups such as Asian American populations, e.g. Vietnamese, Chinese, or among the various Hispanic populations, e.g. Mexican, Puerto Rican are specifically addressed and referred to using the term "Culturally and Linguistically Diverse (CLD) students" (Baca, L.M. & Cervantes, H.T., 1998; Kalyanpur, M., & Harry, B., 1999; Cloud, N., 1993; Day-Vines, N.J., 2000).

My Journey as a Special Education Teacher

My journey as a teacher, before becoming a special education teacher, takes me back to my first job working in an elementary school during the summer. Majority of the students in my classroom were from African American and Hispanic backgrounds. It was not until the end of my second week that I was told that these students were special education students, who did not do very well during the school year and their IEP suggested that they attend summer school.

I was informed about the students who were considered to have behavior problems and was told that I needed to keep a close watch on them. During my eight weeks working with these students, there were no significant behavior concerns, and this was noted in a required report submitted by me to the principal.

I then decided that I would be a substitute teacher in different school districts at different grade levels as this would provide me with different opportunities to find out which grade I would like to teach or would best meet my needs and teaching style. As a substitute teacher my first assignment was at a high school in a long-term special education teaching assignment. This high school had a large population of minority students, mostly African American. I had aspirations and wanted to teach in a school with a diverse population of students, just like the schools where I grew up.

After serving in this position for 15 weeks, I knew right away that this was the school I wanted to be at, serving as a special education teacher. I was hired at this school as a special education teacher when the school year began. All of the students that were in my classes were mostly African American males, with only a few African American females. I remember only having one White female student and never any White male students.

My colleagues knew some of the male students on my class lists. I remember one very hurtful statement shared with me at the time regarding three of the male students, “You have all the low kids, don’t expect too much out of them, they are not going to learn anything anyway. They do not like to read; half of them can’t read. I would not expect too much if I were you”. This was very disturbing to me, hearing this, especially from a teacher. This was the major topic of discussion during our staff meetings. Sometimes the discussions would get sort of “heated” between one African American male teacher and a White female teacher as she always made it a point and believed that African American males could not learn.

Over the years as a teacher, the majority of the students who were in my classes were African American males and I was their Case Manager. During my time with them, there were days where they participated in class and did their work and there were days when they did not. Even during the times when my students did not engage in learning, I never believed for once it was because they could not or did not want to learn. It was then that I adopted this famous quote in education as part of my own philosophy of education. It is from George Evans. “Every student can learn, just not on the same day, or the same way”.

There was one particular African American male student who was in my class, and labeled with Emotionally Behaviorally Disturbed (EBD) and Specific Learning Disability (SLD). Staff stated that he was very disruptive during class and did not like being in class. He always attended my class and there were never any disruptions that I considered serious. We were discussing the late JFK and I mentioned my age at the time he was assassinated. This student got up out of his seat and did a math problem, figuring out my age at that time. He also scored the highest in math during Minnesota Comprehensive Assessments (MCA) testing, and I

remembered his case manager, an African American male stated that he needed to be put in a much higher math class, but that never happened.

Another teaching opportunity I had was working as a special education teacher/case manager at a Charter School, where the majority of the student population was White and majority of the students that were assigned to me as a special education teacher and case manager were White. Parent turnout for teacher conferences was always between 91% and 95%. If the parents could not make any of the scheduled times, they always contacted the teacher to arrange a different time. Comparatively, during my time at the high school with a diverse population of students, no parents showed up for conferences. I remember my first year at the high school preparing for conferences, my colleagues laughed at me and said, “you are wasting your time getting all those student files together, our parents never show up”. They were right, no parents whose children were in special education showed up to conferences. Only about 15 parents showed up for conferences with general education teachers. This school tried several activities over the years to get parents involved such as school carnivals, barbecues, sub parties, ice cream socials. All failed.

The absence of involvement by African American parents and families may be because of alienation that is felt by parents from the school in terms of feeling out-of-place, experiencing real or perceived discrimination, feeling or sensing estrangement when communicating with the educators of their children (Bempecha, 1992; Brandon, et al., in press). Educators have many misconceptions about African American parents, such as believing they are disinterested, not concerned, and may not work to encourage parents to participate in their child’s education (Thompson, 2003b).

The attitudes that some teachers have towards minority students, especially African American students, may in some way be perceived by the students who then tell their parents. Such can be true in regards to what my colleague said to me “Don’t expect too much out of them, they are not going to learn anything anyway. They do not like to read, half of them can’t read, I would not expect too much if I were you”.

In deciding the topic of my thesis, I began reflecting back on some of the circumstances I encountered as a special education teacher in the classroom with my students and also in conversations I heard and witnessed with former colleagues. There were no committees that included parents with regards to the importance of parent involvement in their child’s education. Every parent interaction was negative. Phone calls or emails to parents typically addressed something negative with regards to behavior, not completing classroom work, or homework. Most of my students and those of my colleagues were minority students; African Americans, Hispanics, and mostly males. This led me on the path to research and report about the Disproportionality in Special Education: Why is There A Majority of Minority Students in Special Education? With my teaching experience and completing the research for my thesis, I understood the need for change in the way minority students are being evaluated and referred for special education services and to determine the support system that they need.

The Disproportionality of African American Students With Disabilities Across Educational Environments

Within the five disabilities categories including emotional disturbance, mild mental retardation, moderate mental retardation, learning disabilities and speech and language, Skiba, Russell J., Poloni-Staudinger, Lori., Gallini, Sarah., Simmons, B., and Feggins-Azziz, Renae (2006) investigated the assessed disproportionality across two education environments; the general education classroom and separate class settings.

The purpose of this study was to explore the disproportionate placement of African American students in more or less restrictive educational environments, and also test the hypothesis that such disparities were due to the influence of certain disability categories. Neither the causes nor meaning of disproportionality in educational environments had been widely explored, which challenged the authors to offer clear recommendations for practice (Skiba, Russell J. et al., 2006).

According to the Office of Special Education Programs, (OSEP, 2002), one hypothesis was that “disparate rates of placement in less restrictive settings are due simply to minority overrepresentation in those disability categories that are more likely to lead to more restrictive placement”. In testing that hypothesis, the OSEP investigated to what depth African American students were proportionately placed in more and less restrictive settings within the five disability categories. Of the 10 possible disability placements identified, seven yielded significant levels of disproportional placement within the category. In four of the five disability categories tested, there was a significant amount of disproportionality in two educational environments. Disparate placement of minority students in more restrictive settings may also be because of irregularities in special education eligibility determination. (Skiba, Russell J. et al., 2006).

Final results showed that in almost all of the disability categories, African American children were more likely than their peers with the same disability to be placed in more restrictive settings and less likely than their peers with the same disability to be served in the least restrictive environment. These results, however, did not support the hypothesis that disproportionality in educational environments was an object of disproportionality in disability category. (Skiba, Russell J. et al., 2006)

Service for students with disabilities in the general education classroom setting has increased substantially in the last 15 years. In the years 1999-2000, 95.9% of students with disabilities were served in general school classrooms; 47.3% were served outside of the general classroom for less than 21% of the school day (McLeskey, Henry, & Axelrod, 1999).

The Office of Special Education Program IDEA Report to Congress (OSEP, 2002) reported that there has been a fairly dramatic increase in special education service in general education classrooms. During the periods of 1990-1991 and 1999-2000 school years, the number of students served outside of general classroom setting for less than 21% of the day increased 87.1% while the number of students served in public separate facilities increased 15.3%.

Research outcomes and the opinions of experts appeared to be mixed regarding the benefits of inclusion. Students with disabilities who were included in general education classrooms completed more of their assignments. (National Center for Educational Restructuring & Inclusion, 1995); showed significant gains in reading performance and general academic functioning (Carlson & Parshall, 1996; Marston 1996; Shinn, Powell-Smith, Good, & Baker, 1997); and students also demonstrated improvements in social interactions, appropriate behavior, self-esteem, and language development (Lewis, 1994). Another benefit noted was that non-disabled students who had the opportunity to interact with disabled peers also improved their interpersonal, social and behavior skills (McGregor, 1993; Salend & Duhaney, 1999).

Still, no completed agreement exists about the extent to which inclusion has fulfilled its promise in practice (Kavale & fitness, 2000; Salend & Duhaney, 1999). The question that still remains is whether general education teachers have the training, support, and resources that are necessary to provide quality inclusive services to students with disabilities. (Evans, Townsend,

Duchnowski, & Hocutt, 1996; Smelter & Rasch, 1994). Additionally, some studies examining the effectiveness of inclusion failed to find significant positive gains, and have shown not so favorable outcomes for students with disabilities who are educated in general education settings (Vaughn, Elbaum, & Schumm, 1996; Zigmond et al., 1995). Even though the literature presented different opinions about the effects of inclusion in practice, both social consensus and a federal mandate have firmly established the goal to serve students with disabilities in the general education setting to the highest extent possible.

Research suggested that minority students, especially African Americans were overrepresented in more restrictive educational environments and underrepresented in less restrictive environments. Data analyzed from the Office for Civil Rights 1998 Compliance Report, Fierros and Conroy (2002) found that 55% of European American students with disabilities as compared to 37% of African American students were educated in inclusive settings. African Americans with disabilities, about 33% received services in substantially separate class placements compared to only 16% of European American children with disabilities. Serwatka, Deering, and Grant (1995), found that African Americans frequently were placed in segregated settings more than European American students across a range of disabilities categories.

The Office of Special Education Programs (2002, p. III-45) in their report to Congress suggested that “it is possible that the differences in placement by race/ethnicity may reflect the disproportional representation of some minority groups in disability categories that are predominantly served in more restrictive settings”. Furthermore, failure to confirm such a pattern could suggest that disproportionality in special education settings is perhaps driven to some extent by systematic responses (Oswald, et al., 1999).

Chapter II: LITERATURE REVIEW

Literature Search Procedures

To find literature and resources for this thesis, searches of Educational Journals, some of which include: *Journal of Child and Family Studies*, *Remedial and Special Education*, *Preventing School Failure*, *Exceptional Children*, *Journal of Negro Education*, *Journal of Special Education*, *National Centers for Learning Disabilities*, *ERIC and ERIC/OSEP Digest*, SAGE Publication, and Google Scholar. The key words that were used in these searches included; “special education”, “minorities” or “minority group”, “African American” or “Black”, “Hispanic”, “Native American”, “English Language Learner” “disproportionate representation”, “disproportionality”, “overrepresentation”, “underrepresentation”.

Historically, so much has been written about that minority overrepresentation, minority over-identification, minority disproportionality that can lead to negative outcomes for both minority students and their families. The literature says that further research is definitely needed to illustrate the ways in which various ethnic groups are inappropriately placed into special education programs. This research and review highlights both a long standing and long discussed problem in special education.

Over-Identification of Students of Color in Special Education

One of the most complicated challenges that educators are facing today is how to address the placement of students of color in special education classes. The challenge of the disproportionate representation of students of color in special education is a topic that has been brought to the forefront of discussions, and has been addressed in literature for over 30 years. In recent years, educators have been making immense efforts to address it.

Statistics from 1968 Dunn, citing U.S. Office of Education reported that 60 to 80 percent of students taught in mild mental retardation or MMR classes were children from low socioeconomic backgrounds which included African American, American Indians, Mexicans, and Puerto Ricans Americans; those from non-standard English speaking, broken, disorganized homes, and children from non-middle class environment (Dunn, 1968, p .6).

The Office of Civil Rights (OCR) began conducting surveys of special education placement in school districts. Since 1968 a survey has been conducted approximately every two years.

In Riverside California, 1973, Mercer published results of her circa 1968 study where she found that Hispanics comprised 7% of students aged 6-15 in a school sample in Riverside, but 12% of the similar age students placed in classes for students with MMR. At that particular time, the students were referred to as “educable mentally retarded” or EMR. On the other hand, White students made up 82% of the school population, but they represented only 53% of students placed in (EMR) Educable Mentally Retarded programs. African Americans represented 9.5% of the district population, although they made up 32% of students in MMR classes (Reschly, 1996).

Misplacing students in special education is severely problematic. It is not only considered stigmatizing, but it also disallows a person or persons the right to a quality education that enhances and enriches their lives so that they are able to make positive contributions to their communities and society.

First we must take a look at whether or not there have been changes made since this problem was first identified three decades ago and then explain how overrepresentation is calculated.

There are two equally valid ways to present overrepresentation figures (Reschly, 1997). The first that is favored by OCR, looks at special education enrollment by (ethnic) group. For example, if 33% of the MR enrollment is African American, but 17% of the overall school population is African American, the representation of these students is about twice the level expected. Overrepresentation is of concern.

There are two identified indicators of overrepresentation; special education enrollment by group and the percentage of the group in special education. The recommendation is that both these indicators should be used in order to gain a better understanding about the immensity of the problem of overrepresentation in special education

What is the percent of African American students who are classified as MR? The answer to this question is often astonishing. The fact is, it is neither 17% nor is it 33%. The factual percentage of African Americans students identified as MR according to the 1997 OCR survey was 2.54%. The latter percentage is the percentage of the (ethnic) group in the special education program. The confusion about these two indicators is damaging because it may form or create myths that there are immense proportions of African American and other minority children who have disabilities, and something is terribly wrong with certain minority children, or that special education is for the most part used to deny minority children their rights to an education (Reschly, 1996).

The primary responsibility falls on the shoulders of educators to continue to bring attention to this challenge and put pressure on our national and community leaders to help bring about the necessary changes. Furthermore, there are a lot of areas that educators can and need to address. Student diversity must be looked at. Therefore, education programs for teachers as well as school districts must keep preparing individuals at both the preservice and inservice levels.

(Reschly, 1996). It is essential that we keep working diligently to continue redefining the goals as well as the functions of special education in a society where diversity is on the increase.

Arnold & Lassmann, (2003), stated that “the issue of overrepresentation is more pronounced in the diagnoses of high-incidence disabilities (e.g., specific learning disabilities (SLD), emotional and behavioral disorders (EBD) than in low-incidence disabilities e.g., severe cognitive disabilities. deaf/blindness, cerebral palsy”. The diagnosis process for these two groups of disabilities differs significantly (Reschley, 1988). These two high-incidence disabilities are categorized as “judgment categories” that are based on professional judgment (MacMillian & Reschley, 1998 p. 172).

In other words, the diagnoses of high-incidence disabilities is based on a social and behavioral model, whereas low-incidence disabilities are based on a medical model (Vallas, 2009 p. 172). The very nature of a high-incidence disability that allows students to overcome the associated conditions can also facilitate incorrect diagnoses and subsequent placement in special education (Eads, Arnold & Tyler, 1995 p.172).

In the investigation on disproportionality, most of the educators researching this topic including Skiba (p. 172) have stated that there were variables which contribute to the problem of disproportionality: social demographics variables, general education and related resource inequity variables, and variables related to the special education process.

Examining the socio demographic factors involved with disproportionality, uncovered that minority students were much more likely to be enrolled in lower-track courses offered by schools with weak standards of academics because the students attended schools with low performance (p. 172) A vast resource inequity among different races and classes was also

documented (Togut, 2011), and illustrated some consequences of poverty that were devastating and caused children to be ill-prepared and lacking in school readiness (Skiba et al., 2006 p. 172).

To help explain the reproduction of class-based differences, “Cultural Reproduction Theory” was developed in order to further explain the reproduction of class-based differences. This theory says that both class and racial inequities are reproduced through recurring decisions and behaviors that can be avoided if the relevant decision makers have necessary knowledge along with awareness. (Skiba, Bush, & Knesting 2002; Stanton-Salazar, 1997 p. 172). Both general education and related factors have contributed significantly to this problem as there have been inconsistent practices found in relation to the pre-referral process (Arnold- & Lassamn, 2003 p. 172).

For instance, a male who is African American is discovered to have behavior that is some-what out of the ordinary in his Black/African American community and it has been observed by his teachers that he demonstrates behaviors that are unfamiliar to them. They conclude that this African American male is displaying disruptive and threatening behaviors. This example highlights and explains the reasons why teachers refer minority students to special education programs more frequently than non-minority students for behavior rather than academic problems. (Gottlieb, Gottlieb & Trongue, 1991 p. 172).

Researchers determined that the time spent referring African American students was longer than the time that was needed to understand a student’s concerns during the special education process of the referral, assessment and decision making. (Skiba, Bush, & Knesting, 2002 p. 172)

Data compiled by the U.S. Department of Education, suggested that students from specific racial/ethnic groups which included: Black/African American, American Indian/Alaskan

Native, Native Hawaiian/other Pacific Islander, Hispanic and Asian had more referrals for emotional disorders, including behavior challenges, than specific learning disabilities and was the main reason students received special education.

Two methods introduced to address this issue were Culturally Responsive Teaching and Culturally Responsive Instruction. Both these methods were connected because they focused on providing minority students opportunities for experiences in the classroom that are associated with their lives both in and out of the classroom. Providing schools increased opportunities to connect with students, their families, and the environment that surrounds them, gives way for successful outcomes for promoting students and improving student's positive attitude towards school, all while reducing the achievement gap. Teachers should make it a part of their daily lesson plans to create connections between home and school.

Edwards, (2004 p. 175) found that "Teachers should incorporate students' home-based literacies, experiences, talents, and resources into the daily teaching and learning experiences in the classroom".

Morgan, Paul L., Farkas, George, Cook, Michael., Strassfeld, Natasja, M., Hillemeier, Marianne, M., Pun., Wik Hung, and Schussler, Deborah, L. (2017) identified several studies one of which suggests there was substantial ambiguity as to whether and also to what extent Black children's overrepresentation was explained by factors other than race or ethnicity. However, many prior studies found that Black children were significantly disproportionately overrepresented in special education.

Recent studies have discovered that Black children were less likely to be referred or found eligible for special education services when contrasted to otherwise similar White

children. (e.g., Hibel, Farkas, & Morgan, 2010; P.L. Morgan et. al., 2012, 2015; Shifrer et al., 2011). Still others have reported both over and underrepresentation (e.g., Sullivan & Bal, 2013).

Minority Disproportionate Representation or (MDR) in special education occurs when disability identification and service receipt are based on race or ethnicity. (Artiles, Kozleski, Trent, Osher, & Ortiz, 2010; Oswald et al., 1999; U.S. Department of Education, 2016). Some potential risk factors said to be associated with disparities can include very low birth weight (Grunau, Whitfield, & Davis, 2002), prenatal exposure to alcohol or lead (Goodlad, Marcus, & Fulton, 2013; O'Connor & Paley, 2009) and experiencing multiple risk factors in early childhood (Shaw, Owens, Giovannelli & Winslow, 2001).

A child is born at a very low birth weight, or a child who has been exposed to alcohol or lead during the pregnancy could have impaired growth of the brain which may result in lower cognitive abilities. Both smoking and substance abuse can have an impact on the child's brain as well and have been linked to lower inhibitory control (Galer et al., 2011) generalized cognitive deficits (Kodituwakku, 2009), and disability-symptomatic behavior (Stevens, Nash, Koren & Rovet, 2012).

Academic Achievement is the key that determines special education eligibility for most students. Special education services are usually provided when a child's disabilities unfavorably affect educational performance. Low academic achievement is quite often considered typical for the child's potential disability status.

In the year 1979, The Panel on Selection and Placement of Students in Programs for the Mentally Retarded was established by the National Research Council. The reason this panel was established was due to concerns about the disproportionate number of minority students in special education programs (Horner et al. 1986).

The study which researchers titled "*Study of Ethnic Makeup*" took place in a large metropolitan school district in the state of Texas. Participants in this study included Anglo, Black, and Hispanic students who were labeled as having learning disabilities, emotional disturbances, and mild mental retardation. The purpose was to determine if there was a disproportionate number of minority students in the programs (Homer et al. 1986).

Ethnic codes were obtained for special education students enrolled in the large metropolitan school district of nearly 30,000 students. Both suburban and urban areas with a makeup of 55.15% Anglo, 31.42% Hispanic and 13.43% African American students were part of this study. (Homer et al. 1979).

Horner, Charlotte, Maddux, Cleborne., and Green, Cecil (1986) examined the patterns among the disability categories. Their findings discovered an overrepresentation of black children who were classified MR and LD, but no overrepresentation in the ED category. There was overrepresentation for Hispanics only in the LD sample and Anglo children were underrepresented in both the mild MR and LD categories; and they were overrepresented in the ED category.

Results of this analysis were evaluated and it was discovered there was an overrepresentation of blacks in the MR and LD classes, Hispanics in the LD classes and in the ED classes, and Anglos in the ED classes. Fewer Anglos than were expected in MR and LD classes and fewer Hispanics than expected in MR and ED classes (Homer et al. 1986).

Horner, Charlotte et al. (1986) found that overrepresentation of both blacks and Hispanics in LD classes could be an indication that the LD category was being used too extensively for students with poor English skills or academic skills that were poor due to cultural differences. Results also suggested that special education placement should be more closely examined in

order to determine if minorities were being placed in special education primarily due to lack of academic skills as a result of cultural or language differences or because of an existing handicapped condition.

Heller, Holtzman, and Messick (1982) suggested that since the problem of overrepresentation of minority students in special education programs was an ongoing concern and had been for over three decades, one question should be of consideration, “Under what circumstances does disproportion constitute a problem?”

Research outcomes and the opinions of experts appeared to be mixed regarding the benefits of inclusion. It was found that students with disabilities who were included in general education classrooms completed more of their assignments. (National Center for Educational Restructuring & Inclusion, 1995); showed significant gains in reading performance and general academic functioning (Carlson & Parshall, 1996; Marston 1996; Shinn, Powell-Smith, Good, & Baker, 1997); and the students also demonstrated improvements in social interactions, appropriate behavior, self-esteem, and language development (Lewis, 1994). Another benefit noted was that nondisabled students who had the opportunity to interact with disabled peers also improved their interpersonal, social and behavior skills (McGregor, 1993; Salend & Duhaney, 1999).

Green, Tonika Duren (2005), reviewed existing research and found that the U.S. Department of Education (2000), reported more than 2.2 million children of color received special education services across the United States. According to the National Research Council, more than 14% of African American students were in special education compared with 13% of American Indian students, 12% of White students, 11% of Hispanic students, and five percent of Asian American students (Paolino, 2003).

Fierros and Conroy (2002) reported that students of color, once they were identified, especially African American and Latino/Hispanic students were more likely than White students to be placed in restrictive educational settings.

The U.S. Department of Education and the Office of Special Education (2000) reported on the National Racial Disparities in Inclusion, which specified that only 37% of African Americans, compared to 43% of Hispanic students and 55% of White students, were provided with access to inclusive educational settings. African American students were educated with peers in general education less than 21% of the school day. The quality of special education services comes into question because of the disproportionate number and the lack of inclusion in general education for students of color in special education. (Losen & Orfield, 2002).

Green (2005) reviewed the existing literature and focused on one question, “Are minority students being underfunded and underserved in special education at the same time they are being overidentified”? (p.17). While the numbers speak for themselves, African Americans are the one racial group whose numbers are identificative past the point of alarming and there are some who might even consider these numbers grossly disproportionate (p.34).

Green (2005), investigated and found that the National Institute for Urban School Improvement (2001), in its argument stated that “disproportionality is not just a problem of numbers” (p.9); rather, it is “more about the fact that students are being misdiagnosed as disabled and being placed in special education programs they do not need” (p.9). Green, Tonika Duren (2005) found that research on why African American students were labeled as disabled in disproportionate numbers speaks to their uniqueness, to teacher perception, and the system's ignorance regarding that uniqueness.

Identified were reasons for overrepresentation for special education that pervaded the literature, some of which included; difficulty in constructing instructional programs that addressed students' unique learning needs (Council for Exceptional Children {CEC}, 2002); ineffective procedures and processes used to refer and classify students for special education (CEC); lack of knowledge that a problem existed and how to resolve it (CEC); teacher perceptions and attitudes towards students with special needs (Grossman, 1995; Harry, 2002; Utley & Mortweet, 1999;) disconnection in most schools between the race, culture, and class of teachers and that of their students (National Institute for Urban School Development). Overrepresentation of African Americans in special education not only damages the students, but also families and communities.

Results from a study conducted by the CEC (2002), found that there were three harmful consequences to overrepresentation of African American students; (a) denial of access to the general education curriculum, (b) failure to receive services that meet their specific needs, and (c) misclassification or inappropriate label, which often leads families and communities to mistrust the school and the school system.

The many attempts to address the overrepresentation of students of color in special education have failed, seldom have led to effective practices, and generally have failed our children, schools and communities due to the lack of involvement of professionals, educators, families, and communities (CEC (2002).

The Brown v. Board of Education decision promised to eliminate inequities in public education that resulted from racial segregation. Over 50 years later, the promise of delivery still has not been met, as African Americans continue to be disproportionately placed in special education (Burnette, 1998; Losen & Orfield, 1997; Patton, 1998).

In her research, Green (2005), discovered culturally responsive prevention and early intervention strategies that were specific to African American learners. These strategies were designed to prevent as well as reduce overrepresentation of African American students in special education and make sure that no African American learner was left behind.

A model based on a Prereferral Process for Preventing Inappropriate Referrals of Hispanic Students to Special Education was developed by Dr Alba A. Ortiz from the University of Texas at Austin, along with Dr. Shernaz Garzia. Ortiz's most recent model (2002), Prevention of School Failure and Early Intervention for English Language Learners was designed to prevent school failure for English Language Learners and was discovered to contain strategies that should be considered for all students of color as Ortiz's prevention and early intervention model promoted the immediate involvement of the school as a system. The school is responsible for the development and interventions that are unique to the needs of struggling learners. Three phases to Ortiz's model include: Phase 1: Prevention of School Failure Among English Language Learners; Phase 2: Early Intervention for Struggling Learners and Phase 3: Special Education Referral.

Green (2005), found that schools can utilize the skills and knowledge of school personnel such as teachers, school psychologists, and other school professionals as "cultural brokers". Schools can also approach parents, university faculty, and community liaisons as "cultural brokers". Gay (1993) defined a cultural brokers as "one who thoroughly understands different cultural systems, is able to interpret cultural symbols from one frame of reference to another, can mediate cultural incompatibilities, and knows how to build bridges or establish linkages across cultures that facilitate the instructional process" (p. 48).

Cultural Brokers are often members of the specific cultural group and have overall active involvement in the community. They have gained trust, are culturally competent and conversant and have knowledge, and know the group's history, practices beliefs, and experiences with racism, oppression, and discrimination (Gay,1993).

The voices of cultural brokers are needed in order to increase the achievement of African American students. Early intervention and prevention strategies that include cultural brokers could greatly impact the way we think about special education, training programs, as well as the education of African American students (Gay, 1993).

As part of a mixed quantitative and qualitative study, Kearns, Ford, and Linney, (2005), supplied responses by school psychologists collected from paper and pencil surveys about school psychologists and their perceptions of the disproportionate representation of African American students in special education. They provided ratings on structured items and responded to questions about overrepresentation. A major goal of the study was to understand school psychologist beliefs about disproportionate representation because they are often considered the gatekeepers or protectors of special education.

School psychologists are known as educational professionals who provide assessments, consultations, systems interventions and counseling in ways that support a school, teachers, students, and families. They must deliver services that are culturally sensitive. (Ochoa, Grza & Amado. 1999) pg. 298. For both African Americans and other ethnic minority students in particular, it is the responsibility of the school psychologist to prevent abuse of the special education referral system. (p.298)

Data collected in the early 1990's by the U.S. Department of Education, (1994), estimated that 16.1% of African Americans who attended public schools, made up 32% of the

students with mild mental disabilities (MMD). This data was useful and allowed researchers to generate hypotheses about ways school psychologists, along with other school professionals, could better address the disproportionate representation of African Americans in special education.

Additional reports show that African American students accounted for approximately 17% of the public school population, yet 33% of all the students with a mental disability (MD). The numbers alone supported arguments that African American students may be over-identified for special education programs (Agbenyega & Jeggets, 1999; Burnette, 1998; Chinn & Hughes, 1987; Harry & Anderson, 1994; Hilliard, 1992; Morrison, White, & Feuer, 1996; Oswald, Cutinho, Best, & Singh, 1999).

Ghedam (2000) focused on the Southern Region of the United States, since more than one-half of all African American students who attend public schools live in the South. The southern states included Virginia, West Virginia, Kentucky, Tennessee, South and North Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma and Texas. It was estimated that in these states African American students were overrepresented in special education programs for students with mild disabilities (U.S. Department of Education, 2000).

As proof, in Louisiana, African American students constituted 47% of all public school students, yet approximately 55.5% of all students who were in special education programs for learning disabilities, 65% percent in the category of serious emotional disturbance, and 69.5% for a mental disability (U.S. Department of Education, 2000 pg. 298).

Researchers identified one of the reasons often given for high identification rates of minorities in special education was lack of understanding cultural exposure theory or cultural disadvantage (Allen & Boykin, 1992; Hilliard, 1997; Miranda, 2001; Ogbu, 1981; Ogbu, 1994).

In discussing cultural exposure, researchers believed a substantial portion of African American children would live in poverty at some point in their childhood, and some may experience persistent poverty (McLoyd, 1990). Children who do live and experience poverty may not have had chances to engage in experiences that could stimulate their cognitive development which may be related to higher levels of intelligence quotient (IQ) and academic achievement in school (Christenson, Rounds & Gorney, 1992; McLoyd, 1998; Smith, Brooks-Gunn, Kohen, & McCarton, 2001).

The procedures involved in this study included two surveys; the pilot study included 10 school psychologists from the Southeastern region of the United States who participated in a survey called “Views on African American Students in Special Education: Response Form. The second survey, a mail survey, included 1,500 school psychologists with at least five years of experience whose names were obtained from the database of the National Association of School Psychologists (NASP) (Kearns et al., 2005).

The data analysis used was that of descriptive statistics, unitization and thematic coding, factorial and correlational analyses and discriminant-function analysis. Variable coding was used for the quantitative data where the respondents rated each variable on a scale from one to five. For the qualitative analysis, sorting and categorization open-ended data was used as the participants were asked to name three causes for the high percentage of African American students placed in special education. Responses for all survey respondents were tallied (Kearns et al., 2005);

In this study, the participants realized that cross-cultural competence was important for making good psycho-educational decisions, as this was consistent with a growing body of literature showing the importance of cross-cultural competence in school psychology (Barona,

Santos, de Barona, Flores, & Gutierrez, 1990; Cajigas-Segredo, & nahari, 1999; Henning-Stout & Brown-Cheatham, 1999; Rogers & Ponterotto, 1997; Rogers, Ingraham, Burszytn, et al., 1998) pg. 304.

Researchers concluded that positive implications from this study were that “school psychologists seemed to possess much of the skill and knowledge needed to tackle the issue of over-representation of African Americans in special education” (Kearns, Tori. et al., 2005 pp. 306-307).

Over the past 30 years, the Individuals with Disabilities Education Act (IDEA), a federal statute, has greatly impacted the education of America’s children (IDEA); 1996). In 1975, it was originally named the Education for All Handicapped Children Act. The purpose was to “assure that all children with disabilities have available to them...a free appropriate public education which emphasizes special education related services designed to meet their unique needs” (20 U.S.C. 1401(c), 1996).

In review of IDEA, one of the most important rulings in American history in the battle for equal educational opportunity was *Brown v. Board of Education of Topeka* (1954) (Russo, Harris, & Sandridge 1994; Thomas & Russo, 1994), a case that involved racial segregation in public schools. It was the United States Supreme Court who recognized the importance of providing all children with an appropriate education. The Supreme Court relied on the Equal Protection Clause of the 14th Amendment when it held that “it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity where the state has undertaken to provide it, is a right which must be made available to all on equal terms” (p.493).

Even with almost 30 years of data, it has been acknowledged that African American children, especially males (Harry & Anderson, 1994), are disproportionately (Artiles & Trent, 1994; Chinn & Hughes, 1987; Dunn, 1968; Maheady, Towne, & Algozzine, 1983; Smith, 1983), and inappropriately (Heller, Holtzmann & Messick, 1982), placed in special education, and this trends continues.

Russo, Charles J., and Johnson, Carolyn Talbert (1997), examined the definition of disproportionate placement of African Americans in special education by applying the definition offered by Chinn and Hughes (1987), as plus or minus 10% of the total percentage of children based on the overall population of school aged children.

In special education placement, one of the most disputed issues involving the placement of special education students is based on test bias. One major court case over test bias that involved African American students was, *Larry P. v. Riles* (1984), concerning a disagreement in the San Francisco United School District in late 1971 SFUSD stated that African Americans made up 28.5% of the student population in the school district, and represented 66% of the children who were placed in classes for the educable mentally retarded (EMR). Even though only about 10% of the California school-aged population was African American, they accounted for 25% of the state's total classes for EMR. After a decade of court hearings and trials, the Ninth Circuit Court ruled in favor of the students. The Appellate Court, in affirming earlier judgements, not only agreed that the San Francisco United School District violated the rights of the students by relying on non validated intelligence (IQ) tests, but also ordered the state to develop plans to eliminate the disproportionate enrollment of African American children in classes for EMR (Russo and Johnson, 1997).

Russo, and Johnson (1997) investigated and found that the cultural/racial gap between students and teachers was even more noticeable and data showed that African Americans comprised 28% of all students in special education (National Clearinghouse for Professions in Special Education, 1991). This figure included 34% of the children described with mental retardation, 16% with speech impairments, 22% identified as seriously emotionally disturbed, and 17% with learning disabilities (Council for Exceptional; Children, 1994). There was a projection that by the year 2020, children of color would make up 46% of the public school population. Even with this percentage, fewer than 5% of the teachers would be African American (King, 1993). In other words, the disproportionate representation of African American students in special education was expected to increase, especially in the areas of mental retardation and behavior disorders which would greatly exceed the relative percentages in the larger school population (Cartledge et al., 1995).

Repeatedly shown demographic studies revealed that minority students, especially African American males, were disproportionately referred for behavior and learning problems compared to their majority counterparts (Executive Committee of the Council for Children with Behavior Disorders, 1989; Harry & Anderson, 1994). These statistics are not only alarming for African Americans, but for other people of color. According to the Office of Civil Rights (OCR 1994), males represented in special education significantly outnumbered females by a significant proportion.

State policies and practices relating to the overrepresentation of minority students in special education was analyzed in the fall of 1993 by the Council of Chief School Officers at the request of the National Association of State Directors of Special Education (Lara, 1994). Their hope was to minimize or reduce this practice.

The results of this study revealed that only six of the 32 states that collected annual data by race and ethnicity conducted formal follow-up procedures to monitor enrollments, to evaluate the adequacy of local policies, and to engage in additional study. Russo and Johnson (1997) reported that if the overrepresentation of African Americans and other minority students issues was ever to be improved, states would need to do a better and more thorough job of evaluating their actions and then plan accordingly.

Russo and Johnson (1997) concluded that since there were no simple solutions to the problems of disproportionate placement of African Americans and other minorities in special education classes, more attention needed to be made in the areas of; preparing teachers to become more culturally responsive; recognizing and valuing individuals first; recruiting more teachers of color; using assessments as an instrument for guided instruction; and determining best practices for improved student learning.

The behavioral functioning of 285 students enrolled in 17 Head Start Programs in New Mexico was assessed by researchers Serna Nielson, Mattern, and Forness (2002). A variety of assessment measures were used by 17 teachers and the parents of participating children in order to rate student behavior. Researchers found that African American children were overidentified when functional impairment in social interaction was considered non-inclusive on the evaluation tools: Early Screening Project (Walker, Severson, & Feil, 1995) and Problem Behaviors Subscale on the Social Skills Rating System (Gresham & Elliott, 1990). When the Social Interaction Subscale and the Critical Events Index of Early Screening Project were considered together, this group of students was under-identified. The results showed that the choice of assessment measures rather than actual behavioral performance likely played a role in determining which students were identified with behavior problems.

McKenna John (2013) found that many African Americans who were labeled with EBD may have been misidentified as indicated by overrepresentation in the emotional disturbance category. Students experienced a variety of negative and life outcomes. In this student population, 50% drop-out of school before earning a diploma (Blackorby & Wagner, 1997) and 73% of the students were arrested within three to five years (Wagner, 1995). Researchers pointed to many possible contributors of the disproportionate representation of African Americans labeled as having Emotional Behavior Disorders, some of which included; socioeconomic influences, past experiences with racism, issues with the definition of EBD, school demographic factors, educator perceptions, the delivery of inappropriate instruction, and inadequate research.

Overrepresentation occurs when the percentage of an ethnic group in a disability category is greater than the group's percentage of the overall population (Zhang & Katsiyannis, 2002). This proves to be true for African American students who are overrepresented in the EBD disability categories and associated restrictive educational placements. (Serpell, Hayling, Stevenson & Kern, 2009) African Americans make up 17% of public school students, and 27.3% receive educational services for EBD (U.S. Department of Education, 2002). When compared with students from a European American background, African American students are 1.92 times more likely to be identified with ED (Parish, 2002).

Bullock and Gable (2006) explained that improved identification methods are necessary to accurately identify students who have EBD which would limit the occurrences of false positives that contributed to overrepresentation. For African Americans students, lack of cultural competence can have a negative effect on assessment practices. Harry, Klingner, Sturges, &

Moore (2002) found that special education decisions can be affected by extraneous factors such as educator perceptions of the student and their family.

When addressing overrepresentation of African American students in EBD programs, researchers recommended implementing a variation of different practices which should include using a strength based approach, incorporating culturally responsive teaching methods, viewing student behavior from a broad contextual perspective, and considering challenging behavior occurrences as opportunities to teach skills. Stevens (2009) suggested that interventions should focus on developing positive coping strategies.

Brandon, and Brown, (2009) studied African American families and their involvement in the education of their children. Data provided by the National Center for Educational Statistics (2008) indicated that as of the fall of 2007, African American students represented 20.5% of the students who received special education services. The investigation of this data prompted four questions: “Is there something inherently wrong with African American children or their families that these children and youth are disproportionately represented in special education? Is there something awry with the system that places them, in such high numbers, in disability categories and ultimately into special education programs? What is the impact of this placement on the education of the children and youth? How does this placement influence parental involvement of these children and youth?” No matter the answers to these questions, education-practitioners must begin to find a solution to the issue of overrepresentation so that African American children, youth, and their families have access to education and positive special education experiences.

The need for African American parents to be involved in the special education process cannot be overlooked or underestimated (Harry, Allen, & McLaughlin, 1995, 1996; Harry, Kalyanpur, & Day, 1999; Zionts, Harrison, & Bellinger, 2003).

Brandon, and Brown (2009) found that both schools and educators need to understand the characteristics of African American family involvement, perceptions, special education, and the factors that contributed to low levels of parental participation.

Research indicated strong connections between parental involvement and student academic achievement, behaviors, accountability, social skills and attendance (Bloom, 2001; McKay et al., 2003; Pena, 2000; Thompson, 2003a). Even though benefits have been observed for the child and the parents, including academic achievement, greater school involvement and improved communication research indicated that African American parents continued to be uninvolved in both general education and special education (Smith, et al., 2005).

The absence of involvement by African American parents and families may be because alienation from school is felt by parents in terms of feeling out-of-place, experiencing real or perceived discrimination, and feeling or sensing estrangement when communicating with the educators of their children (Bempecha, 1992; Brandon, et al., in press). Educators have many misconceptions about African American parents, such as believing they are disinterested, not concerned, so teachers may not work to encourage parents to participate in their child's education (Thompson, 2003b).

Williams (2007), investigated and found three areas of special education that concerned African American parents who expressed their reservations about (a) their child's culture regarded as a liability, (b) the lack of school commitment to students identified with disabilities, and (c) the high number of African American children and youth placed into self-contained

settings. The lack of involvement by African American parents in the school setting is concerning as parents do not feel welcome, and educators believe that lack of parental involvement is because they are disinterested in their child's education.

Brandon, and Brown (2009) found barriers to African American parent participation in the educational process for their children with disabilities which appeared to be grounded in negative perceptions. Parents reported that they did not know how to begin to be involved (Chavkin, 1989) and said they were intimidated by the special education system and did not feel welcomed by school personnel into the system (Pena, 2000; Sojourner & Kuser, 1997; Thompson, 2003a).

Harry (1992) suggested that in the special education process, schools should move to provide parents with the skills that would enable them to maneuver through the process skillfully, as this would increase the family awareness of families and also increase their involvement. Systems of communication must be implemented in order to keep the lines of communication open (e.g., telephone, computer/email, newsletter, daily notes home to parents). Developing a strong communication system could also include a parent handbook to provide answers to questions that parents may have. Additionally, a school website that is updated weekly or monthly would be beneficial. Schools and educators have the responsibility to develop a strong and relevant communication system to meet the needs of the parents with children assigned to their caseload.

Artiles, Alfredo, J., Rueda, Robert., Salazar, Jesus Jose., and Higuera, Ignacio. (2009), studied special education placement patterns for English Language Learners (ELL), and discovered this group had been understudied. The classification of ELL is determined with the Home Language Survey, a survey which identifies a home language other than English. Students

who come from a home where English is not the primary language are assessed for English proficiency based on oral language tests. Two subgroups were categorized by the districts; Limited L1, namely, students with limited proficiency in English, and Limited L2, students with limited proficiency in both their first language and English.

The study examined these disparities by looking at the placement patterns of ELL students in the State of California Urban School Districts. The districts are located in the Southern portion of California, in a county with one of the highest densities of ELLS in the state. California is also a state which has one of the largest populations of ELLs in the nation, most are of Latino descent (Mercado, 2001) pg. 285.

California has a long history of being involved in lawsuits related to the special education placement of both African Americans and Latinos in special education (Rueda, Artiles, Saazar, & Higareda, 2002). Some of the lawsuits tried in the California courts greatly impacted federal laws and analyses of disproportionality.

Artiles et al. (2009) found that it was the State of California who was at the forefront in the mid-1970's by passing the Bilingual Education Act after a landmark *Lau v. Nichols* Supreme Court decision. The Chacon-Moscone Bilingual-Bicultural Education Act was passed in 1976, which established that schools take the necessary steps to give ELLs access to the standard curriculum. This Act also required school programs to develop English proficiency as adequately as possible.

Two National Research Council panels (NRC) were formed to examine this issue in a short period of time (Donovan & Cross, 2002; Heller Holtzman, & Messick, 1982). This report from the NRC asked two crucial questions (Donovan & Cross, 2002, pp. 357-359):

- (a) are there “biological and social/contextual contributions to early development that differ by race and that leave students differentially prepared to meet the cognitive and behavioral demands of schooling?”
- (b) does “the school experience itself contribute to racial disproportion in academic outcomes and behavioral problems that lead to placement in special and gifted education?”

It was concluded that data answering these two very important questions simply did not exist. Research stated that overrepresentation at the national level applied only to African Americans and Native Americans; the former in mental retardation (MR) and emotional/behavioral disorders (E/BD) and the latter in learning disabilities (LD); (Donovan & Cross 2002, p. 284). Overrepresentation of the Latino population did not exist nationally, but there was evidence that indicated this group was affected in some states and districts (Finn, 1982).

In the last 10 years or so, there have been strides taken to address the disproportionality. Federally funded technical assistance centers includes: (The Center for Minority Research in Special Education {COMRISE}, the Linking Academic Scholars to Education Resources {LASER} Project, the National Center for Culturally Responsive Educational Systems {NCCRES}, and the National Institute for Urban School Improvement {NIUSU} (Harry, Klingner, Sturges, & Moore, 2002; Oswald, Coutinho, Best, & Singh, 1999). Additionally, there have been amendments to federal legislations (e., data reporting by race) and the National Academy of Sciences panels. Even with this progress, more systematic research is needed to address some of the more logical issues that have not yet been addressed (Artiles, 2003).

Due to the sizable portion of ELLs, this study examined research gaps and aimed to assess the magnitude of disproportionate representation for English Language Learners in some California urban school districts. In California, “English Learner” or “pupil of limited English

proficiency” means a pupil who was not born in the United States, whose native language is a language other than English, or who comes from an environment where a language other than English is dominant. (California Department of Education, n.d.) Focusing on this population allowed for the examination of “within-group diversity” (Finn,1982)

Databases from 11 urban school districts in the academic years 1998-1999; data from 1999-2000, along with longitudinal data also cited, were used for this study. The districts contained an average student population of 64,000 students (range: 52,000-77,000). The majority of the student population from the districts were from minority backgrounds. In the years 1998-1999, about 42% of the students were categorized as ELL (Parrish et al., 2002)

The study also examined the risk index, calculated “by dividing the number of students in a given racial or ethnic category served in a given disability category by the total enrollment for that racial or ethnic group in the school population” (Donovan & Cross, 2002, pp. 42.43).

Artiles, Alfredo, J. et al. (2009) discovered from this study that ELLs in English Immersion programs were more than likely placed in special education programs than ELLs placed in other language support programs.

Two limitations in this study that need to be considered; first the databases that were used for this study were not designed with the central purpose of analyzing research. Second, a limited lens was offered on an admittedly complex problem of disproportionate representation of minority students in special education programs.

Guiberson (2009) discussed the inaccurate placement of minority students in special education by examining the Hispanic representation in special education programs. He talked about the three forms of inaccurate placement; First, overrepresentation, which occurred when the percentage of minority students in special education programs was greater than that in the

school population as a whole. Second, underrepresentation that occurred when students with disabilities were not identified and did not receive appropriate service. Third, misidentification occurs when students with disabilities were identified as having a disability different from the one they actually had (G. Meyer & J.M. Patton, 2001; C.Y. Wilkinson, A.A. Ortiz, P.M. Robertson, & M. I. Kushner, 2006).

Demographic data has recently revealed that Hispanics made up the fastest growing and largest minority group in the United States (U.S. Census Bureau, 2007). The Hispanic population in the United States is diverse. The Hispanic population is considered *student unique* due to such variables as country of origin, reason for and type of migration, level of acculturation, and family educational history (Zuniga, 2004).

Guiberson (2009), stated that “taking into consideration the history of disproportionate representation of minorities in special education and current demographic trends in the United States”, it is important to ask this question, “Are Hispanic children disproportionately represented in special education?” In order to answer this question Guiberson (2009) using computerized databases, conducted a literature review in a systematic manner.

Guiberson (2009) focused on two broad themes: patterns of Hispanic representation in special education and implications for practitioners. Researchers also applied basic literature review strategies as described by Creswell (2003).

In determining patterns of overrepresentation, the nationwide data collection analysis proposed that Hispanic students in special education was not a national trend, but rather a problem that varied across states and school districts (Meyer & Patton, 2001).

Some researchers have associated specific school or district characteristics with overrepresentation of Hispanic students in special education. These characteristics included:

increased diversity in the student population, school district size, and amazingly, spending per student (Finn, 1982; Heller, Holtzman & Messick, 1982; Meyer & Patton; Oswald, Coutinho, Best, & Nguyen, 2001).

Oswald, et al, (2001), examined identification patterns in each state of the United States and discovered that representation of minorities in special education was not uniform across the minority groups or disability categories. For instance, Hispanic students were less likely to be identified as mentally retarded than were European American or African American students. Even though, at the national level, researchers identified numerous variables (e.g., district or school characteristics and disability category) that lead to the overrepresentation, underrepresentation, and misidentification.

Researchers, Ortiz and Yates, (1983), wrote that in the State of Texas, Hispanic students in learning-disabled programs were overrepresented by more than 300%. Another study revealed that bilingual special education specialists reviewed the assessment data of 21 students from Texas who spoke English and Spanish and were classified as being learning disabled. The findings by these specialists were that 10 (49%) of the students may not have had a disability, in other words, their learning differences were related to their cultural and linguistic backgrounds. (Wilkerson et al., 2006). In the small study by Wilkerson et al (2006) more than 70% of students who were classified as learning disabled were either overidentified or misidentified.

As part of a dissertation study, Valdez (2003) documented that more Hispanic students were identified with a learning disability or speech-language impairment, whereas fewer students identified as mentally retarded. This may have reflected the fact that school officials struggle to accurately identify Hispanic students with disabilities. It could also mean that school officials

implemented a default system for all students regardless of language and culture background. Nevertheless, current practices did not meet the educational needs of Hispanic students.

A 10 study meta-analysis was completed by Hosp and Reschly (2003) to investigate the referral rates of students from different racial backgrounds. As part of their analysis, the word “referral” included specialized general education interventions or special education assessment. Hosp and Reschly (2003) found that for every 106 Hispanic students referred for special education assessment, 100 European American students were referred. This finding reflected the fact that Hispanic students were over-referred for special education assessment. Data also showed that Hispanic students qualified for special education programs less often than European Americans, meaning for every 89 Hispanic students who qualified for special education, 100 European Americans students qualified.

One survey taken by the U.S. Department of Education (2007) revealed that there was a great possibility that European American general educators (approximately 83%) had difficulty understanding Hispanic cultural and language differences and thus tended to refer Hispanic students more often.

A study by Kindler (2002) revealed that the majority of the ELL or English Language Learners in the United States were Hispanic. Artiles et al. (2005) looked at data from 11 urban districts in the State of California to study ELL students and the effect of language proficiency on special education placement and found that more than 90% of ELL students were Hispanic. At the secondary level, because fewer extra supports were provided for these students, there was an increased demand for language skills support in all the subject areas.

How Hispanic parents perceived special education was reviewed by many researchers. Bailey, Skinner, Rodriguez, Gut, and Correa (1999) surveyed 200 parents of Hispanic children

with disabilities and discovered that the majority of parents reported only moderate levels of satisfaction with special education services. Data showed that only 17% of the families were *mostly* or *entirely* dissatisfied with the special education programming for their child. A follow-up study conducted by Alvarez-McHatton and Correa (2005) surveyed 50 Mexican and Puerto Rican mothers of children with disabilities and found that maternal satisfaction with special education during early childhood set the foundation for future school interactions.

The review of the literature illustrated some very distinct patterns along with some complicating variables that reflected the difficulties that some school officials had in distinguishing *difference* from *disability* with Hispanic students. Many general educators are not adequately prepared to address the educational needs of Hispanic students (Meyer & Patton, 2001; Ortiz et al., 2006).

Researchers have suggested addressing this problem through improved teacher training programs which would compel teachers to develop cultural competency (Artiles et al., 2005; Meyer & Patton, 2001; Oswald et al., 2001). According to (Singh, 1996). Cultural competency included “knowledge and skills that enabled a person to appreciate, value and celebrate similarities and differences. It was recommended that researchers evaluate the effect of teacher cultural competence as connected to student outcomes and quality of instruction. The practices are promising and may enhance Hispanic student outcomes. Guiberson, Mark (2009) stated that at the national, state, and district levels, longitudinal research should be conducted in order to document the disproportionate representation of Hispanic children in special education programs.

On the basis of a review of the literature it appeared that Hispanic students continued to be overrepresented in special education programs such as learning disabled or speech-language

impaired. However, at the same time, Hispanic students were sometimes underrepresented in the mentally retarded and emotionally disturbed disability categories. Patterns such as these are costly to the education of Hispanic children with some Hispanic students being kept in programs that may delay their potential, while others are not provided services that may promote their educational success Guiberson, Mark (2009).

Gravois and Rosenfield (2006) examined the issue of Instructional Consultation Teams (ICT) on the disproportionate referral and placement of minority students into special education. They found that the problem of disproportionate placement of minority students in special education continued to be reported and discussed at the national level, in many states and also local agencies.

Many policymakers have looked into preservice and inservice professional development for teachers in the area of multiculturalism. Teacher education programs were created in order to better prepare teachers to work with diverse populations of students (Artiles, Trent, Hoffman-Kipp, & Lopez-Torres, 2000)

Two studies investigated the impact of intervention teams on the referral and placement of minority students in special education. In nine schools, Rock and Zigmond (2001) examined the patterns of referral and placement of African American students were serviced by Instructional Support Teams (IST). They discovered that African American students were referred to the IST in disproportionately greater numbers than their representation in the total school population in five of the nine schools that were studied. Rock and Zigmond (2001) suggested further that the African American students were more likely to be referred and deemed eligible for special education services than their White peers.

Gravois and Rosenfield (2002) presented results of three studies that examined the impact of Instructional Consultation Teams (IC Teams; Rosenfield & Gravois, 1996) on the referral patterns in special education. For all three studies, the results identified that the overall referral and placement of students in special education was reduced when IC Teams were implemented. The main goal of the IC Team model was to both create and maintain student success within the general education environment by supporting the classroom teacher. The IC Team could be considered a delivery system of instructional consultation (Rosenfield 1987) (2002).

This model was based on the fact that quality instructional and management programming matched to student assessed entry skills increases student success, reduces behavioral difficulties, and further avoids the need for a special education evaluation and placement. Members of the IC Team included: administrators, support personnel, and representatives from special and general education. IC team members were trained in collaborative and reflective communication skills, systematic problem-solving skills, curriculum-based assessment, and collecting, charting, and analyzing classroom data (Gravois & Gickling, 2002). It was expressed that the concern for disproportionality was discussed as part of the general rationale for introducing IC Teams into a school, but there was no specific training or professional development put in place or created to primarily focus on interventions for minority students. There was no teacher meeting with the entire team in order to engage in “group problem solving”. However, the teacher met one-on-one with his or her assigned team member.

Of the three studies, one study specifically examined the impact of IC Teams on the referral and placement of minority students compared to existing pre-referral practices in 20 schools that were involved in the first year training consortium completed statewide. Detailed

examination of special education referral and placement patterns according to student race revealed that significantly fewer African American supported by IC Teams in the school were referred for evaluation or placed in special education when compared with existing pre-referral practices. This present study extended the earlier investigation reported by Gravois and Rosenfield (2002) and specifically evaluated the pattern of referral and placement of minority students served by IC Teams in 13 project schools over a two-year period compared with non-project schools.

Over the last five decades the Laboratory for Instructional Consultation Teams at the University of Maryland has become involved in multi-site, multi-district consortia to “scale-up” the application and implementation of IC Teams as is fully described by Gravois, Knotek and Babinski (2001). The IC teams have been replicated with consistent positive outcomes in more than 150 schools from approximately 40 districts and seven states as reported in a series of program evaluations, technical reports and publications (Gravois & Rosenfield, 2002).

The sample in the current study included a total of 22 schools, located in five districts in a mid-Atlantic state, and included rural communities and small cities. For this current study, data was collected by school and district personnel, and included: student population by race, and the number of students placed in special education each year according to race were used along with referral data.

The district administration selected 13 schools to participate in this two-year training consortium that implemented IC Teams as a means to address the issue of over-identifying minority students for special education services. Nine comparison schools were selected from the remaining schools not a part of the IC Team model within each district. The extensive majority of students in the districts were categorized as either White (non-Hispanic) or African

American. The data was divided into two categories of minority and non-minority students, calculated, analyzed using three common formulas; Risk Index, Odds Ratio, and Composition Index. The current study was especially interested in the proportional representation of minority students who were referred for evaluation and placed in special education, regardless of the specific disability category. Results found that the enactment of the IC Team model over the last 10 years has consistently resulted in a reduction of total referrals and placement of students in special education (Gravois & Rosenfield, 2002; Levinsohn, 2000)

Many studies (Costas, Rosenfeld & Gravois 2003; Knotek, Rosenfield, Gravois, & Babinski, 2003) have provided a clearer and better understanding of the impact that implementing IC Teams had on overall instructional practices. Costas et al. (2003) discovered a large percentage of teachers (80%) reported that they learned new strategies which involved a particular reading, math, or behavioral intervention as a result of receiving support from IC Teams in their school.

Gravois and Rosenfield (2006) found there were some limitations in this study as the minority populations of the schools included were largely African American. Other minority groups were represented less, so further investigation of the impact of IC Teams with varied student populations would be advantageous. Finally, the current results suggested that early support of the instructional process within the general education classroom could be an effective way to address the disproportionate placement of minority students in special education.

Salend Spencer, J., Duhaney-Garrick, Laurel M., and Winifred Montgomery (2002) found that both overrepresentation and underrepresentation could adversely affect students and their school performance. The number of professionals from diverse backgrounds, and different cultural and linguistic experiences of professionals and students contributed to the

disproportionate representation of students from culturally and linguistically diverse backgrounds (Artiles, Trent, Hoffman-Kipp, & Lopez-Torres, 2000; Voltz, 1998). Another factor often overlooked is institutional racism that leads to the disproportionate representation of students of color.

Research indicates that norm-referenced standardized tests are culturally and socially biased and provide a measure that inaccurately represents all student abilities and potential, which contributes to misclassifying students from culturally and linguistically diverse backgrounds with a type of disability (Grossman, 1995; Rueda, 1997). Due to the severe disparities in school funding, students who are from culturally and linguistically diverse backgrounds are more likely than their White peers to attend schools that did not have the resources that could provide them with access to professionals who are fully licensed (Brown, 2000; Kemp & Parette, 2000; Kozol, 1991; Lewin, 2000).

Salend Spencer, J., Duhaney-Garrick, Laurel M., and Winifred Montgomery (2002), examined and found that the overrepresentation of students from culturally and linguistically diverse backgrounds in special education raised concerns as to whether the students placed on separate and unequal academic tracks denied them access to the general education curriculum (Patton, 1998). The placements negatively affected academic performance, self-esteem, classroom behavior, interactions, educational and career goals as well as motivation (Nieto, 1996). Likewise, the underrepresentation of minority students could also negatively impact student educational outcomes by denying them access to services, programs, and resources designed to meet their unique educational needs (Poon-McBrayer & Garcia, 2000).

According to the National Center for Learning Disabilities, 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.” Grindal, Todd (2020)

The overrepresentation of students of color, with the exception of Asian students, are identified for special education at much higher rates than White students. Once students are misidentified, they are very likely to remain in special education programs for their entire academic career Grindal, Todd (2020)

Forty-percent of Black students are likely to be identified with a disability. Hispanic, Black, and Native students all have higher risk ratios for being identified with a disability than White students. There are both short and long-term impacts, specifically for students of color, as a result of overrepresentation in special education programs Grindal, Todd (2020).

Research by Grindal et al. (2019) revealed that both race and income played a role in identification disparities, but income itself did not fully explain the patterns of identification. Black students who were from non-low-income backgrounds were twice as likely identified with having an intellectual disability (ID) or emotional disturbances (ED) compared to White students from non-low-income backgrounds. Significant disparity has been noted in the area of student placement.

When it has been determined that a student qualifies for special education services, a decision is made about the instruction and support that he or she will receive. The Individual With Disabilities Act (IDEA) believes that students should be educated in the least restrictive environment (LRE), which means that students with disabilities are educated in the general education setting with their nondisabled peers as much as possible. Data shows that students from certain racial and ethnic backgrounds are most likely taught in more restrictive environments which denies them the opportunities and learning experiences that are received by

their peers in the general education setting. Fifty-Five percent of White students with a disability spend more than 80% of the school day in a general education classroom, while only about a third of Black students with a disability spend that much time in a general education classroom. Both Hispanic and American Indian students with a disability were also more likely taught in separate classrooms, compared to White students Grindal, Todd (2020).

During the 2014-2015 school years, Black, Hispanic and Native American students with a disability had low graduation rates compared to White students with a disability. Seventy-five percent of Asian and White students with disabilities left high school with a regular diploma, however, there was only around 65% percent of Black, Hispanic and Native American students with a disability who left high school with a regular diploma Grindal, Todd (2020).

The Equity in IDEA regulation was established during the Obama Administration to address the significant disproportionality. This regulation was established to assist school districts with addressing the racial and ethnic disparities in identification, placement, and the use of discipline for students of color with disabilities. Beyond the data from Equity in IDEA, other data needs to be reported to ensure there is transparency for other inequities students experience while in school Grindal, Todd (2020)

For instance, the U.S. Department of Education Civil Rights Data Collection (CRDC) has one of the most comprehensive data sets available on the experience of public school students who have disabilities and is disaggregated by both race and ethnicity. It is an important source for tracking English Learners who are enrolled in EL programs, and also students with disabilities Grindal, Todd (2020).

Inappropriate placement for students of color with disabilities presents both short and long-term consequences that can be both damaging and harmful, though the experience for

students from different races and ethnic backgrounds can be different. Restrictive special education placement can prevent students from experiencing positive learning opportunities that can enrich their lives during the early and later school years with the possibility of having an impact on them once they become adults Grindal, Todd (2020)

Zhang, Dalun. Katsiyannis, Antonis (2002) examined the overrepresentation of minority students in special education by analyzing data from the U.S. Department of Education and the Office of Civil Rights (OCR). In the field of overrepresentation, they sought to answer a remaining question, “have there been any recent changes or improvements ?”

Overrepresentation occurs when the percentage of minority students in special education exceeds the percentage of the same population compared to the total student population.

An example of overrepresentation is illustrated by the following data. In 1997, the U.S. Department of Education reported that in 1992, African Americans accounted for about 16% of the total population of students, even though African Americans represented 32% of the students in programs with mild mental retardation, 29% in programs with moderate mental retardation, 24% in programs with serious emotional disturbance or behavioral disorders, and 18% students with specific learning disabilities. According to MacMillan and Reschly (1998), data from the Office of Civil Rights continuously reflected the overrepresentation of African Americans identified with mental retardation.

MacMillian and Reschly (1998) also pointed out that special education programs required many key facets that should make placement in the programs fascinating. Some of which includes; low student/teacher ratio, individualized programming, legislative mandates to protect student rights, and guaranteed funding for needed services.

Data used in this present study was collected from three federal government publications; *22nd Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act* (Annual Report; U.S. Department of Education, 2000a), *National Center for Education Statistics: Statistics in Brief* (NCES Statistics; U.S. Department of Education, 2000b), and *Poverty in the United States* (Poverty; U.S. Census Bureau, 1990) Both the number and percentage of students were summarized in *The Annual Report* for each racial group by disability during the 1998-1999 school years.

For the sole purpose of their study Zhang, Dalun. Katsiyannis, Antonis (2002), examined four types of data taken from the *Annual Report*.

- 1) The number of students in each racial group for all disabilities by state,
- 2) The number of students with learning disabilities (LD) by racial group and state,
- 3) The number of students with mental retardation (MR) by racial group and state, and
- 4) The number of students with emotional-behavioral disorders (EBD) by racial group and state.

Five racial groups representing all 50 states including the District of Columbia were examined. American Indian/Alaskan Native (AI/Alaskan), Asian/Pacific Islander (Asian/PI), African American, Hispanic and White. Original data was entered and analyzed using 26 variables and 51 cases, along with three types of data analyses. Since the focus was on school-age children, the data was taken from students who were aged six to 21.

In examining the data, researchers discovered that the overall racial representation in the disability categories of LD, EBD and MR, showed that for all the disabilities, White representation ranked third of all the five racial groups; while more African American and AI/Alaskan students were represented, and fewer Asian/PI and Hispanic students were represented. Representation in the EBD category by White students ranked third of all five

groups and African American and AI/Alaskan students were represented more. African Americans had the highest representation in both the LD and MR categories and the highest among all the racial groups (Zhang et al., 2002).

In contrast, researchers investigated and found that the overrepresentation of the American Indian/Alaskan Native group in special education has the second highest after African Americans, an issue that has been barely addressed in this literature. Overrepresentation in this minority group is often more serious than the overrepresentation of African Americans. National data points to limited success in correctly identifying non-White students for special education. (U.S. Department of Education, 1997, 200a), even though there has been an increase in the examination, studying and investigating minority overrepresentation in special education (Zhang et al., 2002).

Hence, it was suggested by the U.S. Department of Education that educational agencies must become involved in schoolwide instruction that is valid with behavioral interventions that can address the needs of all students, which includes those from culturally diverse backgrounds. These efforts are likely to have results that will show improved academic performance for students from minority groups in the general education classroom and should also show a reduction of special education referrals.

Researchers Zhang and Katsiyannis (2002) concluded that the availability of minority data needs to be published so that states can report on eligibility, placement, disciplinary exclusions, and the dismissal of students (i.e., students ages 14 to 21 who no longer receive special education services) as this will give way for educational agencies to have a clearer understanding of practice and to closely monitor discrepancies. This data will allow them to take steps to address representation-related issues in ways that are more complete and thorough.

Skiba, Russell, J., Staudinger, Lori Poloni., Simmons, Ada B., Feggins-Azziz L. Renae and Choong-Geun, Chun (2005) analyzed district-level data for the 2000-2001 school years considering general and special education enrollment in disability categories by race, socioeconomic level, local resources, and academic and social outcomes. Data on disability categories were included for each of the 295 school districts in the State of Indiana. Two questionnaires were used: “*Uniform Ethnic and Placement Questionnaire and the Uniform Federal Placement Questionnaire* (Section E: Race/Ethnicity of Children with Disabilities Ages 6-21 by Educational Environment). The Indiana Department of Division of Exceptional Learners collected the information as part of its reporting requirements under Part B of IDEA 1997.

For two reasons, the focus was on disproportionality for African Americans students: First, disproportionate identification and service are most consistent and severe for African American students across all disability categories (NRC, 2002). The second reason was because statewide representation of other minorities had not been great enough in the target state to permit accurate assessment of disproportionality across a number of categories and settings (Skiba et al. 2005).

Previously, the field of special education began to unite around two very promising descriptive measures for describing the extent of disproportionality. The Composition Index, compared the proportion of students in special education from a given ethnic group juxtaposed with the proportion of that group in the population of school enrollment. Based on these measures at the national level, African American students accounted for 33% of the student population (NRC, 2002). The Relative Risk Ratio (Hosp & Reschly, 2003; Parrish, 2002) compared the rate at which different groups were served in special education in order to generate

a ratio describing the extent of disparity. Therefore, 2.64% of all African Americans were identified as mentally retarded, as opposed to 1.18% of White students, which meant that African Americans were 2.24 times as likely as White students to be identified as mentally retarded (Fierros & Conroy, 2002).

In further analyzing these two measures, there appeared to be both advantages and disadvantages. In the Composition Index there was difficulty in finding disproportionality when trying to apply the measure to extremely homogeneous populations. For example above 90% of one ethnic group (Westat, 2003). The Risk Ratio was less sensitive to changes in relative proportions of a population. Also the Risk Ratio estimates could become unstable in the case of small samples (Hosp & Reschly, 2004).

In the area of Research Design, Skiba, Russell, J. et al. (2005) discovered two related analyses when they tested the influence of race, poverty, and other socio demographic variables on special education disproportionality and identification. The Regression was used to predict disproportionality in specific disability categories and logistics employed regression to assess the independent effects of race, poverty, and district-level resources and outcomes on the odds of special education identification.

A four-step analysis of odds ratios associated with the logistic analyses discovered that African American students were three times more likely to be identified as MMR than other students and nearly two times as likely to be identified as ED as other students.

Also indicated in this study was a structural variable; district rates of both school suspension and expulsion proved to be the strongest predictor of special education disproportionality. The relationship between racial or ethnic disparities in discipline and special education referrals may be further evidence of the general inability on the part of schools to

accommodate cultural differences in behavior, particularly for African American students (Hosp, & Hosp, 2002; Townsend, 2000).

Skiba, Russell, J. et al. (2005) concluded that the importance of race as a determinant of special education disability identification regardless of a variety of other variables, leads to agreement with those who contend that the process of special education referral and identification remains to some extent discriminatory (Ladner & Hammons, 2001; Losen & Orfield, 2002).

The issue of disproportionality of minority students in special education first received national attention during the Civil Rights Movement in the 1960's. Since this time, researchers, practitioners and scholars have continued to study this important issue in hopes to both understand and explain how the process used to help identify, assess, and place minority students in special education programs may have contributed to the overrepresentation of minority students.

As researchers continue to examine and investigate this important issue, they are also discovering and taking action, along with a series of steps to guarantee that educational achievement is offered to minority students in the same way it is offered to the majority group.

There have been many studies and research on the topic of disproportionality in special education on "*Why There is a Majority of Minority Students in Special Education*". After reviewing several articles on the subject, Harry and Klingner (2008) with the help and support from the office of the U.S. Office of Special Education Programs (OSEP), set out to examine the facts regarding the special education referral and the process for making decisions about culturally and linguistically diverse students.

Five strategies were created by researchers to help address attention to this issue; 1) Promote Family Involvement and Respect Diverse Backgrounds. 2) Make the Curriculum Relevant 3) Build on Student Strengths 4) Take The Teacher Preparation Program to the Community 5) Provide District Support to Build the Capacity of Personnel (Warner, & Burnett, 2000).

Even though Harry and Klingner (2008) were in the early stages of their research during the 60's, they found four major factors that contributed to the overrepresentation of minority students in special education. Factors included family and community issues, external pressures in school (e.g., mandated curriculum, high stakes assessments), classroom instruction and management, and teacher perceptions and attitudes. It was recognized that teachers and other professionals who were provided the proper tools and support by the school district were key to building the competence of district personnel who worked with students of different cultures and languages.

For each cultural and linguistic group African American, Hispanic, Native American and Asian American, study departments were created. The department provided specialists and tutors. This provided support systems with more perspective and varied approaches to help teachers and other staff members develop and strengthen their skills to work with students with different cultural backgrounds Harry and Klingner (2008).

Researchers Harry and Klingner said “essential is this research if we are to reduce disproportionate representation and offer equal educational opportunities to all American Students”.

Zhang D., Katsiyannis A., Song, J., and Roberts, Eric. (2014) investigated the current status involving the representation of minorities in special education given the authorization and associated efforts to reduce overrepresentation.

The study focused on a five-year trend from 2004 to 2008 to identify this five year trend. To help in analyzing the trends, growth models were included from national data collected from all 50 states including the District of Columbia. The data that was examined was generated from a database that involved state reports. Some of the findings uncovered showed there were some improvements made compared to 10 years ago. The number of African Americans in special education significantly decreased and there was a medium decrease in the number of Hispanic students who were classified as having ID or intellectual disabilities. In the category of learning disabilities, the number of Hispanic students increased. Nonetheless, the trend of racial/ethnic representation in special education remained the same as it was ten years ago (Zhang et al., 2014).

Why It Matters: What is Disproportionate Representation?

According to Donovan and Cross (2002), “In assessing disproportionality in education, one has to investigate to the extent to which a group is over or underrepresented in a category compared to its proportion in the overall school population”. In order to assess disproportionality in special education, the proportion of minority and English learners (ELL) proficiency groups served under the IDEA in 2004 needs to be investigated in order to determine the proportion with which the particular group is represented in the overall population of school aged students. According to the Office of Civil Rights Data Collection for 2006 (Civil Rights Data Collection 2012), “both racial and ethnic minorities composed of the following percentages of the school-aged population: American Indian/Alaska Native, 1.24%; Asian/Pacific Islander

4.84%; Hispanic, 20.41%; African American (non-Hispanic), 17.13%; and White (non-Hispanic), 56.42%”. The total student population, 12.82% of students received services under IDEA. Of the disability categories reported, minority student percentages were at 51.4% of the students with intellectual disabilities, versus 48.59% White.

According to Siba et al. (2008), factors that have received substantial attention in the literature include “test bias, poverty, special education processes, inequity of in general education, issues of behavior management and also cultural mismatch/cultural reproduction”. The evidence was inconclusive, however, to establish the fact that “poverty is the sole or even primary cause of racial and ethnic disparities in special education”. (Siba et al., 2008, p. 119).

Findings from this study suggested that overrepresentation of minorities in special education continues to remain a challenge. In this five-year study, it was discovered that African Americans were the most represented, with rates ranging from 14.79 to 15.45% while Whites had representation rates consistently below 13%. Hispanic students were the second least group represented with rates from 10.39 to 10.76% (Siba et al., 2008).

Voices of concern dating back to 1997 regarding overrepresentation of minorities in special education, including the U.S. Department of Education still exists today as they remain concerned that African American students continue to have the highest representation among all the groups. Concerns regarding this overrepresentation have caused many researchers to call for policy and practice changes to reduce minority representation (e.g., McCall and Skrtic, 2009 pg. 124).

In order to understand the complicated issue of overrepresentation in special education, future research is needed along with some in-depth collection of data from schools reviewing academic levels because collecting data in this area allows for careful examination of specific

factors that affect representation in special education. More investigation of overrepresentation is needed in other areas of diversity such as ethnicity, home language, and socioeconomic information. Taking everything into account, minority representation has not changed and therefore continues to be an ongoing challenge for school districts, especially those with high populations of minority students (Zhang et al., 2014).

Oswald and Coutinho (2006), examined disproportionate representation in special education by defining disproportionate representation and why it matters? The researchers observed the extent to which disproportionality, or disproportionate representation, varied greatly across state and school districts, and that for many years the U.S. Department of Education Office for Civil Rights observed efforts in order to reduce disproportionality.

Oswald and Coutinho (2006) defined disproportionality as when more or fewer children from a particular group experienced a given situation compared to what was expected, based on group representation in the general population. Much of the attention regarding disproportionality remains focused on the over-representation of children of color, particularly African Americans, in some special education disability categories, such as mental retardation and emotional behavioral disorders.

Oswald and Coutinho (2006) found that disproportionality occurred and was widely viewed as a problem. The general belief was that the proportion of children identified with a disability should be proportional across all race/ethnicity groups. This belief led to the conclusion that if the proportion of one race/ethnicity group was substantially different from the proportion of another group, the system for identifying children with disabilities did not function the same across groups. Researchers stated that if there was no benefit in identification or a stigma was imposed, the system was not only working differently, it was discriminatory.

An alternative to this belief was proposed that children who were identified as students with disabilities may be greater for specific race/ethnicity groups because factors that determine disability were more common in that group. African Americans were overrepresented in the category of mental retardation, because mental retardation was associated with poverty, and a larger proportion of African Americans live in poverty, in comparison to other race/ethnicity groups (Skiba et al., 2005).

Data from the 26th Annual Report to Congress on the Implementation of of IDEA for the 2002-2003 school years that tracked disproportionality showed that the number of White students, ages 6-21, identified with some form of disability under IDEA represented 8.7% of the estimated resident population of white children, but for African American students the comparable number was 12.2%. One of the most accurate ways to describe disproportionality is to divide the Black percent figure by the White percent figure using what is referred to as Relative Risk Ratio. The previous example yielded 1.4, meaning that African American students were 1.4 times as likely as White students to be identified with some form of a disability. An example of this would be in the State of California, where the Comparable Relative Risk Ratio was 1.67% which indicated a slightly higher African American disproportionality than for the country as a whole. The data was not equally present for all disability conditions as indicated from the 26th Annual Report which indicated that African American students in the U.S. were twice as likely as a White student to be identified as a child with an emotional behavior disorder (EBD).

Coutinho et al. (2002), found that in some cases, disproportionality was important because it may signal the presence of bias in identifying children with disabilities; and inappropriately identifying children as disabled is harmful. Some researchers have suggested

that educators have a tendency to label children who “stand out” from the general population because of their race/ethnicity and may be identified as EBD even though their behavior is not significantly different from their White peers (Oswald, Coutinho, & Best, 2002). In some cases research suggested that in a large White community, where minority children live, there may be an increased rate of disability not because the children “stand out”, but because of the inherited stress of living as a member of a minority group.

Lastly, Oswald, Donald P, et al. (2006), found that the issue of disproportionality representation was a politically charged issue and this discussion was one that could quickly become both heated and divisive. The problem cannot be solved easily, yet it is not a problem that can or should be ignored. There needs to be a practical and clearly stated accurate analysis of data that contains a straightforward conceptual plan in order to move towards the universal goal of improving the educational experiences and outcomes for all children with disabilities (Oswald et al., 2006).

Chapter III: Discussion and Conclusion

Summary of Literature

There have been many studies and research on disproportionality in special education on the topic “*Why There is a Majority of Minority Students in Special Education*”. After reviewing several articles on the subject, Harry and Klingner (2008) with the help and support from the office of the U.S. Office of Special Education Programs (OSEP), set out to examine the facts regarding special education referral and the process of making decisions for culturally and linguistically diverse students.

Patton (1998), discussed the consequences of overrepresentation of minorities, particularly African Americans in special education. In discussing the consequences, he stated

that “the current reality of the overrepresentation of African Americans in special education classes perpetuates this socio-historical legacy by allowing the general and special education enterprises to continue the creation of programmatic and classroom arrangements that jeopardize the life chances of large numbers of African American youth” (p. 27).

Consequences of misidentification, classification and placement are often very harmful. This problem has been heightened by the facts that today there are too many African Americans, particularly male youth who are not receiving a quality and fair, life-enhancing education in some of the special education programs where they are often improperly placed (Heller, Holtzman & Messick; 1982; Hillard. 1992).

The special education label that is endured by these students often serves as a stigma, which produces negative effects on the bearer of the label and others who interact with the stigmatized individual (Goffan, 1963). It has been further investigated that when students are placed in special education programs, they miss out on general education academics and the social curriculum that can enhance the quality of their lives both positively and effectively. When exposure continues to be limited in core academic subjects, a widening of “lower levels of achievement, decreased likelihood of post secondary education and more limited employment” emerges (Markowitz, Garcia. & Eichelberger, 1997, p. 3).

Reschly (1996) investigated and found that increased awareness could be seen in recent reports to Congress along with several initiatives that were funded by the U.S. Office of Education. A study conducted by the National Academy of Sciences of the National Research Council, evaluated how intelligence tests were used in special education and explored alternatives to these tests. An absence of “benefits” resulted from the use of the tests and lack of pedagogical utility was discovered (Morris, White, & Fever, 1996). The National Association of

State Directors of Special Education was funded to examine policy issues around the disproportionality problem and tasked with generating some practical solutions.

Patton (1998) found that even after all the causes had been equivocally noted, discussed and studied regarding overrepresentation of African Americans in special education, the problem remained. With all the data on overrepresentation in existence in the literature that challenges the special education process that leads to identification and placement, this problem continues to persist. Patton (1998) noted that “Persistence will continue unless we reanalyze old premises and reconstruct new premises underlying the field of special education” (p. 28).

Despite data and literature presently and convincingly available, African Americans continue to be identified as mentally disabled with little change from 38% in 1975 when African Americans were 15% of the school population. In the year 1991, African Americans made up 16% of this nation’s school population, yet 35% of the special education population (Harry & Anderson, 1994). The research literature and cases in the courts indicated the aspect of assessment which has received the highest attention in terms of its importance involved the discussion of overrepresentation.

Gould (1981); Hilliard (1991); Jones (1988); and Patton (1992) documented evidence that there was enough “theoretical and statistical evidence” proving that intelligence tests were biased and harmful to many African American learners.

Patton M. (1998) cited a host of theorists who held that education, and thus special education, grounded in structured power relationships was designed to serve the interests of the dominant social, political, and economic classes and to place African Americans in disvalued positions. An examination of the special education knowledge base relative to African Americans revealed that many knowledge producers have attempted to understand and explain

the behavior and life experiences of African Americans through their own narrow cultural and ethnic perspectives and against an equally narrowly constructed cultural and ethnic standard (Gordon (1985).

Artiles and Trent, (1994) found that there were still some who asked the same basic question about whether or not overrepresentation remained a problem. However, it was not a question that he had ever heard an African American special educator, sociologist, psychologist, anthropologist, barber, teacher, minister, social worker, custodian, business person, homemaker, or anyone else ask. The same was also true regarding whether Latinos or Native Americans, have asked this question because researchers knew the answer was yes. Artiles and Trent (1994) observed that when the question about overrepresentation in special education was asked, the individual was usually from a European cultural background. Another question asked included “why this group, especially its knowledge producers, continues to beg the question and what is behind the question”?

Artiles and Trent, (1994) discovered that the same knowledge producers could begin to reevaluate their worldviews, epistemologies, ethical themes, so-called objectivity, methodology and practice in light of the many voices of African Americans who were muted. They could utilize the language of ethical critique, justice and caring in their work and administer social, political, economic, historical, and ethical discourses into all that they did. They approached those who “studied” to listen and hear; to allow themselves the opportunities to go to “insiders” for critical insights, and also allow the “other” African American knowledge producers to teach as well as lead them in pursuit of knowledge production. Both European and African American knowledge producers have an equally large leadership challenge.

Artiles and Trent (1994) concluded that a special education system was needed that nurtured, developed, and allowed African American knowledge producer voices to be heard, confirmed, and affirmed. Hearing African American voices more closely represents those who are being studied, tested, identified, labeled and placed in special education programs often at levels well beyond accepted rates. “The criteria needed for these new knowledge producers are the same ones needed for all those participating in an agenda that turns the corner in resolving the African American special education overrepresentation problem” (p. 30).

Hosp, John L. (2008) examined the term Response to Intervention (RTI) and how it was used in connection with disproportionate representation of culturally and linguistically diverse students in special education programs. Even though the term Response to Intervention and how it was used might be new, the overall concepts underlying it were not (Gresham, 2007).

Response to Intervention is a system of support that schools put in place to provide high-quality education to students with disabilities. Originally, RTI was developed as an overall framework to predict, remediate, and prevent negative outcomes common for students with disabilities.

As part of a Report from the National Research Council titled “*Placing Children in Special Education*” Heller, Holtzman, & Messick, (1982) proposed this question, “Why are some educators, advocates and parents considering RTI as a way to address some of the issues surrounding disproportionate referral and placement of culturally and linguistically diverse students in special education programs”? Some of the core principles of RTI have been presented as a practical solution for over a quarter of a century.

The assumption of disproportionate representation was that, all other things being similar, students from different racial and ethnic groups should be identified for special education services in similar proportions. For instance, if six percent of the Caucasian students in a given

school district were identified for special education, one would therefore expect six percent of African American students, six percent of Latino students and six percent of any other group to be identified. Since some groups of students have a greater need for specific services; such as a higher percentage of Latino students who need English language instruction, this was not always the case.

According to the National Education Association (2007), disproportionality and the history of it has focused on culturally and linguistically diverse students. It continues to be an important civil rights concern and is mostly examined by race or ethnicity.

A biennial survey of both elementary and secondary schools conducted by the U.S. Department of Education's Civil Rights (OCR) in 1968, focused on placement in special education programs disaggregated by various student characteristics (e.g., sex, race/ethnicity, language proficiency). Researchers discovered that the patterns of disproportionality have remained relatively stable at the national level for the past 40 years (Chinn & Hughes, 1987; Donovan & Cross, 2002; Finn, 1982; Hosp & Reschly, 2004; MacMilan & Reschly, 1998; Oswald, Coutinho, Best & Singh, 1999).

Hosp, John L. (2008) found in his research that disproportionate representation focused on the number of students identified for services or within specific programs or placements. However, there has been an increase in the number of calls redirecting the focus from documenting disproportionality to directing focus to generating solutions (e.g., Donovan & Cross, 2002; Markowitz, Garcia & Eichelberger, 1997; Serna, Fitness, & Nielsen, 1998). Additional factors are being examined by researchers who realize that it may be important to address student needs, such as in restrictive placements. For example, when a student spends a low percentage of time with his or her peers in general education it indicates the student has a

more restrictive special education placement; Hosp & Reschly, (2002); Skiba, Poloni-Staudinger, Gallini, Simmons & Feggins-Azziz, (2006); is eligible for multiple services, including special education and English language learner services (de Valenzuela, Copeland, Qi, & Park, 2006; Zehler, Fleishman, Hopstock, Pendzick, & Stephenson, 2003); and supports the theory that disproportionality is linked to the achievement gap (Hosp & Reschly, 2004).

In the study of RTI, researchers found that special education programs and services were not often perceived as positive nor effective and the processes for identifying and delivering services was not always applied equally or fairly (Hosp & Reschly, 2003). This was one of the many reasons that RTI was viewed as a promising way to address the underlying problems explained by disproportionality patterns.

A key factor of RTI is to improve the outcomes for all students in a variety of ways. This can be achieved, with the inclusion of high quality instruction delivered with good fidelity. In other words, delivered as it was intended or developed to be delivered. To align instruction with the needs of students there must be both instruction and intervention. When there is both instruction and intervention, student needs are met and the outcomes should be met as expected.

Hosp, John L. (2008) found that the main feature of RTI was that important educational decisions need to be made and that the decisions should be based on data. Data should be collected, aggregated, and analyzed so that decisions can be made about individuals, classrooms, schools, districts and states. A good RTI system is one that requires the use of universal screening along with reliable measures to make decisions about individual student performance as well as about classrooms, schools or districts. Solely collecting additional data may serve to have more people become aware of the issue and also be more likely to direct attention to it (Johnson, 2002).

According to Hosp & Madyun, 2007; Klingner & Edwards, 2006) “To date, there are only a few guides for how to address disproportionality using RTI, but you can be sure that they will not be the last”.

According to Roekel, Dennis Van (2008), President of the National Education Association (NEA) for nearly four decades, disproportionate representation of culturally and linguistically diverse (CLD) students in special education programs has always been a concern. In the field of special education, one of the most complex issues is that of disproportionality which references the “overrepresentation” and “underrepresentation” of a certain demographic group in special education programs.

There is an estimated 13.5% of students in grades K-12 who receive special education services. Some subgroups of CLD populations receive special education services at rates that are remarkably higher or lower than the overall national rate.

There is an array of policies, procedures and practices that exist at the national, state, district, school or classroom level that can lead to overrepresentation or underrepresentation of CLD populations in special education programs. Researchers have discovered that some specific state policies and procedures contribute to disproportionality, such as how some states define special education categories, such as specific learning disabilities and emotional disturbance. State special education eligibility can influence the procedures used to identify students as disabled.

Various forms of disproportionality exist at different levels. For instance, overrepresentation can be present in ways such as;

1. National, state, and district level over identification of CLD students as disabled
2. Higher incidence rates for certain CLD populations in specific education categories, such as mental retardation or emotional disturbance;

3. Significant differences in the proportion of CLD students who are receiving special education services in more restrictive or segregated programs;
4. Excessive incidence, duration, and types of disciplinary actions, including suspensions and expulsions, experienced by CLD students.

Students who are misidentified are likely to experience limited access to accurate curricula and diminished opportunities. This particularly creates a fallacy of the child's intelligence and academic potential.

In another study, Roekel (2008) found that CLD students with disabilities were often educated in environments that were either segregated or more restrictive than their White peers. For instance, African American, Hispanic American, Indian/Alaska Native and ELL students with disabilities were more likely to be educated in separate classrooms or schools than students who were White or Asian and Pacific Islander. In addition, evidence suggested that referral, suspension, and expulsion rates for CLD students were higher and often, they received more severe punishment than White students who exhibited the same type of behavior.

Roekel, Dennis Van (2008) also found that disproportionality was a concern because labeling students as disabled when they were not led to unwarranted services and supports. Research demonstrated that a child's race and ethnicity significantly influenced the probability that he or she would be misidentified as needing special education. This could have both immediate and long-term negative effects.

Rynders, Dustin, (2019) investigated and found that Implicit Bias was one reason that contributed to disproportionality for African American students in special education. He found that Implicit Bias could be associated with race, gender disability status, and other characteristics. What is known about Implicit Bias in education, was that there was less research in this area, but the prominent research reflected the problems that existed. Teachers had reduced expectations for Black students, and other minority students. Schools with greater

populations of Black students had even higher discipline rates and lower special education identification, Blacks were more likely to be misdiagnosed and more likely to be educated in restrictive environments than White students.

A study conducted in 2015 found that a student with autism may predispose individuals to turn on negative implicit biases, especially individuals who are not familiar with autism and have negative stereotypes. If the student is part of a racial minority group, the biases may be conflated. For instance, if someone holds an implicit bias against people of color, and if the same person holds an implicit bias against people with disabilities, the two forms of bias compound if the person meets a person of color who has a disability. This conflation of different implicit biases can cause there to be overall higher rates of implicit biases in special education (Birmingham, E., Stanley, D., Nair, R., and Adolphs, R. (2015).

Huebner, Scott, E., (1988) investigated the disproportionate number of students identified as Learning Disabled (LD) and found the numbers to be quite extensive in the past few years (Algozzine & Ysseldyke, 1983, Reynolds, 1984, Shepard, Smith, & Vojur, 1983). In fact, circumstances can lead to identifying a child as LD, even though he or she may not have been evaluated, thus including student, examiner, and environmental characteristics.

The assessment database including its content, has received a substantial amount of attention (Cummings, Huebner & McLeskey, 1986), regarding the specificity (Huebner, 1987), and credibility of the source of referral information as well as (Moscato, 1987) the content (Huebner & Cummings, 1986a, 1986b, Johnson, 1980, Knoff, 1984, Smith & Knoff, 1981, Ysseldyke, Algozzine, Regan, & McGue, 1981), amount (Algozzine, Ysseldyke, & Hill, 1982), and reliability (Shavelson, Cadwell, & Izu, 1977) of the test data. The norm-referenced score which is used to help interpret the test information is a variable that has also been neglected.

Algozzine & Ysseldyke (1981) examined the effects of referral information and test data from a diverse group of educators, which included teachers and their decisions regarding eligibility for a learning disability or other special education program. They discovered that students who were described by their teachers as demonstrating learning problems were frequently diagnosed as learning disabled and recommended for special education programs despite their test results which indicated average function in all areas. Data found that 5% of educators determined that students with normal test scores were eligible for special education services (Algozzine and Ysseldyke (1981). Researchers concluded that the educators ignored tests in favor of referral information. No compelling differences were noted in placement decisions among the various professional groups.

Huebner and Cummings (1985) and Cummings, Huebner, and McLeskey (1986) in a succeeding series of studies, found that when test data utilized by school psychologists was presented for both normal and LD students, school psychologists who received LD data were likely to have lower future academic expectations for the student, the student was diagnosed with LD, and a special placement class was recommended. Contrarily, the school psychologists who received normal data were unlikely to have low future academic expectations, did not diagnose the child as LD, or recommended special class placement. Therefore, these subjects appeared to use test data reliably.

A possible reason for the differences in the findings of the studies was the type of norm-referenced scores used to deliver achievement tests results. Grade Equivalent or (GE) scores were used by Algozzine and Ysseldyke (1983) exclusively, while Huebner and Cummings, and Cummings, et al, (1985) used standard scores and grade equivalent scores with standard deviation (IQs with a $M = 100$ and $SD = 15$). Generally using original data (e.g.,

percentile ranks) and grade equivalents (in particular) is equivocal and open to misinterpretation because of problems such as unequal intervals (Reynold, 1981, Salva & Ysseldyke 1981, Thorndyke & Hagen, 1977). The purpose of this study was to investigate how educator decisions were influenced by different modes of reporting norm-referenced test scores.

The study included a total of 150 classroom teachers who were randomly selected from a regional directory from a rural two-county area in a midwestern state. One two-page fictitious case study along with one decision-making questionnaire was mailed to each teacher. A total of 51 completed questionnaires were received. The case study involved a nine-year-old male in the fourth grade who was referred because “he does not complete his assignments, learns slowly, and spells and reads poorly”. The study also included both demographic and background data and some behavioral observations. Included also were three subtests from the Wechsler Intelligence Scale for Children-Revised, and six test scores from the Peabody Individual Achievement Test (PIAT). A definition for LD was also included in the case study, that expressed the importance of an IQ-achievement discrepancy. Using Reynolds’ (1981, 1984) criteria, the discrepancy did not reach significance for the case study.

Results from this study showed that notable differences were obtained for ratings indicating a likelihood that the child needed immediate special education services. A Scheffe test, which is a test used to determine whether individual means differ, or whether, one group of means differs from the average of another group of other means. The results from this Scheff test indicated that the teachers were more likely to suggest special placements when presented with Percentile Ranks than when presented with Grade Equivalent. In addition, the teachers were more likely to perceive the need for special services in the future, if not provided in the present.

Huebner (1988) found that the type of norm-referenced score used to deliver test results definitely influenced teacher decisions. When percentiles were used, it was more than likely that the child would be diagnosed as LD along with predicting future academic problems.

Huebner (1988) examined some implications of this study indicating that assessors should be careful when selecting specific ways to communicate test information to “psychometrically unsophisticated” consumers of assessment services. Various authors, for example, Lyman (1963), Salvia & Ysseldyke (1981), and Sattler (1982) recommended using percentiles to describe test results because they are easily understood.

The study limitations included the use of an analog format which allowed for determining true causal relationships (Mook, 1983). There was also a concern about external validity (Amira, Abramowitz, & Gomes-Schwartz, 1977, Guskin, 1978). For instance, because fictitious case studies were used, teachers may have had different responses than if this were an actual referral, or a real student with whom they had classroom experience. The return rate was not unusually low for a study of this nature (Kerlinger, 1986). The sample was clearly biased because it included rural teachers from a two-county area in a midwestern state. Even though the data illustrated candid results with some key implications for professional practice, there should have been more evidence that was convincingly presented. Until this happens, percentile ranks should be used carefully with teachers, parents, and other consumers of test information.

Podell, David, M., and Soodak, Leslie, C. (1993) studied the referral to placement process in special education. Educators Wang & Walberg (1988) have questioned the value of special education for students with mild academic problems. Some of their concerns have been that special education is too costly for the individual student with regards to the psychological effects of labeling (Ysseldyke & Algozzine, 1982), and is costly to society in regards to the

allotment of limited resources (Lipsky & Gartner, 1989 Raphael, Singer & Walker, 1985). They argued that the costs might be greater or more significant than the benefits of special education, so a number of students might be better served in regular education. Others have maintained that some students, especially those from minority and low-income backgrounds, are being inappropriately classified and placed in special education (Cummings, 1984).

Algozzine, Christenson, & Ysseldyke (1982), found that in order to prevent inappropriate special education placement of children, teachers must focus on the referral decisions. (Clark and Petersob, 1986). Reasons for teacher referral decisions include teachers who lack a sense of their effectiveness or a willingness to work with more difficult students.

Researchers have found that teacher efficacy is related to several teacher behaviors, such as use of time, questioning, and classroom management strategies (Gibson & Demb, 1984; Saklofske, Michayluk, & Randhawa, 1988) When it comes to referral decisions, Meijer and Foster (1988) and Soodak and Podell (1993) found that teachers with greater personal efficacy were less likely to refer students with mild learning and behavior problems; Soodak and Podell (1993) found further that teachers who were least likely to refer students rated high in both personal and teaching efficacy. In the form of making educational decisions, teachers with preconceptions about students may bias their decisions, contributing to the inappropriate referral of students, especially students of color to special education. A form of examiner bias has been noted with school psychologists who look for, and eventually find, reasons to support initial referral judgments. If the general education classroom teacher's decision was also biased, school psychologists may confirm already flawed judgements. This pattern has been termed "confirmation bias" (Darley & Gross, 1983; O'Reilly, Northcraft, & Sabers, 1989).

Podell, David, M., and Soodak, Leslie, C., (1993) examined a study that involved 240 general education teachers recruited from graduate courses from three universities in the New York metropolitan area who had been teaching for at least one year. All participants agreed to participate in this study. Two hundred were White women (83.3%) and 40 were men, of which 14 (5.8%) were African American, 7 (2.9%) were Hispanic, 2 (0.8%) were Asian American, and 17 (7.1%) were of other ethnicity or did not specify their ethnic background. Teachers represented early childhood, elementary, and junior high school teachers.

In the comparative study of all 50 states, it was found that African American students with Autism were under-identified in 40 states. One reason was because a diagnosis of Autism comes with many more rights and services that are very expensive when compared to other disability classifications. Some states require multiple IEP considerations for students with Autism, which makes it harder to identify students with Autism and keeps out students who need these services.

The educators were given a case study to review that contained about 100 words describing a third grade black male student who was considered to be well- behaved, but had significant academic difficulties in the area of reading and was not able to concentrate. Teachers were also given a four-page packet of information to complete including items that pertained to the placement and referral judgements. A Teacher Efficacy Scale was used to (Gibson and Dembo (1984) assessed teacher efficacy. Teachers were asked to respond to items regarding their beliefs about their own effectiveness as a teacher, and also their beliefs about the influence of teachers in general.

The results of this study determined that teachers with a greater sense of personal efficacy tended to perceive the general education placement as more appropriate for the student with

academic difficulties. On the other hand, teachers who had a low sense of personal efficacy, tended to perceive general education as a less appropriate placement for a low socioeconomic status (SES) student.

Podell, David, M., and Soodak, Leslie, C. (1993) in their investigation also discovered that teacher judgment concerning placement and referral were not simply dependent on the nature of student educational needs. Instead, teacher referral decisions were biased by variables unrelated to the specific academic difficulties of the student. The presence of teacher bias indicated that students may be treated inequitably with regard to special education referral. The problem was exacerbated by well-documented confirmation bias that is held by school psychologists (Darley & Gross, 1983; O'Reilly et al.1989).

Conclusions and Future Research

Rynders, Dustin (2019) believes that it is very likely that implicit bias in special education services can have an impact on the way different communities view special education services. For instance, the fact that African American students are disproportionately placed in restrictive settings may contribute to an impression among African American people that special education is an undesired service that is meant to segregate and reduce expectations for students, instead of a prosperous set of rights and services.

Implicit bias towards students of color and students with disabilities can cause there to be implicit bias in the special education referral process. Referrals completed by school staff may be subject to implicit bias that some educators have against students of color or those with disabilities.

Research suggests some strategies that are promising ways to address implicit bias such as: Recognizing individual bias and being motivated to be fair; Interacting with individuals from

different cultures; Focusing decision-makers on the student as an individual; Increasing cultural understanding.

Research shows that the IDEA disability categories are divided into high-incidence and low-incidence. High-incidence categories include severe emotional disturbance, specific learning disability and intellectual disabilities and are more subjective. African Americans are only disproportionately represented in the high-incidence categories that become extensive during school. Fifty-seven percent of African Americans are diagnosed with high-incidence disabilities, 46% of White students. The rate of disproportionality of African American students categorized with objective versus subjective disabilities shows the role that implicit bias plays in referring students of color to special education.

A statewide longitudinal study that was conducted in Texas examined millions of school and juvenile justice records and controlled for more than 80 variables. This study found that African American students and those with particular educational disabilities were disproportionately likely to be removed from the classroom for disciplinary reasons. Eighty-three percent of male African Americans students and 70% of female African American students had at least one discretionary violation. Only 59% of white male students and 37% of white female students had a discretionary violation. A huge discrepancy showed how teachers and school staff disciplined Black students when compared to White students.

In their report, the Department of Education stated that it believed that “disproportionality based on race and ethnicity in the identification, placement, and discipline of children with disabilities” needs to be studied further. Rynders, Dustin, (2019) found two conflicting fields of thought when it comes to African Americans in special education. One field

believes that African American students are overidentified in special education; while the other believes that African American students are underidentified.

The Department of Education takes the position that it needs to study further the issue to determine if African American students are over or underrepresented in special education. Additionally, the Department of Education argues that if there is an over or underrepresentation it could not be due to bias or discrimination. It believed environmental factors such as poverty affecting the African American community, could cause African American students to need more help in school, therefore making them eligible for special education services under the IDEA.

There is still much work to be done to solve the problem of disproportionality in special education and to answer, "*Why There is a Majority of Minority Students in Special Education*". I do agree with the Department of Education position that further studies are needed to determine if African Americans are over or underrepresented in special education, but my research has led me to differ in the Department of Education view that the over or underrepresentation is not due to bias or discrimination. I think that there could be implicit bias or explicit bias that needs to be studied and interpreted. There can also be environmental factors such as poverty affecting the African American community that makes them have a need for special educational services in specific areas, but that theory needs to be analyzed more thoroughly.

Lastly, there needs to be more research done to solve the problem, of disproportionality in special education to find out "*Why Is There a Majority of Minority Students in Special Education*". Research data is needed that includes environmental; factors, teacher efficacy, implicit bias, and parental involvement in student achievement before we will be able to come up with concrete answers to solve the disproportionality in special education and "*Why Is There a Majority of Minority Students in Special Education*".

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