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The Case of Blackness and Disability. Disproportionality in Special Education Identification
Patricia Pfende

The Individuals with Disabilities Education Act (IDEA) was initially passed in 1975, making provisions for qualifying students to receive special education. Though the act was meant to address the needs of students with disabilities in Kindergarten to twelfth grades (K-12), disparities in special education enrollment for Black students have been well documented in the United States over the last 40 years. Scholars continue to question the relationship between low-income students, students of color, and disproportionality. Disproportionality refers to the under and over-representation of a specific group in special education. Drawing from the Critical race theory lance, this paper will look at how race plays an enormous and still-underappreciated role in the over-representation of Black students in special education. The report will investigate how policy practices in the identification process are flawed and how representation differs concerning the race factor of the school brought about by structural racism. The paper will scrutinize how the misrepresentation of Black students in special education has affected Black students. The review concludes by addressing the gaps in the study, offering recommendations for future research, and identifying ways disproportionality issues can be addressed by introducing more inclusive educational settings that incorporate diverse cultures, such as Culturally Responsive Teaching (CRT) restorative practices.

Keywords: special education, disproportionality of Black male students, Individuals with Disabilities Education Act (IDEA)

Thank you TVC for awarding me this opportunity. It is my deep desire that people will learn from this journal article and be more proactive where need be.
The Case of Blackness and Disability. Disproportionality in Special Education Identification

Introduction

Before the 1970s, public schools in the United States of America were not mandated to educate disabled students (Morgan et al., 2017). Few students with disabilities were enrolled in the educational sector. Since this era, federal laws have increased educational access and support for children with disabilities (Morgan et al., 2017). An example of such a policy is the Individuals with Disabilities Education Act (IDEA). The act requires public schools in the United States of America to provide special education services to eligible students (“A History of the Individuals With Disabilities Education Act,” n.d.). IDEA is grounded on the Fourteenth Amendment, and it gives rights and protections to children with disabilities. The act covers children with disabilities from birth through high school. The policy, though meant to benefit students, has given room to structural racism and institutional racism (Kohli et al., 2017). The policy paved the way to disproportionality, the over-representation of Black students in special education relative to their overall school or population representation. At this point, it is essential to note that disproportionality is observed for African-American boys, immigrants, and Native Americans (Conger et al., 2007). Prejudices held by individuals do not simply cause the extent of racism in the United States of America, but it is also caused by laws and practices that are implemented. Such practices are embedded in the economic system and influence cultural and societal norms (Donovan & Cross, 2002).

Literature Review

Many scholars believe that Black students are placed in special education based on their race, gender, and social status (Moore et al., 2008). The overrepresentation of Black students in special education under the disability categories of Emotional or Behavioral Disorder has significant implications for Black students. For example, it affects students emotionally due to the segregation they experience. Such students suffer from low self-esteem, affecting their ability to pursue personal goals. The overrepresentation of black students in special education results in students having low morale to attend college and results in an increase in school dropouts and crimes with implications contributing to the prison-to-school pipeline. The definition of an emotional disorder under IDEA is considered as an inability to learn, which cannot be explained, or an inability to maintain and build relationships (“Sec. 300.8 (c) (4),” n.d., p. 300). The study in this paper will examine how race affects Black students' experiences in K-12. Making use of the policy practices outlined in the Individuals with Disabilities Act (IDEA), this paper will investigate how, as a result of structural racism, Black students who do not need special education are being overrepresented and identified for special education in K-12. Scholarly journal articles and books will be used to highlight how systematic racism plays a role in aiding the disproportionality of Black 12 students. Recommendations will be given to try and address disproportionality.

Theoretical Framework

The Critical race theory (CRT) is a theoretical framework that can be used to support this argument (Hines et al., 2020). CRT is an intellectual and social movement and loosely organized
framework of legal analysis based on the premise that race is not a natural, biologically grounded feature of physically distinct subgroups of human beings but a socially constructed (culturally invented) category that is used to oppress and exploit people of color (“Critical Race Theory,” 2024) Studies show that centuries of exclusive practices in the United States of America have made Black students with disabilities face more significant challenges in the American educational sector (Morgan, 2020). The critical race theory, in this case, can be used to examine how the history of America, which is centered on racism and segregation, is still embedded in the nation’s policies (Donovan & Cross, 2002). The critical race theory refers to “the official school curriculum” in American schools as Master Scripting (Swartz, 1992). Master Scripting can be seen when the dominant culture influences the official curriculum and the practices used to deliver it (Blanchett, 2006). In modern-day America, the concept of disability is now being used to justify the discrimination of individuals with salient identities by attributing disability to them. Such is the case of the paradox of special education. Losen & Orfield (2002) consider disproportionality trends in particular education indicators of possible discrimination or bias on how K-12 students are identified for special education. Scholars like Donovan and Cross (2002) consider these disparities to reflect the inequality that marginalized individuals face consistently. In this context, racism is theorized to occur in schools where teachers and administrators use special education services to place Black students in highly restrictive settings instead of helping students in class without separating them from others (Gatlin & Wilson, 2016).

Overrepresentation of Black Male Students in Special Education

African Americans have been subjected to unequal educational opportunities compared to their peers for close to a decade now, even after the 1954 Brown versus Board of Education court decision that outlawed segregation in public schools, African Americans are still being segregated presently (Alston et al., 1994). Different scholars have long argued that Black male students are being over-represented in special education and under-represented in gifted education (Yoon & Gentry, 2009). The increase in over-representation is brought about by the race factor of the school (Elder, 2021). It is crucial to take note that the rate at which Black students are labeled as having a disability is higher in predominantly white schools compared to predominantly Black schools. A clear argument can be drawn that educators do make racially biased decisions when referring and qualifying students for special education or gifted education. Kervick et al. (2019) noted how the identification rates between Black and white students differ. 1.4 percent of Black students are categorized as having an emotional disability or learning disability compared to 0.8 percent of white students. Black students are diagnosed with intellectual disabilities at nearly three times higher than white or Latino students. On the opposite end of the spectrum of exceptionalities, white students are three times more likely to be identified as gifted/talented than their Black, Latino, or Native American peers. The Individuals with Disabilities Education Act (IDEA) was recently reauthorized to the Individuals with Disabilities Education Improvement Act of 2004 (Blackwell & Rossetti, 2014).
Misunderstood and Mistreated: Special Education Placement Outcome

Whether Black students are misdiagnosed or appropriately diagnosed, the long-term effects of having labels, stigma, limited access to development opportunities, and physical segregation can be harmful (Kervick et al., 2019). Being labeled also promotes negative stereotyping and causes discrimination. This often leads to less satisfying school experiences, fewer positive relationships, and higher suspension and expulsion rates (Kervick et al., 2019). Grindal et al.’s (2020) findings revealed that students in unique education settings tend to be placed in classes where academic conditions are worse, and expectations for success are lower, with teachers with less math, English, and science expertise.

The criminal justice and education systems intersect in multiple ways (Crawley & Hirschfield, 2018). The school-to-prison pipeline (STPP) is an example of such an intersection. It directs attention to particular social processes in policy, practices, and the criminal justice system (McGrew, 2016). The school-to-prison pipeline operates through school exclusion, encompassing suspensions and expulsions (Skiba et al., 2014). Some scholars like Fabelo et al. (2011) looked into the causes of STPP, and they came up with direct and indirect causes, with indirect causes being exclusion from school, which creates more opportunities for involvement in illegal activities. The inappropriate placement of Black male students into special education contributes to limited academic achievement, which instigates delinquency and expulsion that leads to unlawful behaviors and imprisonment (Sacks, 2019).

However, special education is meant to help students with disabilities by providing additional services and resources (Hanushek et al., 2002). The identification process may also stigmatize students, segregate them from their peers, expose them to low expectations and a weak curriculum, limit their access to the general education curriculum, and depress post-school outcomes such as employment options and higher education (Sullivan, 2011). The usefulness of special education can be questioned as students who are identified to enter special education are much less likely to do well on achievement tests and go to college (Racial Differences in Special Education | Harvard Graduate School of Education, 2020).

Funding through disproportionality.

Concerns about schools inappropriately identifying Black students for special education have given way to policy reforms (Smith, 2005). The 2004 reauthorization is an example of the IDEA reforms. School districts are supposed to report the race and ethnicity of students in special education to the Department of Education to determine where there is significant disproportionality. (Yell et al., 2006) In cases where considerable disproportionality is found, the Local Education Agency (LEA) should allocate 15% of federal special education funding to early intervention services for students without disabilities. This, however, is not designed as a punishment, as LEAs do not lose funds but instead are specifically guided to use IDEA funding to improve general education (Pearcy, n.d.)

Discussion

Black, American Indian, and Hispanic children are disproportionately low-income and poor. With Blacks having 61% low income, Hispanics at 59% low income, and American Indians at 60%
low-income level for children under 18 years (National Center for Children in Poverty 2018). These children are considered “at-risk”. “At-risk” children are easily placed into special education programs due to several underlying factors that examiners do not consider. For example, examiners only calculate intelligence and mental performance and fail to examine the family’s background. A student from a low socioeconomic home might have parents who are either uneducated or under-educated.

Scholars and stakeholders question whether the overrepresentation of Black males as having disabilities is an issue of misjudging culture or an issue of racism and a violation of the student’s civil rights (Artiles, 2013). Russo & Ford’s (2016) evidence shows that students who look and act differently than white middle-class norms are primarily placed in unique education settings. This is the case with Black male students who are often placed in special education.

Policy

The impact of policies centered on disability, namely the ADA and IDEA, has, in a way, given room to structural racism, creating more problems for Black people with disabilities (Boone Blanchard et al., 2021). Loopholes in policing have caused minoritized identities to be discriminated against and aided in the increase in the poverty gap. Building on the National Disability Institute (NDI) 2017 report, individuals who live at this intersection of race and disability experience disproportionate levels of financial distress (Goodman et al., n.d.). Therefore, access to general education must be equitable, and Districts and schools must not discriminate based on race, color, and nationality. Racial discrimination in referrals can result in under-identification for special education students who need services and over-identification for special education of students who do not need services.

Concerning referring students for evaluation under the IDEA and avoiding racial discrimination, I recommend making the process more centralized and allowing health professionals and counselors to be involved in the identification process at the district level. This will help provide equitable treatment in the evaluation process based on medical reasoning.

Practice

Culturally Responsive Teaching

Educators work in a diverse setting and must know their students’ cultural backgrounds (Schmidt, n.d.). Certain cultures influence the way that students act and behave. Instead of labeling students as emotionally disturbed, educators should go the extra mile to make the classroom more responsive to students’ diverse cultures. Teachers should incorporate students’ home-based literacies, experiences, talents, and resources into the classroom’s daily teaching and learning experiences.

Gay (2000) described culturally responsive teaching (CRT) as a validating, multidimensional method integrating students’ knowledge and culture into varied learning experiences. This approach is comprehensive in that it addresses the child as a whole. CRT can also be described as transformative, liberating, and empowering (Gay, 2000). One of the most influential factors in teaching students from diverse cultural backgrounds or lower socioeconomic levels is the aim to connect school and classroom experiences in a culturally relevant manner (Schmidt, 2005). Ensuring connections are made that are culturally responsive promotes literacy and academic achievement. Efforts to create this connection
between home and school should not merely occur spontaneously; instead, it should be embedded in teachers’ daily lesson plans.

**Employing more Black teachers**

Another notable recommendation that can be given is the recruitment of more teachers of color in the educational system. Researchers have noted the imbalance of white female teachers compared to the student population (Fish, 2019). Teachers of color can help to advocate for students of color, as they will have a greater understanding of students of color culture. Schools with more diverse teachers have a lower rate of disciplinary referrals than those with white teachers (Scott et al., 2019). By employing more Black teachers, they can be in a better place to bridge the proverbial gap and serve as role models for students of color (Scott et al., 2019).

**Research Gap**

Though much research has been done about the Critical race theory and the over-representation of Black male students, there are still some gaps within the research field itself. Many studies fail to discuss the perceptions of individuals who have experienced overrepresentation (Moore et al., 2008). At this point, the exact number of Black students who have been affected as a result of disproportionality is not known. Some scholars argue that the disproportionality of Black students is because most of these Black students come from low-income families. They say that these students might have been exposed to lead and not have proper healthcare, and this might be the reason why they are disabled. Very little is known about this claim, as states must report data based on unique education identification by race and ethnicity (Kervick et al., 2019). I encourage more research work to be made based on these assertions.

**Conclusion**

Special education is beneficial to students who genuinely need it. Unique education identification can result in lowered expectations from teachers. Educators must identify deserving students for special education and not misidentify students due to cultural and social differences. Systemic injustices have led to economic inequality. As shown in the findings of this paper, modern-day slavery is occurring in the school systems under the disguise of policy. It is sad to see how Black male students are being segregated due to disproportionality and placed in special education. It is increasingly surprising to note how little is being done to address this. This paper also addresses ways of addressing this issue. It would be essential to see more research being conducted that tries to resolve disproportionality by integrating CRT.
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