

Oak Foundation/SREE/Grantmakers for Education Summer Fellowship

Executive Summary

Title: Biases and Inequality in School Systems: A Literature Review on Disproportionality in Special Education and School Discipline

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Objective: This paper comprises a review of the literature on disproportionality in both special education identification and school disciplinary practices in K – 12 public schools in the United States. The ultimate goal of this paper is to provide research-based recommendations for the Oak Foundation, as well as other stakeholders, to strengthen their efforts to close the pervasive gaps in SPED identification and school discipline.

Problem Statement: As a result of systematic and structural inequalities in classrooms and school systems, Black, Latinx, American Indian, and Alaska Native youth continue to be overidentified in special education across several disability categories (OSEP, 2018). Ironically, while intended to provide additional services to support students, placement in special education can instead function as a mechanism for discrimination by preventing access and opportunities to high-quality and rigorous educational experiences.

Similarly, racial, gender, and socioeconomic status (SES) disparities in school discipline have been well-documented for three decades (Children’s Defense Fund, 1975, McCarthy and Hoge, 1987; Skiba, Peterson, and Williams, 1997; Thornton and Trent, 1988). However, fewer studies have examined the reasons for the evident disparities in school discipline across the United States (Skiba, Michael, Nardo & Peterson, 2002). Based on the literature, implicit and explicit biases and inequality at both a classroom and school systems level appear to be the crux of the disproportionality problem.

Disproportionality in SPED Identification: When compared to all other racial/ethnic groups combined, American Indian or Alaska Native students were reported to be 1.8 times more likely than their counterparts to receive special education services for specific learning disabilities such as dyslexia (OSEP, 2007). Similarly, Latinx students were 1.1 times more likely than their counterparts to receive special education services for specific learning disabilities such as dyslexia. Moreover, the gap between Black and White students’ rates of special education identification continued to widen with Black students being increasingly overidentified over time when compared to their White counterparts (Ong-Dean, 2006). In contrast, Asian American students have historically been less likely to be identified with a learning disability when compared to their White counterparts (OSEP, 2007). Disaggregated data for each racial/ethnic group by disability category are presented in the current paper. For a more detailed report on this data, I refer the reader to the full paper.

What Causes Disproportionality in SPED?

- Disproportionality may be attributed to inconsistent referral processes, assessments, and diagnoses.
- Inconsistent methods of identification (e.g. the ability-achievement discrepancy model, the low-achievement model, and the intraindividual discrepancy model).
- Some researchers have argued that racism and stratification in the education system are at the crux of the problem of disproportionate identification (Patton, 1998; Skiba et al., 2008).
- One must also consider the possibility that the diagnoses are accurate and are instead a reflection of socioeconomic status (SES).
- A lack of English proficiency is sometimes misinterpreted by practitioners as a disability or a lack of intelligence (Klinger, Artiles, & Barletta, 2006).

Disproportionality in School Discipline Practices: The longstanding, disproportionate rates of school discipline among ethnic minority youth—African American youth in particular—in schools has been well-documented in the literature over the past three decades (Children’s Defense Fund, 1975; Skiba, Peterson, & Williams, 1997; Michael, Nardo, & Peterson, 2002). Despite the preponderance of evidence of disciplinary disproportionality by race, SES, and gender, less is known about the underlying reasons for this disproportionality. Several studies have resulted in findings that support the fact that Black students are disciplined more often and more severely than their White counterparts, especially after desegregation was implemented (Costenbader & Markson, 1994,1998; Glackman, Martin, Hyman, McDowell, Berv, & Spino, 1978).

No evidence was found to corroborate the claim that African American students misbehave at a statistically higher rate when compared to their peers in other racial/ethnic groups (Skiba et al., 2002). In a sample of 6,244 discipline files from 16 K – 12 schools in a central Florida school district, Shaw and Braden (1990) found that although Black children received more disciplinary referrals than their White peers, their White peers were actually referred for more severe rule violations. The patterns of disproportionality are not as clear when examined among other ethnic minority groups. For example, some scholars report inconsistent findings on school discipline disproportionality among Latinx youth (Gordon et al., 2000; Skiba et al., 2002).

Discipline disproportionality, intersectionality, and institutional racism: The interaction between race and discipline practices in schools is a part of a much more complex and pervasive discourse on institutional racism (Hannssen, 1998), as well as structural inequality (Nieto, 2000) in the United States. Based on the findings from previous studies highlighted in the current literature review, discipline disproportionality does appear to be a byproduct or symptom of both institutional racism and multiple facets of structural inequalities.

Disproportionality and gender: Boys, when compared to girls, are consistently overrepresented in disciplinary sanctions (Skiba et al., 2002). In fact, four different studies found that boys are four times as likely to receive disciplinary sanctions. In 1996, another researcher found that Black males were 16 times as likely than White females to be subjected to corporal punishment (Gregory, 1996). In another study, researchers, Taylor and Foster (1986), provided a ranking of four demographic groups ranging from most likely to be suspended to least likely to be

suspended. Their ranking included Black males at the top of the list with the highest likelihood, then white males followed by Black females and lastly, White females.

Disproportionality and socioeconomic status: Within the school discipline research, SES also appears significant. Low SES students have been found to be positively associated with an increased risk of being suspended (Skiba et al., 1997; Wu, Pink, Crain, & Moles, 1982). Moreover, students with fathers who work part-time or less were also more likely to be suspended when compared to students with fathers who worked full-time (Wu et al., 1982).

Life Outcomes: Research consistently indicates that students who are subjected to exclusionary discipline are more likely to participate in the criminal justice system later in life (Fabelo et al., 2010; Na & Gottfredson, 2013). This link between exclusionary school discipline and subsequent involvement in the criminal justice system is often referred to as the school-to-prison-pipeline. Black and Latinx students are two to three times more likely to be subjected to exclusionary disciplinary punishment when compared to their White counterparts (Department of Education, 2014).

Policy and Practice Recommendations

SPED Identification:

- Researchers should continue efforts to **identify the student characteristics** that are far too often associated with disproportionate identification, and to **study and share the underlying mechanisms** that are involved in the biased and inequitable practices and processes used to identify students
- Schools and districts must **be more consistent in their assessment tools, methodology, and data analysis**, given that the inconsistency across schools and districts is another underlying reason for the disproportionate rates of SPED identification

School Discipline:

- **Educators must shift their focus away from punishing negative behaviors** and mistakes to creating classrooms and school cultures that encourage positive behaviors [e.g. Positive Behavior Intervention and Supports (PBIS)].
- PBIS should be combined with **cultural competency training for educators and administrators** in an effort to mitigate the negative effects of cultural discontinuity and misunderstanding between some teachers and their ethnic minority students
- **Understanding student behaviors from a trauma-informed lens** may also help to reduce the number of office referrals that teachers make for negative behaviors
- More systemic and macrolevel interventions and reforms are also necessary. A **broader emphasis on improving educational opportunity for all students** regardless of one's race, gender, or SES has been suggested by some stakeholders (Carter & Welner, 2013; Hilliard, 1999; Nieto, 2000)
- **Administrative restructuring, more equitable funding** based on the needs of the students, and **more accountability** for the fidelity of implementation and evaluation of policies and practices
- **Litigation** may also prove to be an effective mechanism to reform public school systems to better serve students and ultimately help to close disciplinary gaps