ADDRESSING DISPROPORTIONALITY IN ALABAMA SCHOOLS

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This module will:

- Define disproportionality.
- Discuss the implications of significant disproportionality.
- Identify why disproportionality is a priority.
- Identify IDEA 2004’s provisions to address disproportionality.
What is Disproportionate Representation?

Disproportionate representation, commonly referred to as disproportionality, is defined as “the extent to which membership in a given group affects the probability of being placed in a specific special education disability category.” (Oswald, et.al. 1999)
What is Disproportionate Representation?

- Disproportionality exists when a specific group is over- or under-represented in a specific category area.
- Disproportionality encompasses both “over-representation” in high incidence disabilities and “under-representation” in programs for gifted and talented.
- Disproportionality often means the over-identification of a particular racial or ethnic group in special education.
What does over-representation look like?

% of students in school population

% of students in special education programs

National Center for Culturally Responsive Educational Systems (NCCREST) 2007
What does **under-representation** look like?

National Center for Culturally Responsive Educational Systems (NCCREST) 2007
DISPROPORTIONALITY: WHY IS IT A PROBLEM?
Disproportionality: Why is it a problem?

“Among the conceptual factors that can influence disproportionate representation are issues of race and its definition and significance.” (Hilliard, 2001)
The Federal Government must be responsive to the growing needs of an increasingly diverse society.

America’s ethnic profile is rapidly changing. In 2000, 1 of every 3 persons in the United States was a member of a minority group or was limited English proficient (LEP).
Excerpts from Findings in IDEA 2004 Statute

- Minority children comprise an increasing percentage of public school students.
- With such changing demographics, recruitment efforts for special education personnel should focus on increasing the participation of minorities in the teaching profession in order to provide appropriate role models with sufficient knowledge to address the special education needs of these students.

Public Law 108-446 Section 601(c), Findings.
Excerpts from Findings in IDEA 2004 Statute

- Studies have documented apparent discrepancies in the levels of referral and placement of limited English proficient children in special education.
- Such discrepancies pose a special challenge for special education in the referral of, assessment of, and provision of services for our nation’s students from non-English speaking language backgrounds.

Public Law 108-446 Section 601(c), Findings.
Excerpts from Findings in IDEA 2004 Statute

- The limited English proficient population is the fastest growing in our nation, and the growth is occurring in many parts of our nation.
- Studies have documented apparent discrepancies in the levels of referral and placement of limited English proficient children in special education.
Implications of Over-representation

- Students may be misclassified or inappropriately identified.
- Students may be denied access to the general education curriculum.
- Students may receive services that do not meet their needs.
Racial/Ethnic Backgrounds of Youth in the General Population and Youth with Disabilities

Wagoner, Cameto, & Guzman (2003)
Major Factors that Contribute to Disproportionality

• Socio-demographic issues associated with poverty.
• Unequal educational opportunities for students of color, English language learners, and disadvantaged students.
• The special education referral and placement processes.
African-American Youth Placed in Special Education Programs:

- Have fewer positive outcomes than their White counterparts.
- Are more likely to be assigned to segregated classrooms or placements.
- Have limited access to inclusive and general educational environments.
- Experience higher dropout rates and lower academic performance.

The Civil Rights Project. Harvard University 2002
African-American Youth Placed in Special Education Programs:

• Are exposed to substandard and less rigorous curricula (Ferri & Connor, 2005)
• May be misclassified or inappropriately labeled;
• May receive services that do not meet their needs.
• Are less likely than their White counterparts to return to general education classrooms”. 

The Civil Rights Project. Harvard University 2002
Other Causal Factors for Disproportionality

- Failure of general education to educate children from diverse backgrounds.
- Misidentification and the misuse of test.
- Lack of access to effective instruction in general education programs.
- Insufficient resources and less well-prepared teachers.
- Poverty.
What States Must Do

§300.173  Over-identification and Disproportionality

The state must have in effect, consistent with the purposes of this part and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in §300.8.
What States Must Do

§300.646 Disproportionality

Each State that receives assistance under Part B of the Act, and the Secretary of the Interior, must provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the LEAs of the State with respect to...
What States Must Do

(1) The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3) of the Act.

(2) The placement in particular education setting of these children; and

(3) The incidence, duration, and type of disciplinary actions including suspensions and expulsions.
What is Significant Disproportionality?

Each State has the discretion to define the term for the LEAs and for the State in general. Therefore, in identifying significant disproportionality, a State may determine statistically significant levels.
Significant Disproportionality

Section 618(d)(1) of the Act is clear that the determination of significant disproportionality by race or ethnicity is based on a collection and examination of data, and not on a district’s policies, procedures, or practices (IDEA Regulations §300.646).
Measuring Disproportionality

WHAT HAPPENS IF THERE IS A DETERMINATION OF SIGNIFICANT DISPROPORTIONALITY?
When there is a finding of significant disproportionality...

**LEAs must:**

- provide for the review and revision (if appropriate) of policies, practices, and procedures to ensure compliance with IDEA requirements;
- reserve funds to be used for a comprehensive coordinated early intervening services (CEIS);
- publicly report on the revisions of policies, procedures, and practices.
When there is a finding of significant disproportionality...

**States must:**

Require LEAs to use 15% of Part B funds for early intervening services...particularly, but not only for children in those groups significantly over-identified.
Coordinated Early Intervening Services (CEIS)

- Professional Development
- Educational and Behavioral Evaluation, Services, and Supports
Reporting Disproportionality

States must annually report the percentage of LEAs with disproportionate representation of racial and ethnic groups in special education and related services that result from inappropriate identification.
Zeroing in on Specific Disability Categories

- Autism
- Emotional Disability
- Intellectual Disability
- Other Health Impairment
- Specific Learning Disability
- Speech or Language Impairment
Summary

• IDEA ensures that children with disabilities receive a free appropriate public education (FAPE).
• Schools must have in place appropriate procedures to determine if the child referred is a child with a disability who requires special education and related services to achieve progress in the school curriculum.
• As professionals, we must attend to all phases of the placement process including the decision-making process that leads to evaluation, development of the IEP and the resulting placement.
Bibliography & Recommended References


