

The Misplacement of Minority Students In Special Education And Its Negative Consequences

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Abstract: The 101st United States Congress enacted the Individuals with Disabilities Education Act (Pub.L. 101-467 law), to provide children with disabilities the same opportunity for education as those students who do not have a disability. Though, equal opportunities are made for all students in special education, minority students particularly Native American, African-American and Latino-American have been struggling to receive equal opportunities in special education. Many minority students have been incorrectly or unfairly labeled with a disability by underfunded districts and at times through questionable means. The gap between minority students and their white counterparts in terms of the quality of education received, success and failures through special education are significant. This article looks into reasons why minority students are over represented in special education, the reasons for the lack of quality educational settings for students, the misidentification of minority students and their parents' involvement in the special education process through the implementation of the IDEA.

Keywords: Special Education, Misidentification, Disabilities, Evaluation

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I. INTRODUCTION

Though public education in the United States is provided and free for all public school students from grades kindergarten through twelve, the level and the quality of special education programs differ greatly from state to state, district by district due to unequal implementation of the Individuals with Disabilities Education Act (IDEA). Specifically "The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children." (Department of Education) Currently over 6.5 million infants, toddlers, children and youth with disabilities are eligible to receive services that states and public agencies provide based on the policies implemented by the IDEA. From an educational policy perspective, the implementation of the IDEA would be viewed on a positive direction as its purpose is to adhere to the needs of all students in special education. It seems that many states do not adhere to the IDEA or in some cases, are excluded from reporting on the statistics of the particular state's implementation of the IDEA in its own districts. Some school systems do not fully embrace the duties that the IDEA places on them. This is, to some extent, a continuation of the old attitude that the education of children with disabilities is simply not the job of the public schools. It is, to some extent, the resistance that those in government often show when called upon to share power with others. And, it is, to a very large extent, resentment over the fact that the federal government has imposed special education mandates but has not provided very much in the way of special education funding. The United States Congress promised to fund 40 percent of the costs, and that the federal funding level today is closer to 18 percent. State and local funding makes up the balance of the costs of special education and, inevitably, paying these costs cuts into the ability of the public schools to offer programs designed for the population of typical students. (Hurd, 2007) "In 2013, 3,620 districts were excluded from reporting disproportionality due to exclusionary group size criteria. Therefore, the percentage of districts reporting nationally for 2013 was 79% of all districts (21% not reporting). The percentage of districts reporting by states ranged from 8% of all districts to 100% in several states. Eight states (16% of all states) reported less than half of their districts." (Cavindish, Samson, 2016) In 2012–13, the percentage of students served under the Individuals with Disabilities Education Act (IDEA) was highest for American Indian/Alaska Native students (16%), followed by Black students (15%), White students (13%), students of Two or more races (13%), Hispanic students (12%), Pacific Islander students (11%), and Asian students (6%). (NCES, 2016) One serious state of this inequality of education is the situation pertaining to the increase enrollment of minority children into special education programs, especially in districts with lower income households. There has been a rise of students from African-American, Latino-American, and Native American backgrounds that have been

categorized as either learning disabled or in some cases intellectually disabled by a system that does not seem to consider socioeconomic hardships, cultural and linguistic backgrounds of minority students. Looking at the issue of minority students in special education and the services provided for them, this paper will look into the general divide and disparities in special education services for minority children compared to their white counterparts.

II. IMPROPER IDENTIFICATION AND ITS RESULTS

The statistics of minority students in special education settings is quite alarming. Though each State has its own system of categorizing and enrolling students into special education programs, it seems that minority students are more likely to be labeled with some form of disability. Many of the alarming rates include, in “twenty nine states, Black students are more than twice likely as white students to be labeled with an emotional and behavior disorder.” (Morningstar) Startlingly it was found that in “thirty nine states, black students are more often than their white counterparts labeled as intellectually disabled.” (Morningstar) Native American students in ten states were twice as high to be diagnosed as intellectually disabled than their white counterparts. “In some districts, African-American males represent forty-one percent of students in special education.” (Wakelin, 2008) How are minority students being evaluated? What is causing the disparity between minority students and white students when being diagnosed with a form of learning disability and placed into special education programs? From the results there is a serious gap between the minority student population and the white student population, and a number of issues are causing this gap and currently the number continues to increase.

Reviewing numerous research, many scholars suggest multiple reasons for the disproportional representation of minority students in special education programs. Situations such as “misidentification, misuse of testing protocols, inadequate regular education programs, under-resourced classrooms, and teacher bias” (ACSD) are the most comprehensive issues behind the disproportional representation. Focusing on districts with low socioeconomic success, many of the reoccurring issues are seen and repeated in other districts that have similar socioeconomic demographics. Special education programs are controlled by the local school districts which control also control the funding for special education programs that are in place. In school districts with low socioeconomic populations, which tend to be represented by a large minority population, the programs for special education are believed to contain many deficiencies. Districts with minority communities that live in low socioeconomic standing suffer from schools that “have high numbers of poorly-trained, non-credentialed teachers, overcrowded classrooms, resources inadequacies and teachers with low expectations for students. Disproportionality is problematic because placement in special education does not always ensure adequate or quality schooling by race/ethnicity.” (Donovan & Cross, 2002)

Research indicates that mostly affluent and overwhelmingly white students generally receive higher-quality services in special education, while less affluent and overwhelmingly students of color are overrepresented in less rigorous programs and fare worse on educational outcomes (Donovan & Cross, 2002). In general, research on disproportionality suggests “students of color labeled with a disability are negatively affected by the subjective judgments of practitioners, are more harshly disciplined, and receive fewer educational opportunities. In addition these schools have high turnover rates for teachers and high rates of unfilled teacher vacancies.” (Wakelin, 2008) If a district is suffering from budget constraints financial funds for special education programs would be even more limited. Implementing a program for special education can be difficult, and more over minority students especially African-American and Latino-American students in special education are less likely to receive special education services as mainstreamed students in an inclusive classroom setting receive. Because of the commonly carried out separation of minority students in special education, 60% of the day is spent out of the school environment for many minority students. African-American students labeled as needing special education services are at risk of inaccurate identification, negative stigma, lowered academic expectations, including denial of access to the general education curriculum, increased contact with the juvenile justice system, and reduced chances of obtaining higher education and gainful employment. “Students with disabilities in elementary and middle schools are less likely than their regular education peers to participate in extracurricular activities, elective courses, or community-sponsored activities.” (Wakelin, 2008) Keeping the students separated and categorized differently causes serious problems, as they see themselves as branded or labeled in a negative view. This in term effects their education and their future goals. In some cases “twice as many Black students identified as having emotional and behavioral disorders drop out of school (58.2%) compared to those who graduate (27.5%)” (Morningstar). “Black students with disabilities are 1.6 times more likely to be served in restrictive environments (removal from mainstream/general education class for over 60% of the school day) than white students with disabilities; Latino students are 1.5 times more likely than white students with disabilities to be served in restrictive settings. This ratio increases for Black students when placement risk includes risk for identification—Black students are then 1.9 times more likely to be served in restrictive environments.” (Cavendish, Samson, 2016) This is incredibly alarming, as labeling and basic

professional assistance from credited teachers with could help prevent such a high dropout rate.

Not only do students of color attend high-poverty schools, they are also more likely than their White peers to actually live in poverty themselves. According to the Department of Education's National Center for Education Statistics (NCES, 2016), the percentage of children under age 18 living in poverty, based on the official poverty measure, varied across racial/ethnic groups. In 2013, the percentage was highest for Black children (39 %), followed by Hispanic children (30 %), and White and Asian children (10 % for each). Race and ethnicity also seem to play a substantial role in determining the extent to which students are likely to attend high-poverty concentrated schools with students of color being more likely than their White peers to attend schools at which more than 75% of the students live in poverty (NCES 2005). For example, 47% of African American students and 51% of Hispanic students attend high-poverty schools compared with only 5% of White students (NCES, 2005). Inconsistent representation of minority students in special education based on numbers reveals a significant flaw in the labeling and policies of special education.

Special education programs in low-income and minority schools suffer from even greater difficulties than general education programs in these schools. Research shows that special education placement can reduce the education quality that a student receives significantly, independent of the socioeconomic status of the student. Results have been conflicting as to whether special education placements, especially for children with mild disabilities, provide any educational benefit. Students with disabilities in elementary and middle schools are less likely than their regular education peers to participate in extracurricular activities, elective courses, or community-sponsored activities. Furthermore, students in special education programs have lower graduation rates, higher dropout rates, and lower academic achievement rates than their general education peers. As students with disabilities progress in school, they experience increasingly higher levels of isolation from their regular education peers. Strikingly, students with disabilities drop out of school at twice the rate of their regular education peers. (Wakelin, 2008)

III. DISPROPORTIONATE REPRESENTATION

What is the cause to disproportionate representation? It can be argued that racism is a key cause towards mislabeling and increase representation of minority students in special education. Though the argument against the belief that racism plays any role in the disproportionate representation in special education are argued to be due to misunderstanding or ignorance to the background and livelihoods of minority students, if compared to other facets of racial issues in the United States this seems to be the most logical view point. "Due to racialization and stratification, the racial group in the position of most power benefits from greater social estimation (e.g., being viewed as smarter or better behaved), economic returns (e.g., higher pay), political positions, occupational prospects, and authority in determining social norms and physical boundaries (i.e., segregation; Bonilla-Silva, 1996). Structural theory allows for the consideration of institutional racism—biased racial outcomes associated with policies and practices—that may intentionally or unintentionally have racially disproportionate consequences (such as special education disproportionality) and can collectively reinforce advantage or disadvantage" (Sullivan, A. Artiles, A. 2011) Though idea of racism in the education system causing the increase in populations of minority students in special education could be seen as radical or far fetched, the percentages in the differences between the both minority students and their white counterparts paint a more clearer picture to that argument.

The statistics of African-American students after being placed in special education are quite disturbing in terms of the negative outcomes. The action of improper identification of minority students in special education severely harms their education experience. Looking into minority students' experiences in integrated settings, we can see serious gaps in identification of disabilities, and the student population based on race with the labeling of disabilities. Comparing white students and particularly African-American students in integrated schools, it appears that African-American students make up the majority of students in special education programs. Out of any racial or ethnic group, "the percentages of African-American student with mental retardation and emotional disturbance disabilities are considerably higher." (Wakelin, 2008) Based on the risk index, "comparing African American risk for intellectual disability identification (2.64%) with the risk index of 1.18% of White students for that disability category yields a risk ratio of 2.24 (2.64/1.18), suggesting that African Americans are more than two times more likely to be served in the category intellectual disability than White students." (Skiba & et al., 2008). Once placed in special education only twenty-seven percent of African American students graduate (NCES 2016) which is an alarming low rate, considering that the average high school completion rate for African American students stands at 92% in 2013, which was registered at 83% in 1990.

IV. PARENTAL PARTICIPATION

Parental rights were increased in 1997 through the Congressional revision of the IDEA. Though parents are able to have a stronger presence with local districts special education systems, the revision of the IDEA has also allowed the enforcement of the IDEA within the schools districts in a way that negatively affects parental

wishes and request. “First, the revised Act added mediation to the possible procedures for resolution of disagreements. Mediation offered a voluntary alternative remedy to the due process hearing. The IDEA included provisions that the mediation would be conducted by a certified mediator, it would not be used to delay the due process hearing, the decisions would be in writing, and the state had to bear the cost of the mediation. Second, the revision preserved due process protections by requiring parental consent for initial evaluation and placement in special education. Under the revision, parents retained the right to challenge educational decisions through impartial due process hearings. Unfortunately when students are placed in special education, schools tend to provide different services depending on the student’s race.” (Wakelin, 2008) Minority students are less likely to be enrolled in an inclusion program. Minority families have less say in their children’s education, even though under the IDEA, parents and schools systems form an IEP team that decides if a child has a disability and what services should be provided to the child. The Individualized Educational Plan (IEP) is a plan or program developed to ensure that a child who has a disability identified under the law and is attending an elementary or secondary educational institution receives specialized instruction and related services. “Section 1415 sets forth procedural safeguards for the statute, stating in part “children with disabilities and their parents” must have an opportunity to present a complaint “with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child.” (USC 20) Some critics also claim that the curricular limits imposed by certain IEPs significantly water down the educational content that children with disabilities receive, thereby limiting their annual achievement. (Wakelin, 2008)

For minorities especially of African or Latin descent with lower socio-economic status, they are constantly at a disadvantage. “Minority parents are less likely to have their own independent medical, psychological or educational evaluations and are more likely depend on the evaluations conducted by the school system.” (Hurd, 2007) Minority parents are also “less likely to have the economic resources to retain lawyers and the experts necessary to make a credible challenge to the schools system in a due process hearing.” (Hurd, 2007) Along with minority parents being less likely to joining parents groups, minority children have very little guidance on their future especially in an environment where their parents have little influence. Parents especially in lower income districts are more likely to feel intimidated by the IDEA’s due process system. The revised Act also allows for school districts and states that prevail at due process hearings to recover attorneys’ fees against parents when the complaints are “frivolous, unreasonable, or without foundation.” (Wakelin, 2008) “The losing side—either the parents or the school system—may ask to have the case reviewed by a state or federal trial court, in Special Education appeals going from there up the line, all the way, in some case, to the United States Supreme Court.” (Hurd 2007) If school systems place students in programs but have little oversight in their system, the students can seriously suffer from achieving their wish for an equal academic environment. A common perspective is that “educational inequity generally and special education disproportionality specifically increased competition for educational resources such as effective teachers, quality facilities and materials, and program funding leads to ideology, policies, and practices that disadvantage students from racial minority backgrounds to secure certain advantages for their White peers” (Sullivan, A. Artiles, A. 2011) In comparison, parents in wealthy, majority-white school districts use special education laws to gain additional resources, accommodations, and assistance for their children with disabilities, which is not the case in most districts with lower socioeconomic standing. This seems to be a common denominator with what parents of minority children must deal with they deal with the districts system. “The special education systems works best when two things occur in combination: 1) when parents actually have the ability to assert themselves and advocate for their child, and 2) when school systems recognize that parents have those abilities.” (Hurd, 2007) Surprisingly it’s been noted that some school districts, the issue of the ethnicity of the students’ parents could be a determining factor in regards to determining the agreement between the parents and district according to Hurd, “Regardless of the race of the school system employees, if they are dealing with a black family, they may make the assumption—consciously or subconsciously—that the parents are less likely to present a problem for them than are white parents. Being predisposed to believe that the black family would be willing to accept less, the school system may offer less. And, unless that family has the experience—or the lawyers—to assert themselves vigorously, they are likely to end up with less. And that basic fact pattern, multiplied many times over, can produce some of the disparate treatment that is seen in some of the numbers that have been called to the Commission’s attention.” (Hurd, 2007)

V. CONCLUSION

Since the enactment of the IDEA, the equal levels of education for students in special education were to be granted. Though programs based on the IDEA have provided excellent educational opportunities for students from grades kindergarten to twelve, we see the those students of minority backgrounds particularly in lower income settings have actually suffered and not obtained the proper benefits that are to be provided by the IDEA. The statistical numbers have shown the severe gaps between minority children and their white counterparts in

terms of services provided, numbers enrolled along with the differences in graduation and retention rates. From the highest percentages being American Indian children followed by African-American and Latino-American children the numbers in special education not receiving the same standards of education is startling. Looking at the disparity of minorities in special education as to their white counterparts in higher socioeconomic standings, the number of reasons as to why the disparity seems large and the gap between the quality of education provided seems to be on numerous fronts.

One can continue to argue from both sides of the spectrum at the question of what truly is causing such vast differences in minority students being enrolled into special education programs. Though the notion of why there is a gap hasn't been officially proven in terms of looking at the situation and basing it on racial attitudes. "to ascertain how much of the difference is attributable to racial attitudes, there would need to be a fairly detailed regression analysis that factors out social-economic factors and that also accounts for regional differences." (Hurd, 2007) Based on the statistics provided by the U.S. Department of Education and looking more deeply into the social-economic factors, it's quite conceivable to connect those key factors with racial bias in determining the causes of the increase minority student numbers in special education, improper determinations of labeling minority students with disabilities, not providing the proper education setting for minority students particularly in lower social-economic settings and causing disenfranchisement of parents of minority students from taking action and allowing them to be more involved with a voice in their children's educational needs, as the foundations of proof that minority children are not getting their fair and well deserved educational opportunities.

Though more thorough analysis have been made and continue to be questioned on the reasons as to why exactly the numbers of minority children are placed into special education classes, the sheer numbers and gaps between minority children in special education and their white counterparts cannot be ignored. The education systems for all districts needs to be evaluated on their methods and practices on how they determine which student should be placed in special education. It is vital that all aspects of the child's needs need to be considered, by considering the child's learning style, cultural aspects, and behavior needs. The number of minority children entering special education could drop and the proper assistance needs to be provided for the students because as the current research and statistics are showing, when the education system is failing the students and not committing to their needs, a great number of the students will not succeed in society. The IDEA created a gateway that allows students in special education to receive a proper education and it should continue to provide those tools, but for minority students to succeed along the protections of the IDEA schools districts will need to take a better account of the students true needs and have a better understanding of their situation which could allow the equal educational setting and success every student deserves.

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