

Racial and Ethnic Disproportionality in Education

The National Association of School Psychologists (NASP) is committed to advocating for the rights, education, mental health, and behavioral needs of all students, and believes that all students are entitled to a free and appropriate public education in a positive and inclusive educational environment. All students—whatever their race, ethnicity, socioeconomic status, gender, gender identification, gender expression, or sexual orientation—are entitled to an equitable and high quality education, including access to core curricula and evidence-based educational practices that are delivered to all students in age-appropriate, developmentally appropriate, and linguistically appropriate general education classroom settings. Additionally, NASP maintains that all students learn best in inclusive environments that implement high quality, evidence-based instruction. NASP endorses the implementation of inclusive schools where specific groups of children are not disproportionately represented in restrictive educational settings.

DEFINING DISPROPORTIONALITY

Disproportionality refers to a group's representation in a particular category that "exceeds our expectations for that group, or differs substantially from the representation of others in that category" (Skiba et al., 2008, p. 266). *Special Education Disproportionality* has been referred to as "the extent to which membership in a given group affects the probability of being placed in a specific disability category" (Oswald, Coutinho, Best, & Singh, 1999, p. 198). Students from some certain racial/ethnic groups have historically been disproportionately identified as in need of special education services and placed in more restrictive special educational settings. *Disciplinary Disproportionality* encompasses the disproportionately high rates at which students from certain racial/ethnic groups are subjected to office discipline referrals, suspensions, school arrests, and expulsion (Skiba, Shure, & Williams, 2012).

DISPROPORTIONALITY: RACIALLY AND ETHNICALLY DIVERSE STUDENTS

Several decades of research document that students from certain racial/ethnic groups, particularly Black/African American students, are disproportionately represented in special education programs (Blanchett, 2006; Harry & Klinger, 2006; U.S. Commission on Civil Rights, 2009) and are subjected to higher rates of exclusionary disciplinary practices, such as suspension and expulsion (Children's Defense Fund, 2004; Losen & Skiba, 2010). Researchers have also recognized that special education and disciplinary disproportionality produce inequitable opportunities to learn. Special education has been considered a paradox by some in that while it provides access to additional educational opportunities, it can also serve to stigmatize children and marginalize them from general education (Sullivan, Kozleski, & Smith, 2008). As noted by Sullivan et al. (2009), there is ample evidence indicating that groups who are disproportionately represented in special education are negatively affected by factors such as stigmatization, lowered expectations, fewer opportunities to learn, substandard instruction, and isolation from the general education environment.

Consistently, research literature and government reports have documented disproportionality among students of different backgrounds in special education referrals and discipline practices. Specifically, Black/African American boys have been referred for special education at rates far in excess of their presence in the population at large. The *29th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2007* revealed that Black/African American students (6–21 years of age) were about 1.5 times more likely to receive special education services in general. They were specifically 2.86 times more likely to receive special education services for mental retardation and 2.28 times more likely to receive services for emotional disturbance (ED) than same-age students of all other racial/ethnic groups combined. Other research has documented that Black/African American students receive harsher discipline, such as corporal punishment (Gregory, 1996; Shaw and Braden, 1990), and are less likely than other students to receive mild disciplinary alternatives when referred for an infraction (Skiba, Michael, Nardo, & Peterson, 2002). Welch and Payne (2010) reported that, regardless of levels of misbehavior and delinquency, schools with a higher percentage of Black/African American students had higher rates of exclusionary discipline, court action, zero tolerance policies, and enhanced school security measures, and had fewer mild disciplinary practices. A nationwide report from the Civil Rights Project at UCLA (Losen & Gillespie, 2012) found that Black/African American students' out-of-school suspension rates were approximately 3.5 times more than that of White students.

Although a systematic study has yet to be conducted, there is consistent evidence that the suspension disparity persists despite controlling for poverty (Noltemeyer & McLoughlin, 2010), socioeconomic status (Wu, Pink, Crain, & Moles, 1982), family structure and parent education (Wallace, Goodkind, Wallace & Bachman, 2008), and teacher ratings of disruptive behaviors (Rocque, 2010). The suspension rates are equally striking for certain racial/ethnic groups of students with disabilities. Suspensions for certain racial/ethnic disabled students were approximately twice the rate of their nondisabled peers. Welch and Payne (2012) reported that students who received free/reduced price lunch and/or were of Latino background had increased odds of receiving expulsion as a disciplinary consequence. Given these alarming statistics, NASP believes that school psychologists are in the unique position to facilitate systematic change to eliminate such disparities.

CONSEQUENCES OF DISCIPLINARY DISPROPORTIONALITY/EXPULSION

Out-of-school suspensions mean lost classroom time and often disconnection from school. A landmark study conducted by the Council for State Governments Justice Center (Fabelo et al., 2011) of nearly a million children in Texas showed that school suspension increased the likelihood of grade retention, landing in the juvenile justice system, or dropping out of school. The expulsion of students from school, particularly Black/African American male students, frequently results in their placement in alternative education settings and juvenile detention centers. The NAACP Legal Defense and Education Fund (2005) has argued that there is a lower quality of education and more opportunities for negative modeling in such settings.

These data show that the disproportionate suspension and exclusion from school of Black/African American students significantly contributes to a path for these students from the educational system to the juvenile justice system—also known as the school-to-prison pipeline (Kim, Losen, & Hewitt, 2010; NAACP Legal Defense and Education Fund, 2005; Noguera, 2003). It has been asserted that zero tolerance policies and punitive discipline practices contribute to the school-to-prison pipeline, which disproportionately affects students from certain racial/ethnic groups and those with disabilities

(Noguera, 2003). Regardless, the long-term consequences of disciplinary disproportionality include lower rates of graduation, employment, and secondary education, as well as lower wages and higher arrest rates compared to White peers (Affleck, Edgar, Levine, & Kortering, 1990; Sullivan, 2009).

EVIDENCE-BASED SOLUTIONS TO DISPROPORTIONALITY

According to Skiba et al. (2008), no single factor produces disproportionality—it appears to be a complex phenomenon that is influenced by a number of factors that vary from one context to another. Additionally, there are only a few research studies that address outcomes from efforts to reduce disproportionality. However, given the long-standing detrimental impact of disproportionality on the education of specific groups, particularly African American students, education researchers need to be creative and direct their attention to evidence-based programs that specifically address the correlates of this problem. Interventions targeting these correlates are found in the promising programs that may fall within a multitiered system of support (MTSS). These efforts have made a positive impact on behavior, increased instructional minutes, and promoted better educational outcomes for all students in a building. As described in the related NASP Position Statement, “Appropriate Behavioral, Social, and Emotional Supports to Meet the Needs of All Students” (NASP, 2009), MTSS, which may incorporate school-wide positive behavioral interventions and supports (SWPBIS), initially focuses on preventing behavior concerns before they occur through the direct teaching of behavior to all students in the building (Averill & Rinaldi, 2011). The process is followed by supplemental supports delivered to groups of students and individualized interventions for those most in need.

While direct outcomes on disproportionality are yet to be realized, when implemented as planned, system-wide supports such as SWPBIS, positive outcomes—such as reduced discipline referrals, more instructional time, and increased minutes for academic engagement—have been achieved (Horner, Fireman, & Wang, 2010). Further, promising programs that adopt constructs such as social-emotional learning (SEL) and restorative justice (RJ) are working to improve school climate and create an atmosphere of respect and learning while focusing on long-term success rather than punishment (Osher et al., 2010). Finally, managing and correcting student behavior by implementing programs that aim to develop student self-discipline skills such as disciplinary practices consistent with the positive psychology framework also show promise in reducing disparities (Bear, 2011). The aforementioned programs share a common systems focus and emphasis on prevention and teaching rather than removal and punishment, which is associated with the disproportionate removal from school of students from certain racial/ethnic groups.

Individually, school psychologists and other school specialists are in a unique position to employ promising practices and interventions to reduce the disproportionate identification of certain racial/ethnic students in special education and placement in more restrictive special educational settings. Application of culturally responsive practices and procedures that allow special education evaluation teams to conduct evaluations that are ecological in nature and culturally considerate, that use prereferral interventions and corresponding eligibility criteria, that are multidimensional (Jones, 2009), and that allow for a cross-battery assessment approach in analyzing and interpreting the cultural-linguistic loading of intelligence batteries (Ortiz, Flanagan, & Alfonso, 2007) have shown promise in reducing bias and increasing appropriate educational placement for culturally and linguistically diverse students (Hernandez, Ramanathan, & Socias, 2008).

ROLE OF SCHOOL PSYCHOLOGISTS

School psychologists have a professional and ethical obligation to address the persistent racial and ethnic disproportionality in discipline and special education. They are also in the unique position to research and evaluate prevention-oriented programs and alternatives to suspension in schools, with a specific focus on reducing disproportionality. Additionally, school psychologists' knowledge and understanding of MTSS, school climate, SEL, culturally responsive practice, and SWPBIS can be instrumental in assisting schools to interrupt the school-to-prison pipeline. School psychologists can take active steps to reduce inappropriate placements and assist in addressing the disparity in school disciplinary practices by:

1. Using evidence-based and research-oriented frameworks that integrate knowledge of diversity, child development, and learning to solve problems of school ineffectiveness and to facilitate alternatives to special education placements and traditional punitive disciplinary practice;
2. Examining their own biases to be sure that they do not act in ways that negatively affect the families and children they serve;
3. Acknowledging that consistent exclusion of historically marginalized groups of students is not acceptable and must be questioned, whether such exclusion is observed overtly or covertly;
4. Empowering children and families to self-advocate for effective discipline procedures when inequities exist;
5. Acquiring supervision, consultation, and professional development to continuously expand our multicultural understanding and knowledge of nondiscriminatory practice and improve our levels of competency in working with diverse populations;
6. Implementing MTSS, which may include SWPBIS, SEL and RJ approaches that empower all students to succeed in school (NASP, 2009);
7. Collaborating with others to review, disaggregate, and analyze district-wide data to identify systems-level biases with certain racial and ethnic groups;
8. Assisting administrators and school teams in analyzing yearly academic and behavioral data in evaluating current practices, policies, and procedures related to special education identification rates and school discipline; and,
9. Consulting with educational stakeholders such as parents, students, families, teachers, and policy makers to develop appropriate school discipline policies.

If data review and analysis reveal consistent failure or exclusion of certain student groups, school psychologists can address disproportionality by:

1. Working to develop, evaluate, and sustain alternatives that promote access to effective education for all students and groups;
2. Implementing evidence-based educational/academic interventions that afford *all* groups access to educational opportunities through access to the general education curriculum and scientifically based instruction leading to an increased likelihood of graduation by all students;
3. Working collaboratively with community counseling agencies and law enforcement for prevention and intervention, as appropriate; and
4. Ensuring that there are processes in place, at the school and district levels, to examine disaggregated data to identify disparities in academic or behavioral outcomes, and to monitor progress towards closing those gaps.

School psychologists should attempt to be leaders in developing, implementing and evaluating culturally responsive supports that address disproportionality. Although SWPBIS, SEL, RJ, and positive psychology frameworks have yet to show direct evidence in addressing disproportionality, these positive approaches and preventive disciplinary strategies remain promising (NASP, 2009). These and other practices need to be substantiated by ongoing research. Additional activities for school psychologists to integrate into supporting the needs of all students are:

1. Conducting culturally responsive functional behavioral assessments and behavioral intervention plans that always consider a student's cultural and social background;
2. Identifying family and community system-level supports to be used with all students in a population and ensuring that a continuum of integrated supports are provided for those requiring further assistance;
3. Developing and implementing Tier 1 (core/universal) evidence-based practices such as SWPBIS, SEL, RJ practices, and peer programs (e.g., buddy, conflict managers, friendship clubs);
4. Integrating Tier 2 (supplemental/targeted) counseling and academic intervention groups for all students (e.g., conflict management/resolution, gang prevention, small group academic instruction);
5. Developing benchmarks to monitor progress for both negative indicators (e.g., rates of office referrals, detentions and suspension, dropout) and positive indicators (e.g., numbers of students in Advance Placement classes and gifted programs, degree of parent involvement, and graduation rates);
6. Providing clear data to the entire school community of progress made and promoting regular school-wide celebrations of success;
7. Promoting positive disciplinary options to keep students in school and to improve overall school climate while being mindful of the research on school connectedness offered by the CDC (2009), making personal connections with racially and ethnically diverse students, and implementing strategies that will engage all students in school and in learning.

SUMMARY

NASP believes that all students are entitled to an equitable education in the least restrictive environment that leads to academic and lifelong successes. Excessive use of special education and harsh disciplinary actions limits students' access to general education, produces inequitable opportunities to learn, and contributes to negative educational outcomes, especially for Black/African American students. Through the MTSS process, school psychologists can become actively involved in determining how racially/ethnically diverse students are identified to receive appropriate interventions to meet their needs, rather than assuming a need for special education or harsh disciplinary actions. Before these interventions are employed and monitored, school psychologists should guide the school-based team in carefully reviewing the exclusionary criteria associated with determining a racially/ethnically diverse student's eligibility for special education services. School psychologists should also consider these exclusionary criteria when conceptualizing and conducting comprehensive evaluations with racially/ethnically diverse students. Consistent with the goals of the Supportive School Discipline Initiative offered by the United States Departments of Justice and Education (2011), NASP supports implementation of effective disciplinary practices to foster safe, supportive, and productive learning environments in all classroom settings. In supporting schools, school psychologists must proactively assist to develop, implement, and monitor the delivery of effective learning and positive behavioral strategies to all students at both the local and system levels (NASP, 2010). Reducing racial and ethnic disproportionality in education is a complex, multifaceted problem that requires further

research and use of disaggregated data to examine the impact of universal academic and behavioral interventions.

REFERENCES

- Affleck, J. Q., Edgar, E., Levine, P., & Kortering, L. (1990). Post-school status of students classified as mildly mentally retarded, learning disabled or non-handicapped: Does it get better with time? *Education and Training in Mental Retardation, 25*, 315–324.
- Averill, O. H. & Rinaldi, C. (2011). *Research brief: Multi-tier system of supports (MTSS)*. Retrieved from: <https://www.urbancollaborative.org/sites/urbancollaborative.org/files/mtssbrieffinalmodified1.pdf>
- Blanchett, W. (2006). Disproportionate representation of African American students in special education: Acknowledging the role of White privilege and racism. *Educational Researcher, 35*(6), 24–28.
- Bear, G. (2011). Positive psychology and school discipline: Positive is not simply the opposite of punitive. *Communiqué, 39*, (5), 8–9.
- Centers for Disease Control and Prevention. (2009). *School connectedness: Strategies for increasing protective factors among youth*. Atlanta, GA: U.S. Department of Health and Human Services.
- Children's Defense Fund (CDF). (2004). *The road to dropping out: Minority students & academic factors correlated with failure to complete high school*. Retrieved from: <http://www.childrendefense.org/child-research-data-publications/data/education-dropping-out-facts-2004.pdf>
- Fabelo, T., Thompson, D., Plotkin, M., Carmichael, D., Marchbanks, M., & Booth, E. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. New York, NY: Council of State Governments Justice Center.
- Flanagan, D. P., Ortiz, S. O., & Alfonso, V. C. (2007). *Essentials of cross-battery assessment, (2nd Ed.)*. New York, NY: Wiley Press.
- Gregory, J. F. (1996). The crime of punishment: Racial and gender disparities in the use of corporal punishment in the U.S. Public Schools. *Journal of Negro Education, 64*, 454–462. doi:10.2307/2967267
- Harry, B., & Klingner, J. (2006). *Why are so many minority students in special education? Understanding race and disability in schools*. New York: Teachers College Press.
- Hernandez, J. E., Ramanathan, A. K., Harr, J., & Socias, M. (2008). Study of the effects of an intervention to reduce disproportionate identification in the category of emotional disturbance in Los Angeles unified school district. *Journal of Special Education Leadership, 27*, 64–73.
- Horner, S. B., Fireman, G. D., & Wang, E. W. (2010). The relation of student behavior, peer status, race, and gender to decisions about school discipline using CHAID decision trees and regression modeling. *Journal of School Psychology, 48*, 135–161.
- Jones, J. M. (Ed.). (2009). *The psychology of multiculturalism in schools: A primer for practice, training, and research*. Bethesda, MD: National Association of School Psychologists.
- Kim, C., Losen, D., & Hewitt, D. (2010). *The school-to-prison pipeline: Structuring legal reform*. New York, NY: New York University Press.
- Losen D. & Gillespie, J. (2012). *Opportunities suspended: The disparate impact of disciplinary exclusion from school*. Los Angeles, CA: The Civil Rights Project, UCLA.
- Losen, D. & Skiba, R. (2010). *Suspended education: Urban middle schools in crisis*. Retrieved from: http://civilrightsproject.ucla.edu/research/k-12education/schooldiscipline/suspended-education-urban-middle-schools-in-crisis/Suspended-Education_FINAL-2

- NAACP Legal Defense and Education Fund, Inc. (2005). *Dismantling the school-to-prison pipeline*. Retrieved from: http://www.naacpldf.org/files/publications/Dismantling_the_School_to_Prison_Pipeline.pdf
- National Association of School Psychologists. (2009). *Appropriate academic supports to meet the needs of all students* [Position Statement]. Bethesda, MD: Author.
- National Association of School Psychologists. (2010). *Ethical and professional practices for school psychologists*. Bethesda, MD: Author.
- Noguera, P. A. (2003). Schools, prisons, and social implications of punishment: Rethinking disciplinary practices. *Theory into Practice*, 42, 341–350.
- Osher, D., Bear, G. G., Sprague, J. R., & Doyle, W. (2010). How can we improve school discipline? *Educational Researcher*, 39(1), 48–58.
- Oswald, D. P., Coutinho, M. J., Best, A. M., & Singh, N. N. (1999). Ethnic representation in special education: The influence of school related economic and demographic variables. *The Journal of Special Education*, 32, 194–206.
- Rocque, M. (2010). Office discipline and student behaviors: Does race matter? *American Journal of Education*, 116, 557–581.
- Shaw, S. R. & Braden, J. P. (1990). Race and gender bias in the administration of corporal punishment. *School Psychology Review*, 19, 378–383.
- Skiba, R. J., Michael, R. S., Nardo, A. C., & Peterson, R. L. (2002). The color of discipline: Sources of racial and gender disproportionality in school punishment. *The Urban Review*, 34, 317–342.
- Skiba, R. J., Simmons, A. B., Ritter, S., Gibbs, A. C., Rausch, M. K., Cuadrado, J., & Chung, C. (2008). Achieving equity in special education: History, status, and current challenges. *Exceptional Children*, 74, 264–288.
- Skiba, R. J., Shure, L., Williams, N. (2012). Racial and ethnic disproportionality in suspension and expulsion. In A. L. Noltemeyer & C. S. McLoughlin, *Disproportionality in Education and Special Education* (pp. 89–118). Springfield, IL: Charles C. Thomas Publisher, Ltd.
- Sullivan, A., Kozleski, E., & Smith, A. (2008, March). *Understanding the current context of minority disproportionality in special education: Federal response, state activities, and implications for technical assistance*. Paper presentation at the American Educational Research Association Annual Meeting, New York, NY.
- Sullivan, A. L., A’Vant, E., Baker, J., Chandler, D., Graves, S., McKinney, E., & Sayles, T. (2009). Inequity in special education, part I: Understanding the problem of disproportionality. *Communiqué*, 38(1), 14–15.
- The United States Commission on Civil Rights. (2009). *Minorities in special education: a briefing before the United States Commission on Civil Rights*. Retrieved from: <http://www.usccr.gov/pubs/MinoritiesinSpecialEducation.pdf>
- The United States Department of Justice. (2012). *Press release, Attorney General Holder, Secretary Duncan announce effort to respond to school-to-prison pipeline by supporting good discipline practices*. Retrieved from: <http://www.justice.gov/opa/pr/2011/July/11-ag-951.html>
- U.S. Department of Education. (2010). *29th annual report to congress on the implementation of the Individuals with Disabilities Education Act, 2007*. Washington, DC: Office of Special Education Programs.
- Wallace, J. M., Goodkind, S., Wallace, C. M., & Bachman, J. G. (2008). Racial, ethnic, and gender differences in school discipline among U.S. high school students: 1991–2005. *The Negro Educational Review*, 59(1–2), 47–62.
- Welch, K., & Payne, A. A. (2012). Exclusionary school punishment: The effect of racial threat on expulsion and suspension. *Youth Violence and Juvenile Justice*, 10, 155–171. doi:10.1177/1541204011423766.

Wu, S., Pink, W., Crain, R. L., & Moles, O. (1982). Student suspension: A critical reappraisal. *Urban Review, 14*, 245–303.

Adopted by the NASP Delegate Assembly on July 13, 2013

Please cite this document as:

National Association of School Psychologists. (2013). *Racial and ethnic disproportionality in education* [Position statement]. Bethesda, MD: Author.

Acknowledgement of position statement writing group members: Elizabeth A’Vant (Writing Group Chair), John Baker, Charles Bartholomew, Janine Jones, Priscilla Kucer, Brian Leung, Ashley Morris.