

PART I: ADVANCING THE CONVERSATION

Over-Identification of Students of Color in Special Education: A Critical Overview

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The purpose of this article is to present an overview of the overrepresentation of students of color in special education programs. For this purpose, we outline background history on the problem and discuss its magnitude. We also identify several forces that shape this problem such as poverty, structural factors, instructional and assessment issues, and the cultural discontinuity between teachers and students. We conclude with a brief discussion about ways to address overrepresentation.

Background and Magnitude of the Problem

The placement of students of color in special education classes is perhaps one of the most complex problems facing educators as we move into the new millennium.¹ The issue itself is not new. In 1968, Dunn, citing U. S. Office of Education statistics, reported that

about 60 to 80 percent of the pupils taught by [teachers in mild mental retardation or MMR classes] are children from low status backgrounds—including Afro-Americans, American Indians, Mexicans, and Puerto Rican Americans; those from nonstandard English speaking, broken, disorganized, and inadequate homes; and children from other non-middle class environments. (p. 6)

In 1968, the Office for Civil Rights (OCR) began surveying special education placement in school districts. The survey has since been taken approximately every 2 years.² Meanwhile, several studies had a significant impact on our awareness and understanding of this problem. For instance, Mercer published in 1973 the results of her circa 1968 study of students in Riverside, Califor-

¹Scholars refer to this problem as “disproportionate representation,” which is defined as “unequal proportions of culturally diverse students in [special education] programs” (Artiles & Trent, 2000, p. 514). This problem includes both over and underrepresentation. The former is observed in high incidence disability programs, whereas underrepresentation is observed in programs for students with gifts and talents. Due to space constraints, we focus on the overrepresentation problem only.

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²Although the OCR data is perhaps the most widely used source, researchers also rely on various databases such as the U.S. Department of Education’s data included in the Office of Special Education Programs’ annual report to Congress and the National Longitudinal Transition Study. These databases have limitations that must be considered when interpreting research reports. For instance, the OCR data include 50 large urban schools plus a selection of districts throughout the nation; although this is not a nationally representative database, projections can be made from these data at the state and national level. Also, the database is based on school self-reports, there is some variation in data collection across regions, sampling procedures may vary from year to year, and critical information such as social class and language proficiency is omitted.

nia. Hispanics comprised 7% of the age 6–15 school sample in Riverside, but 12% of the similar age students placed in classes for students with MMR—at that time, these students were referred to as “educable mentally retarded” or EMR. Conversely, while white students made up 82% of the school population, they represented only 53% of students placed in EMR programs. African Americans represented 9.5% of the district population although they made up 32% of students in MMR classes (Reschly, 1996).

With the passage of Public Law 94-142 in 1975, the subsequent Individuals with Disabilities Education Act, continuous monitoring by OCR, and years of litigation, some argue the degree of overrepresentation has receded slightly, though the basic findings have remained fairly consistent: Overrepresentation affects the so-called high incidence (emotional disturbances, MMR, and learning disabilities) or “judgmental” disabilities and the students that are consistently affected at the national level are African Americans, particularly males in mental retardation (MR) and emotional disturbance (ED) programs.³ Latinos and American Indian students are overrepresented in some disability categories in selected school districts and states.

The misplacement of students in special education is problematic in that it is not only stigmatizing, but it can also deny individuals the high quality and life enhancing education to which they are entitled. But what are the factors that shape this problem? And have there been changes since the problem was first identified over 3 decades ago? Before we answer these questions, however, we must first define how overrepresentation is calculated.

There are two equally valid ways to present overrepresentation figures (Reschly, 1997). The first, favored by OCR, looks at special education enrollment by (ethnic) group. For example, if 33% of the MR enrollment is African American, but 17% of the overall school population is African American, the representation of these students is about twice the level expected. Clearly there is overrepresentation that is of concern. However, what percent of African American students are classified as MR?

The answer to that question often is surprising. In fact, it is neither 17% nor is it 33%. The actual percentage of African American students classified as MR according to the 1997 OCR survey was 2.54%. The latter percent is the *percent of the (ethnic) group in the special education program*. The confusion about these two indicators is harmful because it may establish or perpetuate the myths that large proportions of African Americans and other minority children have disabilities, that some-

thing is fundamentally wrong with certain minority children, or that special education is primarily used to deny educational rights to minority children. In fact, small, but clearly disproportionate, percentages of minority children are placed in special education.

Understanding the difference between the proportion of *program by group* and *group in program* is very important to gauge the magnitude of the problem. Both indicators are valid and useful. For example, looking at the percentages in special education placements of African American in MMR (e.g., 33%) or emotionally disturbed (ED; e.g., 28%) classes allows us to see the overidentification problem in relation to the students served in these disability programs. This figure, however, does not tell us anything about the actual percentage of the African American population placed in these programs. Such information is obtained by looking at the *percent of group* indicator, which suggests the percent of all African American students that is placed in MR classes is 2.54% and in ED programs is 1.29%. The 2.54% figure may not appear to be very large. However, when one realizes that it is five times that of Asian/Pacific Island group and over twice that for Whites, the problem should be deemed as serious. The following summary of data will illustrate both approaches.

OCR always presents data as the *special education enrollment by (ethnic) group*. In 1978, African Americans made up 16% of the school population. However, 38% of the students in EMR classes, 27% of the students in “trainable (moderate) mentally retarded” (TMR) classes, and 24% of the students in ED classes were African American. In the 1997 OCR survey, African Americans made up 17% of the student population. Yet, African American students made up 33% of the classes for students with MR and 28% of ED classes. This means that, at these two moments in time, African Americans had the greatest risk of being placed in MR and ED classes and that such representation was almost twice as large as their representation in the general education system. Let us contrast the aforementioned figures on *special education enrollment by group* with the data on *percent of (ethnic) group in special education programs*: The actual proportion of all African American students that is placed in MR classes was 2.54% versus 0.49% for Asian/Pacific, 0.74% for Latino, 1.31% for American Indian, and 1.13% for white students. This means that while only a small percentage of all African Americans are actually classified as MR, clearly, these students are overrepresented in this category.

The OCR survey in 1997 included only 3 of the 13 categories of disabilities recognized in federal law (MR, learning disabilities or LD, and ED). The other categories were not included because prior OCR surveys did

³MacMillan and Reschly (1998) argue that overrepresentation is a problem restricted to the “judgmental” disability categories because ethnic overrepresentation in certain biologically based conditions (e.g., Phenylketonuria among White, Tay Sachs among Jewish, and sickle cell anemia among African American children) is not debated.

not find overrepresentation in those categories or the other categories have had relatively equal representation across all groups; however, there is preliminary evidence that overrepresentation of English Learners may be emerging in the Speech and Language Impairment category in some states.

In conclusion, two commonly used indicators of overrepresentation are the *special education enrollment by group* and the *percent of group in special education*. Each indicator offers important yet partial information. We recommend the use of both indicators to get a clearer idea about the magnitude of the problem. At the same time, these indicators do not offer a comprehensive perspective on the problem unless other aspects are taken into account such as whether placement data are examined cross-sectionally or longitudinally and the need to disaggregate the data by disability, diverse subgroups, and geographical region.

One problem with the examination of national cross-sectional data is that it masks potentially important trends. For instance, the difference between the percent of African American and White students placed in high incidence disability classes declined in the late 1980s but it seems to be rising in the 1990s (Artiles & Trent, 2000). These trends vary as we disaggregate the data by disability category; more specifically, the Black–White difference declined in the MR category from 1986 to 1992 but it begun to rise again in 1994. In contrast, the Black–White difference in ED placement has remained relatively stable after a decline in the late 1980s (Artiles & Trent).

Another problem associated with reporting national data and general group categories is that statistics on subgroups are obscured. For example, Asian and Pacific Islanders are reported as a single category. This Federal category includes Asian groups such as Chinese, Japanese, and Pakistanis. It also includes Pacific Island groups such as Hawaiians, Samoans, and Tongans. Native Hawaiians are placed in special education classes at disproportionately high percentages. However, the categorical reporting of Asian/Pacific Islanders obscures this fact (see also Artiles, Rueda, Salazar, & Higareda, in press, for an analysis of English learner subgroups).

National data also obscure individual state variability. For example, 1997 OCR national data indicate African Americans and American Indians are overrepresented in high incidence programs; in the case of African Americans it is particularly noticeable in ED classes. However, the problem is even more acute in states such as Kentucky: African Americans made up 9% of the total student population, and an estimated 26% of the ED classes. These data could suggest that African Americans in Kentucky are more prone to ED at a disproportionately higher level than national trends. This variability in placement rates raises questions about

flaws or discrepancies in the identification process, the diagnostic criteria utilized, as well as the definition of the ED category. State variations in placement rates are also evident for Latino, Asian/Pacific, Native American, and White students in states such as Arizona, Hawaii, Texas, and Alaska (see also Artiles et al., in press). Another factor that is reportedly associated with overrepresentation is the availability of alternative programs, such as bilingual education.

Factors Shaping Minority Representation

Multiple factors are entangled in this complex predicament. Explanations range from the pervasive impact of poverty on minority children's development to institutional discrimination that may result in lower expectations, over-referrals, and overidentification. The following discussion illustrates the complex interconnections between the multiple factors that shape this problem.

Socioeconomic Issues: The Complex Mediating Force of Poverty

Although poverty and special education placement are associated, it is important to note that poverty can contribute both directly and indirectly to the risk of school failure, special education placement, or both. This has important implications for people of color because, although there are more white Americans living in poverty than any of the racial/ethnic groups of color, the percentages of the latter living in poverty far exceeds that of Whites. The booming United States economy in the late 1990s enabled the United States Census Bureau (2001) to report poverty rates that were below or equal to the lowest recorded rates for all groups except Whites. In 1999, the overall poverty rate was 11.9%, the lowest since 1979. The poverty rate for Whites was 8%, compared to 11% of Asian/Pacific Americans, 23% of Latinos, 24% of African Americans, and 26% of American Indians.

Poverty contributes to a significant number of problems such as less than optimal medical care both at the prenatal stage for expectant mothers, as well as postnatal care for the newborn. Physicians providing medical care through governmentally supported clinics and agencies are often overburdened with large patient loads, and are unable to provide the more thorough care purportedly offered by private physicians or health maintenance organizations. Because of the long waits, language differences, immigration issues, and limited access (e.g., inefficient public transportation) that many poor people may face, even the medical care to which they may be entitled is perceived as less accessible and may not be

utilized as often as necessary. Furthermore, appropriate nutrition for expectant mothers and for newborns, infants, and children is problematic for those living in poverty. Expectant mothers who out of necessity work late into term, and who have inadequate nutrition and prenatal care, are more prone to having children born at risk. Children born preterm (i.e., those who weigh less than 3 lbs. 5 oz.) may be at risk of cognitive and sensory impairments (Drew, Logan, & Hardman, 2000).

Although more closely aligned with socioeconomic status (SES), preterm births have been associated with ethnicity. Gelfand, Jenson, and Drew (1988) report that 51% of non-White births have complications, as compared to 5% of White upper class births. Children living in older homes (which may be the case of many living in poverty) may be at greater risk for lead poisoning; it has been reported that one in six children suffers from lead poisoning (Carolina Environment, Inc., 1999). Lead poisoning can be associated with reading and LD, language impairments, lowered I.Q., neurological deficits, ED, MR, kidney disease, heart disease, stroke, and death (Carolina Environment, Inc.). Other medically related problems include crack babies and babies with fetal alcohol syndrome being born to poor mothers involved in substance abuse (Drew et al., 2000).

Aside from the pervasive potential impact of poverty on children's development, it should be acknowledged that poverty is associated with lower academic achievement, which in turn exacerbates the chances of special education placement. At the same time, recent research suggests the need to assess the contexts of schools and communities to better understand overrepresentation patterns. For example, Oswald, Coutinho, Best, and Sing (1999) found that African American overrepresentation in MMR classes worsens as the school poverty level increases, whereas African Americans have a greater chance to be placed in ED programs in low-poverty schools.

Furthermore, the latest research on the link between socioeconomic disadvantage and child development is moving from descriptions of the impact of poverty to more dynamic analyses of the processes by which these effects come about (McLoyd, 1998). Alternative measures of poverty, the duration, timing, and the context of poverty (e.g., neighborhood-level poverty) are important considerations. Recent findings suggest *early and persistent* exposure to poverty has negative developmental outcomes. Moreover, research has traditionally focused on African Americans or racially diverse samples; McLoyd argues these practices might limit the generalizability of findings to groups with high rates of poverty such as Latinos and some Asian American subgroups.

It is equally important to examine the processes and factors that protect children from the negative influence

of poverty given the growing knowledge base that suggests "competence develops in the midst of adversity when, despite the situation at hand, fundamental systems that generally foster competence in development are operating to protect the child or counteract the threats to development" (Masten & Coatsworth, 1998, p. 212). Examples of such protective systems—influences include bonds to prosocial adults outside the family and effective schools. Indeed, we must strive to craft a knowledge base that emphasizes "possibility" for poor minority students.

Antecedents of Referrals: Structural and Instructional Factors

Funding, Resources, and Quality of Schooling

Poverty itself, however, cannot be assumed to be the cause of poor educational outcomes. Schools, after all, are the agency responsible for educating children, and it is well known that children in poor neighborhoods are likely to attend poor schools. Kozol's (1991) study of the "savage inequalities" endured by children in five urban school districts has been corroborated by studies that implicate funding policies and teacher quality as prime contributors to low achievement in such schools. For instance, Parrish, Matsumoto, and Fowler (1995) reported that districts with the greatest poverty spent an average of 79% the amount spent by the most affluent school districts. Similarly, in a report on school funding practices nationwide, Rothstein (2000) pointed to inequalities at all levels of spending—state, school district, neighborhood, classroom placement, and within class treatment. Detrimental funding practices result in inequalities in staffing, teacher salaries, quality of teachers and principals, and conditions of teaching (Darling-Hammond & Post, 2000).

School Size, Climate, and Achievement

Lee and Loeb (2000) reported that elementary school size (fewer than 400 students) is associated with stronger teacher collective responsibility for student learning and with greater student math achievement. In turn, the increasing bureaucratization of the secondary school (e.g., larger general and special education populations, greater density of conflicting political demands, more acute resource constraints), particularly in urban contexts (Lee, Bryk, & Smith, 1993), may be a fertile terrain for overrepresentation. Unfortunately, we do not know how overrepresentation is shaped by these factors.

Personnel Qualifications, Student Demographics, and Instructional Issues

The most recent Title I Assessment reports that the highest poverty schools have a greater percentage of inexperienced and uncertified teachers. Specifically, in high poverty schools, 15% of elementary and 21% of secondary teachers had less than 3 years of experience, as contrasted with 8% of elementary and 9% of secondary teachers in low poverty schools. Similarly, in high poverty schools, 12% of teachers had emergency or temporary certification, and 18% were out of field. In low poverty schools less than 1% of secondary teachers had temporary or emergency certification or were teaching out of field. Further, the report indicates that paraprofessionals are often given responsibility for instruction in Title I schools, with 84% of high poverty schools using these personnel for instruction, as contrasted with 54% in low poverty schools. Indeed, providing instruction accounted for 60% of Title I aides' time, and 41% reported that half or more of this time was spent working on their own with students.

High poverty schools serve primarily ethnic minority students. However, the connection between student demographics, personnel qualifications, and special education placement is not straightforward. On the one hand, research indicates poor students are being served by less qualified personnel, which in turn is linked to low quality instruction and low academic achievement (Darling-Hammond & Post, 2000); on the other hand, it is not clear whether these conditions exacerbate special education placement rates. Moreover, the district demographic composition may be a mediating force. For example, Ladner and Hammons (2001) report that districts with high minority enrollment have a lower percentage of special education students and that, compared to primarily minority districts, predominantly white districts place a slightly higher percent of their minority population in special education.

Cultural Discontinuity in Referral and Placement Practices

As stated above, an overwhelming number of special education students are poor, male, and ethnic minority; educators are primarily middle class, female, and White. When the cultural backgrounds of students and teachers are incongruent, it may result in interpersonal misunderstandings, which may have consequences for special education placement. Ysseldyke, Vanderwood, and Shriner (1997) suggest a large percentage of students who are referred to special education are eventually placed in

such programs. Teachers do the vast majority of referrals. Although the existing empirical evidence on referral bias is equivocal, there is some evidence middle class elementary school teachers possess greater proclivity to racial biases with regard to achievement expectations and perceptions of student maturity; also, teacher perceptions and expectations of poor students are less positive, "largely on the basis of noncognitive considerations (e.g., speech patterns and dress)" (McLoyd, 1998, p. 193). Ladner and Hammons (2001) reported that districts with more White teachers had a greater rate of minority special education enrollment while White student special education placement was unaffected by the racial composition of the faculty.

Assessment Issues

The assessment process has been controversial in the special education process. Major court decisions have raised red flags, and have resulted in mandates for the use of culturally responsive procedures and tools with African Americans and English learners in special education eligibility decisions. Two California court cases shaped largely these regulations, namely *Diana v. State Board of Education* (1970) and *Larry P. v. Riles* (1979; see Reschly, 1997 for a discussion of these cases). Some of the most important outcomes of *Diana* include a mandate to test in students' primary language, use nonverbal tests, and use extensive supporting data in future placement decisions. A major outcome of *Larry P.* was a ban on the use of I.Q. tests for identification and placement purposes with African American students in California.

There is considerable evidence about the inadequacies of traditional assessment models with culturally diverse groups (García & Pearson, 1994); however, research about the role of norming, content, linguistic, and cultural biases and test result uses on minority placement in special education is scarce. Future research on assessment and placement of students of color should focus on the complexities associated with these processes and, thus, research should document not only the impact of instruments' technical inadequacies, but also the institutional, historical, and political contexts of assessment and placement practices. Such focus will imply a shift in assessment practices from an exclusive attention to children's individual factors to an understanding of children's development as situated in cultural contexts.

In this vein, evidence from a 3-year ethnographic study in Florida (Harry, Klingner, Sturges, & Moore, in press) points to the many ways in which the assessment process is influenced by unofficial, undocumented prac-

tices. These include informal pressures from school administrators, referring teachers (or both), teachers' and psychologists' unacknowledged biases regarding children's family structures and practices, and widely varying choice and implementation of psychological assessment tools. Furthermore, this research revealed that child study teams seldom take into account information regarding the atmosphere and practices obtained in the classrooms of referring teachers. In the study, several children were referred from classrooms where very poor instruction and classroom management were the norm, making it impossible to know if the children's difficulties might have been mitigated in more effective classroom environments.

Addressing the Problem

Overrepresentation is a multifaceted problem; thus more and better research is the foremost priority. Future inquiries must be comprehensive, interdisciplinary, and should transcend analyses of placement figures. Efforts should concentrate on at least two broad domains: (a) structural antecedents and mediating forces, and (b) the contexts and activities associated with the special education process.

Structural Antecedent and Mediating Forces

Because poverty rate is higher among minority people, some scholars argue this is the main explanation of minority overrepresentation. Poverty indeed can have a brutal impact on people's lives. At the broadest level, therefore, we should invest in the prevention of the nefarious consequences of poverty. Educators and public health professionals need to develop curricula and public education campaigns that emphasize good nutritional practices throughout one's life, but especially during the prenatal period and with infants and young children. Such efforts should also emphasize the hazards of lead poisoning and other health dangers. In addition, it is necessary to empower students and their families to access available health care.

At the same time, the complexities associated with poverty have been understudied in the context of overrepresentation. For instance, we know little about the potential mediating effects of the duration, timing, context, and various definitions of poverty on special education placement. Moreover, the literature on poverty cited above suggests that, just as poverty brings poor health care and numerous environmental hazards, it also brings poor schooling. Some of the evidence cited earlier hints at the need to study the politics of special education placement in various socioeconomic contexts.

For example, we must examine the dynamics behind the differential placement of African Americans in high-versus low-poverty districts. Indeed, research on the effects of poverty must include measures or descriptions of the quality of schooling to which poor children are exposed, including funding, availability of resources, and the quality of instruction.

Another compelling mediating force is society's notion of "difference" and the ways in which the educational system responds to "different" people. Let us remember "difference" is a comparative notion. Patton (1998) suggests that those who produce the special education knowledge base have attempted to understand and explain the behavior and life experiences of African Americans through their own ethnocentric perspectives and against an equally narrowly constructed cultural-ethnic standard. Thus, it is imperative future research focuses on questions that are relevant to issues of difference, such as What are the assumptions about difference that inform decisions to place students in special education? What functions are served by the maintenance of a rigid demarcation between general and special education? When (under what circumstances) is overrepresentation a problem? What are the consequences of overrepresentation? For whom? and What is the function of special education in an increasingly diverse society?

An elusive factor with deep structural roots is bias. Discussions about the contributions of bias to school failure and to the likelihood of special education placement should acknowledge that bias is more than the personal decisions and acts of individuals. Rather, bias against minorities should also be thought of in terms of historical residua that are layered in social structures and that may lead to various forms of institutional discrimination. It is necessary that educators learn to recognize biases in educational settings and institutional practices and learn to deal with them appropriately.

Contexts and Activities Linked to the Special Education Process

The special education process encompasses multiple aspects that include the preparation of school personnel, the social organization of learning in general education classrooms, prereferral interventions, referrals, assessment, eligibility, and placement practices. The literature on solutions in each of these stages is growing. A review of solutions for each of these phases is beyond the scope of this article. A reference list on this topic is available from the first author. In this section, we only highlight a couple of basic ideas as they pertain to personnel preparation and prereferrals for these are among the least developed in the literature on overrepresentation.

Personnel Preparation

Teacher education and school psychology programs must address the curricular needs of their preservice students by ensuring their preparation in the areas of diversity and multicultural education. It is essential personnel recognize how the culture they bring to school differs from that of their students. Differences in cultures can often translate in different values, knowledge, and communication, which in turn exacerbate the chances for bias formation and its unintended consequences.

Prereferral Interventions

A means of addressing student learning or behavioral difficulties is the use of teacher assistance teams (TATs). Ortiz and Wilkinson (1991) report the effective use of TATs, in providing support to teachers experiencing difficulty with some students. The TATs review student files, observe students and teachers in the classroom, and develop strategies for intervention by the teachers. Ortiz found that, in schools utilizing TATs, referrals to special education were significantly reduced.

To conclude, the problem of the disproportionate representation of students of color in special education classes has been addressed in the literature for well over 30 years. However, it has only been within the last few years that educators have made larger scale efforts to address it. Many of the variables contributing to these problems relate to societal problems, which are beyond the workscope of our schools. However, it is the responsibility of educators to continually draw attention to this problem and to urge our national and community leaders to bring about necessary changes. There are many areas that educators can address. Although assessment instruments and procedures may never be completely unbiased, we must work to that end. Teacher education programs and school districts must continue to prepare individuals at the preservice and inservice levels in matters related to student diversity. Perhaps more importantly, we must work diligently to continue redefining the goals and functions of special education in an increasingly diverse society. Together, we can begin to make a difference.

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