

Although education is a powerful social mobility engine, concerns about equity of educational opportunity have been pervasive throughout the history of the field. These concerns may be due in part to the fact that inequities in society tend to be mirrored in education (Anyon, 2005). Therefore, it is not surprising that some of the most important policies and reforms in education have paid explicit attention to equity. For instance, *Brown v. Board of Education* mandated the end of school racial segregation. The Individuals with Disabilities Education Act (IDEA) afforded rights to a free and appropriate education to learners with disabilities.

Equity and observing the paradox

- Equity solutions typically, stress *access* to rights and other resources, although in some instances, equity agendas pursue *recognition* of group identities. Recognition generally offers *differential* (e.g., special education, bilingual education) or *equal* interventions (e.g., racial desegregation). Despite advances in policy and practice, educational equity continues to be a relevant challenge, particularly at a time in which socioeconomic injustices affecting minority groups have deepened in unprecedented ways (Bobo, 2011).

A Case in Point: Racial Disparities in Special Education

- A perverse dimension of equity work is that solutions for one marginalized group **can create** injustices for another population. An enduring example of this paradox is the racialization of disabilities. This predicament refers to disproportionate representation of racial minority learners in special education, particularly in high prevalence (also described as “soft”) disability categories—i.e., learning disabilities (LD), intellectual disabilities (ID), emotional/behavioral disorders (E/BD), and speech/language impairments (SLI) (Donovan & Cross, 2002).
- Over- and under-representation are related to disproportionality; both placement patterns are problematic, both have undesirable consequences. At the core of this problem is that the civil rights response for a population (i.e., students with disabilities) can produce inequities for a different group (i.e., racial minority students), even though both populations have faced longstanding inequities (Artiles, 2011). It is imperative, therefore, that we examine critically the paradoxes of educational equity, particularly as they affect students that live at the intersections of markers of difference that demand disparate responses (e.g., equal *and* differential treatment).
- There have been advances in policies, technical assistance initiatives funded by the federal government, and national monitoring and reporting systems. The available evidence paints a complex and multidimensional configuration of factors that resist polarized standpoints—e.g., are teachers or institutional racism responsible? (Waitoller et al., 2010)

Disabilities in their demographic and social context

The magnitude and configuration of the problem vary by level of analysis.

- At the national level, African Americans are consistently overrepresented in the ID and E/BD, and Native Americans are overrepresented in LD (Donovan & Cross, 2002). Despite the

disproportionate poverty rate among Latinos/as, their chances are equal to their White counterparts, or they are underrepresented in disability categories (Artiles et al., 2010).

- At the state or school district levels, the direction (over or under) and magnitude of representation changes across groups depending on the group's representation in the state or districts, the size of districts, and poverty level of districts or schools, among other factors (Finn, 1982; Parrish, 2002; Sullivan & Bal, 2013). Latinos/as, for instance, are not disproportionately represented nationally, but some school districts are over identifying this group of students in various categories (Artiles et al., 2011).

Gender, social class, and language matter.

- Boys represent the majority of students in special education—e.g., about 80% of population with E/BD, 70% of students with LD, and 60% of learners with ID (Donovan & Cross, 2002).
- Low-income students are more likely to be placed in special education (Skiba et al., 2008).
- Dual language learners are underrepresented at the national level, but overrepresented in some states as well as under- (primary grades) and over-represented (secondary grades) in some school districts (Artiles et al., 2005).

The Evidence Supports Multidimensional Explanations

- Explanations based on a single cause have been visible in the literature (Artiles et al., 2010). An example is the debate about poverty- versus opportunity-driven explanations. Poverty is correlated with disability status; indeed, poverty can have deep negative effects on child development, thus, exacerbating the risk for disability. Some scholars have reported that the inclusion of poverty in analyses decreases the impact of race in explanatory models (Morgan et al., 2015; MacMillan & Reschly, 1998). However, other studies show the effects of poverty are mediated by multiple factors such as access to educational opportunities—e.g., low income racial minorities attend schools that have lower funding, fewer resources, and lower personnel quality.
- Studies show that race is a significant predictor of disability diagnosis after controlling for poverty, and multiple factors influenced this problem for disability identification risk varied by school/community poverty levels, student race, social class, language and gender, disability category, and school location (Artiles et al., 2005; Coutinho et al., 2002; Oswald et al., 2002; Skiba et al., 2005; Zhang & Katsiyannis, 2002).
- Type of data sources seem to mediate the disparate impact of SES documented across studies (Skiba et al., in press)—i.e., research grounded in teacher or administrator reports of special education enrollment tends to find that poverty plays a more substantial role in disability identification risk. In contrast, studies that used a direct count of special education enrollments show that student race continues to make a significant contribution to the prediction of special education placement, irrespective of the consideration of SES, level of analysis (e.g., national or state) or unit of analysis (e.g., individual or district).
- The research evidence reflects a multidimensional picture (Artiles et al., 2004; Harry & Klingner, 2006). Child variables (social class, language differences, race) and technical and professional factors are associated with disproportionate placement—e.g., teachers disproportionately refer

minority students; race and social class considerations can have more weight in eligibility decisions than student performance data (Skiba et al., 2008).

- Another potential influence is access to quality general education, which differs by children's race. Additional research is needed, however, to examine systematically the link between quality of education and special education referral rates.
- Discipline referrals, corporal punishment, school suspensions and expulsions are associated with disability disproportionality. African Americans are most affected and "receive more severe punishments for less serious infractions . . . or are referred to the office more frequently for more subjective reasons, such as disrespect or loitering" (Skiba et al., 2008, pp. 276-277). Race remains a significant predictor of disciplinary sanctions after controlling for SES. Discipline inequities impact opportunity to learn in general education, but more studies are needed on the link between discipline racial inequities and disability identification.

Disability Identification Affords Benefits and Has Negative Consequences

- Special education interventions afford useful resources to students that need them. On the other hand, a core underlying issue in this literature is the question about mis-identification. Considering the multidimensional nature of this phenomenon, it is a major challenge to answer such a question.
- Misidentification is not always the result of blatant bias or discrimination. For instance, teachers can refer students to special education as a life-saving strategy; they might perceive special education as the only support available for learners (Harry & Klingner, 2006; Skiba et al., 2006).
- However, placement in special education has significant consequences for students, particularly for those from minority backgrounds including: more limited access to related services and placement in more segregated programs than their peers *with the same disability diagnosis*, persistently low academic performance, higher dropout and juvenile justice involvement risks, limited college access compared to nondisabled peers; and low-paying jobs in adulthood (Artiles et al., 2004; Skiba et al., 2008).

The advent of Response to Intervention (RTI) systems might impact the disproportionality problem as this system purportedly makes interventions available before students are referred. Research is needed to examine the role of RTI systems in reducing disproportionate representation.

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Paradoxes of Equity

Racial Disparities in Special Education

(Artiles, 2016)

Over- and Under-Representation are Equally Problematic

VARIABILITY BY LEVEL OF ANALYSIS

2003 **2.26**
in chances



that Blacks were identified with Intellectual Disabilities than peers at the national level

USDOE (2015)

States' Monitoring of Disproportionality in Special Education and by Disability Category, 2005–2009

School Years	Number of States Reporting Zero School Districts With Disproportionality Due to Inappropriate Identification	
	Special Education (Indicator 9)	Disability (Indicator 10)
2005-2006	47	21
2006-2007	39	27
2007-2008	42	35
2008-2009	43	34

USDOE (2011)

57

proportion of AZ school districts with ELL disproportionality in learning disabilities, while **20%** of the districts had ELL under-representation

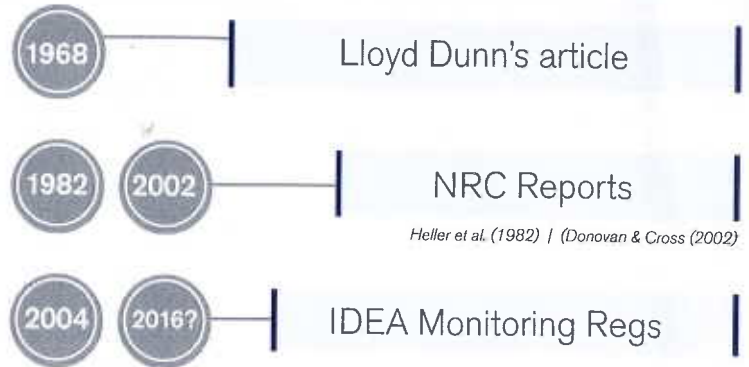
(Sullivan, 2011)

Blacks were overrepresented in E/BD in high-SES districts, while LD Identification risk for Latinos(as) increased as school district poverty rose

(Coutinho et al., 2002; Skiba et al., 2005)

A LONG PAST BUT A SHORT HISTORY

Most visible in "soft" disability categories



62% of studies published after 2000



Waltoller et al. (2010)

AFTER DISABILITY IDENTIFICATION

Racial minority students received fewer related services than **White peers** with the with the same disability diagnosis

(Skiba et al. (2008)

in 2006 ELLs were **74%** more likely segregated than non-ELLs to be placed in programs



(de Valenzuela et al., 2006)

DISABILITY DIAGNOSIS: Long term outcomes

(Skiba et al., 2008)



discipline sanctions



drop out rate



access to college