



Equity by Design:
Systemic Approaches to
Eliminating Disproportionality in
Special Education

Robin G. Jackson
Kathleen King Thorius
Tiffany S. Kyser

Systemic Approaches to Eliminating Disproportionality in Special Education

Perhaps no other educational inequity today illustrates the complex relationship between discrimination and systemic oppression at the intersection of race, language, and ability more than the phenomenon of special education disproportionality (hereafter referred to as disproportionality). Historically marginalized racial and linguistic groups (e.g., Black, American Indian, Latina/o, Spanish speakers) are overrepresented in high-incidence dis/ability categories and restrictive educational placements in special education classes (Thorius & Stephenson, 2012). Disproportionality

remains a highly contested issue (Morgan et al., 2015; Collins et al., 2016) despite decades of research illustrating its existence, persistence, and outcomes, which reaffirms the need to examine and eradicate the interlocking roles of racism and ableism (discrimination by non-disabled people toward those with dis/abilities) in educational systems.



Researchers of root causes have found many structural factors underlying disproportionality such as inequities in district and school funding, teacher quality, and discipline policies (Losen & Orfield, 2002), high-stakes testing pressures and related instruction, community income levels, values, beliefs, and capacities of administrators and school staff (Osher, Woodruff, & Sims, 2002), school culture and climate (O'Connor & Fernandez, 2006), as well as the percentage of overrepresented groups in the population at large (Skiba, Simmons, Ritter, Gibb, Rausch, Cuadrado, & Chung, 2008). Accordingly, it is important to address

KEY TERMS

Disproportionality - The high probability of being placed in special education, based on membership in a historically marginalized group. (Oswald, Coutinho, Best, & Singh, 1999).

Multi-tiered systems of support - A multi-tiered model of assistance that provides services to students, based on where they are socially and academically. (Harlacher, Sakelaris, & Kattelman, 2013).

Systemic Change Framework - Reform work that operates within systemic levels of a unified reform effort, and what needs to occur at each level in order to comprehensively transform within and across the system(s) (Kozleski & Thorius, 2014).

**Dis/ability is used throughout this edition of Equity Brief intentionally to emphasize that dis/ability is socially constructed through the interactions, of language, space, place, human experience, and power within a particular context (Annamma, Conner, & Ferri, 2013).*

disproportionality systemically, as not one of these factors is more important than another (Waitoller, Artiles, & Cheney, 2009). In what follows, we briefly discuss the systemic nature of special education disproportionality and then draw from a

framework of systemic change (Ferguson, Kozleski, & Smith, 2003; Kozleski & Thorius, 2014) to propose a research-informed set of recommendations for addressing and eradicating this entrenched educational equity issue.

The Systemic and Complex Problem of Disproportionality

Since the inception of the Individuals with Disabilities Act (IDEA) in 1975, families and students with dis/abilities have been fighting for access to the general education setting with non-dis/abled peers, and educational and social progress in schools. While the goal is of utmost importance, the special education system under which students have been included has been critiqued substantially on the basis of lowered student expectations and outcomes (Waitoller, Artiles, & Cheney, 2009); that it contributes to the myth of a normal, ideal child by relying on tools such as intelligence quotients and the bell curve to create “special” children in relation to “regular” peers (Dudley-Marling & Gurn, 2010); and the unspoken status of White children of middle-class economic status as the normative referent (O’Connor & Fernandez, 2006). Additionally, while enacted for equal treatment of all students, Graff and Kozleski (2015) state *Brown vs. Board of Education* inadvertently “legitimized sorting and categorizing, resulting in the perpetuation of lack of access and opportunity for specific groups of minoritized students” (p. 1).

It is important to address disproportionality systemically, as not one factor is more important than another (Waitoller, Artiles, & Cheney, 2009).

With regard for the judgmental nature of dis/ability determination, IDEA currently includes thirteen dis/ability categories for children and youth, ages 3-21, for which qualification for special education services could occur (Thorius & Stephenson, 2012). Five of these are considered high-incidence dis/abilities—vague classifications that primarily rely on professional judgement of school practitioners (i.e. specific learning dis/abilities, mental retardation, emotional disturbance, and attention deficit/hyperactivity disorder)—and are those in which students from historically marginalized racial and linguistic groups are most likely to be overrepresented (Gresham, Sugai, & Homer, 2001; Thorius & Stephenson, 2012). For these categories, criteria remain ambiguous, and reliability of measures and assessment processes questionable (Artiles, Rueda, Salazar, & Higareda, 2005). Researchers have

asserted many explanations for the prevalence of historically marginalized racial and ethnic students in special education under these categories ranging from student-focused explanations like poverty (O'Connor & Fernandez, 2006), to educator-related explanations related to implicit bias/racism and cultural ignorance (Waitoller, Artiles & Cheney, 2009), to systemic factors, such as desegregation that resulted in historically marginalized populations of children being sent to under-resourced schools (Thorius & Stephenson, 2012).



With regard to the first explanation of disproportionality, the dominant narrative is that poverty and related developmental barriers account for why underserved racial, ethnic, and linguistic groups are disproportionately placed in and segregated from non-dis/abled peers in special education. Termed and critiqued as a “theory of compromised human development,” (O'Connor & Fernandez, 2006, p. 7) in response to the National Research Council’s 2002 study of disproportionality, this narrative assumes the following:

- 1) Minorities are more likely to be poor.
- 2) "Being" poor increases exposure to risk factors that compromise early development.
- 3) Compromised early development impinges on school preparedness and suppresses academic achievement, heightening the need for special education.
- 4) Thus minorities are more likely to warrant special education. (O'Connor & Fernandez, 2006, p. 7).

Yet, if this is the case, why is it that disproportionality only occurs in the high-incidence dis/ability categories that rely on more subjective judgement of educational practitioners, and not in those dis/ability categories which rely on medical diagnosis such as blindness, orthopedic impairment, and significant intellectual dis/abilities? In other words, racial disproportionality is not present in those categories which do not require educators’ judgement (Hosp & Reschly, 2004). Recently, Collins et al (2016) critiqued research by Morgan et al (2015) on the basis of their reliance on “cultural deprivation discourses,” (p. 6) like those troubled by O'Connor and Fernandez (2006) over ten years ago.

Other research-based explanations for disproportionality are those related to individual educator bias and socio-historical inequities in U.S. schooling. With regard to the former, implicit racial bias informed by unsupported deficit assumptions about minoritized populations and culturally biased assessments have been shown to contribute to disproportionate special education eligibility determination (King,

Artiles, & Kozleski, 2009), restrictive placement (Sullivan, 2011), as well as disciplinary action (Englehart, 2014; Skiba et al., 2008). Once referred, assessment procedures have been shown to be culturally biased by emphasizing student performance on decontextualized intelligence tests despite their lack of cultural generalizability (Dudley-Marling & Gurn, 2010).

Why is it that disproportionality only occurs in the high-incidence disability categories that rely on more subjective judgement of educational practitioners, and not in those dis/ability categories which rely on medical diagnosis such as blindness, orthopedic impairment, and significant intellectual dis/abilities?

With regard for the latter, myriad systemic inequities in decision-making power, curricular and other materials and facilities (Harry & Klingner, 2006; Thorius & Stephenson, 2012), lack of culturally responsive, well-prepared, and experienced educators (Osher, Woodruff, & Sims, 2002), professional learning experiences (Monroe, 2005; Griner & Stewart, 2013), and related policies and procedures guiding such decisions, are distributed across schools, districts, and regions have been identified as collectively and individually contributing to the phenomenon of disproportionality.

All this is to say that an issue as complex as disproportionality warrants an equally complex solution that cuts across all domains and activities of educational systems from individual practices to widespread historical inequities (Ferguson, Kozleski, & Smith, 2003; Sullivan & Artiles, 2011). Acknowledging the failure of isolated approaches to addressing disproportionality, such as focus solely on eliminating educators' racial bias, Sullivan, Artiles, and Hernandez-Saca (2015) suggest that such "efforts may have been misconceived in foci that were too molecular to affect the other interconnected and distal forces that drive disproportionality," (p. 131). In what follows, we describe a framework for holistic focus and suggestions for policies, and practices that hold promise for addressing special education disproportionality.



Addressing Disproportionality as a Systemic Change Effort

Because special education disproportionality is indeed a systemic issue, it stands to reason that the complexity of this problem requires an equally complex set of solutions. The Systemic Change Framework (SCF), developed by the National Institute of Urban School Improvement (NIUSI) (Ferguson, Kozleski & Smith, 2003; Shanklin et al., 2003), “describe[s] the multiple layers of dimension and activities necessary to produce improved outcomes for students” (Sullivan, Abplanalp, & Jorgenson, 2013, p. 183), which we view as a useful way to organize efforts to address disproportionality. The SCF organizes a set of six policy and practice arenas which cut across nested levels of a school system from the federal to the local level. The SCF seeks to identify and reconfigure policy and practice within the arenas of ensuring equitable resource development and distribution, fostering inclusive leadership, building community connections and partnerships, and strengthening system infrastructure and organizational support, all of which are grounded in inquiry on equity in schooling (Kozleski & Thorius, 2014). Next, we present a brief description of the first three of these six domains, situating within each powerful approaches to be engaged across schools and/or districts.

Equitable Development and Distribution of Resources

The first SCF domain to consider in

addressing disproportionality is the equitable development and distribution of resources. The definition of this domain is that schools and districts consider and ensure how the allocation of financial, material, and human resources are distributed not equally, but equitably, such that all professionals are provided what they need to ensure high quality services that result in favorable and proportionate access, participation, and outcomes for children across historically underserved groups (Kozleski & Thorius, 2014). Such focus is necessary to change educational infrastructure such as inequitable funding and teacher quality that impact negatively and disproportionately students of color, and beyond sole focus on addressing educator bias in special education referral as a stand-alone approach to addressing disproportionality (Sullivan, Artiles, & Hernandez-Saca, 2015).

To illustrate, although disproportionality patterns have been identified for emergent multilingual learners, it is unlikely that most emergent multilingual learners have disabilities. Schools and districts must distinguish the sources of students' difficulties by examining the interaction among structural forces like racism, policies and practices, and individual student characteristics (Lesaux, 2006), and in particular how these play out in opportunities to learn for emergent multilingual learners. This requires that districts take a hard look at the types and quality of language resources that have

been developed and made available for emergent multilingual learners. Keller-Allen (2006), Case and Taylor (2005), and Harry and Klingner, (2006) all found that emergent multilingual learners' overrepresentation in special education was associated with lower levels of language support, particularly as they transitioned out of bi-lingual to general education classes where they were more likely to be taught by inexperienced teachers, and relatedly, referred to special education. As Sullivan (2011) asserted as a result of her study of emergent multilingual learners' disproportionality patterns:

Educators must be vigilant against using special education as a fallback option when appropriate language support, instruction, and curriculum are not provided; such use of services is not the intent of special education and can be detrimental to the students. Instead, educators need to explore programmatic changes. (p. 330)



Inclusive Leadership for Equity and Outcomes

Effective district and school leadership

personnel understand the ways decisions are made have a strong impact on organizational cultures, potential to support student achievement, and that the interaction between leadership and outcomes help determine success. Accordingly, leaders ensure that input from diverse perspectives is elicited in the curriculum planning processes and in decision-making, in general (Kozleski & Thorius, 2014). To do so, they utilize current data about how schools, children, and families are served, and to what outcomes, to inform professional development improvement plans (Kozleski & Thorius, 2014). Further, school and district leaders deliberately set up collaborative structures and spaces as platforms to expose inequities that exist in all aspects of schooling in order to call out and reshape current oppressive and marginalized realities of students (Chen, Macey, Rogers, Simon, Skelton, & Thorius, 2014). For example, districts and schools may form district and school equitable governance teams that meet monthly to examine discipline and special education referral data by race and language along with student conduct policy and reading curriculum, develop questions for, facilitate, and consider issues raised within focus groups with students about their experiences in or initially being placed in special education. Based on data collection and analysis, these teams make decisions, develop, and enact solutions to inequities/inadequacies in curriculum, professional development plans, special education pre-referral processes, and discipline code. Finally, and on an on-going basis, teams assess the impact of their efforts.

Culture of Renewal and Improvement

To bolster inclusivity, democracy, and an organizational culture of ongoing improvement, it is important that all voices be heard. At school and district levels, leaders should ensure that schools include explicit attention to the issue of disproportionality in professional development (King, Artiles, & Kozleski, 2009). This means that disaggregation and dissemination of disproportionality data, along with concurrent critical reflection on student identification and placement patterns by race and language occur often and across contexts. Fostering a culture of improvement toward eliminating disproportionality also requires professional development opportunities that center educators' individual and collective analysis of their beliefs and practices in relation to student race, income, language, and ability (King, Artiles, & Kozleski, 2009). Examples of professional resources that explicitly describe educator practice toward these aims include Kozleski and Thorius's (2012) *Ability, Equity, and Culture: Sustaining Inclusive Education Reform*, Gorski's (2015) *Reaching and Teaching Students in*

Poverty: Strategies for Erasing the Opportunity Gap, Singleton and Linton's (2014) *Courageous Conversations about Race: A Field Guide for Achieving Equity in Schools*, and Pollock's (2008) *Everyday Antiracism: Getting Real About Race in School*. Equally important however, are that individualized consultation and professional development opportunities are provided to educators when over-identification patterns are found in certain classrooms or grade-levels, and deeper analysis reveals teacher beliefs and practices at play. A framework and associated tools for instructional coaching for culturally responsive teaching, developed by the *National Institute for*



Conclusion

The complex and entrenched nature of special education disproportionality requires solutions that are equally complex and systemic. The development and enactment of policies and practices, organized systemically by a framework for system change, all collaborate to establish a foundation that seeks to expose existing inequities, discourage reversion to old

ways, and inhibit the formation of new harmful practices (Kozleski, Thorius, & Smith, 2014).

In this Brief, we have discussed the insidious history of disproportionality, and its maintenance in continually disadvantaging historically marginalized racial and linguistic groups. We have

disrupted the current narrative that seeks to blame students for their trajectory through schooling due to disproportionality, by presenting indisputable research that exposes the judgmental nature of dis/ability determination, poverty and other alleged developmental barriers, and educator bias. We have presented this data in such a way to illustrate the embeddedness of disproportionality, and the urgency in enacting systemic solutions to this dilemma.

Educators, administrators, and allies who are proactive through awareness and attention, and who are equipped with the tools, can begin deconstructing systems that have hidden harmful practices under the guise of help.

Three SCF methods were presented to encourage engagement across schools and districts. First, the distribution of effective educators and resources ensures that schools and educators have the resources they need to ensure all students have an equitable chance at success. One way this can be achieved is by establishing a platform that recognizes inequities rooted in racialized policies and practices that may lead to disproportionality, and provide the necessary resources to address them. Next, inclusive leadership establishes a culture of inclusivity within individual contexts, and provides a level of quality assurance that exists to interrogate instances of oppressive behaviors, especially those that lead to disproportionality. One way this can be operationalized is by forming teams whose

purpose is to periodically examine data related to instances of disproportionality. Finally, cultivating a culture of renewal and improvement incites continuous growth by staying abreast of developments in disproportionality data, building a culture of knowledge, prevention, and intervention. One way this method can work towards transformation is through professional development opportunities—especially for those educators who perpetuate disproportionality practices.

Educators, administrators, and allies who are proactive through awareness and attention, and who are equipped with the tools, can begin deconstructing systems that have hidden harmful practices under the guise of help.





About the Great Lakes Equity Center

The mission of the Great Lakes Equity Center is to ensure equity in student access to and participation in high quality, research-based education by expanding states' and school systems' capacity to provide robust, effective opportunities to learn for all students, regardless of and responsive to race, sex, and national origin, and to reduce disparities in educational outcomes among and between groups. The Equity by Design briefs series is intended to provide vital background information and action steps to support educators and other equity advocates as they work to create positive educational environments for all children. For more information, visit <http://www.greatlakesequitycenter.org>.

Copyright © 2016 by Great Lakes Equity Center

Recommended Citation: Jackson, R.G., Thorius, K.A.K., & Kyser, T.S. (2016). Systemic approaches to eliminating disproportionality in special education. *Equity by Design*. The Great Lakes Equity Center (GLEC).

Disclaimer

Great Lakes Equity Center is committed to the sharing of information regarding issues of equity in education. The contents of this practitioner brief were developed under a grant from the U.S. Department of Education. However, these contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the federal government.

References

- Annamma, S.A., Connor, D., & Ferri, B. (2013). Dis/ability critical race studies (DisCrit): Theorizing at the intersections of race and dis/ability. *Race Ethnicity and Education, 16*(1), 1-31.
- Artiles, A.J., Rueda, R., Salazar, J., & Higareda, I. (2005). Within-group diversity in minority disproportionate representation: English language learners in urban school districts. *Exceptional Children, 71*, 283-300.
- Case, R.E., & Taylor, S.S. (2005). Language difference or learning disability? Answers from a linguistic perspective. *The Clearinghouse, 78*, 127-130.
- Chen, K., Macey, E., Rogers, J., Simon, M., Skelton, S., & Thorius, K.A.K. (2014). Engaging school systems as equity-oriented learning organizations. *Equity Dispatch*. The Great Lakes Equity Center (GLEC).
- Collins, K. M., Connor, D., Ferri, B., Gallagher, D., & Samson, J. F. (2016). Dangerous assumptions and unspoken limitations: A disability studies in education response to Morgan, Farkas, Hillemeier, Mattison, Maczuga, Li, and Cook (2015). *Multiple Voices for Ethnically Diverse Exceptional Learners, 16*, 4-16.
- Dudley-Marling, C., & Gurn, A. (2010). Introduction: Living on the boundaries of normal. In C. Dudley-Marling & A. Gurn (Eds.), *The myth of the normal curve* (pp. 1-8). New York, NY: Peter Lang.
- Englehart, J.M. (2014). Considerations for 21st-century disciplinary policy and practice. *Journal of School Leadership, 24*, 666-690.
- Ferguson, D.L., Kozleski, E.B., Smith, A. (2003). Transformed, inclusive schools: A framework to guide fundamental change in urban schools. *Effective Education for Learners with Exceptionalities, 15*, 43-74.
- Gresham, F.M., Sugai, G., & Horner, R.H. (2001). Interpreting outcomes of social skills training for students with high-incidence disabilities. *Exceptional Children, 67*, 331-344.
- Gorski, P. (2015). *Reaching and teaching students in poverty: Strategies for erasing the opportunity gap*. New York, NY: Teachers College Press.
- Graff, C.S., & Kozleski, E. (2015). Calcifying sorting and segregating: Brown at 60. *Multiple Voices for Ethnically Diverse Exceptional Learners, 14*(2), 1-16.
- Griner, A.C., & Stewart, M.L. (2013). Addressing the achievement gap and disproportionality through the use of culturally responsive teaching practices. *Urban Education, 48*, 585-621.
- Harlacher, J.E., Sakelaris, T.L., & Kattelman, N.M. (2014). *Practitioner's guide to curriculum-based evaluation in reading*. New York, NY: Springer.
- Harry, B., & Klingner, J.K. (2006). *Why are so many minority students in special education?: Understanding race and disability in schools*. New York, NY: Teachers College Press.
- Hosp, J.L., & Reschly, D.J. (2004). Disproportionate representation of minority students in special education: Academic, demographic, and economic predictors. *Exceptional Children, 70*, 185-199.
- Keller-Allen, C. (2006). *English language learners with disabilities: Identification and other state policy issues*. Project Forum at NASDSE: Alexandria, VA.
- King, K.A., Artiles, A.J., & Kozleski, E.B. (2009). *Professional learning for culturally responsive teaching*. Tempe, AZ: National Center for Culturally Responsive Educational Systems. Retrieved from <http://url.ie/zodw>
- Kozleski, E. & Thorius, K.A.K. (2014). Introduction. In E.B. Kozleski & K.A.K. Thorius (Eds.), *Ability, equity, and culture: Sustaining inclusive urban education reform* (pp. 3-10). New York, NY: Teachers College Press.
- Kozleski, E. & Thorius, K.A.K., & Smith, A. (2014). Theorizing systemic reform in urban schools. In E.B. Kozleski & K.A.K. Thorius (Eds.), *Ability, equity, and culture: Sustaining inclusive urban education reform* (pp. 11-31). New York, NY: Teachers College Press.
- Lesaux, N. (2006). Development of literacy. In D. August & T. Shanahan (Eds.), *Developing literacy in second-language learners: Report of the national literacy panel on language-minority children and youth* (pp. 75-122). Mahwah, NJ: Erlbaum.
- Losen, D.J., & Orfield, G. (2002). *Racial inequity in special education*. Cambridge, MA: Harvard Education Press.
- Monroe, C.R. (2005). Why are "bad boys" always black?: Causes of disproportionality in school discipline and recommendations for change. *The Clearing House: A Journal of Educational Strategies, Issues and Ideas, 79*(1), 45-50.
- Morgan, P.L., Farkas, G., Hillemeier, M.M., Mattison, R., Maczuga, S., Li, H., & Cook, M. (2015). Minorities are

disproportionately underrepresented in special education longitudinal evidence across five disability conditions. *Educational Researcher*, 44(5), 278-292.

- O'Connor, C., & Fernandez, S.D. (2006). Race, class, and disproportionality: Reevaluating the relationship between poverty and special education placement. *Educational Researcher*, 35(6), 6-11.
- Osher, D., Woodruff, D., & Sims, A. (2002). Schools make a difference: The relationship between education services for African American children and youth and their overrepresentation in the juvenile justice system. In D. Losen (Ed.), *Minority issues in special education* (pp. 93-116). Cambridge, MA: The Civil Rights Project, Harvard University and the Harvard Education Publishing Group.
- 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(4), 194-206.
- Pollock, M. (2008). *Everyday antiracism: Getting real about race in school*. New York, NY: The New Press.
- Shanklin, N., Kozleski, E.B., Meagher, C., Sands, D., Joseph, O., & Wyman, W. (2003). Examining renewal in an urban high school through the lens of systemic change. *School Leadership & Management*, 23, 357-378.
- Singleton, G., & Linton, C. (2014) *Courageous conversations about race: A field guide for achieving equity in schools 2nd Edition*. Thousand Oaks, CA: Corwin Press.
- Skiba, R.J., Simmons, A.B., Ritter, S., Gibb, 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.
- Sullivan, A.L., Artiles, A.J., & Hernandez-Saca, D.I. (2015). Addressing special education inequity through systemic change: Contributions of ecologically based organizational consultation. *Journal of Educational and Psychological Consultation*, 25(2-3), 129-147.
- Sullivan, A.L., Abplanalp, S.L. & Jorgenson, J. (2014). Leadership for transforming districts into inclusive systems. In E.B. Kozleski & K.A.K. Thorius (Eds.), *Ability, equity, and culture: Sustaining inclusive urban education reform* (pp. 174-198). New York, NY: Teachers College Press.
- Sullivan, A.L. (2011). Disproportionality in special education identification and placement of English language learners. *Exceptional Children*, 77, 317-334.
- Sullivan, A.L., & Artiles, A.J. (2011). Theorizing racial inequity in special education: Applying structural inequity theory to disproportionality. *Urban Education*, 46, 1526-1552.
- Thorius, K.A.K., & Stephenson, J. (2012). Racial and ethnic disproportionality in special education. In A.L. Noltemeyer & C.S. McLoughlin (Eds.), *Disproportionality in education and special education*, (pp. 25-44). Springfield, IL: Charles C. Thomas Publisher.
- Waitoller, F., Artiles, A.J., & Cheney, D. (2009). The miner's canary: A review of overrepresentation research and explanations. *The Journal of Special Education*, 44(1), 29-49.

GREAT LAKES
EQUITY
CENTER

IUPUI

ED.gov



INDIANA UNIVERSITY
SCHOOL OF EDUCATION
IUPUI