

# MINORITY GROUP BOYS NEED EARLIER DISABILITY DIAGNOSIS AND SERVICES

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Indicators from 0-5

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- Before our research: “Everyone knows” that African-American and Hispanic students are over-placed into special education. Racial-, ethnic-, and language-minority schoolchildren have repeatedly been reported to be overidentified as disabled and so disproportionately over-represented in special education
- As a result, special education has been characterized as “discriminatory,” having “systemic bias,” constituting “a new legalized form of structural segregation and racism,” and “part of the school to prison pipeline.”

- Federal legislation and policies have been enacted to reduce minority disproportionate representation in special education
- The U.S. Congress observed that “more minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population”
- Districts are required to report minority overrepresentation
- Calls are being made to strengthen this reporting and remedies for overrepresentation

# Current federal policy emphasis is on overrepresentation

## **13. Should States consider both overrepresentation and underrepresentation of racial and ethnic minorities when determining significant disproportionality under 34 CFR §300.646?**

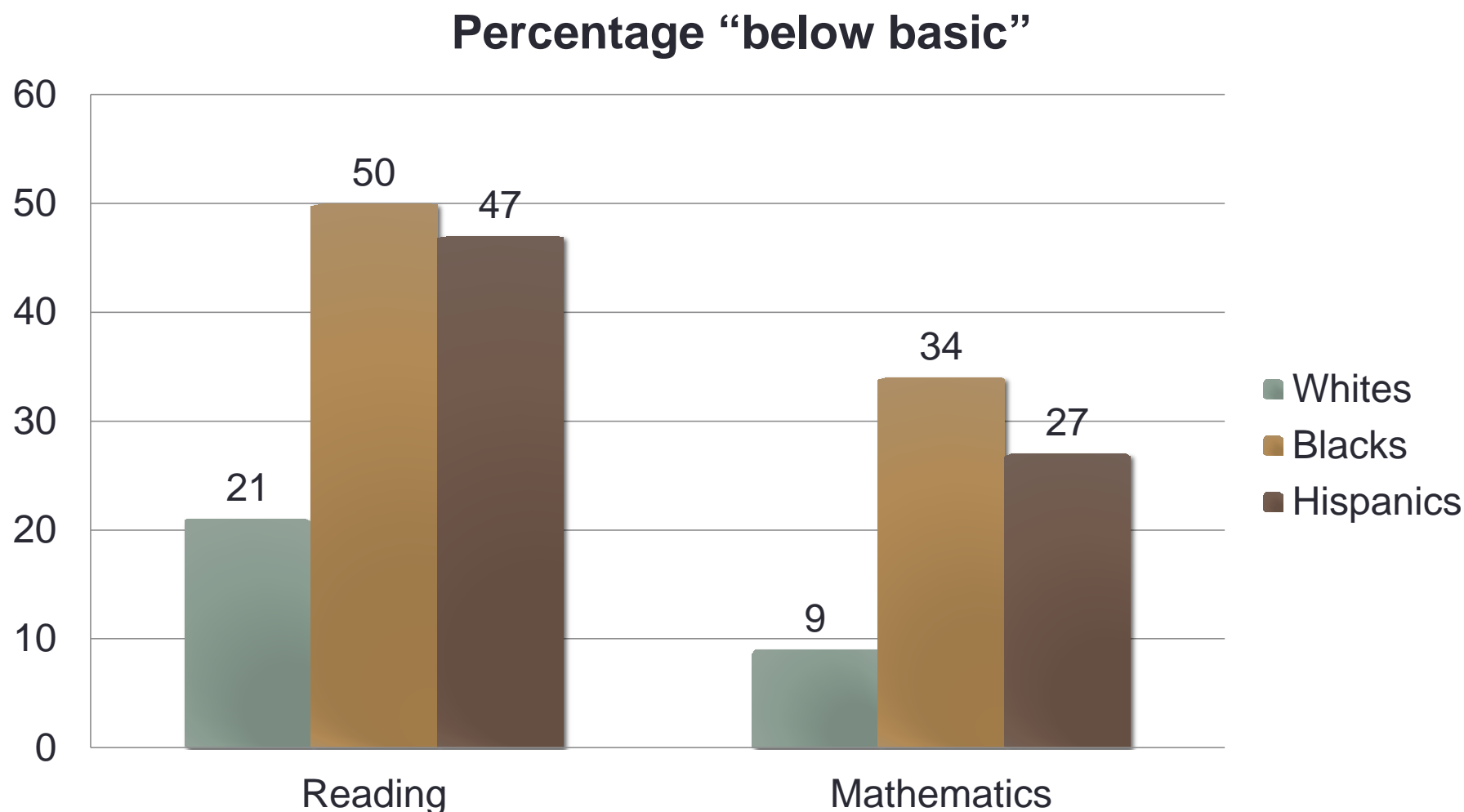
- No. For purposes of §300.646, it is acceptable for States to consider only overrepresentation by race or ethnicity, rather than underrepresentation by race or ethnicity. During its deliberations on section 618(d) of the 2004 amendments to the IDEA, Congress expressed concern with the overrepresentation of racial and ethnic minorities in the identification, placement, or discipline of children with disabilities. The House Committee Report, H.R. Rep. No. 108-77, at 122 (2003), stated, “...the Committee’s desire to see the problems of overidentification of minority children strongly addressed....”
- Additionally, in drafting the language in section 618(d)(1) of the Act, Congress expressly provided that States must require LEAs identified with significant disproportionality to reserve the maximum amount of funds under section 613(f) to provide comprehensive CEIS to children in the LEA, “particularly, but not exclusively, children in those groups that were significantly overidentified.”
- Based on Congress’ expressed desire to address the issue of overrepresentation, States’ resources may be better spent (1) collecting and analyzing data only on significant disproportionality that constitutes overrepresentation based on race or ethnicity in the identification, placement, or discipline of children with disabilities, and (2) ensuring that where such overrepresentation exists, the policies, practices, and procedures are reviewed and revised to comply with the Act, and LEAs use 15 percent of their Part B funds to provide comprehensive CEIS.
- *Source:* Rydner (2008) OSEP Memo 08-09

- But simply comparing the percent of minority students in special education to their percent in the district is not the correct way to measure discrimination
- Employment discrimination is when “criteria not related to job demands are used to make employment and compensation decisions”
- By analogy, discriminatory over-placement of African-American or Hispanic students into special education occurs when, among ***similarly performing*** students, minority students are more likely than Whites to be placed into special education

- So, to test this, we need to compare similarly performing students who differ only on race/ethnicity
- Prior research reporting over-representation failed to do so
- Typically, these studies used district-level data, with no adequate control for the relative academic performance (need for special education services) of White versus African-American or Hispanic students
- The theory: Racist teachers perceive African-American and Hispanic students as performing worse than they really are, so they place them in special ed more often than is necessary

## “Achievement differences” explanation of over-representation

- Schools may reasonably be identifying those children struggling academically as disabled (National Research Council, 2002)
- Minorities are much more likely to be academically struggling (e.g., NAEP, 2013)



Source: NAEP (2013) 4<sup>th</sup> Grade Assessments

# “Implicit bias,” “potential stigma,” and “frog pond” explanations of *under-representation*

- Clinics and schools more responsive to White, English-speaking families
  - Minority under-identification and -treatment in pediatrics is “extensive, pervasive, and persistent” (Flores et al., 2010)
    - Lack of health insurance and care, implicit bias of professionals
  - Inaccessible due process materials (Fitzgerald & Watkins, 2012)
  - Schools attempting to avoid minority over-identification (American Academy of Pediatrics, 2014)
- Disability as stigmatizing (Zuckerman et al., 2014)
- Under-resourced school attendance
  - Less likely to be seen as struggling in schools where low academic achievement is more common (Hibel et al., 2010)



# Existing evidence is weak

- Most existing data “provide a very weak foundation for guiding public policy” (NRC, 2002, p. 36)
  - Data do not satisfy “the otherwise similar” condition
  - OSEP and OCR data “are inadequate for informing policy”
    - Fail to provide any indication of the appropriateness of children’s disability identification (NRC, 2002, p. 37)
    - “Neither disability status nor ethnicity is measured very precisely” (NRC, 2002, p. 37)
- Studies using district-level controls also weak
  - Fail to account for alternative explanations (e.g., achievement differences, NRC, 2002, p. 77)
  - Ecological fallacy of using aggregate data to infer about individuals

# The need for analyses of ECLS-type multi-level data

- National Research Council (2002) explicitly recommended
  - “The collection of nationally representative longitudinal data that would allow for more informed study of minority disproportion in special education” (p. 85)
- The U.S. Department of Education’s ECLS data are:
  - Nationally representative
  - Longitudinal
  - Allow for “careful description” of children’s background characteristics
  - Are of high quality, as indicated by studies published in highly selective journals (e.g., *Child Development*, *Developmental Psychology*, *Social Science & Medicine*, *Pediatrics*, *American Journal of Public Health*)

# Our analyses better met the “otherwise similar” condition

- We’re analyzing nationally representative, longitudinal datasets
  - Extensively adjust for achievement differences, other characteristics
  - Controlling for achievement differences also helps account for well-established disparities in risk factor exposure
    - Low birthweight, prematurity
    - Lead exposure
    - Poverty
    - Lower-quality neighborhoods
- We better model assignment into special education

# What do we find?

- Repeated evidence of *under*-identification
  - **Prior to, and following school entry**
  - For special education generally, across multiple specific disability conditions
  - Throughout the elementary and middle school, at each grade level examined
  - Using either teacher- or parent-reported disability status
  - Using ECLS-K, ECLS-B, ECLS-K:2011, and NAEP
- Over-representation is sometimes evident *prior* to making children “otherwise similar” but *never after*

## What is going on? What are the special education placement probabilities for otherwise similarly achieving White and Black children?

- As illustrated next, by far the highest special education placement rates occur for the lowest achieving students
  - Within each of these achievement deciles, White children's placement rates are much higher than Black children's
  - However, because Black children are more likely to be in the lower deciles, they still have higher overall placement than Whites.
- Demographers call this a "population composition effect."

**White Children: Percent in Each Decile, 8<sup>th</sup> Grade Mathematics Achievement, Percent of Each Decile in Special Education by 8<sup>th</sup> Grade, Contribution of Each Decile to Total Special Education Placement per 1,000 students**

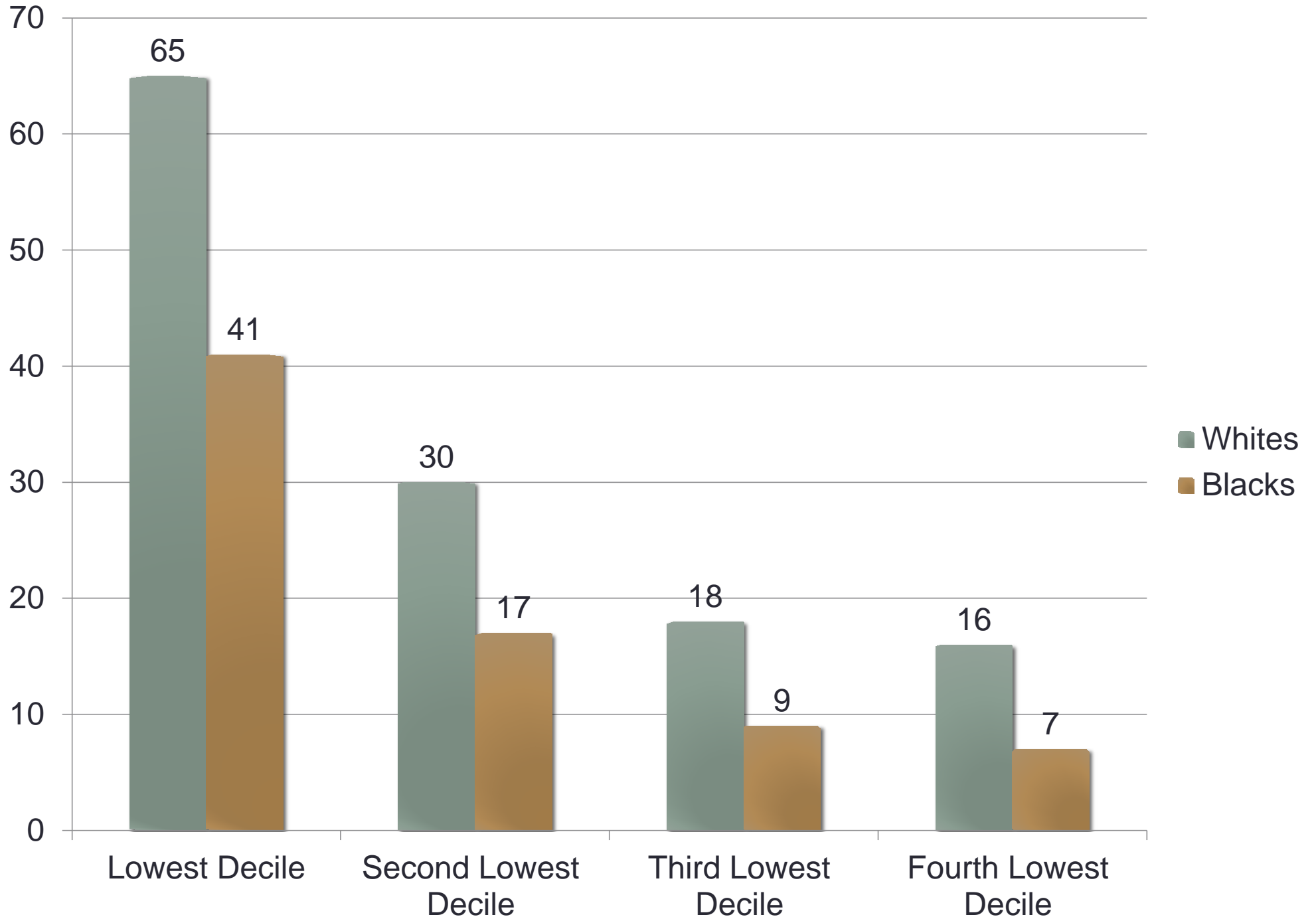
Decile	Percentage of Children in Decile (Rounded)	Percentage in Special Education, 8 <sup>th</sup> grade (Rounded)	X 1000
1	6	65	39
2	7	30	21
3	9	18	16
4	10	16	16
5	11	13	14
6	10	12	12
7	12	9	11
8	12	7	8
9	12	6	7
10	12	5	6
		<i>Total</i>	151

**Black Children:** Percent in Each Decile, 8<sup>th</sup> Grade Mathematics Achievement, Percent of Each Decile in Special Education by 8<sup>th</sup> Grade, and Contribution of Each Decile to Total Special Education Placement per 1,000 students

Decile	Percentage of Children in Decile (Rounded)	Percentage in Special Education by 8 <sup>th</sup> Grade (Rounded)	X 1000
1	26	41	107
2	21	17	36
3	14	9	13
4	11	7	8
5	9	6	5
6	8	5	4
7	4	10	4
8	3	0	0
9	2	0	0
10	2	10	2
		<i>Total</i>	178

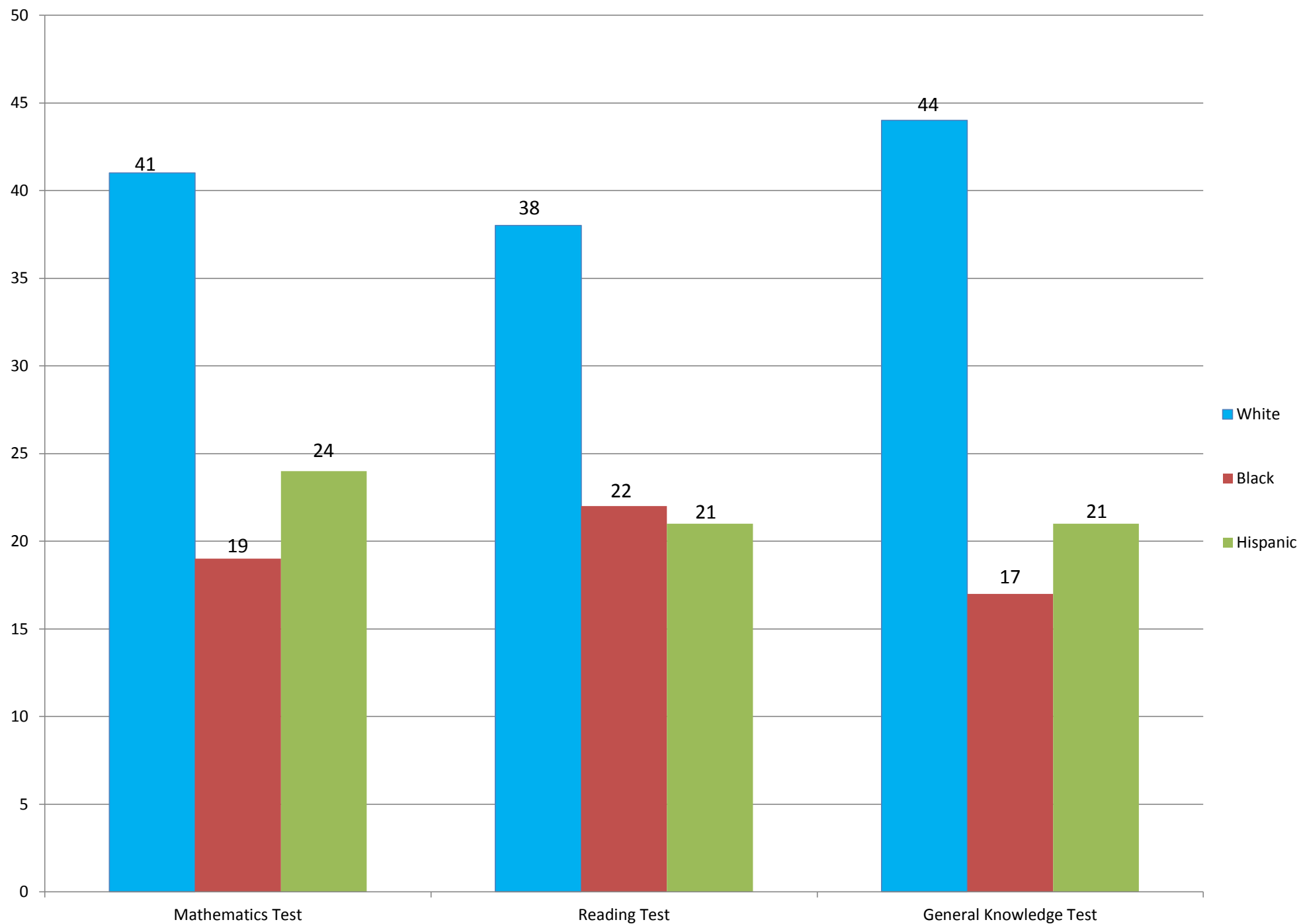
Source: ECLS-K data, unweighted, N=9,280)

## Percentages of White, Black children in special education by 8<sup>th</sup> grade by lower score decile





## Lowest Score Decile, Spring Kindergarten, Percent in Special Education by 3<sup>rd</sup> Grade, ECLS-K Weighted Data



# Under-identification is evident prior to school entry

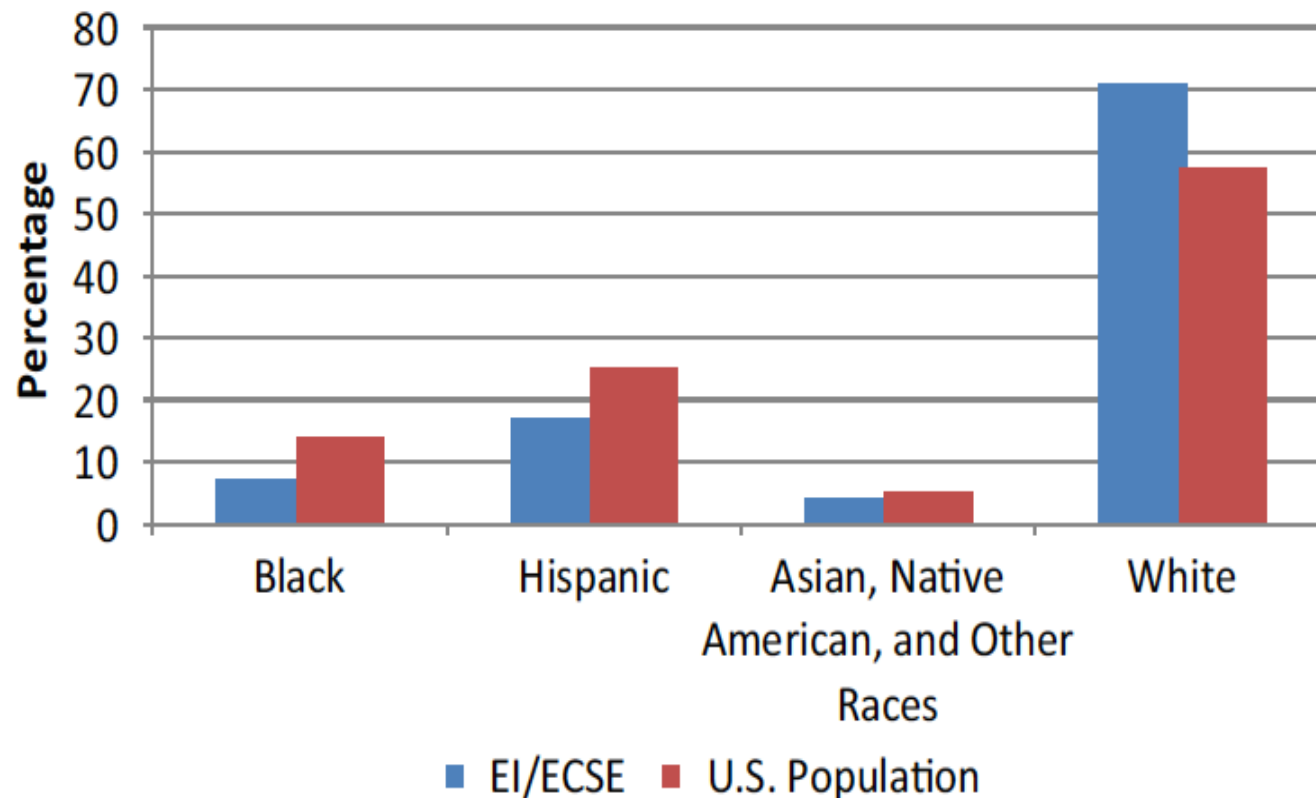


FIGURE 1. *Unadjusted race-ethnicity percentage breakdown of (a) children participating in early intervention and/or early childhood special education (EI/ECSE) and (b) the general U.S. population. Source: Early Childhood Longitudinal Study–Birth Cohort data.*

# School segregation helps explain under-identification

**Table 4.** Individual- and Two-level Logistic Regression Models Predicting Receipt of Special Education Services Any Disability, Spring 2004

	Individual-level models				Two-level models				
	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7	Model 8	Model 9
Intercept	0.06***	0.06***	0.05***	0.05***	0.06***	0.06***	0.05***	0.05***	0.07**
<i>Student-level variables</i>									
Male	2.06***	2.08***	1.97***	1.64***	1.64***	1.64***	1.64***	1.64***	1.64***
Black	1.25*	0.91	0.67**	0.61***	0.82	0.82	0.82	0.84	0.53
Hispanic	1.04	0.75**	0.40***	0.44***	0.59***	0.59***	0.60***	0.59***	0.26*
Asian	0.47***	0.43***	0.28***	0.31***	0.39***	0.39***	0.38***	0.38***	0.12^
Other ethnicity	1.22	1.03	0.70*	0.67*	0.86	0.85	0.86	0.88	0.57
Family SES		0.65***	0.96	0.97	0.94	0.90^	0.91^	0.91^	0.91
Test score			0.19***	0.26***	0.25***	0.25***	0.23***	0.24***	0.24***
Approaches to learning				0.61***	0.60***	0.61***	0.61***	0.58***	0.58***
Externalizing behaviors				1.08^	1.08^	1.08*	1.08*	1.09*	1.09*
Changed schools				0.99	0.97	0.97	0.98	0.97	0.97
Mean white teacher									0.74
Black × Mean white teacher									1.70
Hispanic × Mean white teacher									2.63
Asian × Mean white teacher									3.80
Other Eth. × Mean white teacher									1.61
<i>School-level variables</i>									
School percent minority					0.93***	0.94**	0.95**	0.96**	0.95*
School mean sES						1.21*	0.99	0.98	0.97
School mean test score							1.42*	1.22	1.22
School mean approaches								1.48**	1.49**
School mean externalizing								0.88	0.87

Significance levels (two-tailed tests): ^  $p < .10$ . \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

Note: Results are reported as odds ratios; odds ratios for School Percent Minority reflect a 10% increase in minority enrollment.

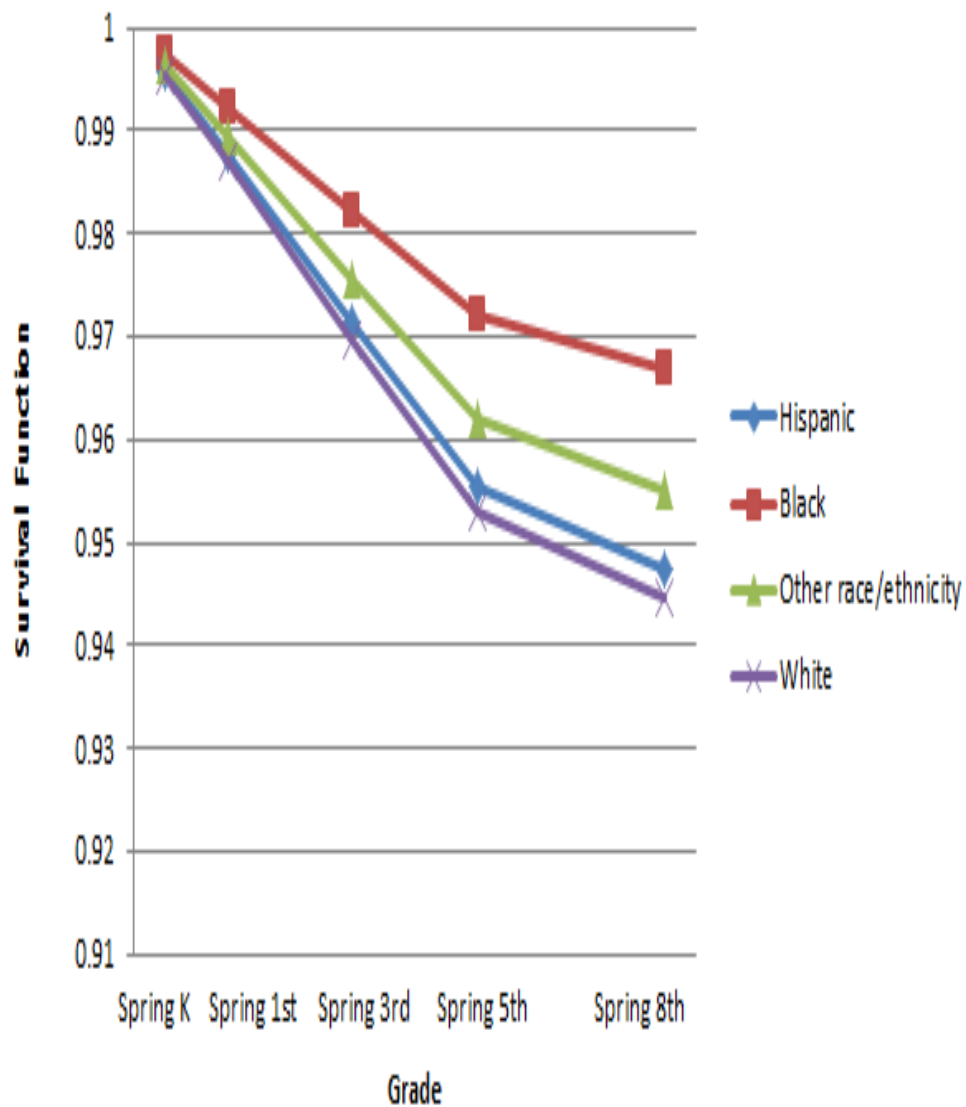
## Under-identification is evident throughout elementary and middle school

Variables	Learning Disabilities	Speech or Language Impairments	Intellectual Disabilities	Other Health Impairments	Emotional Disturbances
Blacks	0.42***	0.37***	0.43*	0.23***	0.36**
Hispanics	0.71***	0.67**	0.77	0.27**	0.64
Other	0.64	0.69	1.38	0.51	0.52
Non-English household	0.72*	0.60**	0.31	0.88	0.14
Academic achievement	0.23***	0.37***	0.03***	0.43***	0.57***
Behavioral self-regulation	0.61***	0.73***	0.48***	0.57***	0.65**
Externalization	0.88***	0.86***	0.77	1.26**	2.05***

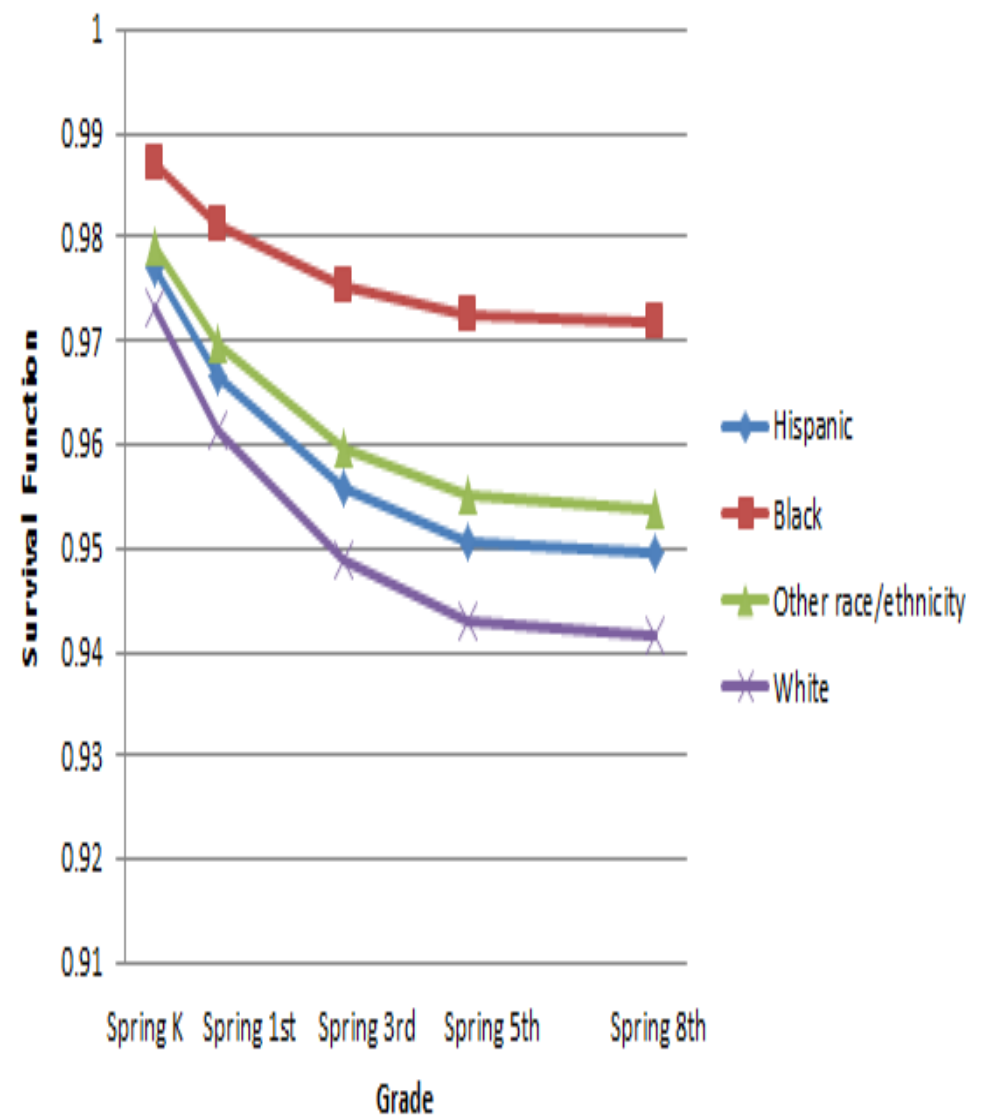
Note: \* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$ ; Covariate-adjusted odds ratios, discrete-time logistic regression hazard models; Additional Model 2 controls include gender, age, marital status, birthweight, maternal age, family SES, health insurance access, grade level, state of residence. Source: Morgan et al. (2015).

# Covariate-adjusted survival functions

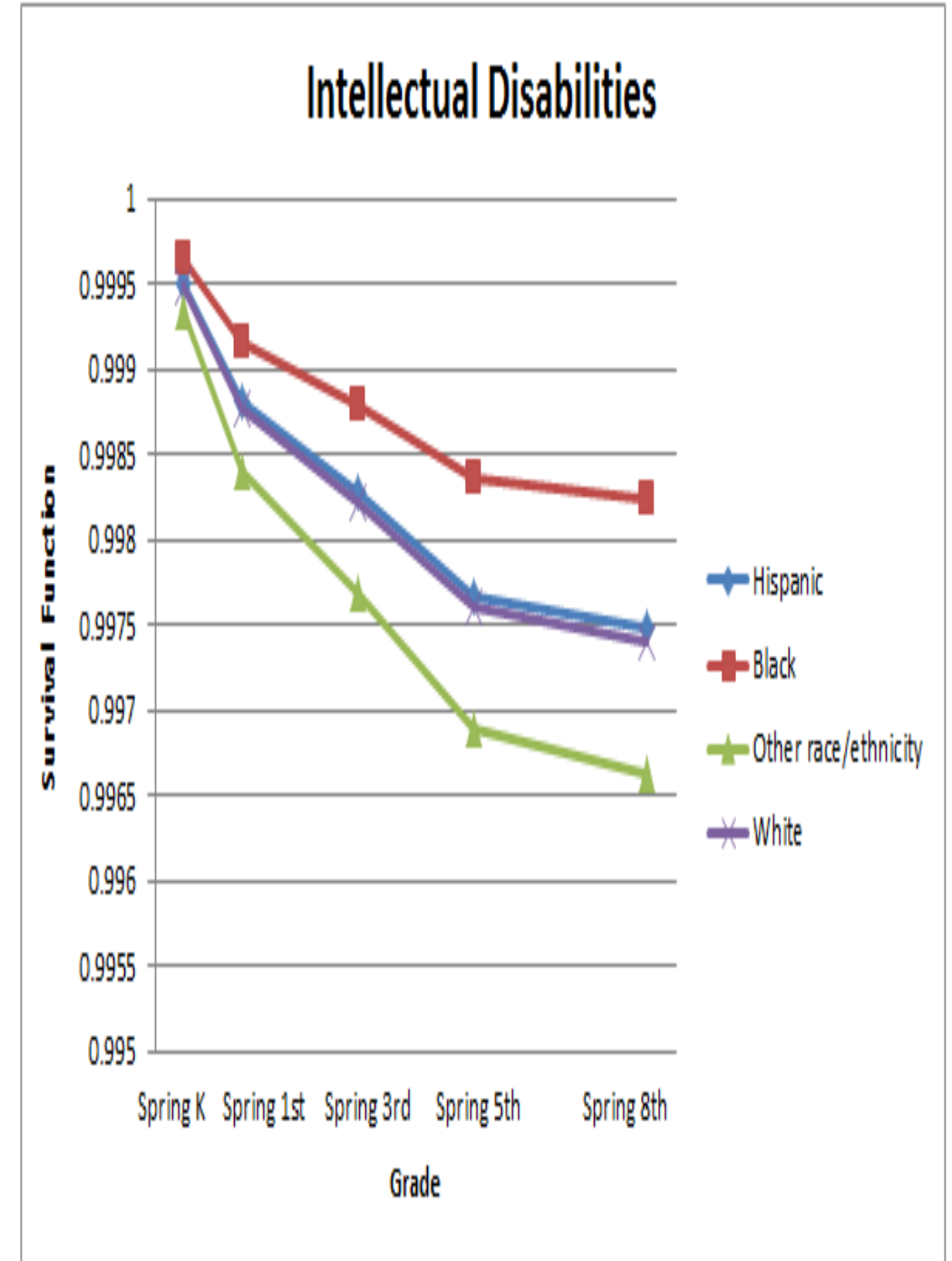
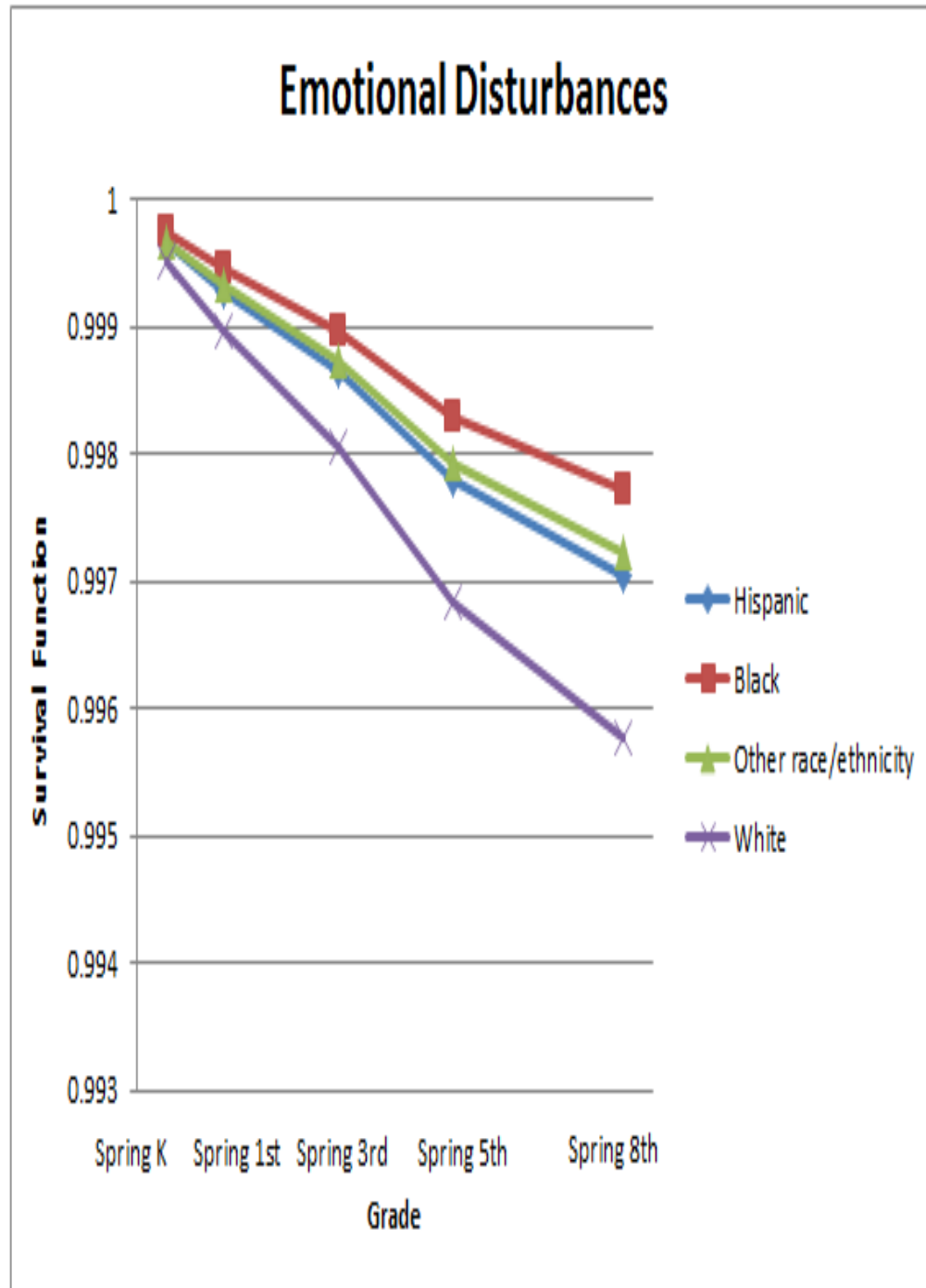
## Learning Disabilities



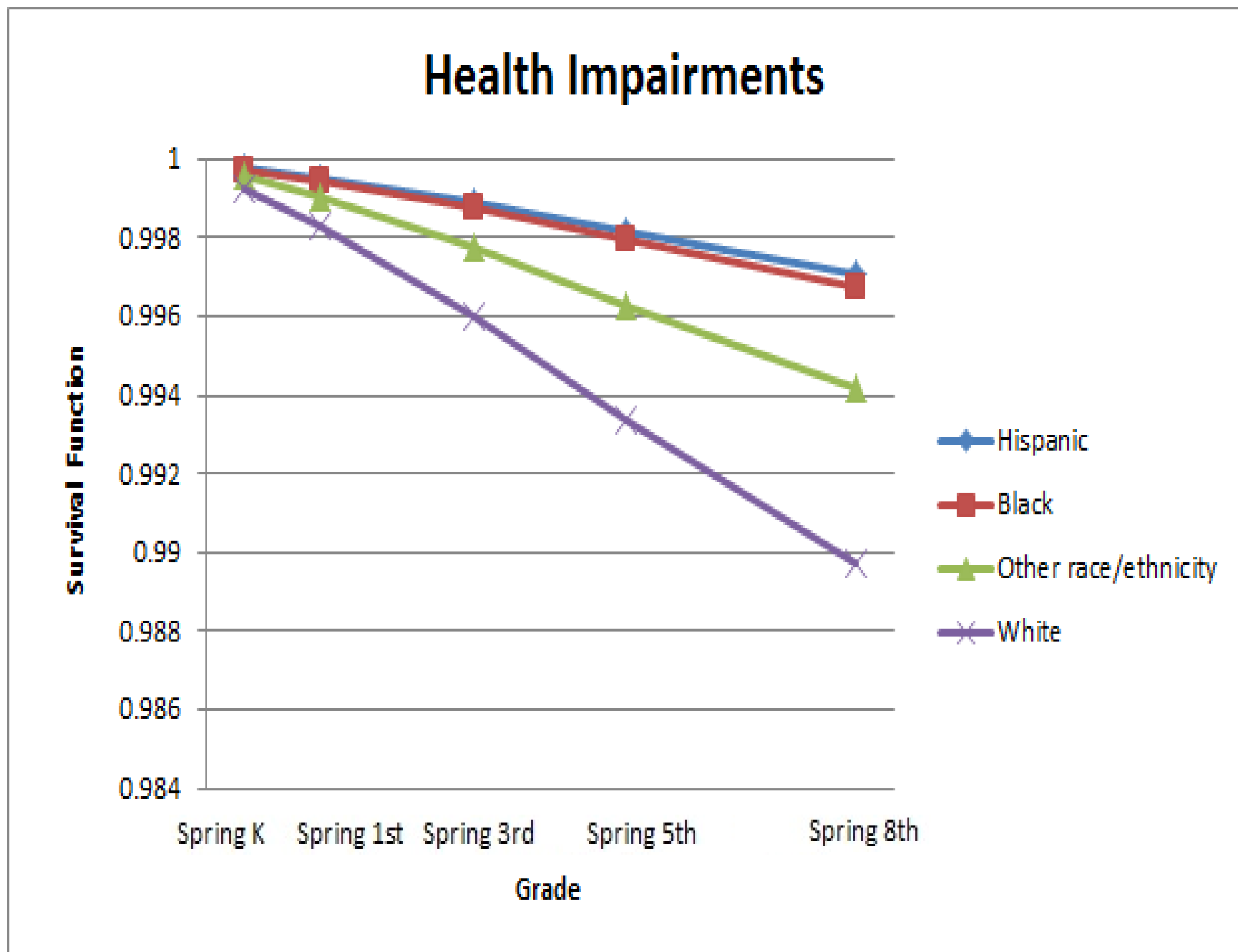
## Speech or Language Impairments



# Covariate-adjusted survival functions



# Covariate-adjusted survival functions



## PERCENT IN SPECIAL ED, NAEP, N = 190,400

NAEP 2013, 4<sup>th</sup> Grade Reading Test Scores by Race. Proportion with IEP.

	Whites	Blacks	Hispanics	Asians	American Indian/Pac. Islander	Other Race
<b>Lowest Decile</b>	.7794	.4238	.3831	.2893	.3906	.5721
	.3330	.1114	.1067	.1383	.1241	.1910
	.1889	.0611	.0619	.0639	.0892	.1068
	.1110	.0391	.0409	.0577	.0542	.0580
	.0798	.0399	.0305	.0351	.0445	.0516
	.0588	.0231	.0314	.0428	.0262	.0342
	.0436	.0159	.0215	.0358	.0487	.0279
	.0348	.0152	.0214	.0195	.0439	.0437
	.0262	.0171	.0150	.0162	.0274	.0215
<b>Highest Decile</b>	.0161	.0054	.0117	.0122	.0177	.0157
<b>N with IEP</b>	11,330	3,830	3,800	460	550	740



## Anecdotal support for our findings

- “...some pediatricians have expressed frustration with local school districts who are unwilling to provide services as indicated by the clinical needs affecting education because the school is concerned about over-identifying children of certain ethnic or racial groups.” (American Academy of Pediatrics, 2014)
- “However, we are subtly, and not so subtly told that we are referring too many children “of color” for special education by the administrators and school board...I have also referred to our wrong-headed reluctance to qualify children of color as racist when we are denying children extra support they could use (California Reading Recovery teacher, unsolicited email)
- “The reality that we (and our clients) confront has never squared with the conventional wisdom that minority students are over-identified for special education services. The uphill battle our clients must climb to get their children appropriate services is staggering” (Civil rights lawyer at clinic serving poor, mostly minority families, unsolicited email)

# Implications

- Begin to measure racial/ethnic diagnosis and placement disparities for **otherwise similar** children
  - “Match” on individual-level achievement
- Move away from emphasis on over-representation
- Move towards emphasizing ensuring **equitable access** to special education services
  - Address possible “headwinds” of lack of interpreters, misinformation, inaccessible due process materials
  - Consider clinic-community partnerships, use of community advocates

# Future research

- What are the processes leading to minority under-identification and under-treatment in disadvantaged neighborhoods and schools?
- **How can the early onset of achievement gaps as well as disparities in school resources be better addressed, particularly for boys of color?**
- How do minority families view the special education process, including what types of obstacles they may be experiencing?
- Are minority children with disabilities accessing the same quality of special education services as White children?