



Research-Based Strategies for Addressing Disproportionality in Special Education

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For students who are of color, are English learners, and/or are from a nondominant culture, disproportional identification and placement in special education, with related disciplinary disparities, remains a pervasive issue. When students are correctly identified as having disabilities, special education services and supports can be essential. But many students are incorrectly referred to special education when their learning and/or behavior struggles are actually attributable not to disabilities but to education policy and school or classroom practices that do not respond to their needs.

Pedagogical practices rooted in dominant culture are commonly void of culturally responsive elements and thus can result in classrooms that do not value or represent students' sociocultural contexts.¹ This kind of disconnect can hinder learning for students from a variety of backgrounds, which, in turn, can lead to teachers perceiving them as unable to learn or behave. In such cases, teachers may inappropriately refer students to begin the special education identification process.

Defining, monitoring, and reducing disproportionality specifically pertaining to race and ethnicity is a requirement under federal special education law—the Individuals with Disabilities Education Act (IDEA). Yet disproportionality begins in general education, and it is there that disproportionality can best be forestalled. This brief proposes that district leaders begin to address this critical issue by taking action in four key areas: *adoption of culturally responsive and sustaining policies and practices in all education settings, improvement of the special education identification process, infusion of culturally responsive and sustaining policies and practices specifically in behavior management efforts, and development of culturally responsive data literacy among district staff at all levels.*

The suggestions that follow derive from research-based frameworks developed by respected and vetted researchers in the field whose work has paved the way for implementation of culturally responsive and sustaining education.

1 Connolly, J. (2021). Interrogating the special education identification process for Black Indigenous Students of Color. *Multiple Voices*, 21(1), 78–92.



Adoption of Culturally Responsive and Sustaining Policies and Practices in All Education Settings

In today's culturally and linguistically diverse classrooms, conventional approaches to curriculum and instruction, behavior management, and social-emotional learning may not reflect the cultural norms and values or meet the needs of all students, thus creating learning barriers for some individuals or groups. The following practices,² rooted in culturally responsive and sustaining education, are intended to recognize and value the cultural differences reflected in so many of today's schools and classrooms and, in doing so, to activate and build on individual students' respective learning strengths.

Support the Creation of a Welcoming and Affirming Environment

- Develop a policy statement articulating the district's commitment to culturally responsive and sustaining education; include district and school staff and community partners in its creation and in development of related professional learning opportunities.
- Conduct frequent review of school policies (e.g., dress code, student code of conduct, discipline guidelines), collaborating with school leaders, teachers, parents, and community members to incorporate research-based practices within these policies (e.g., restorative practices, positive behavior interventions and supports [PBIS]) and to ensure that the policies are equitable.
- Refine district processes to improve the recruitment and retention needed to ensure a diverse educator workforce; the effort may require the updating of hiring and recruitment practices and the creation of mentorship programs to help retain diverse educators once they are hired.
- Formalize districtwide structures for school and parent collaboration.
- Collect family and community feedback on districtwide policies before their adoption and provide transparent updates during and after implementation.

Foster High Expectations and Rigorous Instruction

- Have district and school leaders identify instructional methods intended to disrupt any disparities in student academic outcomes that exist across different student demographics.
- Support educators to incorporate flexible teaching methods, encouraging differentiation rather than traditional one-size-fits-all instruction.
- Ensure that there are structures for leader and teacher collaboration within and across school and district teams, with the intent of allowing educators to see and discuss successful implementation of culturally responsive practices. Among such collaborative structures are peer observations, school visits, purposeful partnership, and use of mentor teachers.

² New York State Education Department. (2018). *Culturally responsive-sustaining education framework*. <https://www.nysed.gov/sites/default/files/programs/crs/culturally-responsive-sustaining-education-framework.pdf>



Identify and Adopt Inclusive Curricula and Assessments

- Adopt a curriculum that includes culturally authentic learning experiences that align with students' learning, understanding, and community.
- Invest in research to determine if current assessments of academic achievement are appropriate for underrepresented and underserved students from diverse cultural and linguistic backgrounds.
- Formally share with district staff research on best practices that pertain to culturally responsive and sustaining curricula, instruction, and assessment.

Engage Staff in Ongoing Professional Learning and Support

- Create comprehensive, empowering professional learning opportunities that help educators
 - become attuned to their own cultural backgrounds and consider how they influence their biases about and expectations for students related to learning and behavior,
 - recognize the importance of understanding—and valuing—their students' respective cultural backgrounds and how they might influence learning needs and behavior, and
 - recognize when cultural collisions might be impeding successful teaching and learning and know how to adjust curricula and instruction accordingly.
- Disseminate self-assessment tools and resources that enable educators to assess and reflect on their implicit biases. Through professional learning and other supports, enhance the capacity of instructional leaders to support classroom educators in delivering rigorous, student-centered instruction that, in addition to helping engender student learning, also promotes students as agents of positive social change.
- Ensure that schools have evidence-based professional learning opportunities related to culturally responsive and sustaining education, along with adequate planning time for implementing their new learning.

Improvement of the Special Education Identification Process

The federal IDEA, intended to ensure that students with disabilities receive a free and appropriate public education to meet their individual needs, identifies processes to which districts must adhere in determining whether students are eligible for special education services. Despite this guidance, however, many districts and schools have difficulty determining whether a student who experiences academic, behavioral, or social difficulties is struggling due to a disability or, instead, might be struggling due to unaddressed cultural, linguistic, or environmental issues (e.g., difficulties at home, bullying in school). To help districts improve special education eligibility policies, procedures, and practices with the intent of decreasing disproportionality, the National Center for Learning Disabilities has proposed the following research-based strategies:³

³ National Center for Learning Disabilities. (2020). *Significant disproportionality in special education: Current trends and actions for impact*. https://nclld.org/wp-content/uploads/2023/07/2020-NCLD-Disproportionality_Trends-and-Actions-for-Impact_FINAL-1.pdf



- Invest in professional learning opportunities about disability identification and eligibility that include information on the importance and ways of recognizing students' cultural and linguistic differences. The intent is to emphasize the diverse identities students bring to the school setting and how these identities may impact the process of special education identification.
- Evaluate the effectiveness of such professional learning opportunities. The intent is to determine the degree to which they are helpful and to identify whether changes are needed.
- Hire staff who have expertise in cultural (including linguistic) differences and who are attuned to how such differences can play out not only in the classroom but also in the special education identification process itself. The intent is to have staff who are knowledgeable about and skillful in incorporating culturally responsive practices into the identification process.
- Convene experts to review and assess the subjectivity of the district's special education and discipline policies. The intent is to identify and address any systemic biases within the district's special education processes and procedures and its disciplinary approaches.
- Provide opportunities for district staff to authentically engage with students' families. The intent is for educators to build and maintain relationships that help them better understand students' social and cultural backgrounds and to use that understanding to inform a student's special education evaluation and reevaluation processes.

Infusion of Culturally Responsive and Sustaining Policies and Practices Specifically in Behavior Management Efforts

Approximately 80 percent of teachers throughout the country racially identify as White, while more than half of all students identify as non-White.⁴ A mismatch of this nature can result in behavioral management practices, including disciplinary approaches, that are not culturally responsive to a large segment of the student population, leading in turn not only to disproportional special education identification and placement rates but also to disproportional discipline rates for students. While the use of evidence-based classroom-management practices and frameworks (e.g., PBIS) is increasingly common in schools, many such practices and frameworks are not themselves rooted in culturally responsive practices.⁵

4 National Center for Education Statistics. (2020). *Race and ethnicity of public school teachers and their students* (Data Point: NCES 2020-103). Institute of Education Sciences, U.S. Department of Education. <https://nces.ed.gov/pubs2020/2020103/index.asp>

5 Betters-Bubon, J., Brunner, T., & Kansteiner, A. (2016). Success for all? The role of the school counselor in creating and sustaining culturally responsive positive behavior interventions and supports programs. *Professional Counselor*, 6(3), 263–277; Vincent, C. G., & Tobin, T. J. (2011). The relationship between implementation of school-wide positive behavior support (SWPBS) and disciplinary exclusion of students from various ethnic backgrounds with and without disabilities. *Journal of Emotional and Behavioral Disorders*, 19(4), 217–232.



To help ensure that educators acknowledge and respect the diverse assets students bring to school and the classroom, district leaders can implement the following research-based practices:⁶

- Provide professional learning opportunities designed to
 - enhance staff members' awareness of their own cultural backgrounds, including their races and ethnicities, the many ways they might differ from those of their students, and how they affect their expectations related to student learning and behavior; and
 - help staff members understand the need to consider and value their students' respective cultures and to leverage students' backgrounds to support learning and positive behavior.
- Model validation of others' cultures. Rather than ignoring the concept of culture and cultural differences within the district and school communities, acknowledge the differences between and among staff's and students' respective cultures. Make it clear that students' cultures are welcome, valued, and recognized as assets in the learning environment.
- Increase the cultural relevance of students' education experience, in part by allowing students to appropriately question and cocreate disciplinary practices at the school level and in their respective classrooms. This approach helps ensure that all members of the education community—students, teachers, and administrators alike—share the same expectations about school and classroom interactions, engagement in the teaching and learning process, and other behaviors.
- Ensure the cultural validity of specific behavior-related instruments and processes by examining them to determine whether and how behavioral expectations for students vary by students' different cultural backgrounds, including race and ethnicity. Based on the findings of this examination, adjust instruments and processes accordingly.
- Identify and acknowledge the need for strategies to accommodate the range of behavioral differences that exists within schools. Provide support and coaching for implementing the strategies.

Development of Culturally Responsive Data Literacy Among District Staff at All Levels

Culturally responsive data literacy (CRDL) is the ability to collect, analyze, and interpret a broad range of student data—not just about a student's school performance but also about their particular background, interests, strengths, and other personal characteristics that might influence student performance and behavior—and transform the resulting information into appropriate action-oriented education decisions that support student success.⁷

⁶ Vincent, C. G., Randall, C., Cartledge, G., Tobin, T. J., & Swain-Bradway, J. (2011). Toward a conceptual integration of cultural responsiveness and schoolwide positive behavior support. *Journal of Positive Behavior Interventions*, 13(4), 219–229.

⁷ Mandinach, E. B. (2021, February 24). Culturally responsive data literacy: Transforming data and information into action. *Regional Educational Laboratory Northeast & Islands*. <https://ies.ed.gov/ncee/edlabs/regions/northeast/Blog/Post/30>



In drawing on a broad range of data sources centered on students as learners, this inquiry- and asset-based approach accounts for students' unique personal identities. CRDL also entails the identification and interrogation of bias when analyzing and interpreting student information.⁸

Underlying CRDL are two critical principles: that all students can learn and that all students come to school and the classroom with unique personal histories and identities and related funds of knowledge, all of which should be considered in the teaching and learning process.

Educators who are committed to understanding and supporting their students through CRDL⁹

- know how to identify and use diverse data sources to get a full picture of their students as learners;
- are inquiry-oriented in their efforts to make sound education decisions, seeking to identify their own biases, as well as any biases in education policies and practices, and challenging unfounded assumptions and preconceptions that they and others may have about students;
- develop race- and ethnicity-conscious pedagogies that acknowledge the relevance of race and ethnicity in schools and society and how those factors influence instruction and other decision-making; and
- collaborate with other educators to seek effective action-oriented strategies for student success.

8 Warner, S. (2021). *Culturally responsive data literacy*. National Center for Systemic Improvement. <https://ncsi-library.wested.org/resources/729>

9 Warner, 2021.

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