Practitioner Brief Series

Addressing Culturally and Linguistically Diverse Student Overrepresentation in Special Education:
Guidelines for Parents*



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Educational Systems

The mission of the National Center for Culturally Responsive Educational Systems is to support state and local school systems to assure a quality, culturally responsive education for all students.

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The U.S. Department of Education's Office of Special Education Programs funds the National Center for Culturally Responsive Educational Systems (NCCRESt) to provide technical assistance and professional development to close the achievement gap between students from culturally and linguistically diverse backgrounds and their peers, and reduce inappropriate referrals to special education. The project targets improvements in culturally responsive practices, early intervention, literacy, and positive behavioral supports.

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Do bias or inappropriate practice play a role in the placement of culturally and linguistically diverse students in special education?

Is the representation of low-income students in special education programs larger than their representation in the school population at your child's school?

If the answers to these questions are yes, it is possible your child's school may be facing a problem that is called "overrepresentation" in its special education programs. Unfortunately, this is not a new problem. The special education system has faced legal actions (e.g., court cases such as Diana and Larry P in California) for the last three decades when too many (overrepresentation) culturally and linguistically diverse students were placed in disability programs. This problem affects African Americans, Latinos(as), American Indians, and low-income students or children who do not speak English as their first language. Culturally and linguistically diverse students are often over-represented in learning disability, mild mental retardation, and emotional/behavioral disturbance programs.

How Can We Tell If There is "overrepresentation" in a Special Education Program?

Several formulas are used to assess overrepresentation. However, researchers do not agree on this issue. For this reason, *we suggest you seek assistance from the school administration or parent advocates to help you determine if there is a problem at your school*. One of the ways "overrepresentation" can be assessed is by calculating the odds students from one ethnic group have to be placed in a special education program compared to students from another ethnic group (or compared to all other groups). To illustrate, let's suppose we want to calculate the odds African American students have at a given school to be placed in emotional/behavioral disorders (E/BD) classes compared to white students. This is done in three steps: (A) Divide the number of African American students placed in E/BD classes by the total number of African Americans at the school (see item A below). This number tells you the percent of all African American students at the school that are placed in E/BD classes. (B) Divide the number of white students placed in E/BD classes by the total number of white students at the school (see item B below). This number indicates the percent of all White students at the school that are placed in E/BD classes. (C) Divide the score obtained in item "A" by the number obtained in item "B" to determine the odds African American students have to be placed in E/BD classes compared to white students (see item C below).

(A) $$\frac{\text{50 (African Americans in E/BD classes)}}{\text{250 (All African Americans at the school)}} = 0.20$$

(B) $$\frac{\text{20 (White students in E/BD classes)}}{\text{400 (All White students at the school)}} = 0.05$$

(C) $$\frac{\text{0.20 (Percent of African Americans in E/BD classes)}}{\text{0.05 (Percent of White students in E/BD classes)}} = 4.0$$

When the number obtained in item C above equals 1.0, it means both ethnic groups have equal chances to be placed in a special education program. If it is greater than 1, it means African Americans (following our example) would have greater odds than their white peers to be placed in E/BD classes. In the above example, the total score in item C = 4, which means African Americans are four times more likely than white students to be placed in E/BD classes. Thus, we conclude, African Americans are over-represented in E/BD classes at this school.

Why is it a Problem and What are its Causes?

Overrepresentation is a problem if students are placed in special education when they do not have disabilities; sometimes learning or behavioral problems may be due to factors *unrelated* to disabilities such as poor instructional programs, language differences, or temporary stressful situations at school, family, or community. Overrepresentation is also a problem if decisions to place students in special education will limit their opportunities for other positive experiences—for example, access to the general education curriculum, interferes with a child's right to educational services that meet his or her needs, access to quality programs, or obtaining a high school diploma. Stereotyping by peers or even by teachers is another reason that students should not be placed in special education programs unnecessarily.

Professionals often assume that the problem is the student or family. For instance, it has been assumed that children from poor families do not have experiences that help them develop the skills needed to be successful in school. A different explanation is that schools value certain learning, social, emotional, behavioral, and linguistic skills that are different from what some culturally and linguistically diverse students learn in their family and community. Others argue that overrepresentation exists because it reflects the racism and discrimination that culturally and linguistically diverse people suffer in the larger society. One aspect of this can be related to the probability that poor neighborhoods tend to get poor schools, so that students do not have the educational advantages their middle or upper-middle class peers have. Overrepresentation is a complex problem that has been influenced by all of these explanations.

Actions Parents Can Take

There are at least three immediate actions parents can take if they think that overrepresentation is a problem at their school:

1) learn about the special education process,
2) get involved in the special education process, and
3) connect with schools and organize to monitor and address overrepresentation.

1) Knowledge is power: Learn about the special education process. Parents must learn their legal rights to know what services should be provided for their children, and understand what the school expects of them. The Individuals with Disabilities Education Act (IDEA) contains many safeguards to protect the rights of families and it calls for parent involvement in the special education process. Table 1 lists some of the most important district requirements and parent rights under current law.

2) Get involved in the special education process. Parent involvement should begin even before the special education process is started, by becoming involved in decisions about how students will be taught and how the school will handle learning or behavior problems (see Table 2). Typically, once a child is suspected of having learning or behavioral problems, the special education process includes the following stages:

Table 1. Some important district requirements and parent rights under current law (adapted from Garcia, 2002).

SCHOOL DISTRICTS ARE REQUIRED TO:	PARENTS ARE ENTITLED TO:
a) invite parents to participate in meetings related to identification, evaluation and placement, b) inform parents in writing of any intent to initiate or change the identification, assessment, or placement of their child. c) inform parents about available resources that may assist them in understanding the content of the school written notices, and provide the notice in the parent's native language and in a format that can be understood by the parent, d) provide to parents with a copy of all procedural safeguards, which fully explains their legal rights and responsibilities.	a) give written permission for the referral, evaluation, re-evaluation, and placement of their child in special education, b) review all education records related to identification, evaluation and placement, c) be provided with an interpreter if the native language is not English, d) contribute information to all initial or subsequent assessments, discussions, and decisions, e) request an independent evaluation at no cost to them, if they disagree with the diagnosis or evaluation conducted by the district, f) be included in the determination of eligibility and placement, and to receive a copy of the evaluation of the report and documentation of the determination of the disability, and g) receive regular progress reports once the child is placed in a special education program.

- **Referral**: teacher, parent, or another concerned adult observes learning or behavioral difficulties the student is experiencing in school. Based on these concerns, a formal recommendation is submitted to have the student evaluated.
- **Assessment**: an assessment team, including school personnel, parents, and in some cases, the student, meet to discuss and plan strategies to support the student's performance, which may include a recommendation for additional testing.
- **Eligibility**: based on the results of the assessment, the team determines whether the child should receive special education services. If the child is eligible for these services, an Individualized Education Plan (IEP) is developed by a team that includes parents.
- **Placement decisions**: based on information about the student's disability and the IEP, a decision is made to place the student in a particular educational program.
- **Long-term outcomes**: student, parents, and school personnel assess the student progress in the program based on the IEP, which includes objectives, goals, and benchmarks.

Special education is meant to provide supports for students. The process of special education should be reviewed often (at least once a year) to make sure that the students are making progress, that parents' opinions are heard, and that the school is providing culturally responsive education.

Table 2 lists some guidelines and suggestions for parents to get involved in the special education process. This list does not include every possible choice; however, it is important to be involved in the early stages of the process in order to prevent culturally and linguistically diverse student overrepresentation. Your local parent group should have more information.

3) ***Connect with schools and organize to monitor overrepresentation.*** Parents need to meet and become familiar with their child's teachers and administrators. Parents should ask questions about whether or not the needs of culturally and linguistically diverse students are being met. Similarly, parents might work with advocacy groups, individuals, and professionals that monitor overrepresentation in their children's school and district. These team efforts can be cooperative; in fact, parents and advocacy groups could work with the school or district administration to develop ways to prevent overrepresentation of culturally and linguistically diverse students in special education and to improve education

Table 2. Guidelines for culturally and linguistically diverse parent involvement in the special education process (Garcia, 2002; Ishii-Jordan, 1997; Ortiz, 1997, 2002; Warger & Burnette, 2000).

LEARNING OPPORTUNITIES IN GENERAL EDUCATION/ PRE-REFERRAL INTERVENTIONS

***School philosophy and climate about cultural differences*:**

a) Is the principal a strong advocate for the interests and well being of culturally and linguistically diverse students? How does he or she show such commitment?
b) Does the curriculum reflect the experiences, contributions, and points of view of various ethnic and linguistic groups?
c) How do the school principal and personnel explain differences in educational performance between various ethnic and linguistic groups? (e.g., do they blame the children or their families?)
d) How are differences in values between families and school programs handled? (e.g., are families pressured to accept the school values?)
e) In what ways do the school administration and personnel show respect for cultural and linguistic differences?
f) Does the school have high expectations for all students and is the curriculum challenging? What evidence is used to support such expectations and challenges?
g) Is the school environment safe and orderly?

Policies and interventions to prevent learning/behavioral difficulties and special education referrals:

a) Are language and cultural differences included in the curriculum, instruction, and assessment practices?
b) Are languages other than English used during instruction and/or at school functions? Is there an English as a second language program?
c) Does the school have: collaborative school-community programs?, support of teachers through ongoing teacher collaboration/consultation, or professional development activities based on the faculty expressed needs?, support systems other than special education (teacher assistance teams, bilingual education, tutoring programs)?
d) Are basic and higher order skills in reading, writing, and math promoted through interactive discourse and by building on student prior knowledge?
e) Is there ongoing, systematic evaluation of student progress?
f) Is there ongoing, systematic evaluation of the quality of educational programs?
g) Is there shared decision making? Who is involved and who is excluded?
h) Are thematic instruction and collaborative learning used?

Table 2. *Continued*

REFERRAL

a) Are the parents and individuals with expertise on cultural diversity included in referral teams?

b) Is the following information reviewed before a comprehensive assessment is recommended?:

b.1) Classroom and school climate,

b.2) pre-referral intervention efforts and outcomes,

b.3) temporary problems at home, community, or classroom,

b.4) potential misunderstanding of cultural differences,

b.5) efforts to build on student strengths and cultural knowledge and experiences,

b.6) observe the classroom from which the child is being referred. This is especially important if the child is being referred for behavior problems, since the teacher's approach to managing student's behavior could be contributing to the problem. Observations should be done by a competent individual familiar with cultural differences and (if possible) the parent.

c) For English Learners, referrals are appropriate when:

c.1) instructional adaptations have been tried and students have good communication skills in their first language but their performance continues to lag behind peers who speak the same language;

c.2) students have good English academic proficiency, have received *effective* reading instruction, and still have *significant* reading difficulties;

c.3) academic language skills don't improve after *effective* English as a Second Language or bilingual education interventions.

ASSESSMENT

a) Are the parents and people with expertise on cultural diversity included in the team? Parents must be involved in assessment process since it is at this stage that professionals gather the information that will be used to decide whether the child has a disability.

b) Does the assessment plan include multiple perspectives? For example, are multiple instruments used and do different professionals participate? Are the difficulties assessed in multiple settings? How are the difficulties handled in and what are the consequences across such settings?

c) For English Learners, assess dominant language to determine if the disability is manifested in the dominant language. Dominance is reflected in the language that is better developed or the language in which a child shows the greatest level of skill.

d) Information on language proficiency in the first language and in English should be collected.

e) Educational achievement information must be collected in both first and second language.

f) The assessment team must obtain information from parents about their perceptions of the child's problem, and about the values, beliefs, and expectations they may have about the child's learning or behavioral difficulties.

g) Test translations or the use of interpreters when assessing English learners have serious limitations (Figueroa, 2002). If the school can't avoid using either of these approaches:

g.1) have the school document the skills of interpreters,

g.2) request the team to rely on multiple sources of information (formal and informal assessment procedures) so that decisions are not based on single instruments or scores to make eligibility decisions,

g.3) the team should use peers from the same group as norms,

g.4) if tests are not valid, ask the assessment team to look for patterns of performance within subtests instead of relying on absolute scores.

h) In the case of students referred for behavior problems, tests known as "projective" tests (e.g., draw a family or a tree, children's interpretations of ambiguous pictures), which try to interpret the child's thoughts and feelings, can be very subjective. Is additional information collected to confirm the interpretations based on this type of test?

ELLIGIBILITY & PLACEMENT

a) Are the parents and people with expertise on cultural diversity included in the decision making process?

b) Does the team consider whether the child difficulties are the result of social or cultural differences? Are there potential mitigating circumstances that might explain the child's difficulties such as migration, lack of school attendance for extraordinary reasons, etc.? What evidence is used to respond to these questions?

c) If the child is assigned a disability label, are there specific plans to review his or her situation in the future to decide whether to re-classify him or her?

d) If found eligible for special education services, does the assessment team make efforts to place the child in the least restrictive setting? How do you know? Are students of the same age and type of disability placed in similar programs? Why?

for all students. Of course, parents and advocacy groups also need to put pressure on schools and districts in which there is a problem with overrepresentation. Ultimately, these partnerships should strive to develop whole-school approaches to prevent overrepresentation and aim to enhance meaningful learning opportunities for culturally and linguistically diverse students.



References & Resources

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Organizations

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