WHEN THE SHIELD BECOMES A SWORD: Racial Bias in Special Education Identification

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What is Special Education?

Specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability

Federal legislation, the Individuals with Disabilities Education Act, ensures the right of students with disabilities to...

- free appropriate public education
- following an individualized education plan
- in the least restrictive environment
- using research-based practices
- protecting parent rights
- allowing due process
- rejecting no eligible individual
Is Special Education Beneficial?

- Access
- Opportunity
- Marginalization
- Subjectivity
- Stigmatization
- Poor Outcomes
- No exit

Is Special Education Fair?

Common Patterns of SPED Identification

- Emotional Disturbance
- Intellectual Disability

Bar chart showing common patterns of SPED identification for different groups:

- Black:
- Hispanic:
- Asian:
- American Indian:

Is Special Education Fair?

Common Patterns of SPED Identification

<table>
<thead>
<tr>
<th></th>
<th>Black</th>
<th>Hispanic</th>
<th>Asian</th>
<th>American Indian</th>
</tr>
</thead>
<tbody>
<tr>
<td>Autism</td>
<td></td>
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</tbody>
</table>

Is Special Education Fair?

Poor Outcomes

- No exit
- Marginalization
- Subjectivity
- Stigmatization

Special Education

Case Law
Federal Amendments
Technical Assistance
Professional Development

Is Special Education Racist?

- 40 years of research showing differential identification rates
- Law assumes overrepresentation due to inappropriate practices or decisions.
- Little investigation of cause for differences.
- Bias is a potential—and understudied—mechanism for disproportionality.

Our Project

Our purpose was to investigate the decision making of school psychologists in making referral and eligibility decisions.

- Are they able to reliably apply eligibility criteria in “unambiguous” cases?
- Are their decisions biased in ambiguous cases?
- Are decisions related to personal or professional characteristics of the practitioner?
Method

- 3 studies
- Participants: 300 school psychologists in 3 states
- Each participant evaluated 3 hypothetical cases modeled after best practice and common practice
  - Autism
  - Intellectual Disability
  - Emotional Disturbance
- Asked to render decisions about eligibility, estimate likelihood of other disabilities, rank data used in decisions, and rate confidence in choice.
- Competed questionnaire about personal background, training, and employment experience

Experimental Design

<table>
<thead>
<tr>
<th>ID and ED Studies</th>
<th>Unambiguous – Eligible</th>
<th>Unambiguous – Ineligible</th>
<th>Ambiguous – Ineligible</th>
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</thead>
<tbody>
<tr>
<td>Black</td>
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</tr>
<tr>
<td>White</td>
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<td>X</td>
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</table>

<table>
<thead>
<tr>
<th>Autism Study</th>
<th>2 Features</th>
<th>3 Features</th>
<th>3 Features + ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td></td>
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</tbody>
</table>

Random Assignment

Random Order

Procedure

Consent + Incentive Selection
Case 1 (with reading check) + Decision
Case 2 (with reading check) + Decision
Case 3 (with reading check) + Decision
Demographics and Experience Questionnaire

Order and student race randomized by Qualtrics to ensure equal distribution across conditions.

The Surprise

No racial bias.
No relation of decisions to practitioner characteristics or experience with 1 exception.
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No racial bias.
No relation of decisions to practitioner characteristics or experience with 1 exception.

A Caveat

Not racist...
...but extremely unreliable.

- Limited application of legal criteria
  - Tendency to identify ID and ED regardless of data
  - Under-identification of autism

Conclusions

School psychologists make inappropriate— but not necessarily racially biased— decisions

Limitations: high internal validity, but may have limited external validity vis-à-vis group process

Why no bias?
- Cultural competence?
- Bias may occur at a different stage in the process
- Stimuli may not elicit implicit bias shown in other disciplines
THANK YOU

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