The Causes and Impacts of Racial Disproportionality in Special Education in the Nation's Largest District,

New York City.

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As a New York City AP Biology Teacher, I witness firsthand how special education's schedules, labels, and placements shape which students sit in my classroom and how they interact with the material. I am a teacher at a Title 1-designated charter school that serves a 95% Black and Hispanic student population. In Grade 9, 20% of students have an Individualized Education Plan, but these students were not distributed evenly across subjects. For Grade 9 students they are placed in either AP Environmental Science or AP Biology. At the start of the year, I found that 30% of the students in Environmental Science classes had IEPs, while 11% of students in AP Biology had IEPs. Even with race and socioeconomic status largely held constant, opportunities to access advanced coursework are stratified by disability labeling from the very first day of high school.

The Research Alliance's policy brief, Special Education in New York City: Understanding the Landscape, makes clear that this is not just my anecdotal impression. Nearly one in five NYC public school students has an IEP, and students with disabilities are disproportionately Black, Latino, male, and concentrated in high-poverty neighborhoods. Within that large population, Black and Latino students are more likely to be assigned to stigmatized categories such as emotional disturbance and to be educated in more restrictive settings. They are more likely to be chronically absent or suspended (Fancsali, 2019). In the nation's largest school system, special education has become a central mechanism through which race, disability, and place intersect.

This paper analyzes the overrepresentation of minoritized students in special education by drawing on Fish (2019), Skiba et al. (2008), Annamma, Ferri, and Connor (2018), Cruz and Firestone (2021), and Fancsali's (2019) policy brief on the NYC landscape. I argue that New York City's special education data clearly show racialized and classed patterns of identification,

placement, and discipline that mirror national concerns. I further contend that current policies have improved access to inclusive settings but have not fundamentally disrupted how racism and ableism structure labeling, timing, and discipline. To ensure high-quality education for all students, policymakers and school personnel must adopt a Disability Critical Race Theory (DisCrit) lens, redesign referral and evaluation practices, strengthen early supports, and explicitly link special education reform to racial justice.

Evidence of Overrepresentation in New York City

The patterns I have observed inside my own building are not anomalies; they reflect systemic forces shaping special education across New York City. According to the Research Alliance, nearly one in five NYC public school students has an IEP, about 200,000 children, which underscores that special education is a core sorting mechanism within the nation's largest school district (Fancsali, 2019). However, it is the racial composition of this group of 200,000 students that makes special education an equity concern, as 48% of students with disabilities are Latino and 31% are Black, compared with 41% and 19% of the overall student population, respectively. In contrast, White and Asian students are underrepresented in special education as they make up 13% and 6% of special education, while they make up 16% and 19% of the student population, respectively (NYC DOE, 2024).

Alongside overrepresentation in special education for Black and Latino students, New York City's disability categories further reveal how racial demographics structure disability labeling. While learning disabilities and speech/language impairments comprise the majority of IEP classifications, Black students are more than twice as likely as others to be labeled with emotional disturbance (ED), a category associated with restrictive placement and heightened

discipline (Fancsali, 2019). In contrast, White and Asian students are more likely to be diagnosed with autism, which is a label that often carries access to stronger services and higher expectations. This disparity was best interpreted by Fish (2019), who noted that disability categories carry status hierarchies, and students of color are disproportionately assigned to the lowest-status classifications. So in a segregated system like NYC, where both race and income determine which schools students attend, this sorting mechanism reproduces structural inequality inside special education itself.

These patterns also shape where students are educated. While NYC has made progress in increasing the share of students with disabilities in general education settings, which is now now about two-thirds of special education students, this inclusion is unevenly distributed. Students labeled with ED, autism, or intellectual disability, disproportionately Black and Latino boys, are significantly more likely to be placed in self-contained classrooms that restrict access to rigorous curriculum and positive peer models. This disparity also includes continued access to charter schools as only 7% of special education students attend charters, but those who do are more likely to be in "higher-status" categories like speech/language impairment (Fancsali, 2019). Therefore, the NYC special education system is currently concentrating the most intensive disabilities in district schools, most often those serving high-poverty neighborhoods.

What is most astounding with this overrepresentation in special education is that when students with disabilities are provided with IEPs, marginalized students are receiving delayed or inadequate support. Cruz and Firestone (2021) found that Black and Latino students are disproportionately identified later in their schooling, after years of behavioral referrals and disciplinary responses to unmet needs. This was described as students entering special education with "empty backpacks," which meant that an IEP became a label of last resort rather than a

timely support that could have changed their trajectory. Using as DisCrit as a lens to understand this discrepancy, I found that racism and ableism are co-constructed in schools, and special education has become a mechanism for managing students who challenge normative expectations of Whiteness, compliance, and ability (Annamma et al., 2018).

NYC's data illustrates that special education is a primary site where racial inequity is enacted, legitimized, and reproduced. But it is not simply the existence of an IEP that matters; it is the label assigned, the placement determined, and the disciplinary consequences that follow that matter to marginalized students. In New York City, Black and Latino students, especially boys in high-poverty neighborhoods, are disproportionately channeled into the most stigmatizing categories, most restrictive environments, and most punitive disciplinary systems. Unless the city fundamentally transforms how schools interpret student behavior, academic struggle, and disability itself, special education will continue to be a sorting mechanism that codifies inequality.

How Policy Has Responded And Where It Falls Short

If disproportionality in New York City is both pervasive and patterned, I wondered how policy has attempted to respond, and why those responses have fallen short. At the federal level, the Individuals with Disabilities Education Act (IDEA) is the primary vehicle for addressing inequities in special education. IDEA has two mandates that influence New York City schools. First is the least restrictive environment (LRE) mandate which requires students with disabilities be educated with nondisabled peers to the maximum extent appropriate. Second is the significant disproportionality provisions, which require states to monitor racial and ethnic differences in identification, disability category, placement, and discipline. Under this provision, districts found to have significant disproportionality in any of these areas must set aside 15% of their IDEA Part

B funds for Coordinated Early Intervening Services (CEIS) to review and potentially revise their policies, practices, and procedures.

These frameworks were created to push districts toward earlier intervention in general education and away from racially biased referrals and placements. In practice, however, the power of these provisions has been blunted. Skiba et al. (2008) noted that federal attention to disproportionality has too often been treated as a technical exercise in classification rather than a confrontation with structural racism. Many states have adopted definitions of significant disproportionality that are so narrow that only a small fraction of districts are ever flagged, even in states where statewide data clearly show racial overrepresentation. The result is that IDEA compliance is achieved without meaningfully grappling with how racism and ableism shape daily decisions about who gets referred, how behavior is interpreted, and whose struggles are attributed to disability versus environment. Additionally, while IDEA's CEIS requirement can fund promising early interventions, nothing in the statute requires that those interventions be designed through a racial equity lens or explicitly address the late-identification patterns described by Cruz and Firestone (2021).

New York City has its own policy responses to significant disproportionality. One of these policies was the Shared Path to Success initiative, launched in 2010, which was an attempt to reposition special education from a separate system to a shared responsibility. Its goals included closing achievement gaps between students with and without disabilities, expanding access to a rigorous general education curriculum, and ensuring that students with disabilities can be served in their zoned and local schools rather than being shipped elsewhere for services (Fancsali, 2019). To achieve these goals, the city invested heavily in hiring and training clinicians, expanding integrated co-teaching (ICT) and other inclusive models, and piloting early

intervention efforts intended to reduce inappropriate referrals. These investments have produced real movement on some indicators. The proportion of students with disabilities spending at least 80% of the day in general education classrooms has climbed, and graduation rates for students with disabilities have improved alongside overall system gains (Fancsali, 2019). From the vantage point of my own classroom, I see the effects as more students with IEPs are sitting in AP courses than was the case a decade ago, and the practice of inclusion and instructional supports is now part of the everyday discourse.

Yet data documented in the Research Alliance brief suggests that NYC's reforms have only partially disrupted the racialized structures of special education. There remains stark racial and socioeconomic disparities in who is labeled, which disability categories they are assigned, and how restrictive their placements are. Students with disabilities remain disproportionately concentrated in high-poverty neighborhoods and in self-contained settings, with high rates of chronic absenteeism and suspension (Fancsali, 2019). In other words, the system has become more inclusive in aggregate, but inclusion is distributed in ways that continue to privilege some groups over others.

IDEA's significant disproportionality framework and NYC's Shared Path to Success demonstrate that when disproportionality is framed primarily as a problem of numerical imbalance or procedural compliance, the underlying racialized and ableist logics remain intact. The law can require that we count how many Black and Latino boys are in ED or self-contained programs; it cannot, on its own, force us to rethink why those labels and placements exist in their current form or whose interests they ultimately serve. To continue combating significant disproportionality in special education, New York City needs to redesign referral and evaluation

systems, evaluate the allocation of resources for early support, and hold schools accountable for the racialized consequences of their special education decisions.

Policy and Practice Recommendations

Since IDEA's compliance structures and NYC's inclusion initiatives have generated progress without altering the racialized foundations of special education, a more ambitious agenda is needed to shift who gets labeled, when they are identified, what services they receive, and how they are disciplined once inside the system. Based on the current landscape of NYC special education and the insights of DisCrit (Annamma et al., 2018), I propose the following interconnected shifts in policy and practice.

First, NYC must improve how disproportionality is monitored and understood. NYC should routinely publish school and district-level dashboards that disaggregate identification patterns by race, gender, neighborhood poverty, disability category, placement restrictiveness, age, and timing of first IEP, and discipline outcomes. With this dashboard, patterns like Black boys disproportionately entering special education through behavior-related referrals should be immediately visible. Additionally, schools showing high rates of Black and Latino youth classified with ED and placed in self-contained programs with high suspension rates should trigger automatic review. With these data points, the city can intervene when disproportionality surfaces and respond with technical assistance, coaching, and strategic use of Coordinated Early Intervening Services (CEIS) funds to strengthen early intervention systems (Skiba et al., 2008).

Second, referral, evaluation, and placement must be redesigned to prevent structural push-out. Skiba et al. (2008) emphasize that many inappropriate referrals arise not from disability, but from the predictable academic struggles produced by inequitable instruction and

racialized behavioral expectations. The referral process thus needs to require documentation of culturally relevant supports, including adjustments to instruction, language scaffolds, trauma-responsive strategies, and family consultation. Then evaluations must be bias-aware and multifaceted rather than relying heavily on standardized tests, which are normed on White, middle-class populations (Skiba et al., 2008). These evaluations can include classroom work, multiple observations across settings, and family input. Along with these revisions, NYC should have guardrails around classifications such as emotional disturbance and intellectual disability as Black and Latino boys are disproportionately assigned to these stigmatized categories (Fish, 2019). With these changes, placement in self-contained settings can then become a last resort after inclusive supports have been attempted and documented throughout the entire process.

Third, early intervention must be expanded to disrupt the "empty backpack" pattern described by Cruz and Firestone (2021). Their analysis shows that Black and Latinx students are more likely to be identified later, after years of inadequate support and punitive responses. CEIS funds and city dollars should be directed toward strengthening early literacy, numeracy, and social-emotional supports in neighborhoods with the highest disability prevalence.

Fourth, teacher preparation and professional development must explicitly address racism and ableism. DisCrit shows that racism and ableism co-construct disability and shape adults' interpretations of behavior (Annamma et al., 2018). While, educators need structured opportunities to reflect on how their assumptions contribute to referrals and placements, professional learning must go beyond workshops. Schools should embed coaching in culturally sustaining pedagogy, restorative practices, and inclusive instruction and evaluate teachers' performance against clear metrics in these aspects. NYC must also invest in diversifying the adults who make referral and placement decisions. With students who are 85% Black and Latino

systemwide, but a teaching and evaluator workforce that is disproportionately White, the city should expand pathways for paraprofessionals and alumni of color to become teachers, counselors, and psychologists. Additionally, NYC should create parent advisory councils in every community school district with decision-making power on special education initiatives as parents have deep knowledge of how labels and placements affect their children. These parent advisory councils should be intentionally accessible, considering translation, childcare, and transportation. Including parent voice and diversifying input on student referral and evaluation should mitigate racially based sorting of students and allow special education to reach those who most need it.

Conclusion

In New York City, where nearly 200,000 students have IEPs and students with disabilities are disproportionately Black, Latino, male, and concentrated in high-poverty neighborhoods, special education is a primary way educational opportunity is structured. This paper has argued that disproportionality is a product of a long history in which racism and ableism intertwine to determine who is perceived as capable, who is remediated, who is excluded, and who is punished. Despite this, NYC's policy efforts have not disrupted the deeper inequities shaping labeling, timing, and discipline. To ensure high-quality education for all students, policymakers and school systems must adopt a Disability Critical Race Theory lens that acknowledges that disability is never interpreted outside of race, class, language, and power. Policy must address not only where students with disabilities are placed, but who becomes disabled in the first place, when supports are provided, and why particular labels track students into restrictive environments and increased exposure to discipline. Thus, transforming referral, evaluation,

placement, intervention, educator preparation, and family partnership is essential to expanding access to rigorous coursework and inclusive futures. In the largest school system in the United States, we have both the responsibility and the opportunity to lead reform to special education and build a system that recognizes students' strengths, responds to their needs without stigma, and ensures their potential is nurtured.

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