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We Don't Have the Full Story: Black Girls with Disabilities Deserve Accurate Representation in the Education Civil Rights Data Collection

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The U.S. Department of Education's ("The Department") Civil Rights Data Collection (CRDC) for the 2017-18 school year shows similar trends to past collections: that girls of color—[Black girls](#) in particular—face exclusionary discipline at higher rates than white girls. But another story emerges from the 2017-18 data: the CRDC shows this discriminatory trend holds true for girls of color with disabilities, and we can identify this trend even though the CRDC fails to include some students with disabilities in its calculations.

Exclusionary school discipline includes corporal punishment, expulsions, referrals to law enforcement and arrests, suspensions, the use of restraint and seclusion, and transfers to other schools. Girls of color, especially Black girls and Native American girls, are disproportionately impacted by exclusionary school discipline policies and dress code policies that are created and enforced using sexist and racist stereotypes about "appropriate" behavior. Students with disabilities similarly face [high rates](#) of exclusionary discipline, due to stereotypes about typical student behavior and failures to provide legally required supports.

As a result, exclusionary discipline policies push the most marginalized students out of the classroom, costing them valuable learning time as well as having other devastating long-term consequences, such as involvement in the criminal legal system. And because Black girls with disabilities experience biases and barriers based both on their race and their disability, they are at particular risk of being pushed out. Yet relatively little analysis and discussion focuses specifically on the experiences and needs of Black girls with disabilities.

What the CRDC Tells Us—And What It Doesn't

The CRDC provides information on school learning environments, quality, services, student outcomes, and more from nearly all public schools across the country. This includes information on students with disabilities who receive accommodation through at least one of two federal laws aimed at protecting their access to education and civil rights. The first law, the Individuals with Disabilities Act (IDEA), funds special education programs, including education provided pursuant to Individualized Education Programs (IEPs). The other law, Section 504 of the Rehabilitation Act of 1973 (“Section 504”), ensures students with physical or mental impairments have equal access to learning through accommodations like extra test time.

But more detailed data are collected for students served under the IDEA than Section 504.

Among its many data categories, the CRDC collects information on exclusionary discipline and breaks it down by student race and ethnicity, gender, and whether students are served under the Individuals with Disabilities Act (IDEA). Yet, the CRDC does not collect school discipline information on the race and ethnicity for students receiving services under Section 504, instead only collecting information by gender.

Put plainly, discipline data are collected for Black girls, white girls, and others who are served under the IDEA. But data are only collected for all girls served under Section 504.

Some students receiving services under the IDEA may also be served under Section 504. But it's hard to tell where, if at all, students served under Section 504 only are factored in. For example, for mechanical and physical restraint as well as seclusion, the Department defines students without disabilities as those not receiving accommodations under the IDEA —meaning the calculations of students with disabilities likely don't include students being served under Section 504 only .

Another way of saying this is that the data for students with disabilities could be “underinclusive,” meaning the numbers and percentages that are collected and reported by the Department on girls and boys with disabilities by race and ethnicity could be lower than if they also included those served under only Section 504.

Black Girls with Disabilities Experience Startlingly High Rates of Discipline

Even though the data could be underinclusive, the data we have show that the disparities in rates of discipline among girls with disabilities are stark: the disparities that Black girls with disabilities face compared to white girls are far higher than between any other group. For example, Black girls with disabilities experience one or more out-of-school suspension 5.53 times as often as white girls with disabilities (Table 10). Native Indian/Alaska Native girls with disabilities, for comparison, have the next highest disparity, experiencing one or more out-of-school suspension 2.43 times as often as white girls with disabilities.

Black Girls without Disabilities May Experience Greater Disparities than Black Girls with Disabilities, But We Can't Be Sure

Current data show Black girls without disabilities experience greater discipline disparities compared to white girls than Black girls with disabilities. For example, while Black girls with disabilities experience one or more in-school suspension 2.50 times as often as white girls with disabilities, Black girls without disabilities experience them 3.56 times as often as white girls without disabilities (Table 9).

However, if data were publicly available on Black and white girls served under Section 504 only, it's possible the disparities for Black girls with disabilities could widen. Regardless, these and other girls of color face discipline at higher rates than white girls, causing them to lose critical instruction time and increasing their barriers to long-term educational and career success.

The tables below present data on exclusionary discipline for girls without and with disabilities and of several races and ethnicities as rates compared to white girls without and with disabilities, respectively. Given the way the data were collected, girls with disabilities are defined as those receiving accommodation under the IDEA.¹ While these data are already jarring as is, they also demonstrate the need for the Department to collect and publish more inclusive school discipline data that incorporate information on girls and boys served under Section 504 only, separated by race and ethnicity in addition to gender.

CORPORAL PUNISHMENT

Table 1: Received Corporal Punishment Rate Compared to White Girls

	Girls Without Disabilities	Girls With Disabilities
Black girls	3.79X	2.08X
American Indian/Alaska Native girls	1.96X	1.28X
Native Hawaiian/Pacific Islander girls	0.21X	0.21X
Latina girls	0.32X	0.25X
Asian girls	0.04X	0.05X
Girls of two or more races	0.74X	0.77X

EXPULSIONS

Table 2: Received Expulsion with Educational Services Rate Compared to White Girls

	Girls Without Disabilities	Girls With Disabilities
Black girls	4.59X	4.46X
American Indian/Alaska Native girls	1.71X	1.22X
Native Hawaiian/Pacific Islander girls	0.93X	-
Latina girls	1.25X	1.15X
Asian girls	0.19X	0.24X
Girls of two or more races	1.60X	1.54X

Table 3: Received Expulsion Without Educational Services Rate Compared to White Girls

	Girls Without Disabilities	Girls With Disabilities
Black girls	3.49X	1.86X
American Indian/Alaska Native girls	2.58X	1.36X
Native Hawaiian/Pacific Islander girls	1.05X	0.70X
Latina girls	0.80X	1.12X
Asian girls	0.17X	0.17X
Girls of two or more races	1.77X	1.09X

REFERRALS AND ARRESTS**Table 4: Referred to Law Enforcement Agency or Official Rate Compared to White Girls**

	Girls Without Disabilities	Girls With Disabilities
Black girls	2.97X	2.82X
American Indian/Alaska Native girls	2.83X	1.74X
Native Hawaiian/Pacific Islander girls	1.57X	1.00X
Latina girls	1.38X	1.17X
Asian girls	0.39X	0.37X
Girls of two or more races	1.56X	1.37X

Table 5: Received a School-Related Arrest Rate Compared to White Girls

	Girls Without Disabilities	Girls With Disabilities
Black girls	3.66X	3.49X
American Indian/Alaska Native girls	3.06X	1.76X
Native Hawaiian/Pacific Islander girls	1.27X	3.08X
Latina girls	1.52X	1.29X
Asian girls	0.28X	0.21X
Girls of two or more races	1.58X	1.42X

RESTRAINT AND SECLUSION

Table 6: Subjected to Mechanical Restraint Rate Compared to White Girl

	Girls Without Disabilities (Non-IDEA students)	Girls With Disabilities
Black girls	5.98X	3.31X
American Indian/Alaska Native girls	3.45X	1.29X
Native Hawaiian/Pacific Islander girls	3.35X	1.71X
Latina girls	1.89X	-
Asian girls	1.33X	0.89X
Girls of two or more races	0.34X	0.48X

Table 7: Subjected to Physical Restraint Compared to White Girls

	Girls Without Disabilities (Non-IDEA students)	Girls With Disabilities
Black girls	4.78X	1.60X
American Indian/Alaska Native girls	1.93X	0.63X
Native Hawaiian/Pacific Islander girls	1.21X	0.28X
Latina girls	0.82X	0.45X
Asian girls	0.13X	0.48X
Girls of two or more races	2.43X	1.39X

Table 8: Subjected to Seclusion Compared to White Girls

	Girls Without Disabilities (Non-IDEA students)	Girls With Disabilities
Black girls	2.36X	1.17X
American Indian/Alaska Native girls	1.44X	0.63X
Native Hawaiian/Pacific Islander girls	0.34X	0.17X
Latina girls	0.39X	0.24X
Asian girls	0.06X	0.43X
Girls of two or more races	2.24X	1.50X

SUSPENSIONS

Table 9: One Or More In-School Suspension Rate Compared to White Girls

	Girls Without Disabilities (Non-IDEA students)	Girls With Disabilities
Black girls	3.56X	2.50X
American Indian/Alaska Native girls	2.04X	1.37X
Native Hawaiian/Pacific Islander girls	0.99X	0.62X
Latina girls	1.29X	0.98X
Asian girls	0.23X	0.23X
Girls of two or more races	1.53X	1.36X

Table 10: One or More Out-of-School Suspension Rate Compared to White Girls

	Girls Without Disabilities	Girls With Disabilities
Black girls	5.52X	5.53X
American Indian/Alaska Native girls	2.84X	2.43X
Native Hawaiian/Pacific Islander girls	2.06X	2.21X
Latina girls	1.47X	1.66X
Asian girls	0.28X	0.45X
Girls of two or more races	2.01X	2.67X

TRANSFERS

Table 11: Transferred to an Alternate School for Disciplinary Reasons Rate Compared to White Girls

	Girls Without Disabilities	Girls With Disabilities
Black girls	5.39X	4.50X
American Indian/Alaska Native girls	1.01X	0.36X
Native Hawaiian/Pacific Islander girls	0.49X	-
Latina girls	1.35X	1.26X
Asian girls	0.18X	0.29X
Girls of two or more races	1.66X	1.61X

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¹ NWLC calculations U.S. Department of Education, Office for Civil rights, Civil Rights Data Collection (CRDC), 2017-18, Public Use Data File available at <https://ocrdata.ed.gov/>. Students with disabilities are defined as those receiving services under IDEA. Dashes indicate that zero girls of that race and ethnicity and disability status were reported to face that type of exclusionary discipline practice.