

SCHOOL COUNSELORS AND THE DISPROPORTIONALITY DILEMMA:

A MULTILEVEL ANALYSIS

by

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A dissertation submitted to Johns Hopkins University in conformity with the  
requirements for the degree for the Doctor of Philosophy

Baltimore, Maryland

April 2018

# DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

## **Abstract**

For decades, disproportionality has been explored by educational researchers in special education and school discipline. Researchers have devoted far less attention to disproportionality in school counselor referral. The present study examined referral to the school counselor for disruptive behavior to determine to extent of disproportionality in school counseling referral. An analytic sample ( $n = 9540$ ) from the ELS:2002 dataset was used to calculated risk ratios and hierarchical generalized linear modeling (HGLM) was employed for multilevel analysis. Results show African-American and multiracial students have the highest risk of referral of students by race/ethnicity and African-American and multiracial students in special education have the highest risk for all students. In the multilevel analysis race/ethnicity was a significant predictor throughout each of the models. Finally, implications and directions of future research are discussed.

# DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

## **Acknowledgments**

I would first like to thank Dean Christopher Morpew, Associate Dean Amy Shelton and the faculty of Johns Hopkins University, School of Education. Specifically, I would like to thank my committee; Drs. Vivian Lee, Lieny Jung, Julia Burdick-Will, and my dissertation chair, Dr. Katrina Bell McDonald. I appreciate the guidance you have shown me throughout this process and the time you invested. I would also like to thank Dr. Christine Harnett and Dr. Carrie Wachter-Morris for their continuous support. I would especially like to thank my advisor, Dr. Norma Day-Vines for her endless guidance and encouragement from the first day of my doctoral studies. I cannot begin to express how grateful I am for her wisdom, patience, and advocacy.

I would also like to thank my cohort and fellow Ph. D. students. It is an understatement to say I have learned from each one of you. I would specifically like to thank Cynthia Greenberg, Rebeca Gamez Fusari, and Sol Bee Jung.

Much of my passion for researching this topic came from my time as a school counselor. Thank you to Katherine Asbell; I learned what it means to be a school counselor and student advocate by watching your example.

Most importantly, I would like to thank my family; my mother, my father, and my sisters, Lindsey and Ashley. Making the decision to pursue a master's degree and then a

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

doctorate looked attainable only because of the family standing behind me. I always knew all I needed to do was ask.

Finally, to Ethan, my amazing son. I have always said that the only reason I can do the things I do is because you are the person you are. Over the course of this journey I have watched you grow from a timid 8-year-old in a new city to a responsible young man with confidence, humor, and perseverance. I am forever grateful for you, I acknowledge your sacrifices, and I will do my best to support you in your future adventures. It is your turn.

# DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

## Table of Contents

I.	Abstract.....	ii
II.	Acknowledgments.....	iii
III.	Chapter 1: Introduction	
	A. Introduction.....	1
	B. Background of the Problem.....	3
	C. Statement of the Problem.....	16
	D. Purpose of the study.....	22
	E. Research Questions.....	24
	F. Significance of the study.....	26
	G. Definition of terms.....	29
IV.	Chapter Two: Theoretical Framework and Literature Review	
	A. Theoretical framework.....	34
	a. Systems Theory.....	34
	b. Critical Race Theory.....	35
	c. Introduction of DisCrit.....	49
	B. Relevance to current study.....	58
	C. Empirical Review of Research.....	61
	a. School discipline .....	61
	b. Special education.....	74

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

c. Conflicts in the literature.....	83
d. School Counseling .....	91
V. Chapter Three: Methodology	
A. Participants.....	104
B. Variable Descriptions.....	112
C. Analysis.....	117
VI. Chapter Four: Results	
A. Descriptive Statistics.....	129
B. Disproportionality in School Counseling Referral.....	134
C. Multilevel Modeling.....	138
D. Modeling Special Education Categories.....	152
VII. Chapter Five: Discussion	
A. Risk Ratios for Referral to the School Counselor.....	160
B. Multilevel Analysis.....	176
C. Counselor Referral and Special Education Categories.....	184
D. Implications.....	188
a. Ecological Model and Systemic Advocacy.....	188
b. Future Research.....	193
c. Policy Implications.....	210
E. Assumptions, Limitations, Delimitations.....	213

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

F. Conclusion.....	214
VIII. References.....	216
IX. Biography.....	235

# DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

## List of Tables

Table 1: Overlapping Elements of Critical Race Theory and DisCrit.....	57
Table 2: Disproportionality literature on special education placement and the inclusion of academic variables.....	89
Table 3: Description of Imputed Variables.....	109
Table 4: Descriptive Statistics for the ELS Dataset and Analytic Sample.....	110
Table 5: Descriptive Statistics for students Referred to the School Counselor for Disruptive Behavior.....	132
Table 6: Risk Ratios for Students Referred to the School Counselor, by Race/Ethnicity.....	132
Table 7: Risk Ratios for Students Referred to the School Counselor, by Special Education Category.....	135
Table 8: Risk Ratios for Students Referred to the School Counselor by Race/Ethnicity and Special Education Status.....	136
Table 9: Coefficients and Odds Ratios for Referral to the School Counselor for Disruptive Behavior.....	138

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 10: Pseudo  $R^2$ , C-Statistic, and Parameters for Models A through F ..... 148

Table 11: Coefficients and Odds Ratios for Referral to the School Counselor for  
Disruptive Behavior, Additional of Special Education Categories..... 157

Table 12: Pseudo  $R^2$ , C-Statistic, and Parameters for Models A through C and  
G through I..... 159

Table 13: Systemic Analysis of Disproportionality as Related to the Ohio Standards  
for Counselors..... 205

Table 14: CACREP Standards (2016) Addressed Through a Course Project on  
Systemic Analysis and Advocacy..... 209

# DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

## **Chapter 1: Introduction**

In an investigation of equity and opportunity in the nation's educational system, the U.S. Department of Education, Office for Civil Rights (USDOE, 2016b) surveyed all public schools and school districts in the United States. The analysis of 2013-2014 data included statistics on bullying, access to curriculum, school finance, school personnel, student participation in athletics, as well as student discipline. For the first time, the 2016 report also included information on student absenteeism, educational access in criminal justice facilities, and school law enforcement officers. Findings from the report elucidate racial disparities in nearly every category, painting a bleak picture of the stark variation in the educational environments and outcomes of students, often based upon race.

Specifically, the report found racial disparities in discipline, where African-American students are more likely to receive an out-of-school suspension compared to White students in both preschool (3.6 times more likely) and in K-12 education (3.8 times more likely) (USDOE, 2016b). Moreover, although American Indian or Alaskan Native, Latino, Hawaiian or other Pacific Islander, and multiracial boys make up only 15% of K-12 students, they represent 19% of all students who receive an out-of-school suspension. Additionally, students with disabilities are more than two times as likely to receive an out-of-school suspension compared to students without disabilities. The report also highlighted differences in expulsion rates, where African-American students were 1.9

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

times more likely to be expelled and 2.3 times more likely to be referred to law enforcement compared to their White peers.

The Office of Civil Rights (OCR; USDOE, 2016b) report went on to describe the differences in college and career readiness by race/ethnicity. Overall, African-American and Latino students across the nation have less access to high-level math and science courses, as well as accelerated and Advanced Placement (AP) courses. Educational disparities have been attributed to issues such as access to curriculum and teacher/staffing quality. Ethnic minority students in the study were more likely to attend schools with higher concentrations of inexperienced teachers. Additionally, 850,000 high school students did not have access to a school counselor and 1.6 million students across the nation attend a school with a school law enforcement officer, but no school counselor. Latino, Asian, and African-American students are more likely than their White peers to attend one such school, with a school law enforcement officer and without a school counselor.

Summarily, decades after desegregation and the publication of the Equality of Educational Opportunity report (Coleman et al., 1966), the OCR report illustrates the continued challenge within the U.S. educational system to achieve educational equity in discipline, access to curriculum, and staffing. In other words, there are vast differences in the resources school systems provide to students on the basis of race/ethnicity and social class (Anyon, 1980; Darling-Hammond, 2010; Kozol, 2012). To meet this challenge,

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

both the federal government and state departments of education have enacted laws in an attempt to redress racial and gender disparities in general and special education, in particular. Moreover, the U. S. Department of Education (2016b) has made school discipline reform a primary focus with explicit guidelines that outline the responsibility of schools to not discriminate by race. Although the legal protections for minorities in special education began decades ago (IDEA, 2004; *Mattie T. v. Holladay*, 1977), the OCR report emphasizes the overlap of students in special education who are also disproportionality disciplined.

### **Background of the Problem**

Given the findings of the recent OCR report, the current study examined the extent to which ethnic minority students are disproportionality referred to the school counselor for disruptive behavior. Although the aforementioned school counseling statistics are included in the OCR report, the report is not able to address which students access the school counselor. Moreover, there is limited data on access to the school counselor and a paucity of school counseling literature reports which students access the school counselor. Given the limitations of data, very few researchers examine disproportionality in the referral of students to the school counselor (see Bryan, Day-Vines, Griffin, & Moore-Thomas, 2012). Additionally, the disproportionality literature in special education and school discipline is often devoid of a theoretical framework. Critical Race Theory (CRT) is one theoretical framework which is used as a lens to

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

explicitly examine issues of race and power from a systemic perspective (Crenshaw, Gotanda, Peller, & Thomas, 1995). Moreover, CRT has previously been applied to school counseling research (Moore, Henfield, & Owens, 2008). At the foundation, disproportionality research is an examination of equity in educational referrals; CRT is applicable because it challenges racial stereotyping and cultural deficit thinking (Townsend Walker, 2014). Disproportionality is an example of what CRT theorists refer to as systemic bias that undermines the academic achievement of minority children. Given the fact numerous scholars have shown disproportionality is related to bias in special education and school discipline (Bradshaw, Mitchell, O'Brennan, & Leaf, 2010; Mendez & Knoff, 2003; Skiba et al., 2014;), CRT uncovers bias “mistakenly perceived as the norm” (Townsend Walker, 2014, p. 341). Because CRT supports the premise bias exists in schools, it is positioned as a framework to address the issue of disproportionality in school counselor referral.

Disproportionality in educational research is defined as a discrepancy between the proportional representation of a racial or ethnic group within a category and the proportional representation of that group in the population of study. Disproportionate representation has been examined extensively in special education (Morgan et al., 2015; Skiba, Poloni-Staudinger, Simmons, Feggins-Azziz, & Chung, 2005) and discipline (Gregory, Skiba, & Noguera, 2010; Skiba, Michael, Nardo, & Peterson, 2002; Skiba et al., 2011), and may be present due to either underidentification or overidentification of a

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

racial or ethnic group. For over 50 years, since Dunn (1968) first brought the subject to the fore when he coined the term disproportionality in his article which called for change in the approach to special education, scholars have critiqued and analyzed the issue of disproportionality. In subsequent decades, disproportionality has been calculated using several different methods with varying degrees of validity. At one point, examinations of disproportionality were viewed negatively because the term was linked to racial quotas in education. However, the definition of disproportionality has shifted over time. Presently, disproportionality should be viewed as a lens through which to look at the issue, a guidepost to view inequality.

**Disproportionality calculation.** In December of 2016, the federal government mandated a specific disproportionality formula at the state level (U.S. Federal Register, 2016). Although recently approved, states will not be required to adopt the standardized calculation of disproportionality until July 2018 (U.S. Federal Register, 2016). Although the Department of Education had long recommended the adoption of a uniform calculation (U.S. Government Accountability Office, 2013), historically the calculation varied from state to state. The *composition* index is the most common method of calculation, which compares the percentage of students from different racial groups within a certain category or placement (Coutinho & Oswald, 1998). Although the composition index is frequently utilized (Hosp & Reschly, 2003), it has been criticized in the literature for artificially inflating the presence of disproportionality (Hosp & Reschly,

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

2003). Another method for calculating disproportionality is the rate ratio or *relative risk*, which compares the risk index for one group to the risk index for another group of interest or the total population (Coutinho & Oswald, 1998). For example, a school district with suspension rates of 18% for African-American students and 12% for the entire student body would have a relative risk of 1.5. A ratio of 1.00 would indicate the risk of one group is identical to the risk of the comparison group (Coutinho & Oswald, 1998). Currently, approximately half of states use a standard risk ratio, while the other half employ a weighted risk ratio (Samuels, 2016). Incidentally, the weighted risk ratio standardizes the demographic distribution of the comparison group, which enables evaluations between districts within a single state (Bollmer, Bethel, Garrison-Morgren, & Brauen, 2007).

In an effort to standardize the calculation of disproportionality, the U.S. Secretary of Education (U.S. Federal Register, 2016) released the final regulations wherein states will calculate the risk of a particular outcome “by dividing the risk of a particular outcome for children in one racial or ethnic group within an LEA [local education agency] by the risk for children in all other racial and ethnic groups within the LEA” (Section 300.647). As an illustration, if there are 15 African-American students in special education in a school with a total of 100 African-American students, the risk for African-American students is 15%. Additionally, if there are 30 non-African-American students in special education, out of 400 non-African-American students, the risk for non-

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

African-American students is 7.5%. The risk ratio for African-American students in the school would be determined by dividing the risk for African-American students (15%) by the risk for non-African-American students (7.5%), resulting in a risk ratio of 2.0.

Meaning, African-American students were twice as likely to be referred to special education compared to peers.

The calculation of disproportionality is required by the federal government in fulfillment of IDEA as a measure of educational equity. The federal government, states, and educational researchers will continue to analyze disproportionality in special education and discipline, with research burgeoning in other areas, such as school counseling. In addition to the federal and state calculations, educational researchers may perform a basic risk ratio calculation of disproportionality, but also advance the analysis with more complex statistical models. The combination of the two approaches presents a more complete picture of educational equity in referral. To date, neither risk ratios nor more complex statistical models exist for referral to the school counselor. The present study addresses this gap and includes both risk ratios and multilevel models for the outcome variable referral to the school counselor for disruptive behavior. For decades, educational researchers have developed the disproportionality literature in other disciplines, namely special education and school discipline. The extension of disproportionality into the school counseling literature provides evidence of student referral trends and justifies the school counselor as an agent to mitigate disproportionality

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

across educational referrals (Adkinson-Bradley, Johnson, Rawls, & Plunkett, 2006; De Barona & Barona, 2006).

**Disproportionality in special education.** The identification of a student for special education is described as paradoxical (Artiles, 2003). Although the intention is to provide students with a greater chance of experiencing school success through lower class sizes and more individualized instruction, in reality students who are categorized as needing special education services have exposure to curriculum with less academic rigor and decreased academic outcomes (Blanchett, Mumford, & Beachum, 2005; Losen & Orfield, 2002). Additionally, labeling theory posits that categorizing students with a particular disability category alters the way the educational institution treats the student; such that teacher and adult expectations will be lower, which will in turn have negative consequences for student achievement (Kirk & Sampson, 2013). In a meta-analysis of racial differences of special education referral, Hosp and Reschly (2003) examined articles from 1978-1999 and concluded that differences exist in the referral of different racial/ethnic groups to special education. Specifically, Hosp and Reschly found the most common reason of referral to special education was low academic achievement. Although referral to special education for low academic achievement was not surprising, the authors found a second common reason for referral was disruptive behavior (Hosp & Reschley, 2003). Special education has long reported a disproportionate minority representation in the high incidence categories such as specific learning disability (SLD),

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

intellectual disability (ID), and emotional disturbance (ED) which are diagnosed through the educational system with more subjective criteria, while no disproportionality exists in physician diagnosed low incidence disorders (visual, auditory, and physical impairments) which require objective criteria (Donovan & Cross, 2002). Disproportionality not only exists in the identification of students in special education, but extends to the resources available once students are placed; minority students in special education are more likely to be placed in more restrictive environments as compared to similar white peers (Cartledge, Singh, & Gibson, 2008). Furthermore, historically underserved populations, such as African-Americans and Latinos, receive fewer services compared to White peers within the same disability category (Donovan & Cross, 2002; Henderson, 2001).

Regardless of race/ethnicity, once students in special education leave school, either by graduation or dropping out of school, the societal outcomes of students in special education are likely to be different than their general education peers. The graduation rate for students in special education has long been found to lag that of their general education peers (Kemp, 2006; USDOE, 2016b; Wagner & Blackorby, 1996). Using a national dataset, Wagner and Blackorby (1996) found that 30% of students with disabilities dropped out of high school, and an additional 8% dropped out prior to high school. More recently, in a longitudinal study that analyzed the transition outcomes of youth in the emotional disturbance (ED) category, Wagner and Newman (2012) found that only 49.6% of these students were employed five years after graduation compared to

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

66.1% of same age peers in general education. The forgoing discussion illustrates that minority students are disproportionately placed in special education (Cartledge et al., 2008; Hosp & Reschly, 2003), while students in special education have decreased academic and societal outcomes (Kemp, 2006; Wagnor & Blackorby, 1996; Wagner & Newman, 2012).

**Disproportionality in school discipline.** Disproportionality in special education is linked to disproportionality in school discipline (Skiba et al., 2005). Similar to disproportionality in special education, the researchers in discipline disproportionality have found evidence of minority students receiving discipline consequences more often than their White peers (Balfanz, byrnes, & Fox, 2015) with societal implications (Nicholson-Crotty, Birchmeier, & Valentine, 2009). Balfanz et al. (2015) found, for all students suspended, 40% of days absent were due to suspension. Additionally, compared to all students who were suspended (27%), African-American students (39%), students in the free and reduced lunch program (34%), students in special education (31%), and students who were at least one year older than their cohort (40%) were suspended at higher rates. Additionally, these students lost more days of school (7.4, 7.1, 7.4, 7.6 days, respectively) compared to all students (6.8 days). Summarily, the aforementioned subgroups, and African-American students in particular, were both suspended at higher rates and suspended for a greater number of days compared to peers, with a relationship found between suspension and course failures (Balfanz et al., 2015).

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Additional studies have assessed differences in teacher referral to school discipline. Disproportionality in school discipline has been found to occur at the point of teacher referral with African-American students referred for discipline for subjective reasons such as *disrespect*, *excessive noise*, or *loitering*, while their White peers were referred for discipline for objective events such as *smoking*, *left without permission*, and *vandalism* (Skiba et al., 2002). While Skiba et al. (2002) examined differences in the reason for discipline referral, Nicholson-Crotty et al., (2009) examined racial differences within various discipline reasons. The authors found that although no difference existed between African-American and White students for more serious objective infractions such as drug and alcohol offenses, statistically significant differences existed between African-American and White students for violence, weapons, tobacco, and other unspecified offenses. Additionally, Nicholson-Crotty et al. (2009) found that racial disproportionality in the juvenile justice system can be explained by the disproportionality in out-of-school suspensions and not explained by either poverty or urbanization.

The foregoing discussion of special education and school discipline illustrates the myriad of mechanisms that impact minority students, who frequently lag White students in educational outcomes. These educational outcomes all too often subsequently transfer to societal outcomes. As previously noted, research indicates minority students are disproportionately referred to special education (Skiba et al., 2005), while minority

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

students who are in special education are suspended nearly twice as often as their general education peers (Losen & Gillespie, 2012). These findings illustrate that for students who are both a racial minority and identified for special education services, disproportionality has a multiplicative impact. Although racial inequities in both special education and school discipline are problematic from a social justice perspective, the societal implications of disproportionality in the educational system imply a multiplicative impact with intergenerational consequences. Students impacted by disproportionality in special education and school discipline need increased advocacy at the school level and school counselors are positioned to play a role in that advocacy. However, there is a paucity of research that examines whether students in either or both of these two populations are referred to school counselors.

**Disproportionality and school counselors.** Albeit extensive documentation of the societal impact of disproportionality on children in special education and children who have experienced disciplinary infractions, research has not crossed over to other educational disciplines, namely school counseling. Neither the disproportionality literature in special education nor school discipline has examined the role of the school counselor, although roles of teachers (Skiba et al., 2011) and administrators (Skiba et al., 2002) have been analyzed. Within the school counseling literature, practicing school counselors have been called upon to play a key role in mitigating disproportionality (Adkinson-Bradley et al., 2006; De Barona & Barona, 2006) as well as to be an active

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

participant in the special education referral process (Geltner & Leibforth, 2008; Grothaus, 2013; Milsom, Goodnough, & Akos, 2007; Ockerman, Mason, & Hollenbeck, 2012; Owens, Thomas, & Strong, 2011), and specifically for minorities (De Barona & Barona, 2006). However, there remains a paucity of school counseling literature on working with students in special education (ASCA, 2012b; Durodoye, Combes, & Bryant, 2004; Milsom, 2006; Milsom 2007; Stephens, Jain, & Kim, 2010). As social justice advocates (ASCA, 2012b) promoting the equitable treatment of all students, school counselors are in a prime position to intervene with students in special education and students referred for school discipline. The school counselor's specialized training and cultural awareness (ASCA, 2012b), in conjunction with the leadership position within the school, has situated the profession as a "conscious other" which Patton (1998) advocated to assist in the mitigation of disproportionality. Recently, the school counseling profession has experienced a shift regarding the role of the school counselor, which positions the school counselor to be a change agent for groups of students. This shift has been termed transformative school counseling.

**Transformative school counseling.** The Transforming School Counseling Initiative (TSCI) began at the Education Trust (1997) with the notion that the school counseling profession needed to evolve from a focus on individual students to addressing success for groups of students. The Education Trust (1997) sought to align the role of a school counselor with the changing landscape of educational policy. At the same time,

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

the American School Counselor Association (ASCA) published *The National Standards for School Counseling Programs* (ASCA, 1997) which provided a unifying framework of student goals in three domains: academic, career, and personal/social development.

ASCA followed up *The National Standards* with the development of the *ASCA National Model: A framework for School Counseling Programs* (2012a), which guides practicing school counselors through the process of transforming their individual school counseling programs. The transformation of the school counseling profession advocates moving from a focus on individual student mental health to a whole-school and system change agent which supports district goals (Martin, 2002).

Furthermore, the evolution of the school counseling profession from the focus on the individual student to addressing the needs of underserved groups of students aligns with the ASCA position on equity and access (ASCA, 2012b) which states the role of the school counselor is to develop and implement a comprehensive school counseling program which promotes equity and access for all students. The shift in focus from individual to a systemic approach is also encouraged in the literature. Counseling researchers have previously advocated the application of a systemic framework to school counseling interventions (Akos & Galassi, 2004; Arthur & McMahon, 2005; Ratts, 2011) and as a systemic analysis of behavior in context of the environment (Cook, 2012). Although the role of the school counselor has evolved to focus on issues of social justice, the school counseling literature has lagged with very few articles focused on

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

disproportionality (see Bryan et al., 2012). Disproportionality research answers the call and integrates the school counselor's role as both a social justice advocate (ASCA, 2016a; Bemak & Chung, 2005) and an advocate for equity and access for all students (ASCA, 2012b). Additionally, disproportionality research applies the systemic framework called for by counseling researchers (Akos & Galassi, 2004; Arthur & McMahon, 2005; Cook, 2012; Ratts, 2011). One theoretical framework to consider race/ethnicity from a systemic perspective is Critical Race Theory (Crenshaw et al., 1995). Critical race theory (CRT) is a lens to view socio-politically charged issues and has previously been applied to school counseling research (Moore et al., 2008).

The present study will extend the disproportionality research to the field of school counseling and use a CRT lens to view referral to the counselor. In the present study a referral to the school counselor is distinctively different than a referral for school discipline. While a discipline referral is a punitive mechanism, a counselor referral is an opportunity for the school counselor to work with a student, teacher, and family in a nonpunitive way to facilitate a change in the system. Specifically, this study will determine the risk of counselor referral and use multilevel modeling to explore the effects of students' race, gender, and special education status as well as the schools' demographic make-up and counselor ratio on the referral of students to the school counselor for disruptive behavior. The findings from this study can inform several spheres of influence for counselors including the development of systemic interventions

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

for practicing school counselors, inform counselor education programs, and influence policy.

### **Statement of the Problem**

From the birth of the nation, the American educational system has disadvantaged African-American students (Carter, Skiba, Arredondo, & Pollock, 2017). During the period of slavery, African-American students and adults were denied the right to achieve an education (Perry, Steele, & Hillard, 2003). However, “even the threat of beating, amputation, or death did not quell the slaves’ desire for literacy” (Perry, et al., 2003, p.13). Literacy was freedom which declared their humanity (Perry et al., 2003); education was of great importance. Yet, during the era of slavery any attempt at typical human behavior, such as marriage, travel, congregating with others, or reading, was criminal activity (Carter et al., 2017). The “dangerous Black male” stereotype began during the period of slavery as justification for the punishments reserved for Black men (Carter et al., 2017).

In post-slavery America, educated African-Americans began to rise into positions of power as elected officials (Franklin, 1995). However, the Jim Crow laws halted the progress of the reconstruction (Franklin, 1995) with the implementation of a legalized racial hierarchy (Carter et al., 2017). Most famously, the US Supreme Court ruled in favor of separate, but equal services for African-American citizens (*Plessy v. Ferguson*,

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

1896). In education, this translated to separate schooling, which was by no means equal in terms of resources (Watkins, 2001). Nearly 60 years after legalizing segregation, the Supreme Court ruled on arguably the most influential legal decision of the 20th century (Benjamin & Crouse, 2002). The *Brown v. Board of Education* (1954) ruling began the slow process of desegregation of schools. However, one element of the *Brown* ruling that is frequently overlooked is the timeline for desegregation after the initial court ruling. Although integration became law in 1954, the Supreme Court granted a lenient time frame for states to comply, with only 1% of African-American students attending school with White children 10 years later (Green, 2004). During the Nixon-Ford administrations (1969-1977), school desegregation efforts reached the peak of success (Johnson, 2014). However, subsequent rulings released schools from desegregation efforts (Carter et al., 2017).

Many states across the country attempted to undermine the Supreme Court's decision with resistance to desegregation manifested in educational policy. Discriminatory testing practices and policies (*Larry P. v. Riles*, 1979-1986) were implemented that translated into larger proportions of African-American students incorrectly placed in special education classrooms, which were often segregated from the rest of the school population. A significant number of legal rulings are focused on protecting students in special education (*PARCC v. Commonwealth*, 1972; *Bonnadona v. Cooperman*, 1985; *Mills v. Board of Education*, 1985). Yet, the differential treatment of

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

African-American students in the educational system persists, both within individual schools and across the nation. African-American students are more likely to attend a school that is under resourced (Darling-Hammond, 2010; Kozol, 1991) with teachers who teach outside of their specialization (USDOE, 2016b). In addition to differences in educational resources, differences exist with the implementation of school discipline policies. Zero-tolerance discipline policies, initially described as suspensions or expulsions for students whose behaviors threaten school safety, were found to be differentially applied by race and were expanded to encompass more subjective offenses such as disrespect, insubordination, and bullying (Townsend Walker, 2014). Moreover, zero-tolerance policies contribute to the school-to-prison pipeline with school administration relegating school discipline to law enforcement (Townsend Walker, 2014), with African-American students more likely to attend a school with a school resource officer (USDOE, 2016b).

Disproportionality within the early educational experience of minority students can have long term societal consequences which may have an impact on wellbeing. More explicitly stated, students have a decreased likelihood of completing high school due to participation in special education (Wagner & Newman, 2012) or discipline (Ekstrom, 1986). Ethnic minority students are more likely to experience disproportionality in both special education participation and school discipline, while one out of four African-American students with disabilities are at greatest risk for suspension

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

(Losen & Gillespie, 2012). Differences by disability category also exist, with African-American students with emotional disturbance (ED) having the highest risk of suspension ( $OR = 13.43$ ) (Krezmien, Leone, & Achilles, 2006). In other words, an African-American student in the ED category is more than 13 times more likely to receive a suspension than a White peer in the same special education category (Krezmien et al., 2006), which results in more days of school missed and a greater probability of dropping out of school (Balfanz et al., 2015). Incidentally, the probability of dropping out of school doubles with the first suspension and increases by 20% with each successive suspension (Balfanz, et al., 2015). Consequently, the lack of educational attainment reduces the prospect for gainful employment (Kirk & Sampson, 2013; Western, 2006). It is commonly recognized that high school graduates have higher earnings than high school dropouts (Day & Newburger, 2002). Specifically, compared to a high school graduate who makes almost 700 dollars per week, a high school dropout makes less than 500 dollars per week (U.S. Department of Labor, Bureau of Labor Statistics, 2016).

Educational attainment has long been linked to an individual's prospects for the future and research has shown not only do earnings increase with educational attainment, but earning differences are compounded over time (Day & Newburger, 2002). Moreover, educational achievement has also been found to have implications for a nation's gross domestic product (GDP) (Barro & Lee, 2001), making education a societal concern and socio-political issue. Yet, without an opportunity to earn a living wage with employment

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

many, although not all, individuals may resort to the underground economy as a means of survival. An underground economy may include legal or illegal dealings which are untaxed, such as unlicensed work as a plumber or taxi driver, hustling, or drug dealing (Alexander, 2012). It can be assumed that participation in the underground economy increases the likelihood of incarceration (Alexander, 2012). In fact, high school dropouts are three to four times more likely to serve prison sentences than those with 12 years of schooling (Pettit & Western, 2004). Moreover, 21% of poorly educated African-Americans are incarcerated, compared to 2.9% of White students who drop-out of school (Pettit & Western, 2004). In a study which examined disproportionality in special education, school discipline, and graduation, Annamma, Morrison, and Jackson (2014) found disproportional representation of African-American and American Indian/Alaskan Native students in both special education and discipline practices in Colorado. Differences were found in graduation rates, with African-American (64%), American Indian/Alaskan Native (50%), and Latino (56%) students lagging behind their White peers (80%). Annamma et al. (2014) found societal implications with differences in incarceration rates with the Colorado state average of youth incarcerated (0.29%) being significantly less than the incarceration of American Indian/Alaskan Native (0.59%) and African-American (1.20%) youth. Finally, regardless of whether an individual is incarcerated for 30 days or 30 years, the societal consequences are similar (Alexander, 2012). Post-incarceration, many individuals are denied access to mechanisms of social support which are designed to help them escape poverty, such as housing assistance, food

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

assistance, voting, and even access to employment (Alexander, 2012). Over the life course, research has found incarceration reduced the earnings mobility of young men and reduced wage growth by approximately 30% (Western, 2002) and the cumulative risks for imprisonment decrease as people gain more education (Pettit & Western, 2004). Given the relationship between disproportionality and negative societal consequences, it is important to understand how referrals to the school counselor may operate as a mechanism of support.

Most troubling is the idea that ethnic minority students are more likely to be either referred to special education or discipline; disproportionately impacting the students' future social and economic capital. The foregoing discussion demonstrates that disproportionality in the educational system has been inversely related to high school completion, post-secondary education attainment, employment, independent living, and directly related to criminal justice system involvement (Wagner & Newman, 2012). Research also indicates minority students are disproportionately suspended, expelled (Skiba et al., 2011), and referred to special education (Skiba et al., 2005). Moreover, the OCR (USDOE, 2016b) report revealed minority students have decreased access to a variety of educational resources compared to their White peers. The societal consequences of disproportionality in the educational system cannot be ignored. Yet, limited research examines the role of school counselors in the context of disproportionality and specifically identifying which students are referred to school

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

counselors. Given the transformational models that support the delivery of school counseling services (Education Trust, 1997), school counselors are positioned to intervene with students who are referred to either special education, school discipline, or both. Therefore, it is important to understand whether these groups of students are referred to the school counselor in addition to referral to special education and school discipline.

### **Purpose of the Study**

School counselors have been tasked with working with all students on their caseload and to be social justice advocates (ASCA, 2016a; Bemak & Chung, 2005). Therefore, it is imperative that school counseling researchers examine where school counselors fit within the context of disproportionality. As previously discussed, disproportionality research has primarily focused on referral to special education and school discipline. The purpose of this study is to expand the disproportionality literature into school counseling by evaluating student and school level variables to determine whether differences exist in the referral of students to the school counselor for disruptive behavior. Specifically, the present research examined factors that contribute to students being referred to the school counselor for disruptive behavior.

Data for the study is obtained from the Education Longitudinal Study of 2002 (ELS:2002; Ingles, Pratt, Rogers, Siegel, & Stutts, 2004) and analyzed using multilevel

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

modeling, which is appropriate for use with nested data and has previously been used to analyze disproportionality (Hibel, Farkas, & Morgan, 2010; Skiba et al, 2014; Sullivan & Bal, 2013; Talbott, Fleming, Karabatsos, & Dobria, 2011) to examine the influence of student and school level factors on referral. Incidentally, nested data is data which contains, in the case of educational data, students within classrooms, within schools. The present study will analyze a nested secondary dataset and employ the use of Hierarchical Generalized Linear Modeling (HGLM), which parses the variance in nested data and increases generalizability of the findings (Raudenbush & Byrk, 2002). In other words, the use of HGLM will allow the author to simultaneously examine factors at the student and school level and separately account for the variance at each level. Additionally, multilevel modeling addresses the issue of context and allows for cross level interactions; interactions between the school level and student level variables can be explored (Raudenbush & Byrk, 2002). For these advantages, multilevel modeling is appropriate for the present study compared to the more traditionally used regression analysis. The school counseling literature has yet to apply multilevel modeling to questions of educational equity. The use of multilevel modeling with a large secondary dataset will add to the varied methodologies in use within the school counseling literature. The present research begins to fill this gap by using multilevel modeling to examine referral to the school counselor for disruptive behavior.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

### **Research Questions**

The current study sought to examine disproportionality in school counselor referrals for disruptive behavior with three primary research questions, each with additional sub-questions. The first question investigated whether a pattern of disproportionality exists in referrals to the school counselor for disruptive behavior. Specifically, to what extent does racial/ethnic status make a contribution to rates of referrals to the school counselor for disruptive behavior? Additionally, to what extent does special education category make a contribution to rates of referrals to the school counselor for disruptive behavior? Finally, to what extent does the intersectionality of racial/ethnic status and special education participation make a contribution to rates of referrals to the school counselor for disruptive behavior? Based on the educational literature, the hypothesis for the first research question is that racial/ethnic status will be associated with referral to the school counselor for disruptive behavior. Additionally, special education categories will demonstrate differences in the association with counselor referral. Specifically, it is hypothesized students in the emotional disturbance category will have a high risk ratio compared to other special education categories. Finally, the intersectionality of race/ethnicity and special education will contribute to the rate of referral to the school counselor.

The second primary research question asked what student and school level variables are associated with the students' referral to the school counselor for disruptive

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

behavior. Specifically, are students' race, gender, socioeconomic status (SES), and special education status associated with the students' referral to the school counselor for disruptive behavior? Next, are the school characteristics of urbanicity (urban, suburban, rural), percentage of minority students, school counselor ratio, and sector (public or private) associated with referral to the school counselor for disruptive behavior? Finally, does special education status moderate the association between student and school level variables and student referral to the school counselor for disruptive behavior? Based on the literature, the hypothesis is there will be an association between students' race, gender, SES, and special education status with referral to the school counselor for disruptive behavior.

The final research question focuses on students in special education and again examined what student and school level variables are associated with the students' referral to the school counselor for disruptive behavior. Specifically, are students' race, gender, SES, and special education category associated with students' referral to the school counselor for disruptive behavior? Next, are the school characteristics of urbanicity, percentage minority students, school counselor ratio, and sector, associated with referral to the school counselor for disruptive behavior? Finally, does special education category moderate the association between student and school level variables and a student in special education's referral to the school counselor for disruptive behavior? The hypothesis for this research question is that there will be an association

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

between student's race, gender, SES, and special education category and referral to the school counselor for disruptive behavior.

### **Significance of the Study**

The present study contributes to the existing literature in several ways. First, the study will extend disproportionality research into school counseling and examine the influence of school discipline and special education on referral to the school counselor for disruptive behavior. A racialized analysis is conspicuously absent from the school counseling literature. The role of a school counselor sits at the intersection of student advocacy, classroom intervention, and school administration. School counselors promote the academic achievement of all students and are poised to work with all educational stakeholders as a student advocate. The positionality of the school counselor within the school enables the school counselor to impact students at the individual student, classroom, and school levels. Despite the fact school counselor practitioners sit at the intersection of these three levels, a paucity of research exists which employs multilevel modeling and examines the influence of variables at the different levels. The current study examines a longitudinal database and employs a more robust analysis that has been absent from the school counseling literature. The application of multilevel modeling to counselor referral increases the generalizability of the study as compared to regression analysis (Raudenbush & Byrk, 2002), which has previously been used to examine disproportionality in school counselor referral (Bryan et al., 2012). Moreover, limited

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

school counseling research exists incorporating discipline or special education. Incidentally, the majority of school counseling research on students with disabilities examines whether or not school counselors are working with any students with disabilities, as opposed to frequency or type of interaction (Milsom, 2002; Studer & Quigney, 2005). The findings of the present research will assist school counselors in student advocacy and the development of interventions. The present research extends this work and will answer which students are being referred to the school counselor for disruptive behavior, including students with disabilities.

Second, the use of critical race theory (CRT) as the framework of this study is also important and sets a precedent for using CRT to view socio-politically charged issues. CRT supports the premise bias exists in schools; there is speculation that disproportionate referrals in schools is uniquely tied to race. CRT is positioned as a framework to address this issue. In light of previous research and the fundamental CRT principles that bias is endemic to schools, the present study will use the CRT conceptual framework to examine the issue of disproportionality without being sidetracked by arguments questioning the existence of bias. Moreover, researchers have called for the use of CRT within the counseling literature (Moss & Singh, 2015). The CRT extension of DisCrit (Annamma, Connor, & Ferri, 2013) is employed to critically examine the intersectional identity elements of race and dis/ability. DisCrit was developed as a framework as a way to integrate elements of the CRT and Disability Studies literature

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

(Connor, Ferri, & Annamma, 2016). CRT and Disability Studies were separately found to be an insufficient way to capture the simultaneous compounding impacts of marginalization due to race and dis/ability; each discipline incorporated theoretical frameworks primarily focused on either race/ethnicity or dis/ability. DisCrit was developed as a response to the need for a framework which simultaneously considers race/ethnicity and dis/ability. The present study will be the first study in the counseling literature to use DisCrit as a theoretical framework.

Finally, due to the interdisciplinary nature of the study, the findings will have several implications for school counselors and counselor educators. Namely, findings may guide professional development. For example, school counselors are positioned to support teachers to work more effectively with discipline concerns. Culturally competent school counselors may consult with teachers to illuminate an understanding of the role of culture within educational referrals. School counselors may provide school wide professional development to help staff recognize their internal biases. Additionally, findings from the present study may aid in the development of student interventions, school policy, as well as school counselor training and preparation. Although the findings will not provide information on all of the students who visit the school counselor, this study will indicate who is being referred by teachers to the school counselor for disruptive behavior.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

In summary, the present study will analyze disproportionality in the referral of students to the school counselor for disruptive behavior. The study will add to the varied methodologies used within the school counseling literature with a more robust analysis than has previously been employed. Additionally, the use of the CRT extension of DisCrit will add to the theoretical frameworks within the literature. Finally, the findings of the study may be used to guide school counselors and counselor educators in their work with individual students, school systems, and state as well as federal policy.

### **Definition of Terms**

**Ableism.** Ableism is defined as the societal preference for ability through the devaluation of disability (Hehir, 2002). As an illustration, the ability of a child to hear through the use of a cochlear implant is preferable, from a majority culture perspective, to the child learning to navigate the world through sign language and/or lip reading.

**Composition index.** A disproportionality calculation which compares the percentage of students in different subgroups.

**Counselor referral.** A counselor referral is distinctively different than a discipline referral in that a counselor referral does not have punitive consequences. One example of a counselor referral is the outcome variable in the present study, referral to the school counselor for disruptive behavior. Teachers and parents may also make counselor referrals for academic or social concerns. Additionally, students may self-refer to the school counselor for any of the aforementioned concerns.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

**Covert Disproportionality.** Covert disproportionality is defined as a the over or under representation of students from a particular group and controls for academic or other related factors to determine individual student outcomes. An examination of covert disproportionality is focused on controlling for all relevant educational factors to assess the contribution of race/ethnicity for individual students. For example, with all things equal, is an African-American student more likely to be referred than a White student.

**Critical race theory.** A theoretical perspective which analyzes issues of equity and equality at the intersection of culture, power, and the law. Critical race theory evolved from critical legal studies and has been applied to education, beginning with the seminal works of Delgado (1995) and Ladson-Billings and Tate (1995).

**DisCrit.** DisCrit was developed as a response to the inability of either critical race theory or Disability Studies to effectively examine the intersection of race and ability (Annamma et al., 2013). DisCrit provides a lens to examine critical issues and the intersection of race and ability.

**Disproportionality.** Disproportionality in educational research is defined as a difference between the proportional representation of a racial or ethnic group within a category and the proportional representation of that group in the population of study. Historically, disproportionality has been calculated using different methods such as the composition index, relative risk/rate ratio, and weighted risk ratio.

**Equality.** Equality is conceptualized as the equal allocation of resources, rights, or monies, regardless of need.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

**Equity.** Equity is defined as the allocation of resources, rights, or monies based on a perceived need.

**Guidance counselor.** Guidance counselor is an antiquated term often used synonymously with school counselor. However, the term guidance counselor narrowly defines the role of a school counselor. See school counselor.

**High incidence disability.** High incidence disabilities include the special education categories of autism, emotional disturbance, mild intellectual disabilities, specific learning disability, and speech or language impairment (Gage, Lierheimer, & Goran, 2012).

**Low incidence disability.** According to IDEA (2004), low incidence disabilities are defined as a visual or hearing impairment, a significant cognitive impairment, or any impairment for which personnel with specialized skills are needed for the student to receive either early intervention services or a free appropriate education.

**Rate ratio.** Also known as the relative risk ratio, this disproportionality calculation compares the risk index for one group to the risk index of another group or the total population.

**Relative risk ratio.** See rate ratio.

**Risk index.** The risk index is determined by dividing the number of students in a subgroup with a specific outcome by the total number of students in that subgroup. For

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

example, the number of White males who receive a suspension divided by the total number of White males.

**School counselor.** A school counselor is a professional employed within an elementary, middle, or high school who has a master's degree in school counseling from an accredited university in school counseling. School counselors must hold positions where they are able to work with students individually, in groups, and in classroom settings on social, emotional, and academic matters. School professionals who have degrees or certifications solely in school psychology or school social work will not be included.

**School counselor ratio.** The school counselor ratio is calculated by dividing the number of full-time counselors by the number of students in the school.

**Sector.** In terms of schools, sector is defined as the type of school, such as public, private, or Catholic.

**Special education.** Students are defined as students in special education if they have been referred, assessed, and placed in accordance to the state and district's special education referral procedure. Students will have a legal classification in one of the 13 special education categories: autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment (including blindness) (IDEA, 2004).

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Students may have a primary and secondary classification code, but are identified within this study by their primary identification code.

**Systemic.** In relation to school counselors, systemic is described as a system wide analysis. A systemic intervention in an educational setting focuses on working with all levels of the system, from students, teachers, and administration, to reviewing related policies at the local, state, and federal level and advocating for change.

**Systemic Disproportionality.** Systemic disproportionality is defined as a the over or under representation of students from a particular group compared to other groups. An examination of systemic disproportionality is focused on the overall representation of a specific group in a system. For example, are African-American students in a school more likely to be referred than White students. Systemic disproportionality assess the equity in the whole system at the population level.

**Systematic.** In relation to school counselors, systematic is defined as a step-by-step procedure of implementation. A systematic intervention in education would be a prescribed procedure of how to achieve an outcome with a given individual or group.

**Weighted risk.** A type of disproportionality calculation which standardizes the comparison group, and enables evaluations between districts or within a state. For example, if determining the weighted risk for African-American females in special education, the comparison group is all African-American females in the school district for district calculations.

# DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

## **Chapter 2: Review of the Literature**

The previous chapter introduced the problem of disproportionality in education and the societal implications for minority students who experience disproportionality. Referrals for discipline and for special education are two strands of educational research which frequently examine the presence of disproportionality by race/ethnicity. The present chapter has three primary objectives. First, the chapter will describe critical race theory (CRT), the theoretical framework guiding the current study, and discuss how CRT relates to the issue of disproportionality in referral to the school counselor for disruptive behavior. Second, the chapter will introduce DisCrit, as an extension of CRT which adds a framework for the analysis of how ability and disability function simultaneously within the tenets of CRT. Finally, the chapter will provide a review of relevant research, including literature from the fields of school discipline, special education, and school counseling.

### **Theoretical Framework**

**Systems theory.** Counseling researchers have long advocated the application of a systemic framework to working with disadvantaged youth (Gunnings & Simpkins, 1972). The systemic approach transitions counselors from considering the challenges of the individual to viewing the individual in the context of the environment. A systemic framework in counseling advances beyond only addressing the behavior of an individual by including the entire system (Gunnings & Simpkins, 1972). The work of

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Brofenbrenner (1979) is commonly integrated into counseling research (Akos & Galassi, 2004; Arthur & McMahon, 2005; Ratts, 2011). Brofenbrenner's ecological model was composed of several concentric, nested circles with the individual in the center, with the nested circles representing levels of the system extending out from the individual. This ecological perspective Brofenbrenner conceptualized is a model for not only understanding the context an individual is situated, but also as Ellen Cook described, "for understanding human behavior that is based on the guiding vision (or basic assumption) that human life is fundamentally connected with the world around us" (Cook, 2012, p. 6). School counselors may be more accustomed to thinking about the sites in a student's life, such as home, school, and neighborhood, as opposed to the abstract connection of an individual to various levels of the system (Cook, 2012). However, behavior is contextual; behavior can be better understood if each level of the system is considered. In instances of discrimination for race/ethnicity, religion, or gender, individuals become targets when they are devalued by the dominant groups and those in power (Cook, 2012). In order for counselors to fully conceptualize a client experiencing racial/ethnic discrimination, the interactions of the client and various levels of the system must be acknowledged. One theoretical framework that considers race from a systems perspective is critical race theory (CRT).

**Critical race theory.** Critical race theory is a theoretical framework which was developed by legal scholars to critically examine society and culture as well as the

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

intersections of race, law, and power (Crenshaw, Gotanda, Peller, & Thomas, 1995). Usually, issues of race and discrimination are discussed in a circuitous manner; CRT, however, provides a framework for elucidating the embeddedness of racism in law and society in more explicit ways. In this instance, CRT examines the sociopolitical nature of schooling by exposing the system of inequality. In the 1970's, Critical Legal Studies began as a challenge to the legal scholarship of the Civil Rights movement and the slow pace of the reform movement. The writings of Derrick Bell (1980) and Alan Freeman (1977) were foundational to the reanalysis of civil rights litigation. Summarily, critical researchers scrutinize the structures that exist in our society that may simultaneously privilege some individuals and marginalize others. To illustrate, although justice is said to be blind, the judicial system privileges those with financial means able to hire personal counsel, compared to those who have to rely on an appointed, over-worked, public defender. Moreover, critical theorists seek to understand how the cultural perceptions of race impact those who are not members of the dominant culture (Delgado, 1995). More recently, Ladson-Billings and Tate (1995) adapted the CRT framework to address the special and unique way race plays out in schooling. More specifically, CRT challenges racial stereotyping (Townsend Walker, 2014) and allows researchers to address how labeling minority students in special education is a parallel process to the hierarchal racial structures of the past (Townsend Walker, 2014).

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Crenshaw et al. (1995) acknowledged the variation in tenets and methodology in the CRT literature, yet identified two common interests which unify CRT scholars; (a) to understand how racial dominance has been created and maintained in America; (b) to understand and change the “vexed bond between law and racial power” (p. xiii). Strictly speaking, Crenshaw et al. (1995) described CRT scholarship as a body of work which intended to not only understand why individuals belonging to one racial group were privileged while others were marginalized, but also to disrupt the system which perpetuated the distribution of power by race. Although not every critical researcher may ascribe to all of the CRT tenets, some themes are prevalent throughout the literature. According to Delgado and Stefancic (2012), CRT is comprised of six unifying themes, which have a multidisciplinary application throughout the social sciences: (a) racism as ordinary, (b) interest convergence, (c) social construction, (d) differential racialization, (e) intersectionality, and (f) voice.

***Racism as ordinary.*** The first of the fundamental tenets described by Delgado and Stefancic (2012) is the belief that racism is ordinary and is firmly entrenched within society. As Scheurich and Young (1997) describe, racism constitutes more than individual acts of meanness and occurs at four different levels: overt or covert prejudice, institutional, societal, and civilizational. Commonly, racism is thought of as overt racism which can occur with verbal or physically forms of abuse based on the race or ethnicity. For example, overt racism occurs if a child is made fun of or called names based on the color of her skin or the texture of her hair. Covert racism occurs when a person is subject

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

to discrimination based on their race, but the unequal treatment is justified by a different, more socially acceptable reason. One example of covert racism would be if a teacher, due to a personal known or unknown bias, told the young African-American girl that she cannot control herself and is not smart. Since the teacher is not explicitly relating the critique to the color of the girl's skin, it is not overt, but covert racism.

As previously mentioned, racism is not relegated to individual acts of meanness, but also patterns across institutions or civilizations. One of the often unacknowledged forms of racism is institutional racism which can occur in any social institution where patterns of treatment occur based on race (Scheurich & Young, 1997). Within the educational system, institutional racism may manifest within individual schools when special education classrooms may be under-resourced and the first classrooms moved to temporary trailers outside the school building, in turn segregating the population of students who are disproportionately African-American compared to the mainstream population. Continuing with the previous example of the young African-American girl, institutional racism would be present if the teacher's observations and the girl's performance in the teacher's classroom led to a special education referral and placement. If the young girl's new classroom is composed of peers who are more likely to be racial/ethnic minorities, this is an example of institutional racism in the school system. Outside of the classroom, institutional racism exists in the educational literature when scholars approach educational gaps across racial categories by describing African-American families and communities as defective (McCarthy, 1993) and explain

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

differences between racial categories with deficit paradigms (Ford, 2012). Summarily, although institutional racism is frequently overlooked, it is embedded in society in such a way that the practice of differential treatment by institutions based on race is normative and accepted.

Just as institutions are set within a society, institutional racism is situated within societal racism. Societal racism exists when cultural norms, assumptions, concepts, habits, and expectations privilege one group over another (Scheurich & Young, 1997). As Peggy McIntosh (1989) outlined in her seminal article, *White Privilege: Unpacking the Invisible Knapsack* (1989), Whiteness confers certain unearned privileges that remain unconscious assets to most Whites. One example of unconscious privilege McIntosh (1989) described also relates to the educational system; “I can be sure that my children will be given curricular materials that testify to the existence of their race” (p. 2). In other words, when the young African-American girl reads from her science or social studies book and does not see African-Americans depicted in her textbook, the statements from her teacher may be internally reinforced, which is referred to as internalized oppression. Pyke (2010) defined internalized oppression as, “the individual inculcation of the racist stereotypes, values, images, and ideologies perpetuated by the White dominant society about one’s racial group, leading to feelings of self-doubt, disgust, and disrespect for one’s race and/or oneself” (p. 553). More simply stated, after hearing she is not smart, being segregated from her peers, and not reading about intelligent women

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

who look like her, the young African-American girl may begin to accept the teacher's statements as fact.

The final level of racism discussed by Scheurich and Young (1997) is civilizational racism, or assumptions constructed on the nature of the world and experience in it. This broad concept can best be demonstrated by the historical dominance of White civilizations which conquered populations of Black or Brown people and justified atrocities by declaring the native population inferior. Presently, one potential example of civilizational racism in the educational system could be the differential access, by race, to experienced teachers (USDOE, 2016b). Continuing with the example, the young African-American girl attends a school with teachers who have less experience and lives in a neighborhood where her family does not have access to fresh foods or healthcare. She is not granted the same educational experience as her peers outside her neighborhood and this inequity is accepted by society.

The aforementioned description of racism is intended to paint a picture of both the complexity of racism and the levels at which it permeates the fabric of society. Moreover, the discussion highlights the difficulty of addressing racism when the various layers of racism are not all acknowledged (Delgado & Stefancic, 2012). The forgoing discussion of the various levels of racism describes a system where the higher levels of racism operate to reinforce the racism at the lower levels. In other words, civilizational and institutional racism normalize the differential treatment of minorities in such a way that racism operates invisibly to all those who do not experience it directly. More

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

directly stated, unless the racism displayed exudes overt acts of meanness, individual racism is often overlooked or thought of as commonplace. If within a society, a group of people is considered inferior to another, this provides justification for covert, overt, institutional, and societal racism. Within research, CRT examines the often overlooked structures which operate within our neighborhoods and institutions. Furthermore, CRT challenges the invisible structures in an effort to both expose inequity and reach for equality. In the present study, the theoretical lens of CRT is used to expose inequity in the educational system by examining referrals to the school counselor for disruptive behavior.

*Interest convergence.* The second tenet of CRT that Delgado and Stefancic discuss is the concept of interest convergence, which is also referred to as material determinism. Derrick Bell (1980) put forward the concept of interest convergence in a critique of *Brown v. Board*, revealing White people support social justice for minorities only when their own interests are forwarded as well. In other words, the majority will support social justice advances when the interests of Whites converge with the interests of minorities and Whites see themselves as benefiting from the change. For example, Bell (1980) famously argued that the verdict in *Brown v. Board* was not for altruistic reasons, but to ameliorate the global perception of the United States during the Cold War. As the United States fought for victories in the global court of public opinion, it was not beneficial for Black and Brown men, who had fought alongside their White peers in both the Second World War and the Korean War to be subject to racial violence, which was

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

broadcast internationally. The global perception of minority rights in the United States was undermining the U.S. government's efforts to gain the allegiance of other, non-white nations in the fight against communism (Dudziak, 2000; Ladson-Billings, 1998).

Therefore, it was in the interest of the majority to improve the global perception of the United States, which meant advances in racial equality for African-Americans. A second example of interest convergence may occur in instances of gentrification. Although an urban neighborhood may be in dire need of updates to sidewalks, roads, water mains, and sewer pipes, non-emergency repairs may only occur once people with more wealth move into the neighborhood. Interest convergence can also be illustrated within the educational system. If parents in a more affluent elementary school advocate for their students in special education to not be relegated to temporary classrooms, the change may become district practice and impact the minority students in less affluent schools.

***Social construction.*** The third tenet of CRT is the social construction of race. Scholars have long since refused race as a biological construction, yet society continues to categorize individuals based on physical characteristics and cultural traditions (Delgado & Stefancic, 1995). As Delgado and Stefancic articulated, although individuals with common origins will share some common physical attributes, people of all races have more genetic commonalities than differences. One example of social construction is the inclusion of the category Hispanic on all government forms, including those in education. The category of Hispanic is more directly related to cultural ethnicity than race, yet is often described as a racial category. In this instance, American society has

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

construed a definition of this term to mean having ancestry in a Spanish speaking country (Stavans, 1995), even though a Pew research study (Taylor, Lopez, Martinez, & Velasco, 2012) found a majority of Hispanic adults (51%) identified themselves by their family's country of origin and only 24% used the Hispanic label. The same study found that 69% of respondents believed the 50 million Latinos in the United States represented many cultures, as opposed to a common culture. The primary commonality is 82% of Hispanic adults speak Spanish (Taylor et al., 2012), yet the socially constructed category of Hispanic remains as a racial/ethnic category as opposed to language spoken. The classification of all Spanish speaking individuals as Hispanic parallels the historical trend for the dominant culture to determine race based on observable characteristics (Haney-Lopez, 1994). Through the lens of CRT, the categorization and misrepresentation of a population is viewed as an oppressive act by the majority culture, which may propagate individual and institutional bias.

***Differential racialization.*** Differential racialization is the fourth CRT tenet and describes how certain populations will be viewed as either part of the minority or majority culture depending upon the historical context (Delgado & Stefancic, 2012). For example, in the United States immigrants of Polish, Irish, and German decent have at one point all been discriminated against based on their perceived race or ethnicity (Ignatiev, 2009). However, decades later, each of those immigrant populations have been absorbed into the mainstream as members of a dominant White European ethnic group. In an article on the shift of the American color line, Bean, Lee, and Bachmeier (2013) discuss

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

the new racial binary, the black/nonblack divide. In other words, this burgeoning body of literature documents how various races (Irish, Italians, and Eastern European Jews) were initially thought of as inferior and now have become White. According to the authors, Chinese and Japanese immigrants have also changed “their status from almost black to almost white” (Bean et al., 2013, p. 129). This is evident in the OCR report (USDOE, 2016b) where African-American and Latino students were most likely to experience a lack of access to resources as compared to White and Asian students. Although the boundary of whiteness is seemingly flexible, the African-American community is continually at the bottom of the racial hierarchy, and the black/nonblack divide stable (Bean et al., 2013). As time has elapsed, different non-White groups have been able to assimilate and have been able to claim an identity structure which is near-White. Much like Polish, Irish, and German decedents have become White, non-Whites have adopted attitudes and behaviors that are consistent with the White mainstream. To the extent they are able to assimilate, they are able to distance themselves from the African-American community. Examples of this may be found in the disproportionality literature, where although the disproportionate representation of Asian and Latino students may vary (Hibel, Farkas, & Morgan, 2010; Losen & Gillespie, 2012; Sullivan & Bal, 2013), African-American students are continuously found to have significant differences when compared to White peers, either with evidence of overrepresentation (Oswald, Best, Coutinho, & Nagle, 2003; Oswald, Coutinho, Best, & Singh, 1999; Skiba et al., 2002;

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Sullivan & Bal, 2013) or underrepresentation (Hibel et al., 2010; Hosp & Reschly, 2002; Morgan et al., 2015).

***Intersectionality.*** The fifth CRT tenet builds upon the concept of differential racialization at an individual level, intersectionality illustrates the complexity of defining one's own identity (Delgado & Stefancic, 2012). First defined by Crenshaw (1989), intersectionality illustrates that all individuals are an amalgamation of various traits or identity dimensions. A White woman may be straight, gay, or bisexual as well as economically conservative or liberal. A Latino man may be a small business owner as well as a single father and a Christian, Buddhist, or Atheist. An elementary school student may be biracial, multilingual, and in special education for a visual impairment. The aforementioned examples are intended to illustrate the multiple facets of one's identity which intersect in ways so that no one person has a single, easily defined identity (Robinson-Wood, 2016). The tenet of intersectionality describes the potential for conflict in allegiances which occurs within each person. In other words, as the parent of the aforementioned student, who attends a small rural school with limited class options due to staffing limitations, schedule conflicts may arise where resource time is scheduled at the same time as foreign language electives. Since resource time is required in the student's Individualized Education Plan (IEP), the student is unable to participate in a language course where she could be successful and possibly develop an increased level of self-confidence. Which aspect of the child's identity does the parent advocate for in instances such as these? The tenet of intersectionality describes the complexity of

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

potential conflict which may arise given an individual's membership in multiple identity groups.

***Voice.*** The final tenet described by Delgado and Stefancic (2012) is related to the unique knowledge that American Indian, Asian, African-American, Latino, and other minority academics are able to bring to the fore, which may not be known by White counterparts. In other words, it is important for minorities to articulate their own experience without being marginalized in the mainstream movement. It is in this vein that "legal storytelling" is encouraged in CRT, where minorities are encouraged to share their individual experiences of racism and the legal system. Critical Race Theorists value these individual stories and are able to paint a picture of abstract concepts through the voices of those whose lived experience is a testament to the compounded effects of racism. Moreover, White Critical Race Theorists do not presume to speak for ethnic minorities, but engage with ethnic minorities as allies and leverage privilege to speak in a way which can further the discussion. The tenet of voice may explain why a majority of CRT literature is qualitative (Dixon & Rousseau, 2005), which provides a platform for a marginalized individual to express lived experience. The present study, an examination of a large quantitative dataset and authored by a White Critical Race Theorist, will not be able to provide a direct voice for students who are impacted by disproportionality in the educational system. However, the study is answering the call of varied methodologies within the CRT literature (Dixon & Rousseau, 2005) to expose and bring attention to

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

differences within the educational system, namely referral to the school counselor for disruptive behavior.

*Other tenets described in the literature.* Since CRT does not have a canonical set of tenets, various scholars have adapted the framework to fit the research needs of their discipline and some tenets expanded or elaborated. Concomitantly, new tenets have evolved from the foundational beliefs of CRT. For example, the critique of liberalism (DeCuir & Dixson, 2004; Ladson-Billings, 1998) and the interdisciplinary approach (Dixson & Rousseau, 2005) are tenets put forth in the educational literature. Although CRT began in legal studies, the analysis of social structures lends CRT to any discipline which studies aspects of these structures. Since the educational system is a social structure which imparts knowledge to the children of the nation, while simultaneously granting resources, the interdisciplinary approach of CRT can examine difference in the allocation of these resources to discover whether or not action is warranted and change is needed.

**Critical race theory in education.** CRT was first introduced to the field of education with seminal works by Delgado (1995) and Ladson-Billings and Tate (1995). Given the roots in legal scholarship, the question may be asked how CRT applies to educational research. In response, Ladson-Billing (1998) highlighted several ways the educational system is tied to the legal system and has been since the dawn of the American educational system. Given the context, it could be stated that most of the significant progress toward educational equity has historically been tied to the legal

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

system, thereby justifying the call for a critical examination of the educational system. For example, starting in 1852, facing an economic issue of how to enforce child labor laws, Massachusetts became the first state to enact compulsory school attendance laws, with all states following suit by 1918 (Katz, 1976). In other words, with compulsory attendance codified by law, education was politicized during the days of the one-room schoolhouse. Another example of legal efforts to promote equity in education is the most well-known legal ruling in education, *Brown v. Board of Education* (1951), where the Supreme Court found that separate education was not equal education and the federal government began the long process of publically-facilitated desegregation of schools. In conjunction with the Civil Rights movement, legal challenges in education followed the landmark *Brown* ruling in a continued quest for improved educational equity for minorities (*Larry P. v. Riles*, 1979-1986). Moreover, following the lead of the efforts for educational equity for minorities, educational procedures were also legally challenged for students with special needs. For example, access to education for the mentally disabled (*PARCC v. Commonwealth*, 1972), how children are identified as mentally disabled through discriminatory testing (*Larry P. v. Riles*, 1979-1986), free and appropriate education (*Bonnadona v. Cooperman*, 1985), and suspension or expulsion of students based on their disability (*Mills v. Board of Ed.*, 1972) were all issues taken up by the federal courts and subsequently implemented across the country.

Ten years after Ladson-Billings and Tate (1995) introduced CRT to educational researchers, Dixon and Rousseau (2005) reviewed the educational literature which

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

implemented the critical theory lens. In reviewing the articles, the authors used Ladson-Billings and Tate's suggestion that educational researchers should be initially cautious and use the legal literature to expand and build the educational literature. Dixon and Rousseau found that although Matsuda, Lawrence, Delgado, and Crenshaw (1993) describe the interdisciplinary nature of CRT, the application of CRT to educational research has been predominantly qualitative. The authors go on to emphasize that educational researchers "should employ 'any means necessary' to address the problem of inequity in education" (p. 22), and point out that educational research has not implemented the final step of CRT; to implement strategies to address structural forces which perpetuate oppression (Dixon & Rousseau, 2005). The present study begins to address this call by applying a CRT lens to a quantitative study and bring attention to disproportionality in school counselor referral. This initial investigation can lay the groundwork for future researchers and professional school counselors focused on transformative school counseling to explore and implement the final piece of CRT, strategies to address structural forces within the school system.

**Introduction of DisCrit.** In the years since the introduction of CRT, many educational researchers have sought to expand critical race theory to explore specific intersectional elements such as work in feminist literature (FemCrit; see Wing, 1997), Latino-critical (LatCrit; see Bernal, 2002; Delgado & Stefanic, 1998), Asian American jurisprudence (AsianCrit; see Chang, 1993), and queer-crit (see Sullivan, 2003). A more

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

recent extension of CRT is in the field of disability studies and has been termed DisCrit (Annamma, Connor, & Ferri, 2013), which similar to CRT, has a number of foundational tenets. However, unlike the CRT tenets which, after decades of literature have descriptive labels, DisCrit tenets are at this point only numbered. Similar to the other expansions of CRT, DisCrit was theorized due to an explicit need in the literature, in this instance the absence of the consideration of ableism and dis/ability as an intersectional element of identity. Incidentally, ableism in education is define by Hehir (2002) as “the devaluation of disability (which) results in societal attitudes that uncritically assert that it is better for a child to walk than roll, speak than sign, read print than read Braille, spell independently than use a spell-check, and hang out with nondisabled kids as opposed to other disabled kids” (p. 3). Moreover, the term dis/ability is intentionally used in the literature and throughout this paper to draw conscious attention to the notions of ability and disability. The DisCrit tenets adapt CRT and expand upon the tenets to explicitly consider ableism and dis/ability.

***Tenet one.*** The first tenet of DisCrit described by Annamma, Connor, and Ferri (2016) is “DisCrit focuses on ways that the forces of racism and ableism circulate interdependently, often in neutralized and invisible ways, to uphold notions of normalcy” (p. 19). The first tenet of DisCrit builds upon the CRT tenet of intersectionality and clarifies the need to simultaneously examine both race and special education status, which may be working in concert within the educational system. Additionally, the first

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

tenet of DisCrit is evident in the educational system with African-American students' disproportionate access to grade-level content which cannot be explained in full by either institutional racism or institutional ableism alone. Moreover, when traits of whiteness and ability are considered normal, all students are scored and ranked comparatively, with deviations from normalcy considered deficits. DisCrit rejects that those who deviate from the standards of whiteness or ability want to identify with the values and standards of dominant groups (Erevelles, 2000). One of the most common examples would be members of the deaf community, who see their deafness as part of their culture and not a dis/ability (Watson, 2002). DisCrit explicitly discusses ableism as an element of identity in the first tenet in order to bring attention to an element of identity which has been absent from the CRT literature, which fails to acknowledge dis/ability as an identity dimension.

*Tenet two.* The second tenet of DisCrit is also an extension of the previously described intersectionality tenet in CRT, "DisCrit values multidimensional identities and troubles singular notions of identity such as race *or* dis/ability *or* class *or* gender *or* sexuality, and so on" (Annamma et al., 2016, p. 19). This element emphasizes that individuals are not simply the sum total of their racial classification or their special education category, but an integration of several identity labels. For example, a poor, African-American, gay, male student who has a learning disability will have compounded challenges within a middle school environment due to each stigmatized aspect of his

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

identity. Disproportionality research in special education specifically examines how the intersection of race and special education classification differentially impacts students, depending on race.

***Tenet three.*** The next guiding tenet of DisCrit is parallel to the social construction tenet in CRT, stating that “DisCrit emphasizes the social constructions of race and ability and yet recognizes the material and psychological impacts of being labeled as raced or dis/abled, which sets one outside of the western cultural norms” (Annamma et al., 2016, p. 19) In other words, behaviors which are seen as normal and encouraged in one culture may be viewed as problematic in another culture. One example of this would be Boykin’s (1983) description of *verve* in African-American culture. *Verve* can be defined as a propensity for high levels of activity (Boykin, 1983), which could be viewed as problematic in a classroom. Moreover, in a study that examined the relationship between teacher, parent, and student reports of problem behavior with a sample of primarily African-American elementary school students and White female teachers Johnson and Hannon (2014) found teacher reports were not correlated with either parent or student reports of problem behavior. This finding illustrates the subjectivity in identifying problem behavior and the cultural lens through which behavior is viewed. The findings of Johnson and Hannon (2014) were extended in an additional study by Johnson (2014), who used the same sample of predominantly African-American elementary students to examine the relationship between peer problems and reading comprehension. Peer

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

problems were the most significant contributor to reading comprehension scores; comprehension scores decreased as peer problems increased. Johnson also found an inverse relationship between externalizing behaviors such as hyperactivity, conduct problems, and peer problems with membership in the high reading group. Students who were members of the high reading group were members of the low externalizing behavior group. The findings of Johnson and Hannon (2014) and Johnson (2014) demonstrate the manner in which classroom behavior can impact academic achievement, while Boykin's (1983) work describes how classroom behavior is linked to culture. The forgoing discussion illustrates the subjectivity in teacher reports of behavior in addition to the connectedness of the perceived behavior, achievement, and interpersonal skills which can have lasting educational impacts.

***Tenet four.*** The fourth tenet of DisCrit applies the CRT notion of Voice to the dis/ability literature, specifying "DisCrit privileges voices of marginalized populations, traditionally not acknowledged within research" (Annamma et al., 2016, p. 19). In other words, DisCrit privileges insider voices while simultaneously acknowledging that scholars do not claim to speak for or in place of either people of color or people with disabilities. Similar to the CRT notion of Voice, DisCrit scholars do not portend to speak for people with dis/abilities, but act as allies by amplifying the lived experiences of marginalized populations.

***Tenet five.*** The fifth guiding tenet is "DisCrit considers legal and historical aspects of dis/ability and race and how both have been used separately and together to deny the

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

rights of some citizens” (Annamma et al, 2016, p. 19). Current educational research focused on differential treatment by race highlights disparities in special education referral rates, suspensions, and expulsions (See Skiba & colleagues), each of which limits students’ exposure to curricular materials. Few studies have simultaneously examined the impacts of special education and school discipline (Balfanz, byrnes, & Fox, 2015; Krezmein, Leone, & Achilles, 2006; Losen & Gillespie, 2012). However, when both race and special education status are examined together, it has been found that African-American students in special education have the highest risk of discipline, with 25% of these students experiencing a suspension (Losen & Gillespie, 2012), which increases the number of days absent and translates into a twofold increase in the chance of school dropout (Balfanz et al., 2015). The aforementioned discussion illustrates the complexity of disentangling race and dis/ability within the educational system and justifies the use of DisCrit in any analysis investigating issues of race and special education status.

***Tenet six.*** DisCrit also expands the CRT tenet of interest convergence with the sixth tenet which states, “DisCrit recognizes Whiteness and Ability as Property and that gains for people labeled with dis/abilities have largely been made as the result of interest convergence of White, middle-class citizens” (Annamma et al., 2016, p. 19). For example, during the Civil Rights Era African-American students were not the only educationally ostracized population. In fact, students with disabilities did not yet have the right to attend their neighborhood public school. The *Brown v. Board* (1954) ruling, which Bell (1980) described as a foreign policy ruling, paved the way for other

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

populations to legally fight for the right to be educated in public schools (*PARCC v. Commonwealth of Pennsylvania*, 1972). In other words, due to the international perception of the discrimination of minorities in America, schools were desegregated, which in turn led to the inclusion of students with disabilities in American public schools.

**Tenet seven.** The final tenet of DisCrit is an explicit expansion of the CRT theme of activism, which is not identified explicitly as a tenet, but as an underlying element (Delgado & Stefancic, 2012). Specifically, this tenet of DisCrit states, “DisCrit requires activism and supports all forms of resistance” (Annamma et al., 2016, p. 19). The call for activism allows all to participate and encourages those with power to leverage their power to make changes within the system.

Summarily, the tenets of DisCrit parallel the foundational tenets of CRT (see Table 1). However, each tenet of DisCrit additionally considers how ableism and dis/ability function in concert with race/ethnicity throughout society. As demonstrated in Table 1, DisCrit expands each CRT tenet to include a conscious consideration for ableism. Each of the seven DisCrit tenets, is directly related to a tenet of CRT, yet expands the consideration of CRT to critically examine both race and dis/ability simultaneously. Although CRT encourages a critical examination and focuses on intersectionality, as disability scholars employed the CRT framework, it was found to not adequately capture the marginalization of disability nor the intersection of disability and race. Additionally, the extension of DisCrit is especially important in viewing issues of disproportionality since the analysis of disproportionality in discipline, special education,

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

or school counseling examines the intersection of race and ability status. Moreover, the current study requires a framework that emphasizes viewing the complex issue of referral to the school counselor in context with a critical lens. DisCrit extends the context to include dis/ability which is necessary when considering the simultaneous impact of race/ethnicity and special education status on referral to the school counselor. Although DisCrit is a nascent theoretical approach, the similarities between critical race theory and Disability studies have been conceptualized for over a decade (Watts & Erevelles, 2004). The evolution of disability studies toward DisCrit sheds light on the complexity of dis/ability and provides a space to interact with other forms of discrimination (Goodley, 2013). Finally, DisCrit has already been used to conceptualize issues of race and dis/ability in the school-to-prison pipeline (Annamma et al., 2014).

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 1

### *Overlapping Elements of Critical Race Theory and DisCrit*

<u>Original CRT tenet</u>	<u>Corresponding DisCrit Tenet</u>	<u>DisCrit Expansion</u>
Racism as ordinary	Tenet One: DisCrit focuses on ways that the forces of racism and ableism circulate interdependently, often in neutralized and invisible ways, to uphold notions of normality.	Ableism is also a hidden element in society
Intersectionality	Tenet Two: DisCrit values multidimensional identities and troubles singular notions of identity such as race <i>or</i> dis/ability <i>or</i> class <i>or</i> gender <i>or</i> sexuality, and so on.	Consideration for dis/ability as an aspect of identity
Social Construction	Tenet Three: DisCrit emphasizes the social constructions of race and ability and yet recognizes the material and psychological impacts of being labeled as raced or dis/abled, which sets one outside of the western cultural norms.	Dis/ability is socially constructed
Voice	Tenet Four: DisCrit privileges voices of marginalized populations, traditionally not acknowledged within research	The experience of individuals with a dis/ability needs to be heard
Differential Racialization	Tenet Five: DisCrit considers legal and historical aspects of dis/ability and race and how both have been used separately and together to deny the rights of some citizens.	Adds the consideration of denied rights to the discussion of racialization
Interest Convergence	Tenet Six: DisCrit recognizes Whiteness and Ability as Property and that gains for people labeled with dis/abilities have largely been made as the result of interest convergence of White, middle-class citizens.	Adds the notion of property and includes both race and ability as property
Activism (Delgado & Stefancic, 2012)	Tenet Seven: DisCrit requires activism and supports all forms of resistance.	Adds the call for activism

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

### **Relevance to Current Study**

Disproportionality has been extensively studied in special education and discipline, but limited research exists which incorporates school counseling (Bryan, Day-Vines, Griffin, & Moore-Thomas, 2012). School counselors are positioned within a school to work with students in special education and students who are referred for discipline. School counselors are also called upon to serve as social justice advocates and work for the educational equity of all students. The present study critically examined who is referred to the school counselor for disruptive behavior and how the interdependence of race and dis/ability factor into referrals to the school counselor. The utilization of a CRT and DisCrit framework allows the issue of referral to the school counselor for disruptive behavior to be considered from a sociopolitical frame of reference. Moreover, the application of CRT and DisCrit to quantitative methods addresses the need for unbiased paradigms in research (Padilla, 2004), since it is common for survey research to be devoid of a theoretical foundation. As discussed previously, analyzing race within an institution, in a community, which sits within a society is complex. Each element of racism works interactively with other levels of racism in order to create a compounding effect which operates differently in various contexts. Given the complexity, a systemic evaluation is also needed to expand the work of other researchers who are dedicated to explaining disproportionality (see Skiba and colleagues; Hibel et al., 2010; Morgan, Farkas, Hillemeier, & Maczuga, 2012; Morgan et al., 2015). Critical race

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

theory provides the lens through which the educational system can be examined to not only answer the numerical calculations of disproportionality, but also to determine the factors which influence the prevalence rates and the structure of the educational system itself. Moreover, with the overlay of race/ethnicity and special education, the CRT extension of DisCrit is the lens used in the current study to extend beyond the calculation of disproportionality and begin to answer the call for strategies to impact change in the educational referral system (Dixon & Rousseau, 2005). Given the extensive CRT literature, the current study does not intend to test the theory, but to examine the problem of disproportionality through this conceptual framework. The current study will examine referrals to the school counselor for disruptive behavior to determine whether disproportionality is present within educational support outside of the classroom, such as the school counselor. Additionally, dis/ability is frequently absent from literature when scholars discuss other marginalized populations. The intersectionality of dis/ability as well as the social construction of the label is not often critiqued in disproportionality studies. In fact, CRT frequently treats dis/ability status as a biological fact (Annamma et al., 2013). Although dis/ability may be thought of as a socially constructed label, this does not diminish the impact of this label on the lived experiences of children (Kirk & Sampson, 2013). It is imperative that race and ability are not conflated (Annamma et al., 2013), but are two separate constructs, the intersectionality of which can have multiplicative impacts on a child's education. In other words, although African-American children (17%) and children in special education (13%) had high risks for

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

suspension, it was African-American students in special education (25%) who experienced the multiplicative impact and the greatest risk of suspension (Losen & Gillespie, 2012). The foregoing discussion illustrates that although CRT has been a useful framework to analyze disproportionality in education, through the extension of DisCrit scholars can begin to view the disproportionality in context, by including elements of intersectionality which were previously overlooked. The present study will employ DisCrit as a framework to view not only how a student's race impacts the access to educational resources, but how the student's dis/ability works with race to increase or decrease referral to the school counselor for disruptive behavior.

# DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

## **Empirical Review of Research**

### **School Discipline**

Disproportionality in school discipline is a frequently examined topic; researchers have investigated differences in school discipline by various demographic student variables (Mendez & Knoff, 2003; Skiba et al., 2002) as well as teacher variables (Bradshaw, Mitchell, O'Brennan, & Leaf, 2010) and school variables (Skiba et al., 2014). The school discipline disproportionality literature has focused on identifying whether students are disciplined differently by race, the point at which any differences occur in the referral system, and the outcomes for students who are disciplined. Incidentally, although various terms are used across the studies to describe certain race/ethnicity categories, within this research review the terms Alaskan/Pacific Islander, Asian, African-American, Latino, multiracial, Native American and White are used throughout the review of research and manuscript for the purpose of consistency. In the instances of African-American and Latino, those descriptions are used in place of Black and Hispanic, in keeping with the writing of other CRT scholars (Delgado & Stefancic, 1998; Ladson-Billing & Tate, 1995), except in the instances of quotes or when the terms are used by other scholars as a point of analysis. Similarly, the term intellectual disability (IDEA, 2004) will be used with in this manuscript in place of the antiquated term mental retardation except in the instances of quotes or when the term is used by other scholars as a point of analysis.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

**Racial differences in school discipline.** Educational researchers have investigated racial differences in school discipline using data ranging from individual school districts to nationally representative data. In a descriptive study which examined patterns in school suspensions in one large majority White district in Florida, Mendez and Knoff (2003) sampled 142 elementary, middle, and high schools and calculated suspensions for gender, race (African-American, Latino, and White), and school level. The authors found that the percentages of students who receive at least one suspension are higher at each school level for minority students, compared to their White peers, with the highest rates in middle school. Additionally, Mendez and Knoff found suspension rates for males consistently higher than their female peers across all races and school levels. To illustrate, in middle school African-American (48.9%) and Latino (34.0%) males have higher rates of receiving at least one suspension compared to their White male peers (25.0%), while African-American (31.9%) and Latino female rates (15.6%) exceed White females (9.3%). Disobedience/insubordination was the most common infraction resulting in a suspension across all grade levels (Mendez & Knoff, 2003).

Other studies have used nationally representative datasets to examine the issue of disproportionality in school discipline. In a recent examination of racial/ethnic and gender differences in school discipline which supported the findings of Mendez and Knoff (2003), Finn and Servoss (2014) used data from the Education Longitudinal Study – 2002 (ELS: 2002), a nationally representative survey of 10<sup>th</sup> grade students. The

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

authors used a series of regressions to compare suspension rates by race/ethnicity and found African-American (31.6%) and Latino (21.5%) students were suspended at higher rates compared to their White (13%) peers. The analysis of gender also supported previous work (Mendez & Knoff, 2003), with the suspension rate for male students (21.2%) found to exceed the suspension rate of female students (12.8%). A second study which analyzed the discipline disparities in a nationally representative sample, Losen and Gillespie (2012) used data from the U.S. Office of Civil Rights (OCR), which included data from half of the nation's schools, educating 85% of the nation's students. The data collected was from a nonrandom sample of districts for the 2011-2012 school year; districts reported on all schools and students within the districts. Of the 47 states included in the dataset, Losen and Gillespie found differences in suspension exist for each ethnicity. Across the nation as a whole, only 5% of White students were suspended, while 7% of Latino students, 8% of Native American students, and 17% of African-American students were suspended. Contrariwise, 2% of Asian Americans were suspended from school. Within each ethnicity, differences in suspension exist when comparing students with and without disabilities. Across every ethnicity, students with disabilities are suspended nearly twice as often as their nondisabled peers. The authors found one out of every four African-American students with disabilities was suspended and African-American students with disabilities had the greatest risk of being suspended two or more times during the school year. Due to these inequalities, the authors went on to specifically analyze states with highest risk for suspending African-American students

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

with disabilities; the highest ten states had risks for African-American students with disabilities which ranged from 26.7% to 41.8%, indicating the sharp variation between states. Geographically, among the ten states with the highest risk for suspending African-American student in special education, a majority of the states were located in the Midwest (Illinois, Indiana, Kansas, Michigan, Missouri, and Oklahoma), with the remainder dispersed between New England (Connecticut and Delaware), the South (Virginia) and the West (California). Although the authors did not speculate on the geographical significance, they concluded, "...of all the racial disparities we observed, the disparities for African-American students with disabilities were the most profound" (p. 20).

Additional studies have examined the intersectionality of special education status and discipline. In one such analysis, Krezmien et al., (2006) examined statewide discipline data for all students in public schools from 1995-2003. The authors used logistic regression to examine unduplicated suspensions by race. An unduplicated suspension is counted if a student is ever suspended from school one time and do not count a subsequent suspension for the same student. Models were run for each year and race was added as a predictor as well as race by disability category for six of the federal disability categories (intellectual disability, speech/language, emotional disturbance, other health impairment, learning disability, and autism), as well as a category for other disabilities. Results indicated across the years included in the study the rate of

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

suspensions per 1,000 students increased by 47.8%, even though enrollment only increased 9.6%. Logistic regression was used to examine the 2003 dataset, which was the most recent dataset available at the time. In an additional analysis, Krezmein et al. (2006) examined race and disability category and found that African-American students with disabilities across six of the seven categories were more likely to be suspended compared to their White nondisabled peers. Specifically, African-American students in the categories of intellectual disability ( $OR = 3.35, p < .001$ ), speech and language impairment ( $OR = 1.83, p < .001$ ), emotional disturbance ( $OR = 13.43, p < .001$ ), other health impaired ( $OR = 8.61, p < .001$ ), learning disability ( $OR = 6.73, p < .001$ ), and other disabilities ( $OR = 1.53, p < .001$ ) more likely to be suspended, while no significant difference was demonstrated in the category of autism. The authors suggest that future research include the use of multilevel modeling to explore additional student and school characteristics. An examination of student level risk, followed by an analysis of school level factors, will enable researchers to assess how the risk of referral changes when considering the student in the context of the school (Krezmein et al., 2006). The present study will examine both student level referral trends and use multilevel modeling to examine referral to the school counselor for disruptive behavior.

***Point of referral.*** In order to extend the disproportionality literature beyond the presence of disproportionality, researchers sought to determine the point at which differences in discipline occur in the system of referral. Using the discipline data from

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

one large urban Midwestern district, Skiba et al. (2002) examined 32 reasons for discipline referral across gender, ethnicity, and socioeconomic status (SES). Controlling for SES, Skiba et al. (2002) found significant differences in the rate of office discipline referral for race, gender, and the interaction of race and gender. Once the students had been referred to the office, Skiba et al. found males were suspended at a statistically higher rate than females although no differences existed by race in suspensions. The authors concluded that the differences in suspension by race can be accounted for by the initial disproportionality in school discipline referral. In other words, disproportionality in discipline begins in the classroom. Skiba et al. (2002) went on to examine any differences by race in the reason for referral. Using a subset of the sample that had been referred one or more times during the school year, the authors found White students were referred for reasons such as *smoking, left without permission, vandalism, and obscene language*, while their African-American peers were referred for *disrespect, excessive noise, threat, and loitering*. The authors note the different patterns in discipline referral can be categorized by objective events in the case of White students and subjective events for their African-American peers. Most notably, Skiba et al. (2002) concluded that disproportionality in discipline begins in the classroom and differences for the reason for referral exist by race. Given the previous work of Mendez and Knoff (2003) determining subjective offenses result in the majority of suspensions as well as Skiba et al. (2002) finding African-American students have a pattern of discipline referral for subjective

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

events, it is clear disproportionality should be examined at both the teacher and administrative level.

Skiba et al. (2011) built on the work of Skiba et al. (2002) and used multinomial logit regression analysis to examine a national sample of discipline data from 272 elementary schools (grades K-5) and 92 middle schools (grades 6-8). Skiba et al. (2011) examined differences in disproportionality in school discipline at both the point of referral and the administration decision. Moreover, the authors compared elementary and middle schools and found that African-American students have twice the odds ( $OR = 2.19, p < .05$ ) of being referred to the office for discipline in elementary school and almost four times the odds ( $OR = 3.79, p < .05$ ) of referral in middle school, compared to their White peers. Latino students are referred less than their White peers in elementary school ( $OR = 0.76, p < .05$ ), but the trend reverses in middle school ( $OR = 1.71, p < .05$ ). The authors examined racial differences in the administration decision of seven categories of infractions and found significant differences at both the elementary and middle school levels. Contrary to previous work of Skiba et al. (2002), which used data from a single Midwestern district, when using a national dataset, Skiba et al. (2011) found that regardless of disproportionality at referral, the type of infraction, or school level, African-American students had higher odds of receiving a more serious consequence than White peers referred for similar infraction.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Given the implication of disproportionality beginning in the classroom, additional research has sought to determine the teacher level variables which influence school discipline referral. Bradshaw et al. (2010) used hierarchical linear modeling to examine the extent to which student and teacher characteristics were associated with an elementary school student's risk for a discipline referral. Bradshaw et al. (2010) examined data from the 21 schools which contained 6988 students nested in 381 classrooms. The discipline referral data was obtained from the classroom teacher and the school data system. The authors controlled for teacher ratings of individual student behavior (TOCA-C; Koth, Bradshaw, & Leaf, 2009), and scores were averaged to create a classroom level covariate. Student level variables were gender, ethnicity, and grade level, while classroom level variables were teacher ethnicity, the classroom average of the TOCA-C, as well as covariates to adjust for the teacher's use of discipline referrals. Multilevel analysis was completed for six types of discipline referrals (teacher-reported, any discipline referral, major discipline referral, minor discipline referral, fighting, and defiance). Results indicated that in four of the six discipline referral categories (teacher-reported, any discipline referral, minor discipline referral, and fighting), African-American students had higher odds ( $OR = 1.35, 1.24, 1.82, \text{ and } 1.26$ , respectively) of receiving a discipline referral than their White peers. Bradshaw et al. did not find a significant difference by race for discipline referrals for defiance or major discipline referral which represented any of the major categories, including defiance. However, the authors reasoned that controlling for teacher's rating of behavior may have impacted this

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

result given defiance is often described as a subjective construct. Summarily, even after controlling for teachers' perceptions and student and classroom covariates, African-American students received office discipline referrals at a higher rate than their White peers.

In addition to teacher level variables, the relationship between school level variables and school discipline has been examined. Using extant data from one Midwestern state, Skiba et al. (2014) used hierarchical linear modeling to examine exclusionary discipline for the 2007-2008 school year. School demographic data was obtained from the state department of education, while student demographic information was obtained from an extant state database. Only data with complete information at each level was retained; the final dataset contained 104,445 incidents of suspension or expulsion for 43,320 students in 730 schools. The authors adapted the Disciplinary Practices Survey (DPS; Skiba, Edl, & Rausch, 2007) to assess principal attitude toward school discipline. The type of infraction was categorized into four distinct categories: use/possession, fighting/battery, moderate infractions, and defiance/disruption. Student characteristics (gender, free/reduced lunch status, and race) and school characteristics (percentage of African-American students, average years of teacher experience at the school, percentage of students in the free/reduced lunch program, percentage of students passing math and English on the state accountability exam, and principal perspective on discipline) were examined. Results by type of infraction supported the work of Mendez

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

and Knoff (2003) and showed defiance/disruption was the most frequent and the least likely to result in an expulsion. As for student level characteristics, African-American students were more likely to receive an out of school suspension ( $OR = 1.248, p < .001$ ) compared to White students and males were more likely to receive an out of school suspension ( $OR = 1.204, p < .001$ ) compared to females. In the full model, the strongest school level predictor of out of school suspension was the percentage of African-American enrollment ( $OR = 5.975, p < .05$ ). The greater the percentage of African-American students, the more likely the student was to receive an out of school suspension as opposed to an in-school suspension. The principals' perspective on discipline was also predictive of disciplinary practices. In schools where principals expressed a favorable opinion of exclusionary discipline, students were more likely to receive an out of school suspension ( $OR = 1.376, p < .01$ ) or expulsion ( $OR = 2.320, p < .05$ ) as compared to in-school suspension. The findings of this study continue to demonstrate the differences in referral trends which may exist at the school level. In other words, differences in referral may occur at either the individual or school level and thereby justify a multilevel approach to disproportionality.

***Outcomes for students disproportionately disciplined.*** The previously discussed school discipline literature has found differences by race exist such that African-American males are differentially impacted, and variables at the student, teacher, and school level impact disproportionality. Additionally, literature has examined the

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

consequences for school discipline to determine whether societal impacts exist for students. Balfanz et al. (2015) analyzed data from the Florida K-20 Education Data Warehouse to investigate the causes of disproportionality in suspension. Data on almost 182,000 ninth grade students was analyzed to answer which students are being suspended and the impact of those suspension on educational outcomes. Balfanz, et al. (2015) found African-American students (39%), students in the free and reduced lunch program (34%), students in special education (31%), and students who were overage for their cohort by at least one year (40%) were suspended more than other demographic subgroups, with 27% of the total population suspended. Consequently, the same four subgroups lost more days of school than their peers with 40% of the days absent due to suspension. Although poverty was the most strongly related factor, after controlling for poverty in a multiple regression analysis, African-American students were still suspended at higher rates and for a greater number of days than their White peers. Using multilevel models which controlled for school level factors, the authors also found that with the first suspension, the chance of dropping out of school doubled and increased 20% with each subsequent suspension. Differences in school variables, such as district size and the percentage of minority students, and the percentage of free and reduced lunch enrollment were not found to be significant. Summarily, students who are suspended have a decreased likelihood of graduating from high school, while African-American students, students in the free and reduced lunch program, students in special education, and students who were

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

overage receive suspensions at a higher rate than other subgroups of peers (Balfanz et al., 2015).

In addition to outcomes related to educational attainment, researchers have also examined whether school suspensions have societal consequences. With data from 53 Missouri counties in 2005-2006, Nicholson-Crotty, Birchmeier, and Valentine (2009) sought to determine whether disproportionality in out of school suspensions predicted disproportionality in the juvenile justice system. After controlling for environmental factors in a multivariate analysis, Nicholson-Crotty et al. (2009) found African-American students more likely to receive an out of school suspension than White peers for a similar offense and that school behaviors impact referrals to the juvenile justice system. In counties where African-American students are suspended disproportionately, the authors found similar trends in the juvenile justice system; school behaviors had a significant impact on juvenile justice referral rates for African-Americans. Furthermore, Kirk and Sampson (2013) found that juvenile arrest has a substantial impact on high school dropout. Although there was little difference in the IQ scores, truancy, and student mobility of arrestees and nonarrestees, only 26% of arrested students graduated as compared to 64% of nonarrested peers. Moreover, the authors found the arrested students were more likely to have failed a grade or to have been enrolled in remedial or special education (Kirk & Sampson, 2013). Kirk and Sampson went on to examine a mechanism to explain why arrest leads to school dropout. The authors found educational

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

expectations, school attachment, and friend support are limited in explaining the effect of arrest on school dropout and suggested an additional, unexplored mechanism. Other researchers have suggested days absent from school predict school dropout (Balfanz et al., 2015). Subsequently, it is plausible days absent from school also impact school dropout for students who are arrested.

Summarily, the school discipline literature on disproportionality has found differences exist between minority students and their White peers, resulting in minority students more often receiving consequences which remove them from the classroom (Mendez & Knoff, 2003). Moreover, differences in referral rates have been found at the classroom level, with minority students more often receiving school discipline for subjective events as opposed to objective events (Skiba et al., 2002). Once referred for discipline, minority students were more likely to receive an out of school suspension. Additionally, African-American students who were in special education were found to have the most profound differences in discipline rates as compared to White peers (Balfanz et al., 2015). Finally, school discipline has been shown to have societal consequences with disproportionality in school discipline linked to juvenile arrest and school dropout (Kirk & Sampson, 2013).

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

### **Special education**

Disproportionality in special education refers to the prevalence of one racial, ethnic, or linguistic group within special education exceeding that group's representation in the general population. The disproportionality literature in special education frequently examines the high incidence categories of emotional disturbance, learning disabilities, and mild intellectual disability. Other high incidence categories include autism and speech/language impairments (Gage, Lierheimer, & Goran, 2012). IDEA (2004) defines low incidence disabilities as any impairment for which personnel with specialized skills are needed for the student to receive either early intervention services or a free appropriate education. Low incidence categories include a visual or hearing impairment, or a significant cognitive impairment. Special Education has long been reported to have disproportionate minority representation in the high incidence categories of specific learning disability (SLD), intellectual disability (ID), and emotional disturbance (ED) which are diagnosed through the educational system, while no disproportionality exists in physician diagnosed low incidence disorders (visual, auditory, physical impairments) (Donovan & Cross, 2002). Moreover, the categories of SLD, ID, and ED result in over half (52.1%) of all students served under IDEA, with individual percentages of 39.2, 7.0, and 5.9, respectively (USDOE, 2016a). The dropout rate for these disability categories is concerning. According to the U.S. Department of Education (2016a), of all of the students ages 14 through 21 who exited IDEA services in the school

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

year of 2013-2014 by either graduation, return to general education, or dropping out of school, 18.1% of students in the SLD category, 16.8% of students in the MID category, and 35.2% of students in the ED category dropped out of school. The three high incidence categories, along with other health impairment (17.6%) had a higher percentage of dropout than every other disability category, with the dropout rate of other categories ranging from 6.4% (visual impairment) to 14.2% (multiple disabilities). Given the varied educational outcomes of students in special education reported by Department of Education, researchers have sought to examine disproportionate representation of minorities between special education categories as well as within specific categories, and attempt to explain the differences with analyses of contributing variables.

**Disproportionality between special education categories.** In a landmark article which examined differences in special education identification by gender, Oswald et al. (2003) used data from the U.S. Department of Education Office of Civil Rights Elementary and Secondary Civil Rights Survey, years 1976 through 1997, to determine how disproportionate representation changed over time. Results showed that gender disproportionality exists across all race/ethnicities and each of the special education categories in the analysis (ED, LD, mild ID, moderate ID), with males being overrepresented. However, the extent of the disproportionality varies by special education category, with the largest differences in relative risk (*RR*) in the final year of data were in the LD (*RR* = 2.0) and ED (*RR* = 3.5) categories compared to mild ID (*RR* =

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

1.4) and moderate ID ( $RR = 1.3$ ) which are cognitive impairments (Oswald et al., 2003). Meaning, the disproportionate placement of minorities in special education occurs at different rate, depending on special education category. Additionally, Oswald et al. (2003) found disproportionality to be greater in the learning disability and emotional disturbance categories as compared to the cognitive impairment category. Incidentally, early special education litigation specifically targeted the disproportional placement of minorities in the cognitive impairment category (*Larry P. v. Riles*, 1979-1986), and modifications to the identification process for this categories were court-ordered nationally. The changes in the identification process were implemented during the years of data collection Oswald et al. (2003) observed, which could explain the low disproportionality in the cognitive impairment categories. In other words, at the time of data collection (Oswald et al., 2003), school districts across the country were changing their cognitive impairment identification procedures to meet the federal requirement. This conscious attention to the category may have impacted the level of disproportionality.

In a more recent study of disproportionality in special education, Sullivan and Bal (2013) used multilevel modeling to examine individual and school variables on special education placement within one large school system. The authors used Hierarchical Linear Modeling (HLM) on nested data which included information on over 18,000 students in 39 schools. First, Sullivan and Bal calculated the risk associated with special

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

education identification as well as the risk of placement in six categories of special education (SLD, Cognitive Impairment, ED, Other Health Impaired, Speech/Language impairment, low incidence) for White, African-American, Latino, and Asian/Pacific Islander students. African-American students had the largest risk index (*RI*) for five of the six special education categories; SLD (*RI* = 1.35), cognitive impairment (*RI* = 2.00), ED (*RI* = 6.98), other health impairment (*RI* = 5.60), and speech/language impairment (*RI* = 5.07). White males were at risk for the sixth category, low incidence disabilities, (*RI* = 3.97). Next, Sullivan and Bal used a step-up procedure to create nine different multilevel models for each of the six special education categories, which included variables on student demographics, attendance, discipline, parental education, and school factors. In the final model, males (*OR* = 2.04, *p* < .01) and African-American students (*OR* = 1.24, *p* < .001) were more likely to be referred to special education, while Latino (*OR* = .72, *p* < .01) and Asian (*OR* = .57, *p* < .01) students were generally under referred. The models of the six individual special education categories were not consistent across the categories. Similar to the overall model, African-American students were more likely to be identified as SLD (*OR* = 1.55, *p* < .001), while Latino (*OR* = .57, *p* < .001) and Asian (*OR* = .49, *p* < .001) students were under referred within the category. However, results for each category varied in the remaining final models. Findings of this study supported Oswald et al. (2003) and demonstrated that disproportionality may operate differentially between each category and across races.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Within the disproportionality literature, race/ethnicity and poverty are frequently examined in an effort to determine the impact of each. In one such study, Skiba, Poloni-Staudinger, Simmons, Feggins-Azziz, and Chung (2005) used district level data of one Midwestern state's 295 school districts to examine the impact of race, poverty, and other demographic variables on disproportionality. The authors used OLS and logistic regression and included student and school variables to estimate the district level disproportionality. Poverty was included as the percentage of children who received free or reduced lunch. Student demographics, school resources, and academic and behavioral outcomes at the school level were included as predictors in the model. Results indicated poverty was a weak and inconsistent predictor of district disproportionality. Moreover, within the learning disability (LD) and speech/language impairment (SL) categories, poverty demonstrated an inverse relationship with disproportionality. In other words, as poverty increased, the disproportional identification of minorities in the LD and SL categories decreased. This could suggest that as the challenge of educating larger numbers of students in poverty increases, it becomes less likely that students will be identified in these two categories as having needs greater than their peers. In the logistic analyses, poverty and race were significant predictors of identification. Similar to the finding of Sullivan and Bal (2013), African-American males were more likely to be identified as mild intellectual disability (MiID), moderate intellectual disability (MoID), and emotional disturbance (ED) and less likely to be identified as SL. Contrariwise to the work of Sullivan and Bal, Skiba et al. (2005) found African-American males to be less

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

likely to be referred as LD. In a simultaneous model, race and poverty both remain significant, indicating separate contributions to disproportionality. In other words, African-American students are disproportionately identified in special education at all economic levels.

**Disproportionality within special education categories.** In a study of 230 fourth and fifth grade students with a learning disability (LD), Hosp and Reschly (2002) examined how the predictors for the restrictiveness of placement differed by race. The authors used a series of ANOVAS to examine the minutes per week students spent outside a general education classroom. Results indicated that males, students who were identified for special education at a younger age, and students with poor peer relations spent more time out of the classroom compared to females, students who were identified at older ages, and students with good peer relations, respectively. In regards to age, this could be interpreted as a student requiring more supports if a learning disability is apparent at an early age. In a second analysis, Hosp and Reschly employed a series of ANOVAS which compared the main effect of referral reasons, assessment data, and behavioral ratings to minutes outside the classroom, only four of the 100 comparisons indicated a significant interaction with race ( $p < .05$ ); *instructional difference reading*, *excessive dependency*, *poor anger control*, and *written expression*. Based on the limited number of significant interactions with race, the authors concluded within the learning

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

disability category the predictors for White students are similar to the predictors for African-American students.

Research on representation within the emotional disturbance (ED) category has established school context plays a significant role in special education referral and placement (Oswald et al., 1999). In a seminal article Oswald et al. (1999) found an increase in disproportionate identification of students with ED as median income increased. More simply stated, as the socioeconomic status of a schools' neighborhood increased, the likelihood a student of color would be referred to special education increased significantly. This finding is similar to Skiba et al. (2005), who showed an inverse relationship between LD and SL disproportionality and school poverty. In the work of Oswald et al. (1999) as poverty is decreasing, the disproportionate identification of minority students in the ED is increasing. Oswald and colleagues found African-American students were more likely to be identified as ED in low-poverty communities (Oswald et al., 1999) and African-American and American Indian students were over identified nationally (Oswald & Countiho, 2001). Even when accounting for other demographic factors and poverty, the relationship between ethnicity/gender and ED identification remained (Countiho, Oswald, & Forness, 2002). Similarly, Hosp and Reschly (2004) used the Elementary and Secondary Schools Civil Rights Compliance Report to examine the prediction of minorities with district-level academic, demographic, and economic blocks of variables. Their findings indicate a minority student is more

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

likely to be identified as special education when the percentage of White peers increases and poverty decreases (Hosp & Reschly, 2004). Additionally, Talbott, Fleming, Karabatsos, and Dobria (2011) provided further evidence of school context as it relates to minority special education identification in a study used HLM to analyze the race and gender of more than one million students with high incidence disorders. The authors concluded race and gender were significant predictors alone; however, when race and gender were nested within school context they were no longer significant, only school variables demonstrated significance. School attendance was a negative predictor in the three categories Talbott et al. (2011) examined, with special education identification in ED ( $OR = .91, p < .01$ ), LD ( $OR = .93, p < .01$ ), and ID ( $OR = .92, p < .01$ ) categories decreasing as attendance increased. However, no other school-level predictors were consistent across all three models, supporting the notion that school level contributions to disproportionality in special education operate differently for each special education category. Although the race of the student body was not found to be a significant predictor, community demographics demonstrated a role in minority identification, with variables describing the size of the city, low income students, and size of the district influencing ID, ED, and LD identification, respectively. In summary, the findings of Talbott et al. (2011) demonstrate the importance of a multilevel analysis and the inclusion of school level variables when examining disproportionality in special education as well as examining individual special education categories. Supplementary to the findings of Talbott et al. (2011), in an examination of national disproportionality, Wiley, Brigham,

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Kauffman, and Bogan (2013) analyzed the impact of poverty and conservatism on disproportional identification. Incidentally, conservatism refers to the percentage of voters in a state who identify themselves as conservative in a national 2008 Presidential exit poll. The authors found that as the rates of child poverty increased, the rates of minority representation in the special education category of ED decreased. Moreover, the state-level conservatism was also negatively correlated with minority ED identification. The authors cited research indicating conservative political beliefs may lead to a lower identification rate of students with ED because of a decreased likelihood of attributing behavior to an uncontrollable cause, as in a disability. States which had high levels of conservatism had low levels of ED identification across all races, which would lead to a lower rate of disproportional identification.

As previously discussed, educational researchers have identified differences between special education categories in regards to school discipline (Krezmein et al., 2006). Additionally, the U.S. Department of Education has found differences by disability category in the 38th Annual Report to Congress on the Implementation of IDEA (2016a). For every 10,000 children and students ages 3 through 21 served under IDEA reported under the category of emotional disturbance (ED) in 2013, there were 357 (3.57%) children and students who received out-of-school suspensions or expulsions for more than 10 cumulative days during school year 2013–14. The ratio for the children and students reported under each of the other disability categories was less than 140 (1.40%)

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

per 10,000 children and students. The forgoing discussion demonstrates the need for educational literature, and namely school counseling literature, to differentiate findings by disability category due to the individual needs of students within each special education category.

### **Conflicts in the Literature**

Recently, a new line of research has suggested disproportionality in special education identification manifests as under-referral of minority students. In one of the few studies to examine national data, Hibel et al., (2010) used the ECLS-K data to predict special education placement in elementary school using student, family, and school level factors. The authors used multilevel logistic regression, also known as Hierarchical Linear Modeling (HLM), to estimate special education placement and specifically placement in LD, SL, and ID. After modeling gender and race/ethnicity and family SES, the authors included the student's mean academic test score in Kindergarten. Incidentally, the academic test score was the average of a student's reading and math test item response theory score. In the final model, which included student demographics and school level variables, findings supported previous research that boys are more likely to be placed in special education for any disability ( $OR = 1.64, p < .001$ ), learning disability ( $OR = 1.77, p < .001$ ), and speech/language impairment ( $OR = 1.77, p < .001$ ) compared to girls and the strongest explanatory factor was the academic score at kindergarten. However, analysis of the race/ethnicity variables contradicts the findings of previous

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

research. With the inclusion of the academic variable, African-American, Latino, and Asian students were found to be underrepresented in special education. Though, in the final models, these findings were no longer significant, while academic score remained significant in all four categories and across all models.

Supplementary to the work of Hibel, et al., (2010), Morgan et al., (2012) examined disproportionality in early intervention and early childhood special education (EI/ECSE). Early intervention and early childhood special education services occur prior to a student entering K-12, and thus are typically diagnosed by physicians as opposed to the educational system. Morgan et al. (2012) analyzed data from the ECLS-B, a nationally representative longitudinal data set. The sample included only students with complete developmental measures at 48 months, which included 7,950 children. The authors used logistic regression models to examine factors associated with EI/ECSE and results indicated that by 48 months of age, African-American ( $OR = .24, p < .01$ ) and Asian ( $OR = .32, p < .01$ ) children were underrepresented in EI/ECSE, after controlling for confounding variables. In other words, in special education services which occur prior to K-12 education, African-American and Asian students are less likely to receive special education supports. The authors theorized minority families may underuse early services due to socioeconomic, linguistic, or cultural obstacles (Morgan et al., 2012).

Building upon the previous work, Morgan et al. (2015) examined underrepresentation of elementary and middle school students. Using discrete-time logit

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

regression models, also known as hazard modeling, Morgan et al. (2015) examined the placement of students into five special education categories: emotional disturbance (ED), speech/language impairments (SLI), intellectual disabilities (ID), other health impairment (OHI), and specific learning disorder (SLD). Hazard modeling allows for the analysis of a student's likelihood of special education placement over time. After controlling for a number of variables, including but not limited to the student's average achievement score, SES, behavior factors, and age of mother, analysis produced odds ratios for various time points from K through 8<sup>th</sup> grade. Results indicated that minority students were not over-represented in special education, but underrepresented across all five categories when compared to their White peers. For example, in the LD category, African-American ( $OR = .42, p < .001$ ), Latino ( $OR = .71, p < .001$ ), and other minority ( $OR = .64, p < .001$ ) students were less likely to be referred than their White peers. In other words, regardless of disability category, minority students are less likely to receive special education services compared to similar White peers.

**Conceptualizing Disproportionality.** The collective works of Morgan and colleagues (Hibel et al., 2010; Morgan et al., 2012; Morgan et al., 2015) present a compelling argument for evidence of underrepresentation of minority students in special education, which at the surface appears to be in direct conflict with previous work in disproportionality (see Skiba & colleagues). However, with the lens of critical race theory, a further examination of the methodological approach in the disproportionality

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

literature reveals an underlying difference in the conceptualization of disproportionality. The key differences between the two camps (overrepresentation and underrepresentation of minority students) is the inclusion or exclusion of an academic variable as a control. As Hibel et al. (2010) mentioned, “Statistically controlling for students’ initial level of academic achievement results in the Black, Latino, and Asian students being significantly underplaced into special education” (p. 323). Conceptually, the inclusion of an academic control variable in disproportionality calculations (See Table 2) could lead to the question, “Is overt or covert discrimination occurring in the system?” In other words, if two students are academically equivalent, is the chance of their referral equal, regardless of race? Contrariwise, not including an academic control variable answers a different question, a question of systemic discrimination. The absence of an academic control variable implies the authors are seeking to determine whether the educational system is supporting students equitably. Therefore, it is possible for both the authors who portend African-American students are under-referred to special education and authors who suggest over-referral to be simultaneously correct, given the conceptual difference in the respective definitions of disproportionality.

To illustrate, in the first section of articles in Table 2 (Hibel et al., 2010; Hosp & Reschly, 2002; Hosp & Reschly, 2004; Morgan et al., 2012; Morgan et al., 2015) the authors included various academic variables in their models. Collectively, results do not support disproportionality as overrepresentation in special education. Contrariwise, the

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

third set of articles (Oswald et al., 2003; Oswald et al., 1999; Sullivan & Bal, 2013) does not include an academic variable and collectively support overrepresentation of minorities in special education. The middle section of articles does not appear to follow the trend; however, the findings of each may be explained in context. First, Skiba et al. (2005) included both mean third grade academic test scores and mean SAT scores, which were calculated at the school level. However, the authors used regression to assess the outcome variable of the district rate of placement in special education categories. From an ecological perspective, the two variables are not consistent and multilevel modeling was not used to address the nestedness of the variables. Therefore, future research should reanalyze the data using multilevel modeling to determine the existence of overrepresentation. The second article (Talbot et al., 2011) provides support for the present analysis of disproportionality literature. In the initial models, which included demographic variables, Talbot et al. (2011) found overrepresentation of minorities in special education. However, once school achievement was added to the subsequent model, no overrepresentation was detected. Taken together, the articles in Table 2 provide evidence of the different conceptualizations of disproportionality, with researchers demonstrating both the existence and absence of disproportionality. However, if disproportionality is operationalized with the intentional inclusion or exclusion of an academic variable, a trend is evident.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Summarily, within the educational system, overt discrimination based on race does not manifest in over-referral to special education. However, systemically the nation's educational system is not equitably preparing students, which yields a higher population of minority students in special education. Researchers focused on issues of disproportionality should be clear in their aim, with the present literature divided into two separate categories. On one side, the research intended to monitor overt/covert disproportionality and understand whether the system is sorting equitably at the individual level. The other aspect of disproportionality literature is systemic disproportionality, where researchers are seeking to understand whether the school system is serving the needs of student equitably, by race/ethnicity. Educational researchers should strive to specify the purpose of their research based on their conceptualization and operationalization of the term disproportionality. The present study will focus on a systemic conceptualization of disproportionality and seek to determine whether the educational system as a whole is equitable in the referral of students to the school counselor.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 2

*Disproportionality Literature on Special Education Placement and the Inclusion of Academic Variables*

<b>Authors</b>	<b>Inclusion of Academic Variable</b>	<b>Dependent Variable</b>	<b>Findings</b>
Hibel et al. (2010)	Mean academic test score in kindergarten	Student placement in special education	Minorities underrepresented
Hosp & Reschly (2002)	Multiple assessment of intellectual ability variables	Restrictiveness of Special Ed placement	No difference in restrictiveness by race
Hosp & Reschly (2004)	District level % minority mastery in reading and math	Relative risk of placement in ED, LD, & ID	Academic variable predicts 9 of 12 models
Morgan et al. (2012)	Language score at 48 months	Placement in Early childhood special education	Minorities underrepresented
Morgan et al. (2015)	Student average achievement score	Identified as LD, SL, ED, ID, or health impairment	Minorities underrepresented in all 5 categories
Skiba et al. (2005)	School level: Mean academic test score in 3 <sup>rd</sup> grade; Mean SAT score	District rate of placement in ED, LD, SL, & ID	African-Americans over represented in all categories
Talbott et al. (2011)	School achievement (% meets/exceeds)	Identified as ED, LD, & ID	No disproportionality once school level variables included

*Note.* ED – emotional disturbance; LD – learning disability; ID – intellectual disability; OHI – other health impairment; SL – speech/language impairment

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 2 (cont.)

*Disproportionality Literature on Special Education Placement and the Inclusion of Academic Variables*

<b>Authors</b>	<b>Inclusion of Academic Variable</b>	<b>Dependent Variable</b>	<b>Findings</b>
Oswald et al. (2003)	none	Relative risk of placement in ED, LD, & ID	Overrepresentation of males across all race/ethnicity
Oswald et al. (1999)	none	Identified as ED or ID	Overrepresentation of African-Americans
Sullivan & Bal (2013)	none	Placement in ED, LD, ID, SL, OHI, & low incidence	African-American Males at greatest risk in 5 of 6 categories

*Note.* ED – emotional disturbance; LD – learning disability; ID – intellectual disability; OHI – other health impairment; SL – speech/language impairment

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

### **School Counseling**

The societal consequences of disproportionality are clear. However, there is a paucity of research on disproportionality in the school counselor literature even though both the American School Counselor Association (2004) and school counselor researchers (Adkinson-Bradley, Johnson, Rawls, & Plunkett, 2006; De Barona & Barona, 2006) have called for school counselors to be active agents in mitigating disproportionality. Additionally, the Council for Accreditation of Counseling and Related Educational Programs (CACREP), the accreditation body for counseling programs, has standards which directly align with disproportionality. Specifically, for counseling program CACREP standards directly address social justice and advocacy, multicultural competencies, and the effects of power and privilege for counselors and clients (CACREP, 2016). The school counseling standards elaborate the expectations for future school counselors outlining expectations for counselors as advocates, system change agents, the promotion of equity, and the use of data to advocate for students (CACREP, 2016). Although research on disproportionality and school counseling is sparse, a similar line of school counseling research investigates equity. For practitioners, the Transforming School Counseling Initiative (TSCI) focuses on social justice and equitable educational outcomes for all students (Lee & Goodnough, 2011). Literature in school counseling has followed the initiative with studies investigating academic outcomes for marginalized populations. Examples of school counseling research on

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

educational equity include the increase of graduation rates, access to rigorous courses, and scores on high stakes tests.

**School counselors and equity.** In one study which focused on a school counseling intervention to increase access to rigorous courses, Davis, Davis, and Mobley (2013) assessed African-American students' participation and achievement in Advanced Placement (AP) Psychology in one suburban high school. The participants completed a two-week summer support preparation program conducted by the AP Psychology teacher and a school counselor intern. The program focused on team building, increasing the students' understanding of the achievement gap in AP courses, as well as how the gap can be closed. The students were placed in a cohort for the AP Psychology course the following academic year. The authors compared the AP exam score of a control group ( $n = 10$ ) and the experimental group ( $n = 12$ ) with White students ( $n = 62$ ) in the same course, with the same instructor. Significance tests indicated a difference ( $p < .05$ ) between the control group ( $M = 3.0$ ) and the White students ( $M = 4.19$ ), but not between the experimental group ( $M = 4.08$ ) and the White students. The authors suggest that this intervention closed the achievement gap between African-American and White students in the AP psychology course. Additionally, this study demonstrates that school counselors can impact disproportional course taking.

In addition to researchers examining school counseling interventions, researchers have also sought to determine whether school counselors can meet the needs of low-

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

income students. In a phenomenological study which sought to understand how school counselors can meet the needs of their low-income students, Williams et al. (2015) interviewed academically resilient seventh grade students ( $n = 24$ ). Analysis of the qualitative data yielded three primary themes: build meaningful relationships, build on cultural wealth of students, and provide mental health services in schools. Once researchers understood how school counselors meet the needs of low-income students, next was to determine whether school counselors have influence on decision-making regarding post-secondary education. Cholewa, Burkhardt, and Hull (2015) used data from the High School Longitudinal Study of 2009 (HSL:09) to examine which student characteristics predict a student identifying a school counselor as having the most influence on postsecondary education choices. The authors used logistic regression to examine student demographic variables and found that African-American students ( $OR = 1.85; p = .011$ ), first generation students ( $OR = 2.48, p < .001$ ), and students attending private school ( $OR = 2.02, p = .046$ ) were most likely to identify the school counselor as having the most influence on their post-secondary decision making. A follow-up analysis indicated that school counselors in private schools had a caseload ( $M = 138.89$ ) that was significantly less ( $p < .001$ ) than the caseload of public school counselors ( $M = 337.49$ ). The work of Williams et al. (2015) and Cholewa et al. (2015) demonstrate that school counselors can meet the needs of their students and that if minority students, and specifically African-American and first generation students, are referred or have access to the school counselor, the school counselor is the most influential person in their post-

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

secondary decision making. If the present study determines disproportionality exists in referral to the school counselor for disruptive behavior, future work could focus on school counselor interventions to mitigate disproportionality in both special education and school discipline.

In summary, the transforming school counseling initiative focuses on equity of academic outcomes for marginalized students. Moreover, school counselors were found to have more of an academic influence over marginalized students as compared to their White peers (Cholewa et al., 2015). However, the school counseling literature on equity often addresses racial/ethnic differences and fails to address other marginalized populations, such as students in special education or students who are positioned at the intersection of two marginalized populations.

**School counselors and special education.** Prior to the reauthorization of IDEA (2004) and the subsequent American School Counselor Association (ASCA) position paper on disabilities (ASCA, 2016b), the school counseling research literature in special education was sparse. An explicit legal requirement and consequent ethical stance of ASCA provided a directive for school counselors to work with all students on their caseload, including students in special education. As the aforementioned special education literature demonstrated, differences in disproportionality exist between special education categories. However, the school counseling literature with students in special education has not yet assessed differences between categories. This point is illustrated by the focus on either research on one specific category or by the aggregation of special

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

education categories into one group. Primarily, the school counseling literature has been focused on a general inquiry to determine whether school counselors work with students in special education (Milsom, 2002; Studer & Quigney, 2005). This important research has yet to be extended to include the more nuanced questions of differences in school counselors' work between disability categories, the frequencies and barriers to the interactions, and student outcomes tied to school counselors' work with students in special education. However, the literature has provided information on the preparation of school counselors to work with students with disabilities.

*School counselor preparation.* As previously mentioned, the preparation of school counselors has been the focus of multiple research articles. In one of the first studies to survey counselor educators on the preparation of school counselors to effectively serve students with disabilities, Korinek and Prillman (1992) found that although counselor educators overwhelmingly believe school counselors should work with students in special education, there is a lack of practitioner knowledge and preparation. The research of Korinek and Prillman (1992) was supported by McEachern (2003) in a national survey of counselor educators who were chairs, directors, or program leads at their respective universities. McEachern found that counselor educators acknowledged a lack of special education coursework, in fact a majority of respondents indicated neither their program (62%) nor their state (69%) required coursework in special education with either no plans to include courses in the future (42%) or that they did not know (21%). Yet, the vast majority of counselor educators indicated that

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

coursework is in special education was “very important” (30%) or “important” (46%). In fact, six states have enacted their own requirements for special education coursework in school counseling programs (Lum, 2003). For example, Georgia requires three semester hours in special education coursework, while Connecticut requires 36 clocked hours in the special education which includes gifted and talented children as well as students in special education in the regular classroom (Lum, 2003). In summary, although counselor educators have long felt it is important for school counselors to work with students in special education (Korinek & Prillman, 1992), and school counselor programs have begun to implement special education coursework, this requirement is not yet consistent across all programs or states (Lum, 2003; McEachern, 2003).

Regardless of graduate level training in working with students in special education, school counselors are expected to meet the needs of all their students (ASCA, 2016b). In order to explore the activities school counselors engage in with students in special education, Milsom (2002) surveyed 400 members of the American Counseling Association (ACA) who were employed in schools using the School Counselor Preparation Survey-Revised (SCPS-R), which was designed for the study. Results indicated school counselors felt more prepared to work with students in special education when counselors received more training and experience. Additionally, findings illuminated the range of counseling coursework around students in special education. Through this study, Milsom provided the first detailed look into the preparedness of

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

school counselors to work with students in special education; however, the SCPS-R only captured whether the school counselor performed an activity with students with special needs, not the variability in frequency of activities between counselors, nor does it distinguish between disability categories. Another survey of practicing school counselors supported the work of Milsom (2002) and found that the majority of school counselors in the American Counselor Association (ASCA) received little preservice or in-service training for working with students with special needs (Studer & Quigney, 2005). Additional support with a different population came from Nichter and Edmonson (2005), who surveyed 100 school counselors in one Southern state to identify services that counselors provide to special education students. After an analysis of the data, the authors indicated school counselors must be prepared to work with students with special needs.

School counselor training beyond preparation programs, or in-service training, has also been investigated. In an ethnographic study that examined how three elementary school counselors met the personal/social needs of students with disabilities, Frye (2005) had several critical themes emerge including the influence of the ASCA National Model (2012a), advocacy, the variety of counseling strategies, collaboration and teaming, and leadership. The impact of the ASCA model was discussed and analyzed given each of the counselors had been extensively trained in the ASCA model, which distinguished this sample from the general population of school counselors. Counselors in this study were

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

proactive in their advocacy and aware of the students' unique needs and did not defer their students to only the special education program services. The forgoing discussion illustrates when preservice or in-service training was provided, school counselors demonstrated they were better able to meet the needs of their students in special education.

*School counselor and students with disabilities.* All students, whether in general or special education, are included in the school counselor's caseload (ASCA, 2016b) and researchers have begun to examine the extent to which school counselors are meeting the needs of students with disabilities. In a qualitative study focused on the student perception of school counselors and attitude toward school counseling services, Moore, Henfield, and Owens (2008) used critical race theory (CRT) as a theoretical framework to interview ten African-American males in special education. Although not all participants visited the counselor, those who did were primarily focused on scheduling and academic planning. The CRT framework exposed the discomfort of talking to the counselor about home issues and demonstrated a firm home/school boundary. This study illustrated the bidirectional nature of counselors working with minority students in special education. Not only should the literature investigate whether counselors work with students with special needs, but also if the students prevent themselves from working with the counselors. Contrariwise to the findings of Moore et al. (2008), Kushner, Maldonado, Pack, and Hooper (2011) used the Educational Longitudinal Study (ELS: 2002) of the

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

National Center for Educational Statistics to compare students who were presently, or had ever been enrolled in special education with students never enrolled in special education on if they had visited the school counselor for college entrance information. The authors found that students presently or previously enrolled in special education were as likely to use the services of school counselors as students never enrolled in special education. However, the authors did not disaggregate the students by race to examine the intersectionality of race and special education status.

Summarily, the aforementioned literature elucidates school counselors' work with students in special education, yet preparation programs are inconsistent in training. Moreover, the field of integrating school counseling and special education is burgeoning and more research is needed in order to begin to fill the holes in the research literature to improve preservice and in-service training for school counselors. Finally, even with additional training for practicing counselors, the school counseling literature needs to begin to assess differences between students in different special education categories as compared to one aggregate group of students.

**School counselors and disproportionality.** Few disproportionality studies examine the role of school counselors. In one qualitative study which explored the perceptions of high school counselors regarding disproportionality, Shell (2013) sought to identify activities which mitigate special education referrals for African-American students. In a series of interviews with high school counselors in Georgia, Shell found

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

evidence of a division between school counselors and their special education colleagues. Specifically, Shell (2013) found, “The counselors in this study voiced a need to work with all of their students, but struggled to identify specifically how to translate that desire into practice for students with special needs” (p. 135). Moreover, the counselors in the study did not mention advocacy should challenge inappropriate referrals, nor mentioned advocacy for systemic change. Although the counselors desired additional training to work with students in special education, none of the participants mentioned training for systemic intervention. Shell concluded the school counselors in the study were focused on the individual needs of students placed in special education as compared to advocating for students during the referral process or working systematically to impact disproportionality of referral (Shell, 2013).

While Shell (2013) examined school counselor perceptions of disproportionality in special education referral, a second investigation of disproportionality and school counseling focused on school counselor referrals and the differences between referral patterns to the school counselor by math and English teachers (Bryan et al., 2012). Bryan et al. (2012) used the ELS (2002) dataset and employed logistic regression to examine student and teacher level variables. Bryan et al. (2012) found in English teachers’ classrooms females had 65% lower odds ( $OR = .35, p < .001$ ) of referral than males and African-American students had 71% higher odds ( $OR = 1.71, p < .01$ ) than White students. However, there was an interaction between race and gender indicating that African-American ( $OR = 2.24, p < .01$ ) and multiracial females ( $OR = 3.22, p < .01$ ) had

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

more than double and triple the odds of referral by English teachers to the school counselor, respectively. Additionally, self-reported previous student behaviors were found to be significant in English teacher referrals. How often a student was late ( $OR = 1.13, p < .05$ ), how often a student got in trouble ( $OR = 1.70, p < .001$ ), and how often a student received an in-school suspension ( $OR = 1.55, p < .001$ ) increased the likelihood of referral. Contrariwise, although in math teachers' classrooms females ( $OR = .51, p < .001$ ) were less likely to be referred than males, there was no significant difference in referral by race/ethnicity except for multiracial students ( $OR = 2.02, p < .05$ ), and no significant interaction between race and gender. Yet, similar to English teacher referrals, self-reported previous student behaviors were found to be significant in math teacher referrals. How often a student was late ( $OR = 1.22, p < .01$ ), how often a student got in trouble ( $OR = 1.45, p < .001$ ), and how often a student received a suspension ( $OR = 1.39, p < .05$ ) increased the likelihood of referral. Bryan et al. concluded that subject context impacts referrals to the school counselor and suggested counselors examine systemic referrals to identify disproportionality in order to implement interventions to address both student behavior and teacher referral, since school counselors are part of the referral process.

Summarily, disproportionality is occurring in the educational system whether or not it is acknowledged or acted upon by schools or policy makers. Taken together, evidence from the literature indicates that systemically and systematically, African-Americans are singled out for educational referrals for school discipline and for special

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

education. The application of the CRT framework suggests that this is not a random event. As previously described, the historical approach to the education of minorities has included prevention from attending school, attending segregated schools, biased assessments for special education placement, and school administrators who relegate school discipline to law enforcement. With the lens of CRT, the evolution of racial bias in the educational system can be tracked and critically examined. The present study will expand the scope of disproportionality research to referral to the counselor for disruptive behavior.

The present study is built on the work of Bryan et al. (2012), who used the ELS: 2002 to investigate the disproportionality patterns of teacher referrals to school counselors for disruptive behavior. This study will build upon their work in three ways. First, the analysis in the present study utilizes Hierarchical Generalized Linear Modeling (HGLM), which is appropriate given the nested nature of the ELS: 2002 dataset which first sampled schools and then students within the schools. While Bryan et al. (2012) used multiple regression in the analysis, the nested nature of the dataset leads to a violation of the assumption of independence. In other words, students were not randomly selected from across the nation, but from within schools where students are more similar to peers than students from other schools. HGLM is able to account for nestedness and increases the generalizability of the findings. The present study will compare the findings to the analysis in Bryan et al. (2012).

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Second, the present study will explore the inclusion of special education identification in the model. Given the disproportionality present in special education, it could be argued that any study which examines disproportionality should include the student level characteristic of special education identification in the model. The present study will include special education participation in the set of multilevel models. A second multilevel analysis will include special education categories to assess if special education categories differentially impact counselor referral. The purpose of the present study is to examine the extent to which individual and school level variables predict whether a 10th grade student is referred to the school counselor for disruptive behavior. Finally, the risk of the referral to the school counselor for disruptive behavior is calculated for each race/ethnicity, disability category, as well as the intersection of race/ethnicity and special education participation to begin to identify which students in special education are interacting with the school counselor. The hypotheses, based on the review literature, is that both race/ethnicity and special education status will be significant predictors of counselor referral. Second, the high incidence special education categories where disproportionality has been documented (ID, ED, SLD) will be significant predictors of counselor referral. Finally, the risk of referral will be highest for African-American students and students in high incidence special education categories.

# DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

## **Chapter 3: Methodology**

School counselors are positioned to be advocates for minority students who are disproportionately placed in special education or referred for school discipline (ASCA, 2012b). Although educational researchers have extensively examined disproportionality in both special education and school discipline, little is known about whether minority students are referred to the school counselor for disruptive behavior at a disproportional rate, compared to their White peers. The purpose of this study is to explore the variables at the student, teacher, and school levels which are associated with referral to the school counselor for disruptive behavior.

The following chapter provides a description of quantitative methodology used in the present study. First, the chapter introduces the data used in the present study, the ELS:2002 (Ingles, Pratt, Rogers, Siegel, & Stutts, 2004). Second, specific student and school level variables in the study are described. Third, is an outline of the analysis, including the calculation of disproportionality used within the study as well as a description of Hierarchical Generalized Linear Modeling (HGLM). Finally, the limitations of the study are discussed.

### **Participants**

The Educational Longitudinal Study of 2002 (ELS: 2002, Ingels et al., 2004) is used to explore the research questions. The ELS (2002) is a national longitudinal dataset from the National Center for Education Statistics (NCES) which followed students who

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

were in 10<sup>th</sup> grade in 2002 through their secondary and postsecondary education. The dataset has both public use and restricted use data; the restricted dataset includes the special education codes which are necessary for the present analysis. A national probability sample of 1221 eligible schools was used to collect the data. Of the eligible schools, 752 public, Catholic, and other private schools participated in the study for a 67.8% response rate. On average, twenty-six, tenth grade students within each sampled school were selected for participation (range: 2-52), totaling 17,591 sophomores. Students with limited English proficiency participated if, in the school's judgment, the student could meaningfully complete the survey. Students with physical disabilities or mental disabilities were allowed accommodations based on the student's individualized education program (IEP). Students who could not complete the survey ( $n = 163$ ) were reassessed two years later as part of the follow-up survey. Of the eligible students, 15,362 (87.3%) participated in the base year questionnaire. Once the final sample of students was obtained each student's mathematics and English teacher answered a questionnaire on that student, resulting in 7,135 (91.6%) mathematics and English teachers in the sample. Since the survey method sampled teachers at the student level, students were not nested in classrooms and teachers were not given individual identifiers. Finally, 13,488 parents (87.4% weighted coverage rate) completed student level surveys and 743 (98.8%) administrators provided data on the school level. Nonpublic schools were sampled at a higher rate to support comparisons to public schools. Likewise, Asian students were sampled at a higher rate to ensure the sample was large enough to support

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

comparisons with White, African-American, and Latino students. Although the ELS is a longitudinal dataset, the current study uses a cross-sectional analysis focused on variables in the base year; the base year is the only year that the outcome variable (e.g. referral to the school counselor for disruptive behavior) was collected since English and mathematics teachers change throughout high school. Additionally, the decision was made to only collect the math assessment data after the base year. Therefore, English teacher reports would not be tied to assessment data after the base year collection (E. Christopher, personal communication, June 6, 2017).

For the present study, the data was imported into STATA 14.1, which was used for all analyses. Only participants with the outcome variable were included in the analytic sample which was comprised of 9540 students from 722 schools. Of the students, 0.8% were American Indian/Alaskan Native, 3.3% were Asian, 13.6% were African-American, 14.9% were Latino, 4.2% were multiracial, and 63.0% were White. Additionally, 51.6% of the students were male. Compared to the original sample, the study sample was statistically different by gender, with more males ( $z = -2.01, p = .04$ ) and less females ( $z = 2.01, p = .04$ ). The final sample was also more white ( $z = -9.50, p < .001$ ), but had no other statistical differences in other racial categories. This change in proportion may be explain by the lack of subjects who identified as American Indian. The final differences in the sample were in the previous student behavior categories of

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

*trouble* ( $t = -4.14, p < .001$ ) and *ISS* ( $t = -2.92, p < .01$ ). There were no statistically significant differences in the remainder of the student level variables.

### **Missing Data**

There is substantial missing data in the ELS:2002 student level variables. These missing data did not meet the assumption of missing completely at random (MCAR), with a higher proportion of students in special education missing data as compared to students in general education. Therefore, removal of the cases with missing data would likely introduce bias (Allison, 2002). To address missing data in the ELS:2002 data, multiple imputation was completed with STATA 14.1. Multiple imputation has several advantages over other options of addressing missing data, such as listwise deletion or mean imputation (Allison, 2002; Freese & Long, 2006; Raudenbush & Bryk, 2002; UCLA, n.d.). Multiple imputation creates a specified number of values for the imputed variables to reflect uncertainty around the missing value. Each imputed value is then used in the model (UCLA, n.d.). For this dataset, the multiple imputation using chained equations (MICE) algorithm was used for simultaneous imputation of all variables with missing data (White, Royston, & Wood, 2011). The chained imputation was ideal given the variables to be imputed were a combination of categorical, binary, and continuous variables (see Table 4). Although the majority of variables had less than ten percent missing, three variables (*percent minority*, *counselor ratio*, *IEP category*, and *IEP flag*) had a higher proportion of missing, yet met the 50 percent threshold (Allison, 2002). The

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

high proportion of missing values in these four variables necessitated a minimum of 20 imputations (STATA Corp, 2015). The school level variables of minority percent and counselor ratio were imputed first (Gelman & Hill, 2006), using the complete school level variables of *urbanicity*, *sector*, *school enrollment*, *school weight* (Allison, 2002). Next, the student level variables (*race/ethnicity*, *SES*, *IEP flag*, *IEP type*) and the teacher controls (Math and Language teacher race, gender, years of experience, and hours of special education training) were imputed using the complete student (*student weight*, *student gender*) and school level variables (*urbanicity*, *sector*, *school enrollment*, *school weight*), as well as the outcome variable (White et al., 2011) and the other student level variables in the model (Allison, 2002). The imputed school dataset and imputed student dataset were merged, resulting in the final analytic dataset. STATA does not permit multiple imputation to be combined with analytic weights. In the present study, the benefits of multiple imputation and retaining the dataset were primary to the application of weights to the sample.

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 3

*Description of Imputed Variables*

		<u>Complete</u>	<u>Missing</u>	<u>Proportion missing</u>
School Variables ( <i>n</i> = 722)	Percent minority	549	173	.240
	Counselor ratio	588	134	.186
Student Variables ( <i>n</i> = 9540)	Race/ethnicity	9475	65	.007
	SES	9475	65	.007
	Academic Score	9475	65	.007
	IEP Flag	5226	4314	.452
	PSB, Trouble	9015	525	.055
	PSB, ISS	9036	504	.053
English teacher ( <i>n</i> = 9540)	Race	8622	918	.096
	Gender	8661	879	.092
	Hrs of Sped Training	8488	1052	.110
	Yrs of Experience	8551	989	.104
Math teacher ( <i>n</i> = 9540)	Race	8902	638	.067
	Gender	8936	604	.063
	Hrs of Sped Training	8860	680	.071
	Yrs of Experience	8872	668	.070

(IEP – Individual Education Plan; PSB – Previous Student Behavior; ISS – In school suspension)

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 4

*Descriptive Statistics for the ELS Dataset and Analytic Sample*

	<u>ELS Dataset (N = 16197)</u>		<u>Analytic Sample (N = 9540)</u>			
	% (N)	Mean (SD)	% (N)	Mean (SD)	Min	Max
<i>Individual Characteristics</i>						
Gender						
Male	49.8 (7653)		51.61 (4923)			
Female	50.2 (7717)		48.39 (4617)			
Race/Ethnicity						
Am. Ind./Alaskan	0.85 (130)		0.81 (77)			
Asian	9.18 (1399)		3.32* (315)			
African-American	13.25 (2020)		13.67 (1295)			
Latino	14.54 (2217)		14.92* (1413)			
Multiracial	4.82 (735)		4.15 (393)			
White	56.95 (8682)		62.95*** (5964)			
SES		.04 (.75)		-.01 (.72)	-2.11	1.98
Previous Student Behavior						
Late		2.29 (1.15)		2.28 (1.14)	1	5
Skip		1.48 (.94)		1.47 (.93)	1	5
Absent		2.55 (1.08)		2.56 (1.08)	1	5
Trouble		1.64 (.92)		1.69 (.96)***	1	5
ISS		1.16 (.52)		1.18 (.55)**	1	5
OSS/Probation		1.11 (.41)		1.11 (.43)	1	5
Standard Academic Score		50.66 (9.88)		50.11 (9.93)		
IEP	12.45 (1003)		14.07 (736)			

\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 4 (cont.)

*Descriptive Statistics for the ELS Dataset and Analytic Sample*

	<u>ELS Dataset</u>		<u>Analytic Sample</u>			
	% (N)	Mean (SD)	% (N)	Mean (SD)	Min	Max
<i>School Characteristics</i>						
Urbanicity						
Urban	33.16 (249)		33.24 (240)			
Suburban	48.07 (361)		47.78 (345)			
Rural	18.77 (141)		18.98 (137)			
Sector						
Public	77.23 (580)		77.70 (561)			
Private	22.77 (171)		22.30 (161)			
Counselor Ratio		340.99 (154.71)		341.62 (155.37)	28.75	1424
Percent Minority		36.86 (31.87)		35.98 (31.48)	0	100

\* $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

### Variable Descriptions

The present study is the first to use multilevel modeling to examine referral to the school counselor for disruptive behavior. The justification for the variables included in the model come from both research on school counselor referral for disruptive behavior (Bryan et al., 2012) and disproportionality research in school discipline and special education.

**Outcome variable.** Referral to the school counselor for disruptive behavior is a categorical variable measured by a single item which asks whether the English or mathematics teacher has spoken to a school counselor about the student's disruptive behavior (0 = *no*, 1 = *yes*). Incidentally, the original dataset uses the antiquated term guidance counselor to describe the school counselor. Throughout this study, the term school counselor is used to remain consistent with the updated literature (Education Trust, 1997). The original variables were categorized by counselor referral from a math or English teacher. Of the analytic sample, 8.8% ( $n = 844$ ) of students were referred to the counselor by their mathematics teacher, 9.5% ( $n = 905$ ) of students were referred by their English teacher, and 2.7% ( $n = 258$ ) were referred by both teachers. The two variables, referral by either the English or mathematics teacher, were consolidated for the final outcome variable of counselor referral. This allowed more of the data set to be maintained, since this investigation was not specifically interested in the differences

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

between math and English teachers, but primarily interested in the students who were referred to the counselor.

**Student level variables.** The student level variables in this study are race/ethnicity, gender, student previous behaviors, socioeconomic status, standardized math and reading scores, and special education status. All aforementioned student level variables were included in Bryan et al. (2012) except special education status. Special education status was included in the present study due to the large literature base on disproportionality in special education referral and placement. Additionally, the intersection of special education status and race/ethnicity is significant in school discipline and educational outcomes (Balfanz et al., 2015).

**Demographic student level variables.** Race/ethnicity is a categorical variable with five categories (Asian/Pacific Islander, African-American, Latino, multiracial, White) with White as the reference category. Gender is a dichotomous variable (male/female) with male as the reference category. Socioeconomic status (SES) is a continuous variable calculated by the NCES and based on five equally weighted components: father's education, mother's education, family income, father's occupation, and mother's occupation. The 1989 Occupational Prestige Scores were used for the parent's occupation scores. SES is group-mean centered for this study. In other words, for the interpretation of the results, the coefficient for the SES is as related to the average SES for the entire analytic sample.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

*Academic student level variables.* The standardized math/reading scores are adapted from the framework used for the NELS:88, with test questions from the NELS:88, NAEP, and PISA assessments (Ingles et al., 2004). Item response theory (as cited in Ingles et al., 2004) was used to estimate student ability as opposed to raw number-right scoring. The composite score for the math and reading sections is a continuous variable and the standardized t-score provides a norm-referenced measurement of achievement ( $M = 50$ ;  $SD = 10$ ). Special Education status is a categorical variable indicating the presence of an Individualized Educational Plan (IEP), which is a legally required document for special education participation. Special Education category is a categorical variable for the base year IEP with the thirteen federal disability categories (1 = *autism*, 2 = *deaf-blindness*, 3 = *deafness*, 4 = *emotional disturbance*, 5 = *hearing impairment*, 6 = *intellectual disability*, 7 = *multiple disabilities*, 8 = *orthopedic impairment*, 9 = *other health impairment*, 10 = *specific learning disability*, 11 = *speech or language impairment*, 12 = *traumatic brain injury*, 13 = *visual impairment*). For this analysis, low-incidence and physician diagnosed categories (*autism, deaf-blindness, deafness, hearing impairment, multiple disabilities, orthopedic impairment, speech or language impairment, traumatic brain injury, and visual impairment*) are collapsed into a low-incidence category for a total of five special education categories, in addition to *No IEP* as the reference category.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

***Discipline student level variables.*** The Student Previous Behavior (SPB) is composed of six items on the student survey: (a) how many times late for school, (b) how many times skip class, (c) how many times absent from school (d) how many times got in trouble, (e) how many time in in-school suspension, (f) how many times suspended/on probation. The items were each measured on a five-point Likert scale (1 = *never*, 2 = *1 to 2 times*, 3 = *3 to 6 times*, 4 = *7 to 9 times*, 5 = *10 or more times*). The present study will include two of the five self-reported behavior items (the number of times a student was in trouble and the number of times the student received an in-school suspension) as control variables. These two items are associated with a student-teacher interaction. Conceptually, the inclusion of the previous variables is as a control for other student and teacher interactions or referrals.

***School level variables.*** The school level variables in this study are urbanicity, sector, percentage minority students, and school counselor ratio. Bryan et al. (2012) found urbanicity was significant predictor in math teacher referral to the school counselor for disruptive behavior. Sector has previously been examined in multilevel analysis for access to the school counselor for college (Bryan et al., 2009), but not examined in referral for disruptive behavior. Percentage minority students was found to be significant in a multilevel analysis of school discipline (Balfanz et al., 2015; Skiba et al., 2014). School counselor ratio is included in the model due to the variance across states in the number of students on a school counselor's case load (ASCA, 2015).

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Urbanicity is a categorical variable with three categories (urban, suburban, and rural), with urban as the reference category. Sector was originally a categorical variable with three categories (*Public*, *Catholic*, and *other private*); however, for this study, given the limited sample of schools, *Catholic* and *other private* were combined to form a new category of *Private*, with *Public* as the reference category. The percentage of minority students is a continuous variable on the administrator questionnaire. Finally, school counselor ratio is calculated by dividing the number of full time school counselors by the number of students in the school.

**Control variables.** The student level teacher variables are control variables for this study. Teacher gender and ethnicity were included in the Bryan et al. (2012) study of disproportionality. Additionally, the outcome variable is teacher referral to the school counselor. Disproportionality in school discipline is present at the point of referral (Skiba et al., 2002; Skiba et al., 2011).

Similar to the student demographics, race/ethnicity is a categorical variable with five categories (Asian/Pacific Islander, African-American, Latino, multiracial, White) with White as the reference category. Gender is a dichotomous variable (male/female) with male as the reference category. Total years teaching is an ordinal variable; teachers reported the total number of years teaching, including the school year of the survey. Special education training is a teacher reported ordinal variable (0 – 99) from the question, “In the last 3 years, how many hours of training or professional development on

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

how to teach special education students have you had?” Both total years teaching and special education training were separately averaged across teachers for a single unique score for each student.

### **Analysis**

**Disproportionality.** The first research question is examined through a calculation of disproportionality on the referral to the school counselor for disruptive behavior. The expanded sample weights were applied resulting in a student final weight for the sample of questionnaire-eligible and questionnaire-ineligible students. Incidentally, questionnaire-ineligible are students who were excused from participating in the student questionnaire due to either lack of English proficiency or severe disabilities (Ingels et al., 2004). One element of the disproportionality calculations in this study is focused on students with disabilities. The application of the expanded sample weight is relevant to the present study because of the focus on students with disabilities.

As previously discussed, there are five different calculations of disproportionality. The present study is adapting the disproportionality calculation used in other disciplines to analyze disproportionality in referral to the school counselor for disruptive behavior. Disproportionality is investigated in other areas of educational referral and has included both classroom teachers and administration. School counselors are typically not included in the disproportionality discussion, despite the professional identity of school counselors containing the element of advocacy. The present study applies the research on referrals

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

from school discipline and special education to school counseling. Specifically, the present study will use a rate ratio or relative risk ratio to compare the risk index for one group to the risk index for another group or total population (USDOE, 2011; Coutinho & Oswald, 1998) by dividing the risk for one racial/ethnic group by the risk of a comparison population. The rate ratio is preferable to other disproportionality calculations which have been criticized for artificially inflating the presence of disproportionality (Hosp & Reschly, 2003). Additionally, the U.S. Department of Education is attempting to standardize the disproportionality calculation (US Federal Register, 2016). The present study follows this guidance in the calculation of disproportionality. Specifically, risk is calculated by dividing the number of children from the racial/ethnic category in a disability category by the total number of students enrolled in that racial ethnic category (USDOE, 2011; US Federal Register, 2016).

$$Risk = \frac{\text{Number of students of race/ethnicity in category}}{\text{Total number of students of race/ethnicity}}$$

Once the risk is calculated for each race/ethnicity, there are three ways of calculating the denominator for the relative risk ratio to determine the reference group. First, researchers may use the odds or rate for all students not in target groups (Finn, 1982). For instance, when calculating the risk for White students, the denominator is the risk for all non-White students and when calculating the risk for African-American students, the denominator is the risk for all nonAfrican-American students. A second

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

method is to use risk for all students in the population of interest, which provides a common denominator. In other words, comparing the risk of each race/ethnicity to the total population. The final option is to use a consistent group for comparison, which is commonly the White population. However, this method assumes the comparison group, or White students, is the target referral rate. The present study will calculate disproportionality with a relative risk with denominator as the total population in order to analyze the risk ratios of all groups, including White students.

$$\text{Risk Ratio} = \frac{\text{Risk for race/ethnicity in category}}{\text{Risk for all other students in category}}$$

Given the debate of over or under identification in the special education disproportionality literature it cannot be assumed that the White student referrals to the school counselor are a valid comparison group. Therefore, it is necessary to use whole group as the reference category in the risk calculation. This will also allow for an analysis of a White risk ratio as compared to peer racial/ethnic groups. Once disproportionality is calculated for the entire sample, disproportionality will also be calculated within the special education population and analyzed by the federal disability codes.

**Hierarchical generalized linear modeling.** The second research question investigates the student and school level variables related to the referral of a student to the school counselor for disruptive behavior and is examined with Hierarchical

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Generalized Linear Modeling (HGLM). Hierarchical Linear Modeling (HLM) has several benefits compared to regression analysis and has been previously used in disproportionality research (Skiba et al., 2014). First, multilevel modeling simultaneously accounts for variance at the school ( $\mu_{0j}$ ) and student level ( $\beta_{0j}$ ). In other words, the total variance is calculated by summing each of the individual level variances, which is a benefit unique to multilevel modeling as opposed to regression analysis (Raudenbush & Bryk, 2002). Second, the standard errors of level one coefficients are adjusted for sampling. Third, multilevel analysis also allows for cross level interactions which account for the context. Explicitly stated, within a school a relationship may vary depending on group characteristics. Finally, multilevel analysis corrects for the ecological fallacy which may occur in regression when inferences are made about student outcomes based on aggregated data. Hibell, Farkas, and Morgan (2010) addressed the disadvantages of regression analysis with nested data when they mentioned, “basic logistic regression models are unable to account adequately for data that result from cluster sampling within schools” (p. 318). Moreover, ignoring nestedness in the data structure violates the assumption of independence of observations (Cohen, Cohen, West, & Aiken, 2013) and leads to inflated type I errors (Raudenbush & Bryk, 2002). Logistic regression is inadequate because variability exists at both the individual level and the context (Snijders & Bosker, 2011). For some educational research this translates to variation in student outcomes as well as variation in school effects.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

HGLM differs from HLM in that it is appropriate for use when the random effects at each level can be assumed not to be normally distributed (Raudenbush & Byrk, 2002). When the outcome variable is binary, as in the present study, the assumptions of linearity and normality are not realistic. HGLM offers “a modeling framework for multilevel data with nonlinear structural models and nonnormally distributed errors (Raudenbush & Byrk, 2002, p. 292).

A multilevel analysis is appropriate for two reasons. First, multilevel modeling is necessary given the sampling structure and nested nature of the ELS:2002 dataset. The ELS:2002 collected data at the school level and students within schools. Second HGLM, also referred to as generalize linear mixed models or generalized linear models with random effects, is necessary when the expected outcome is non-continuous (O’Connell, Goldstein, Rogers, & Peng, 2008). HGLM is appropriate given the outcome variable of referral to the school counselor for disruptive behavior is a binary variable; a student is either referred or not referred.

$$\text{Level – 1 Model: } Prob(COUNSREF_{ij} = 1 | \beta_{0j}) = \phi_{ij}$$

$$\log\left(\frac{\phi_{ij}}{1 - \phi_{ij}}\right) = \eta_{ij} = \beta_{0j}$$

$$\text{Level – 2 Model: } \beta_{0j} = \gamma_{00} + \mu_{0j}, \quad \mu_{0j} \sim N(0, \tau_{00})$$

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

**Model Building Procedure.** Multilevel modeling has not previously been used to examine school counselor referrals, therefore this exploratory analysis will use the buildup procedure (Hox, 2002). For this study, a six-step model is used. The first model in the buildup procedure is an empty model, also known as a null model and includes the outcome variable, without the inclusion of predictors. The interclass correlation (ICC), or the measure of how closely individuals within groups are similar (Roudebush & Bryk, 2002), is also calculated from the null model. In two level datasets the ICC is calculated for students in the same classroom. More explicitly, the ICC calculates the proportion of variance between groups (Snijders & Bosker, 2011). For this study, the ICC identified the percentage of variance attributed to the school level, with the rest of the variability attributed to the student level.

$$ICC = \frac{\tau_{00}}{\tau_{00} + \frac{\pi^2}{3}}$$

Following the empty model, the variables of interest are included in five stages beginning with a buildup of the student variables of interest, followed by the teacher control variables, and finally the school level covariates. Due to the number of independent variables, the model building procedure maintains a random-intercept to keep the model parsimonious. The random slopes are tested after the inclusion of the independent variables. The second model, Model B, will introduced the demographic group of variables (race/ethnicity, gender, SES) into the model (Skiba et al., 2014). The

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

student demographics, specifically race/ethnicity, are the primary variables of interest in the analysis and have been introduced simultaneously in other disciplines (Skiba et al., 2014).

For Model C, the first set of covariates, the previous student behaviors are added. The previous student behaviors consist of two items representing the number of times a student got in trouble in class and the number of times a student received an in-school suspension (ISS). The five-item set of previous student behavior (PSB) items have been used in a disproportionality study on school discipline (Finn & Servoss, 2014), which reported a low internal consistency ( $\alpha = .69$ ). The first reason for including only these two items is grounded in the literature. Classroom referrals for defiance or disruption are the most frequent reasons for discipline referral (Mendez & Knoff, 2003) and result in racial/ethnic disproportionality in in-school suspensions (Skiba, Michael, Nardo, & Peterson, 2002). Within the ELS:2002 sample, 95.5% of the population who received an OSS also received an ISS, suggesting the ISS is a gateway to an OSS (Finn & Servoss, 2014). Additionally, there is a growing body of research showing disproportionality linked to classroom teacher referral for classroom behavior (Skiba et al. 2011; Skiba et al., 2002). The second reason for including these two items is the consistency of the self-reported suspension statistics in the ELS:2002 sample with Department of Education suspension rates (Finn & Servoss, 2014). Finally, conceptually the two PSB items included in this analysis were selected because they represent the student-teacher or

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

student-school relationship, while absences, tardiness, and skipping could be capturing student history which may or may not be related to behavior and is not directly related to student-teacher interaction.

After the inclusion of the previous student behaviors, Model D added the third set of variables, the academic variables (*academic score* and *special education status*) and random effects are explored. Recent research has emphasized the importance of including an academic score in disproportionality analysis (Morgan & Farkas, 2016). Academic scores have been included in several disproportionality studies over the past fifteen years (Hibel et al., 2010; Hosp & Reschly, 2002; Morgan, Farkas, Hillemeier, & Maczuga, 2012; Morgan et al., 2015; Skiba, Poloni-Staudinger, Simmons, Feggins-Azziz, & Chung, 2005; Talbott, Fleming, Karabatsos, & Dobria, 2011). The second academic item is an IEP flag which signifies participation in special education. This item is a primary item of interest for the intersectional analysis and the relevance of special education to issues of disproportionality.

After the student level variables of interest have been introduced, the student level teacher control variables are added for Model E. In addition to teacher demographics of gender and minority status, years of teaching experience and hours of special education training are added. Previous disproportionality research has included teacher demographics (Bradshaw, Mitchell, O'Brennan, & Leaf, 2010; Bryan, Day-Vines, Griffin, & Moore-Thomas, 2012) and years of experience (Skiba et al. 2014) to control

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

for teacher referral. The hours of special education training for each teacher has been included in the model because of the intersectional consideration of special education participation.

Finally, the school level variables (*sector, urbanicity, percentage of minority students, and school counselor ratio*) are added, resulting in Model F, the full model. School characteristics have been previously found to play a significant role in referrals (Skiba et al., 2014). Sector, or whether a school is public or private, is a standard descriptor of a school often included in educational research, yet not often included in disproportionality literature. However, differences in sector have been found in the school counseling literature with the ELS:2002 dataset (Bryan, Holcomb-McCoy, Moore-Thomas, & Day-Vines, 2009). The second school level variable, urbanicity, indicates if the school is in an urban, suburban, or rural community. Urbanicity (Bryan et al., 2012; Morgan et al., 2012; Noltemeyer & Mcloughlin, 2010) and population density (Nicholson-Crotty, Birchmeier, & Valentine, 2009) have previously been included in disproportionality studies. Urbanicity has been found to be a significant indicator of referral (Nicholson-Crotty et al., 2009) and differences in referral have been found between urban and rural schools (Bryan et al., 2012; Noltemeyer & Mcloughlin, 2010). Specific to school counseling referral, Bryan et al. (2012) found rural math teachers 50% more likely to refer a student than suburban math teachers.

The third school level variable is the percentage of minority students in the

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

school. Finn and Servoss (2014) found the strongest correlation with discipline referral, specifically suspension, was the percentage of African-American students in the school as opposed to percentage of free or reduced lunch students, which is frequently used as a poverty measure. Moreover, disproportionality has been found to exist across all economic levels (Skiba et al., 2005). In their analysis of special education, Hibel et al. (2010) also included percentage of minority students, which was significant across all multilevel models. Other studies have also included percentage of minority students (Talbot et al., 2011) and found it to be the strongest school level predictor (Skiba et al., 2014). Finally, total student enrollment has been included in disproportionality studies (Finn & Servoss, 2014; Skiba et al., 2014), but more relevant to the current analysis is counselor ratio which is the total number of counselors divided by the total enrollment. After the inclusion of the student and school level variables, cross level interactions were explored (Snijders & Bosker, 2011).

### *Full Mixed Model:*

$$\eta_{ij} = \gamma_{00} + \gamma_{01} * (Private_j) + \gamma_{02} * (Rural_j) + \gamma_{03} * (Suburban_j) + \gamma_{04} * (PrctMin) + \gamma_{05} * (CounsRatio_j) + \gamma_{10} * Gender_{ij} + \gamma_{20} * SES_{ij} + \gamma_{30} * AfrAm_{ij} + \dots + \mu_{0j}$$

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

For the final research question, HGLM is used to examine students in special education, and again examines what student and school level variables are associated with the students' referral to the school counselor for disruptive behavior. This model will specifically examine students in special education and include a student level predictor of special education category. In a parallel process to the models for the second research question, the variables of interest for the third research question are included in a buildup procedure. Since the buildup procedure for the third research question is identical through the first three models of the second research question, the procedure begins at the fourth model, after the empty model, inclusion of demographic variables, and previous student behaviors. The fourth, fifth, and sixth models include variables in a parallel process to the prior model building procedure.

The fourth model for the third research question adds the academic variables academic score and specific special education categories (*specific learning disability, emotional disturbance, intellectual disability, other health impairment*) as well as a collapsed variable of other low incidence special education categories. Random effects are explored. For the fifth model the teacher level control variables are introduced. Finally, the school level variables (*sector, urbanicity, school counselor ratio, and percentage of minority students*) are introduced, resulting in the full model. Cross-level interaction effects are explored between student and school level variables (Snijders & Bosker, 2011). Finally, model fit comparison using the Pseudo  $R^2$  and the C-statistic are

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

performed to determine the best model fit (Cook, 2007). Traditional model fit comparisons using deviance tests are not compatible with multiple imputation (STATA, 2015).

# DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

## Chapter 4: Results

The previous chapters introduced the issue of disproportionality in the educational system and provided the analysis plan for the current study. The present chapter presents the results of the analysis of each of the three research questions. The chapter begins by comparing the demographics of the sample by the binary outcome variable. Next, the first research question is addressed through the presentation of risk ratios by race/ethnicity, special education category, and the intersection of race/ethnicity and special education status. The second research question is addressed through a set of multilevel analyses. The chapter concludes with the results of the third research question using the multilevel analyses, which incorporates special education category.

### Descriptive Statistics

Prior to model building the descriptive statistics were examined (see Table 5) based on the outcome variable of referral to the school counselor for disruptive behavior. In the full analytic sample ( $n = 9540$ ), students who were referred to the school counselor ( $n = 1491$ ) were compared to students who were not referred ( $n = 8049$ ) for disruptive behavior using a two sample proportions test for the dummy coded variables and t-tests for the continuous variables.

Results show that compared to students not referred for disruptive behavior, the students referred for disruptive behavior were statistically different by gender, with a

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

larger proportion of male ( $z = 15.78, p < .001$ ) students referred to the school counselor. By race, students referred to the school counselor were comprised of a smaller proportion of Asian ( $z = -4.16, p < .001$ ) and White students ( $z = -7.78, p < .001$ ) compared to unreferred peers, while students referred to the counselor had statistically higher proportion of African-American ( $z = 1.24, p < .001$ ) and multiracial ( $z = -8.68, p < .001$ ) students, while no differences existed for students in the categories of American Indian/Alaskan Native, Latino, or Native Hawaiian/Pacific Islander.

Additionally, students referred to the school counselor have a lower average SES ( $t = -18.81, p < .001$ ) compared to non-referred peers, had lower standardized test scores ( $t = -20.82, p < .001$ ), and have a higher proportion of students in special education ( $z = -6.26, p < .001$ ). Students in special education comprised 30.7% of the referred students and 10.5% of the non-referred students. Finally, students who are referred to the school counselor for disruptive behavior are statistically different than their non-referred peers for student reported previous behaviors, with students reporting a higher average for the number of times in trouble ( $t = 30.43, p < .001$ ) or received an in-school suspension ( $t = 26.15, p < .001$ ).

Students with a counselor referral for disruptive behavior were less likely to attend a private school ( $z = 24.46, p < .001$ ), with private school students comprising 5.0% of the referred students and 8.0% of non-referred students. A higher proportion of the students who were referred to the counselor attended a rural school ( $z = -2.56, p <$

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

.05) compared to non-referred student, although no significant differences were found for urban or suburban schools. Additionally, the average percentage of minority students was higher for students who were referred to the school counselor ( $t = -2.33, p < .05$ ) with referred students attending schools which were 34.2% minority compared to non-referred students who attended schools that were 32.1% minority. Finally, no difference was found between students who were referred to the counselor and those who were not referred for school counselor ratio. In other words, the ratio of school counselor to students was not different for students who were referred compared to students who were not referred.

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 5

Student level Descriptive Statistics for Students Referred to the School Counselor

	Referred to Counselor		Not Referred		Sig. Test
	% (N)	Mean (SD)	% (N)	Mean (SD)	
<i>Student Characteristics</i>					
Gender					
Male	70.13(1046)***		47.9 (3855)		15.80
Female	29.87(445)***		52.1 (4194)		-15.80
Race/Ethnicity					
Am. Ind./Alaskan	0.85 (13)		0.80 (64)		4.18
Asian	1.58 (23)***		3.67 (294)		9.76
African-American	21.79 (319)***		12.06 (966)		1.06
Latino	15.96 (234)		14.72 (1178)		8.48
Multiracial	9.05 (133)***		3.90 (312)		.77
Nat. Hawaiian/Pac. Is.	0.27 (4)		0.17 (14)		-.814
White	54.17 (794)***		64.68 (5180)		
SES		-0.15(.64)***		0.23 (.73)	-18.81†
Previous student behaviors					
Trouble		2.38(1.24)***		1.57 (.84)	31.43†
ISS		1.51(.89)***		1.12 (.43)	26.15†
Standardized test score		45.35(9.37)***		51.05(9.77)	-20.82†
Special Education Status					
General Education	69.28 (593)***		89.47 (3910)		-6.26
Special Education	30.72 (263)***		10.53 (460)		15.98

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 5 (cont.)

Student level Descriptive Statistics for Students Referred to the School Counselor

	Referred to Counselor		Not Referred		Sig. Test <sup>†</sup>
	% (N)	Mean (SD)	% (N)	Mean (SD)	
<i>School Characteristics</i>					
Minority Percentage		34.21 (29.83)*		32.05 (29.44)	-2.33 <sup>†</sup>
Counselor Ratio		.003 (.002)		.003 (.002)	-1.41 <sup>†</sup>
Urbanicity					
Urban	28.89 (431)		29.47 (2372)		.45
Suburban	48.97 (730)		51.25 (4125)		1.62
Rural	22.15 (330)*		19.28 (1552)		-2.56
Sector					
Public	95.00 (1416)***		92.02 (7407)		-4.01
Private	5.00 (75)***		7.98 (642)		24.46

\* $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$

<sup>†</sup>Indicates a t-test for a continuous variable; a two sample proportions test was used for dummy coded variables

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

### **Disproportionality in school counselor referral**

The first research question sought to examine disproportionality in school counselor referral for disruptive behavior. Specifically, to what extent does racial/ethnic status make a contribution to rates of referrals to the school counselor for disruptive behavior? Additionally, to what extent does special education category make a contribution to rates of referrals to the school counselor for disruptive behavior? Finally, to what extent does the intersectionality of race and special education status make a contribution to the rates of referrals to the school counselor for disruptive behavior? In order to answer these questions, three sets of risk ratios were calculated: race/ethnicity, special education category, and the intersection of race/ethnicity and special education status.

**Risk ratios for school counselor referral by race/ethnicity.** Risk ratios were calculated in three stages. First, risk ratios were calculated for each racial/ethnic status (see Table 6). Results show compared to peers, Asian (Risk ratio  $[RR] = 0.46$ ) and White ( $RR = .69$ ) students have a lower odds of being referred to the school counselor for disruptive behavior compared to peers. American Indian/Alaskan Native ( $RR = 1.06$ ) and Latino ( $RR = 1.08$ ) students have a near equal odds of referral compared to peers. The remainder of the students have a higher odds of referral to the school counselor for disruptive behavior with African-American students having the highest odds ( $RR = 1.77$ ), followed by multiracial ( $RR = 1.32$ ) students. The risk ratio for Native Hawaiian/Pacific

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Islander students was not calculated due to cell size guidance (Bollmer, Bethel, Garrison-Mogren, & Brauen, 2007).

Table 6

*Risk Ratio for Students Referred to the School Counselor for Disruptive Behavior, by Race/Ethnicity*

	Risk Ratio
African-American	1.77
American Indian/Alaskan Native	1.06
Asian	0.46
Latino	1.08
Multiracial	1.32
Native Hawaiian/Pacific Islander	*
White	0.69

\*Risk Ratio not calculated due to small cell size

**Risk ratios for school counselor referral by special education category.** Next, risk ratios were calculated for students in special education (see Table 7) referred to the school counselor for disruptive behavior. Risk ratios are reported in comparison to other students in special education and compared to all other students (general and special education). Following the cell size guidance set forth in Bollmer et al. (2007), the categories of speech language impairment, multiple disabilities, hearing, visual, autism, deaf/blindness, and other were omitted. These categories were collapsed into the category *other disabilities* and the risk and risk ratios were analyzed.

Results show, compared to peers in special education, students in the categories of emotional disturbance ( $RR = 1.50$ ) and other health impairment ( $RR = 1.26$ ) have the

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

highest odds of referral to the counselor. Conversely, students in the categories of specific learning disability ( $RR = .88$ ), intellectual disability ( $RR = .83$ ), and all other disabilities ( $RR = .89$ ) have a lower risk of referral compared to peers in special education. When students in special education are compared to all students each special education category has a higher risk of referral to the school counselor for disruptive behavior compared to peers in general and special education. Specifically, students in the categories of emotional disturbance ( $RR = 3.29$ ) and other health impairment ( $RR = 2.79$ ) continue to have the highest odds of referral when compared to all peers, followed by students in the specific learning disability category ( $RR = 2.43$ ). The odds of referral to the counselor for disruptive behavior is nearly twice the odds for students in the intellectual disability category ( $RR = 1.88$ ) and for all other students in special education ( $RR = 2.02$ ).

Table 7

*Risk Ratios for Students in Special Education Referred to the School Counselor for Disruptive Behavior*

	Risk Ratio for Student in Special Education	Risk ratio for all students
Specific learning disability	0.88	2.43
Intellectual disability	0.83	1.88
Emotional disturbance	1.50	3.29
Other health impairment	1.26	2.79
Other disabilities	0.89	2.02
General Education	N/A	0.362

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

### **Risk ratios for school counselor referral by race and special education status.**

In an intersectional analysis, the risk ratios were calculated by race for students in special and general education. Risk ratios were not calculated for any group with a cell size less than 10 (Bollmer et al., 2007), however, the categories were consolidated into *other race/ethnicity* and students were used in the calculations for comparison group in the risk ratio for all other categories. In this analysis, the risk of students belonging to the intersection of two categories (race/ethnicity and participation in special education) was divided by the risk of all other students. For example, the risk ratio for African-American students in special education was determined by the risk for African-American students in special education, divided by the risk for all other students. Due to cell sizes, disaggregating by special education category was not possible. Compared to all peers, African-American ( $RR = 3.02$ ) and multiracial ( $RR = 3.21$ ) students in special education have over three times the risk of referral for disruptive behavior, while Latino ( $RR = 2.22$ ) and White ( $RR = 2.07$ ) students in special education have over twice the risk of referral. Of the students in general education, only African-American ( $RR = 1.35$ ) students have a higher risk of referral than all other peers.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 8

*Risk Ratios for Students Referred to the School Counselor by Race/Ethnicity and Special Education Status*

	Risk Ratio
African-American, special education	3.02
Asian, special education	*
Latino, special education	2.22
Multiracial, special education	3.21
White, special education	2.07
Other race/ethnicity, special education	*
African-American, general education	1.351
Asian, general education	.453
Latino, general education	.821
Multiracial, general education	.926
White, general education	.533
Other race/ethnicity, general education	.769

\*Risk Ratio not calculated due to small cell size

### **Multilevel Modeling**

To address the second and third research questions, the same analytic sample was used, which was limited to students who had the outcome variable ( $n = 9540$ ). Multiple imputation of chained equations was performed to account for missing data. Sampling weights were not used in the multilevel analysis because weights are not compatible with multiple imputation (STATA Corp, 2015). The second research question examined the contribution of student and school variables to referral to the school counselor for disruptive behavior.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

**Model A: Empty model.** With no predictors in the model, across all schools, the overall odds of referral to the school counselor for disruptive behavior is statistically different from zero ( $\gamma_{00} = -1.804, p < .001$ ). There is considerable variability in the school means ( $\tau_{00} = .7223, p < .001$ ), suggesting the need for more predictors in the model. The proportion of variance between schools as measured by the ICC is .18; 18% of the total variability in referral to the school counselor were attributed to the school and the remaining 82% of variability was within the schools. The odds of a student being referred to the school counselor for disruptive behavior was 16.5% (See Table 9).

**Model B: Gender, race, SES.** For the second random-intercept model, following the build-up strategy, level-one demographic student variables were included (gender, race/ethnicity, and SES). The slopes were fixed in this step to maintain a parsimonious model. With group mean centering of SES, the intercepts at level one are the school means, and across all schools the overall mean school counselor referral is statistically different from zero ( $\gamma_{00} = -1.570, p < .001$ ). On average across schools, student gender is negatively and statistically significantly related to referral within school ( $\gamma_{10} = -.977, p < .001$ ) after controlling for race/ethnicity and SES. After the inclusion of the demographic variables, females had less than 40% the odds of referral ( $OR = .376$ ) compared to male peers. On average across schools, student SES is negatively and statistically significantly related to referral within school ( $\gamma_{20} = -.271, p < .001$ ) and for every one-unit increase above average SES, the odds of referral lowered by 24% ( $OR = .76$ ).

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

On average across schools, race/ethnicity was related to referral and statistically significantly for all racial categories except the category of other. The racial/ethnic category of Asian was negatively related to referral within school ( $\gamma_{40} = -.775, p < .001$ ) after controlling for other student demographic characteristics (gender and SES), while the racial/ethnic categories of African-American ( $\gamma_{30} = .781, p < .001$ ), multiracial ( $\gamma_{60} = .540, p < .001$ ), and Latino ( $\gamma_{50} = .272, p < .001$ ) were positively related to referral. Multiracial ( $OR = 1.715$ ) and Latino ( $OR = 1.313$ ) students had a higher risk of referral than White peers, while African-American students had greater than twice the risk of referral ( $OR = 2.184$ ). Contrariwise, Asian students had a 54% lower odds of referral ( $OR = .461$ ) compared to White peers.

After the inclusion of demographic variables, differences in the schools still exist ( $\tau_{00} = .723$ ). This between school variability might be explained by incorporating additional student-level and school-level variables in the model. The third model (Model C) added two previous student behaviors of getting in trouble and receiving an in-school suspension (ISS).

**Model C: Previous student behaviors.** For the third model, the previous student behaviors of getting in trouble and receiving an ISS were included as covariates in the model. With the inclusion of previous student behaviors, racial/ethnic status, gender, and group-mean centering of SES, the intercepts at level one are the school means, and across all schools the overall odds of referral to the school counselor is statistically different

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

than zero ( $\gamma_{00} = -3.341, p < .001$ ). After previous behaviors were included in the model, gender ( $\gamma_{10} = -.704, p < .001$ ) and SES ( $\gamma_{20} = -.199, p < .001$ ) remained negatively associated with referral to the school counselor. Females continued to have less than half the odds of referral compared to male peers ( $OR = .495$ ) and for every one unit increase above average SES, the odds lowered by 18% ( $OR = .820$ ). After accounting for previous student behaviors, both African-American ( $OR = 2.059$ ) and multiracial ( $OR = 1.599$ ) students had higher odds of referral than White peers, though the difference between Latino and White referral was no longer significant. After previous student behaviors were included in the model, the racial/ethnic category of Asian ( $\gamma_{40} = -.606, p < .001$ ) remained statistically significant and negatively associated with referral to the school counselor. Asian students ( $OR = .546$ ) were 45% less likely to be referred to the school counselor for disruptive behavior than their White peers.

On average across schools, previously being in trouble ( $\gamma_{80} = .589, p < .001$ ) and previously receiving an ISS ( $\gamma_{90} = .437, p < .001$ ) were both statistically significant and positively related to referral to the school counselor for disruptive behavior. After the inclusion of demographic and previous student behavior variables, statistically significant differences in the school still exist ( $\tau_{00} = .753$ ). This between school variability might be explained by incorporating additional student-level and school-level variables in the model. The fourth model (Model D) added two academic variables, an academic score

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

and an Individual Education Plan (IEP) flag, which indicates a student's involvement in special education.

**Model D: Academic variable and IEP flag.** For the next model, the academic variables (standardized academic score and IEP flag) were included as covariates in the model along with the previous student behavior covariates. With the inclusion of academic variables, previous student behaviors, racial/ethnic status, gender, and group-mean centering of SES, the intercepts at level one are the school means, and across all schools the overall odds of referral to the school counselor is statistically different than zero ( $\gamma_{00} = -1.258, p < .001$ ). After controlling for both previous student behavior, academics, and demographics, females had half of the odds of referral ( $OR = .509$ ). Simply stated, males were two times as likely to be referred to the school counselor for disruptive behavior than their female peers after accounting for academics and previous behavior. However, once the academic variables were included in the model, SES was no longer significant.

The pattern of significance in the racial/ethnic categories continued from Model C to Model D. After controlling for student demographics, previous student behaviors, and academics African-American ( $OR = 1.551$ ) and multiracial ( $OR = 1.422$ ) students continued to have higher odds of referral, while Asian students ( $OR = .556$ ) were less likely to be referred than White peers. On average, across all schools, the standardized academic score ( $OR = .961$ ) was statistically significant and negatively related to the odds

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

of referral to the school counselor for disruptive behavior. On average, across all schools, participation in special education ( $OR = 1.905$ ) nearly doubled the odds of referral to the school counselor for disruptive behavior compared to peers in general education. After the inclusion of academic variables, statistically significant differences in the schools still exist ( $\tau_{00} = .738$ ).

**Model E: Teacher characteristics.** The final student level variables added to the model were the teacher characteristics; teachers' gender, minority status, years of experience, and hours of special education training. With the inclusion of the teacher covariates and the previous student level variables, across all schools the overall odds of referral to the school counselor is statistically different than zero ( $\gamma_{00} = -1.362, p < .001$ ). After the addition of the student-level teacher controls, females had half of the odds of referral ( $OR = .504$ ). Meaning, after controlling for demographics, previous behaviors, academic variables, and teacher variables, the likelihood of males referred to the school counselor is twice that of females referred to the school counselor for disruptive behavior.

The pattern of significance in the student racial/ethnic categories continued from Model C through Model E. African-American ( $OR = 1.595$ ) and multiracial ( $OR = 1.407$ ) students continued to have higher odds of referral, while Asian students ( $OR = .565$ ) were less likely to be referred than White peers. On average, across all schools, the standardized academic score ( $OR = .961$ ) was statistically significant and negatively related to the odds of referral to the school counselor for disruptive behavior. In other

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

words, as the standardized test score increased, the likelihood of counselor referral decreased. On average, across all schools, participation in special education ( $OR = 1.905$ ) nearly doubled the odds of referral to the school counselor for disruptive behavior compared to peers in general education. After the inclusion of student level teacher variables, statistically significant differences in the schools still exist ( $\tau_{00} = .746$ ) and none of the teacher characteristics demonstrated significance.

Prior to the introduction of the school level variables, random effects and interactions were separately explored. Specifically, the interaction of race and special education participation was explored, but the model did not achieve convergence. Likewise, the random slopes for each variable were explored, however, none of the random slopes was significant. The school level variables were added to the model, resulting in the full model.

**Model G: School Characteristics.** For the final model, the school level predictors of sector, urbanicity, percentage minority students, and school counselor ratio were included at level-two, and across all schools the overall mean school counselor referral is statistically different from zero ( $\gamma_{00} = -1.383, p < .001$ ). After the addition of the school-level predictors, females had half of the odds of referral ( $OR = .507$ ). Therefore, after controlling for demographics, previous behaviors, academic variables, teacher variables, and the school level covariates, the likelihood of males referred to the

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

school counselor is twice that of females referred to the school counselor for disruptive behavior.

The pattern of significance in the racial/ethnic categories continued from Model C through Model F. After controlling for student demographic, previous student behaviors, academics, teacher characteristics, and school characteristics African-American ( $OR = 1.681$ ) and multiracial ( $OR = 1.441$ ) students continued to have higher odds of referral, while Asian students ( $OR = .590$ ) were less likely to be referred than White peers. On average, across all schools, the standardized academic score ( $OR = .963$ ) was statistically significant and negatively related to the odds of referral to the school counselor for disruptive behavior. On average, across all schools, participation in special education ( $OR = 1.890$ ) nearly doubled the odds of referral to the school counselor for disruptive behavior compared to peers in general education. The school level variables included in the model did not demonstrated significance. After the inclusion of all student and school level variables statistically significant differences in the schools still exist ( $\tau_{00} = .741$ ).

**Model Fit.** Model fit comparisons were completed with an analysis of the  $c$ -statistic and pseudo- $R^2$ . Traditional model fit comparisons which include deviance testing using the log likelihood are not compatible with multiple imputation. The  $c$ -statistic is a measure of goodness of fit and is equal to the area under the Receiver Operating Characteristic (ROC) curve which ranges from 0.5 to 1 (Cook, 2007). The

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

ROC curve assesses the strength of a model to discriminate between two different outcomes of individuals. In this study, the two outcomes are if a student was referred or not referred to the school counselor. The ROC curve and *c*-statistic are insensitive to assessing the impact of the addition of variables to the model. Results (See Table 10) show an increase in the *c*-statistic from Model A, the empty model, through Model D which included student demographics, previous behaviors, and academics. The *c*-statistic did not increase from Model D ( $C = .781$ ) after the inclusion of the teacher variables in Model E ( $C = .781$ ) and increased marginally in the full model ( $C = .782$ ). The marginal increase of the *c*-statistic in later models is consistent with previous research (Cook, 2007).

The pseudo R-squared was also calculated for each model. The pseudo R-squared values is used to evaluate multiple models which predict the same outcome on the same dataset (Freese & Long, 2006). Specifically, the model with the highest pseudo R-squared is the model which best predicts the outcome (Freese & Long, 2006). Results show the pseudo R-squared values increase in each successive model. Specifically, the pseudo R-squared value increased from Model B (pseudo  $R^2 = .0507$ ), which included the student demographics to Model C (pseudo  $R^2 = .1300$ ), which added the previous student behaviors. The Pseudo R-squared value continued to increase with Model D (pseudo  $R^2 = .1581$ ), the additional of academic variables, and in Model E (pseudo  $R^2 = .1585$ ), the

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

addition of teacher characteristics. The highest pseudo R-squared is the full model, Model F (pseudo  $R^2 = .1604$ ).

The model fit data indicates Model F, the full model, is the best model to examine referral to the school counselor for disruptive behavior. The *c*-statistic of Model F ( $C = .782$ ) and the consistency of the *c*-statistic across all previous models demonstrates the overall strength of the model to discriminate between students referred to the school counselor for disruptive behavior and students who were not referred. Additionally, the pseudo R-squared value allows for comparison between models. The pseudo R-squared of Model F (pseudo  $R^2 = .1604$ ) demonstrated the full model was the strongest model.

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 9

*Coefficients and Odds Ratios for Referrals to the School Counselor for Disruptive Behavior*

	Model A Empty model			Model B Demographic variables			Model C Disciplinary variables		
	b	OR	CI	b	OR	CI	b	OR	CI
Fixed Effects									
For Intercept ( $\beta_{00}$ )									
Intercept ( $\gamma_{00}$ )	-1.894***	0.165	(.151, .179)	-1.570***	.208	(.186, .233)	-3.341***	.035	(.029, .043)
Female ( $\gamma_{10}$ )				-.977***	.376	(.331, .428)	-.704***	.495	(.432, .567)
SES ( $\gamma_{20}$ )				-.271***	.762	(.688, .844)	-.199***	.820	(.735, .914)
African Am. ( $\gamma_{30}$ )				.781***	2.184	(1.821, 2.619)	.722***	2.059	(1.699, 2.496)
Asian ( $\gamma_{40}$ )				-.775***	.461	(.338, .629)	-.606***	.546	(.395, .754)
Latino ( $\gamma_{50}$ )				.272**	1.313	(1.084, 1.589)	.185	1.204	(.982, 1.476)
Multiracial ( $\gamma_{60}$ )				.540***	1.715	(1.318, 2.231)	.469**	1.599	(1.210, 2.112)
Other ( $\gamma_{70}$ )				.076	1.079	(.590, 1.971)	-.033	.967	(.509, 1.839)
Trouble							.589***	1.800	(1.680, 1.928)
ISS							.437***	1.548	(1.382, 1.735)
Stand. Score									
IEP									
Eng race									
Math race									
English gender									
Math gender									
AVG experience									
AVG spedtraining									

\*\*\*p<.001; \*\*p<.01; \*p<.05

ISS – In School Suspension; IEP – Individual Education Plan

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 9 (cont.)

*Coefficients and Odds Ratios for Referrals to the School Counselor for Disruptive Behavior*

	Model A Empty model			Model B Demographic variables			Model C Disciplinary variables		
	b	OR	CI	b	OR	CI	b	OR	CI
Private									
Rural									
Suburban									
Minority %									
Counselor Ratio									
Var. components	$\tau_{00}$	.722		.723			.753		
# Parameters		2		9			11		

\*\*\*p<.001; \*\*p<.01; \*p<.05

ISS – In School Suspension; IEP – Individual Education Plan

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 9 (cont.)

*Coefficients and Odds Ratios for Referrals to the School Counselor for Disruptive Behavior*

	Model D			Model E			Model F		
	Academic variables			Teacher Controls			School Level Variables		
	b	OR	CI	b	OR	CI	b	OR	CI
<b>Fixed Effects</b>									
<b>For Intercept (<math>\beta_{00}</math>)</b>									
Intercept ( $\gamma_{00}$ )	-1.258***	.284	(.167, .482)	-1.362***	.256	(.148, .445)	-1.383***	.251	(0.133, .472)
Female ( $\gamma_{10}$ )	-.675***	.509	(.443, .585)	-.685***	.504	(.439, .580)	-.680***	.507	(.441, .582)
SES ( $\gamma_{20}$ )	-.050	.951	(.849, 1.065)	-.043	.958	(.856, 1.073)	-.039	.961	(.858, 1.078)
African Am. ( $\gamma_{30}$ )	.439***	1.551	(1.268, 1.897)	.467***	1.595	(1.298, 1.959)	.519***	1.681	(1.350, 2.092)
Asian ( $\gamma_{40}$ )	-.588***	.556	(.401, .769)	-.570**	.565	(.407, .785)	-.528**	.590	(.422, .823)
Latino ( $\gamma_{50}$ )	-.066	.936	(.756, 1.158)	-.047	.954	(.768, 1.186)	.014	1.014	(.803, 1.281)
Multiracial ( $\gamma_{60}$ )	.352*	1.422	(1.070, 1.891)	.341*	1.407	(1.055, 1.875)	.365*	1.441	(1.079, 1.922)
Other ( $\gamma_{70}$ )	-.216	.806	(.423, 1.535)	-.181	.834	(.437, 1.593)	-.167	.846	(.443, 1.616)
Trouble	.574***	1.776	(1.656, 1.904)	.570***	1.769	(1.649, 1.898)	.581***	1.788	(1.664, 1.920)
ISS	.320***	1.377	(1.229, 1.544)	.322***	1.380	(1.230, 1.548)	.306***	1.358	(1.210, 1.525)
Stand. Score	-.039***	.961	(.953, .970)	-.039***	.962	(.954, .971)	-.037***	.963	(.955, .972)
IEP	.645***	1.905	(1.461, 2.484)	.642***	1.901	(1.430, 2.527)	.637***	1.890	(1.422, 2.512)
Eng race				-.012	.988	(.786, 1.241)	.020	1.020	(.807, 1.289)
Math race				-.053	.949	(.766, 1.174)	-.008	.992	(.792, 1.289)
English gender				.166	1.180	(.993, 1.403)	.144	1.154	(.971, 1.373)
Math gender				.071	1.074	(.926, 1.244)	.077	1.081	(.933, 1.252)
AVG experience				-.006	1.000	(.995, 1.005)	-.006	1.000	(.994, 1.005)
AVGspedtraining				.000	.994	(.986, 1.003)	-.000	.994	(.986, 1.003)

\*\*\*p<.001; \*\*p<.01; \*p<.05

ISS – In School Suspension; IEP – Individual Education Plan

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 9 (cont.)

*Coefficients and Odds Ratios for Referrals to the School Counselor for Disruptive Behavior*

	Model D			Model E			Model F		
	Academic variables			Teacher Controls			School Level Variables		
	b	OR	CI	b	OR	CI	b	OR	CI
Private							-.190	.998	(.994, 1.003)
Rural							.263	1.083	(.867, 1.354)
Suburban							.080	1.301	(.967, 1.750)
Minority %							-.002	.827	(.646, 1.058)
Counselor Ratio							-14.324	.000	(.000, .000)
Var. components									
	$\tau_{00}$	.738		.746			.741		
# Parameters		13		19			24		

\*\*\*p<.001; \*\*p<.01; \*p<.05

ISS – In School Suspension; IEP – Individual Education Plan

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 10

*Pseudo R<sup>2</sup>, C-Statistics, and Parameters for Models A through F*

	<u>Model A</u>	<u>Model B</u>	<u>Model C</u>	<u>Model D</u>	<u>Model E</u>	<u>Model F</u>
Pseudo R <sup>2</sup>	-8.105e- 14	.0507	.1300	.1581	.1585	.1604
C-statistic	.5	.665	.760	.781	.781	.782
Parameters	2	9	11	13	19	24

**Modeling Special Education Categories**

The final research question examined the individual contributions of special education categories to determine if students in various special education categories have different odds of referral to the school counselor for disruptive behavior. In the previous models which addressed the second research question, the interaction model of special education and race/ethnicity did not converge. The model building procedure for the final research question will build upon Model C from the previous analysis and include the individual special education categories in subsequent models as compared to the special education IEP flag which only indicated participation in special education. These categories include the four categories with the highest number of students (specific learning disability, emotional disturbance, intellectual disability, and other health impairment) and a fifth category with the remaining categories.

**Model G: Academic variable and IEP Category.** For the next model, the academic variables (standardized math/reading score and special education category) were included as covariates in the model along with the discipline covariates. With

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

group mean centering of SES, the intercepts at level one are the school means, and across all schools the overall mean school counselor referral is statistically different from zero ( $\gamma_{00} = -1.231, p < .001$ ). The special education categories of specific learning disability (SLD), intellectual disability (ID), emotional disturbance (ED), other health impairment (OHI), and a collapsed category which contained the remaining low incidence categories were included in the model.

After including individual special education categories, the results for gender, racial/ethnic categories, and SES mirrored the results of the original analysis. Specifically, females ( $OR = .511$ ) were half as likely to be referred to the school counselor than male peers. African-American ( $OR = 1.528$ ) and multiracial students ( $OR = 1.430$ ) were more likely to be referred to the school counselor than White peers, while Asian students ( $OR = .548$ ) were less likely to be referred. Finally, SES was no longer significant once academic variables were included in the model. On average, across all schools, the standardized academic score ( $OR = .961$ ) was statistically significant and negatively related to the odds of referral to the school counselor for disruptive behavior.

Differences existed between special education categories for the odds of referral to the school counselor for disruptive behavior. First, referral to the school counselor for students in the special education categories of ID and OHI was not statistically significant compared to students in general education. Students in the special education categories of SLD ( $OR = 1.695$ ), ED ( $OR = 3.805$ ), and other ( $OR = 1.976$ ) had increased odds of

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

referral compared to general education peers. Simply stated, students in the SLD category are 70% more likely to be referred to the school counselor for disruptive behavior, students in the low incidence categories are almost two times as likely to be referred, and students in the ED category are nearly four times as likely to be referred to the school counselor for disruptive behavior compared to peers in general education. After the inclusion of the academic variables differences in the schools still exist ( $\tau_{00} = .741$ ).

**Model H: Teacher level characteristics.** Parallel to the previous analysis, the teacher controls were added to the model and all variables remained significant. Across all schools the overall mean school counselor referral is statistically different from zero ( $\gamma_{00} = -1.363, p < .001$ ). Female ( $OR = .507$ ) students are half as likely to be referred to the school counselor compared to male peers. African-American ( $OR = 1.574$ ) and multiracial students ( $OR = 1.415$ ) are more likely to be referred compared to White peers, while Asian ( $OR = .558$ ) students are less likely to be referred.

After including student-level teacher controls, the pattern of significance held from Model G to Model H; the SLD, ED, and other special education categories remained significant. After controlling for student demographics, previous student behaviors, and academics students in the SLD ( $OR = 1.651$ ) category were 65% more likely to be referred to the school counselor for disruptive behavior compared to peers in general education, while students in the other ( $OR = 1.944$ ) special education category

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

were nearly twice as likely to be referred. Student in the emotional disturbance ( $OR = 3.878$ ) category had the highest odds of referral to the school counselor, with nearly four times the likelihood of referral compared to peers in general education. After including student-level teacher controls, differences in the schools still exist ( $\tau_{00} = .749$ ).

**Model I: School Characteristics.** For the final model, the level-2 predictors of sector, urbanicity, percentage minority students, and school counselor ratio were included, resulting in a full model. With group mean centering of *SES*, the intercepts at level one are the school means, and across all schools the overall mean school counselor referral is statistically different from zero ( $\gamma_{00} = -1.37, p < .001$ ). Across all students there was a 25% odds of being referred to the school counselor for disruptive behavior. After the controlling for student demographics, student previous behaviors, academics, teacher characteristics, and school level predictors, female students ( $OR = .509$ ) were half as likely to be referred to the school counselor compared to male peers. Differences existed across racial/ethnic categories. African-American ( $OR = 1.660$ ) and multiracial ( $OR = 1.448$ ) students were more likely to be referred to the school counselor compared to White peers, while Asian ( $OR = .582$ ) were less likely to be referred. In special education, students in the categories of SLD ( $OR = 1.627$ ) and other low incidence disabilities ( $OR = 1.935$ ) had a 63% and 94% increased likelihood of referral respectively, compared to peers in general education. Finally, students in the ED

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

category ( $OR = 3.883$ ) had nearly four times the likelihood of referral compared to peers in general education.

None of the school level variables were significant predictors in the model. Additionally, an interaction between race/ethnicity and special education was explored, but the model did not converge. Similarly, the random effects were explored, but was not significant. After the inclusion of all student and school level variables, differences in the schools still exist ( $\tau_{00} = .744$ ).

**Model fit.** Model fit was determined through an analysis of the  $c$ -statistic and the pseudo R-squared. The first three models in the second model building procedure were identical to the models in the first model building procedure. The differences in included variables began in the fourth model, Model G, which included special education categories. The  $c$ -statistic (see Table 12) increased from Model C ( $C = .760$ ) to Model G ( $C = .781$ ) and increased slightly in the final model ( $C = .782$ ). The moderate increase in the  $c$ -statistic in later models was consistent with the literature (Cook, 2007). The pseudo R-squared values were compared across the models for the third research questions. Results indicate the full model, Model I (pseudo  $R^2 = .163$ ) was the strongest model.

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 11

*Coefficients and Odds Ratios for Referrals to the School Counselor for Disruptive Behavior with Special Education Categories*

	Model G Academic variables			Model H Teacher Controls			Model I School Level Variables		
	b	OR	CI	b	OR	CI	b	OR	CI
<b>Fixed Effects</b>									
<b>For Intercept (<math>\beta_{00}</math>)</b>									
Intercept ( $\gamma_{00}$ )	-1.231***	.292	(.170, .502)	-1.363***	.256	(.145, .453)	-1.370***	.254	(.131, .493)
Female ( $\gamma_{10}$ )	-.671***	.511	(.444, .589)	-.679***	.507	(.440, .584)	-.676***	.509	(.442, .586)
SES ( $\gamma_{20}$ )	-.055	.946	(.845, 1.060)	-.047	.954	(.851, 1.069)	-.043	.958	(.854, 1.074)
African Am. ( $\gamma_{30}$ )	.424***	1.528	(1.249, 1.870)	.454***	1.574	(1.281, 1.935)	.507***	1.660	(1.336, 2.063)
Asian ( $\gamma_{40}$ )	-.601***	.548	(.395, .760)	-.583**	.558	(.402, .775)	-.541**	.582	(.417, .814)
Latino ( $\gamma_{50}$ )	-.077	.926	(.748, 1.146)	-.060	.942	(.758, 1.171)	.002	1.002	(.795, 1.263)
Multiracial ( $\gamma_{60}$ )	.358*	1.430	(1.075, 1.902)	.347*	1.415	(1.061, 1.886)	.370*	1.448	(1.085, 1.933)
Other ( $\gamma_{70}$ )	-.235	.791	(.416, 1.504)	-.192	.825	(.433, 1.573)	-.178	.837	(.439, 1.597)
Trouble	.574***	1.775	(1.653, 1.905)	.570***	1.768	(1.646, 1.898)	.579***	1.785	(1.660, 1.919)
ISS	.325***	1.385	(1.234, 1.553)	.326***	1.385	(1.234, 1.554)	.311***	1.364	(1.215, 1.533)
Stand. Score	-.040***	.961	(.952, .970)	-.039***	.962	(.953, .970)	-.038***	.963	(.954, .972)
<b>IEP Category</b>									
SLD	.528**	1.695	(1.254, 2.290)	.501**	1.651	(1.210, 2.252)	.487**	1.627	(1.191, 2.224)
ID	.232	1.261	(.521, 3.056)	.187	1.206	(.484, 3.009)	.186	1.205	(.486, 2.991)
ED	1.336***	3.805	1.868, 7.753)	1.355***	3.878	(1.872, 8.037)	1.357***	3.883	(1.883, 8.009)
OHI	.663	1.940	(.585, 6.436)	.655	1.924	(.582, 6.360)	.634	1.886	(.573, 6.205)
Other	.681*	1.976	(1.039, 3.756)	.665*	1.944	(1.024, 3.691)	.660*	1.935	(1.020, 3.674)

\*\*\*p<.001; \*\*p<.01; \*p<.05

ISS – In School Suspension; SLD – Specific Learning Disability; ID – Intellectual Disability; ED – Emotional Disturbance; OHI – Other Health Impairment

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 11 (cont.)

*Coefficients and Odds Ratios for Referrals to the School Counselor for Disruptive Behavior with Special Education Categories*

	Model G			Model H			Model I		
	Academic variables			Teacher Controls			School Level Variables		
	b	OR	CI	b	OR	CI	b	OR	CI
Eng race				-.003	.997	(.795, 1.251)	.030	1.030	(.818, 1.298)
Math race				-.076	.927	(.746, 1.152)	-.030	.970	(.772, 1.219)
English gender				.160	1.173	(.986, 1.396)	.139	1.149	(.965, 1.368)
Math gender				.083	1.086	(.938, 1.257)	.089	1.093	(.944, 1.265)
AVG experience				-.005	.995	(.986, 1.003)	-.005	0.995	(.986, 1.003)
AVGspedtraining				.002	1.002	(.997, 1.007)	.002	1.002	(.997, 1.007)
Private							-.178	.837	(.653, 1.073)
Rural							.260	1.296	(.965, 1.742)
Suburban							.072	1.075	(.861, 1.343)
Minority %							-.002	.998	(.994, 1.003)
Counselor Ratio							-14.583	.000	(.000, .000)
Var. components									
	$\tau_{00}$	.741		.749			.744		
# Parameters		17		23			28		

\*\*\*p<.001; \*\*p<.01; \*p<.05

ISS – In School Suspension; SLD – Specific Learning Disability; ID – Intellectual Disability; ED – Emotional Disturbance; OHI – Other Health Impairment

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 12

*Pseudo R<sup>2</sup>, C-Statistics, and Parameters for Models A through C and G through I*

	<u>Model A</u>	<u>Model B</u>	<u>Model C</u>	<u>Model G</u>	<u>Model H</u>	<u>Model I</u>
Pseudo R <sup>2</sup>	-8.11e-14	.051	.130	.160	.161	.163
C-statistic	.5	.665	.760	.781	.781	.782
Parameters	2	9	11	17	23	28

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

### Chapter 5: Discussion

The purpose of this study was to explore which students are referred to the school counselor for disruptive behavior and whether student and school characteristics play a role in the referral process. Given that a substantial amount of research has examined disproportionality with regard to referrals of students for special education, suspension and expulsion, the primary purpose of this study was to extend the disproportionality literature into school counseling to determine whether similar referral patterns exist in counselor referrals that are documented in special education and school discipline referrals. More explicitly, the present study sought to determine whether African-American students are more likely to be referred to the school counselor for disruptive behavior as compared to their peers. Given societal implications for the multiplicative effects of disproportionality in special education (Wagner & Newman, 2012) and school discipline (Balfanz, byrnes, & Fox, 2015; Ekstrom, 1986), this study also included an analysis of special education participation as well as referral differences by special education category. This investigation addressed three primary research questions:

1. To what extent does racial/ethnic status make a contribution to rates of referrals to the school counselor for disruptive behavior? Specifically, to what extent does racial/ethnic status make a contribution to rates of referrals to the school counselor for disruptive behavior? Additionally, to what extent does special education category make a contribution to rates of referrals to the school counselor for disruptive

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

- behavior? Finally, to what extent does the intersectionality of racial/ethnic status and special education participation make a contribution to rates of referrals to the school counselor for disruptive behavior?
2. Are students' race, gender, socioeconomic status (SES), and special education status associated with the students' referral to the school counselor for disruptive behavior? Next, are the school characteristics of urbanicity (urban, suburban, rural), percentage of minority students, school counselor ratio, and sector (public or private) associated with referral to the school counselor for disruptive behavior? Finally, does special education status moderate the association between student and school level variables and student referral to the school counselor for disruptive behavior?
  3. Are students' race, gender, SES, and special education category associated with students' referral to the school counselor for disruptive behavior? Next, are the school characteristics of urbanicity, percentage minority students, school counselor ratio, and sector, associated with referral to the school counselor for disruptive behavior? Finally, does special education category moderate the association between student and school level variables and a student in special education's referral to the school counselor for disruptive behavior?

In order to investigate the research questions, a critical race theory (CRT) lens was employed as well as the CRT extension of DisCrit. The application of these two frameworks allowed for the critical examination of the intersectionality of race/ethnicity

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

and dis/ability. The data from the study was obtained from the ELS:2002 data set, a nationally representative sample of over 17,000 students in more than 700 schools. The analytic sample was restricted to students with a complete outcome variable, referral to the school counselor for disruptive behavior ( $i = 9540, j = 722$ ). The first research question was examined using risk ratios to determine differences in referral by race/ethnicity, special education category, and the intersectionality of race/ethnicity and special education participation. Hierarchical Generalized Linear Modeling (HGLM) was used to explore the student and school level variables in the second and third research questions.

### **Risk Ratios for Referral to the School Counselor**

The first research question used risk ratios to examine disproportionality in school counselor referral for disruptive behavior. Previous disproportionality research can be categorized as either covert or systemic disproportionality. Incidentally, covert disproportionality can be defined as the over or underrepresentation of a group of students in an institution or setting which exists after statistically controlling for related educational variables, such as academic achievement or previous behaviors. Contrariwise, systemic disproportionality is defined as the over or underrepresentation of a group of students in an institution or setting when only considering categorizations of students such as race/ethnicity and assess the equity in the system of referral at the population level. The first research question contained three considerations of systemic

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

disproportionality with calculations by race/ethnicity, special education category, and the intersectionality of race/ethnicity and special education participation. The *a priori* hypotheses were based on disproportionality research in special education and school discipline. Specifically, the three hypotheses stated African-American students would have the highest risk ratios, students in high incidence special education categories would have high risk ratios, and African-American students in high incidence special education categories would have the highest risk ratios when compared to all other peers.

***Risk ratios for race/ethnicity.*** The risk ratio calculations for race/ethnicity (see chapter 4 Table 6) show African-American and multiracial students have a greater odds of referral to the school counselor for disruptive behavior than peers of all other racial/ethnic categories. This finding of African-American students having the greatest odds of referral is consistent with disproportionality research in special education (Sullivan & Bal, 2013; Oswald, Coutinho, Best, & Singh, 1999) and school discipline (Finn & Servoss, 2014; Losen & Gillespie, 2012; Skiba et al., 2014) as well as federal accounts of disproportionality (USDOE, 2016b). Additionally, the present study found Asian students to have the lowest odds of referral, which parallels findings in disproportionality research (Losen & Gillespie, 2012). White students were also less likely to be referred to the school counselor as compared to peers. This finding calls into question the validity of comparing the referral of minority children to the referral of White children in complex statistical models. In other words, although White students

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

will continue to be a reference category, the referral rate of White children should not be interpreted as an ideal or benchmark for ethnic minorities to achieve. It may be more useful to make comparisons to the average referral for all students, which would allow for the under referral of White students to be more frequently critiqued. From a CRT perspective, the normalization of White behavior or White characteristics corresponds to the CRT tenet of *racism as ordinary*. Specifically, by analyzing deviations from the dominant group as deficits, researchers have normalized the assumption of White characteristics as equivalent to the standard or goal. This approach is also supported through the DisCrit framework. For example, the first tenet of DisCrit states, “DisCrit focuses on ways that the forces of racism and ableism circulate interdependently, often in neutralized and invisible ways, to uphold notions of normalcy” (Connor et al., 2016, p. 19). Viewing the research practice of White referral rates as normal, researchers are perpetuating the myth that White referral rates are correct and fair. In actuality, White referral rates should be critically examined.

Finally, although the current study supported previous literature with the evidence of an increased odds of referral for African-American students, the analysis of race/ethnicity also found an increased odds of referral for multiracial students, which supported the previous work of Bryan, Day-Vines, Griffin, and Moore-Thomas (2012). Multiracial students are not often included in the disproportionality research and the findings from the study justify the inclusion of multiracial students in future

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

disproportionality research. The interpretation of counselor referral trends for multiracial students will be further discussed later in the chapter in the context of the multilevel models.

***Risk ratios for special education categories.*** The second calculation of risk ratios reported the risk for students in individual special education categories, as compared to peers in special education and compared to all peers (students in both special education and general education). For students in special education (see Chapter 4, Table 7), students in the categories of emotional disturbance (ED) and other health impairment (OHI) have the highest odds of counselor referral compared to peers in special education. However, when compared to peers in general education, students in all special education categories had a higher odds of referral, ranging from nearly 90% greater odds ( $OR = 1.88$ ) for students in the cognitive impairment category to greater than three times the odds ( $OR = 3.29$ ) for students in the emotional disturbance category.

The present study was the first analysis in the school counseling literature to analyze differences in school counselor referral by special education category. The results parallel findings in other fields that indicate special education categories operate differentially (Sullivan & Bal, 2013). In other words, within each special education category students are more similar to each other as compared to students in other special education categories. The findings in the current research suggest that students in special education should not be aggregated into one category for analysis. The aggregation of

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

students in special education into one monolithic entity means researchers in school counseling are missing opportunities to analyze differences in needs and outcomes of students in special education. Disaggregation would allow for the development of evidenced based practices for students in specific special education categories.

Disaggregation is also supported through the DisCrit tenets. Specifically, the first tenet of DisCrit describes how racism and ableism operate in neutralized and invisible ways (Annamma et al., 2016). When special education is treated as a monolithic entity, researchers ignore the differences between categories and miss out on important insights. Additionally, the third tenet of DisCrit describes the social construction of race and ability. Through the DisCrit lens, special education participation is described as socially constructed as a monolithic entity even though one could presume that the needs of students who are in the deafness category would differ dramatically from students in the cognitive impairment category. With this theoretical approach, it is evident that ‘special education student’ is a socially constructed label and research on the group as a single, undifferentiated, monolithic group has little practical application. The aggregation of all students in special education has not been challenged in the counseling literature, yet the need exists for more nuanced research. For example, the present research found students in the ED category have the greatest risk of referral to the school counselor for disruptive behavior. This finding is critical given the poor societal outcomes of students in the ED category, who drop out of school at a higher rate (35.2%) than all other peers (USDOE, 2016a). The needs of students in the ED category suggest school counselors are

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

positioned to work with these students who are the most likely to be referred to the school counselor for disruptive behavior.

Summarily, the aggregation of special education categories leads to general claims in the research which are without real world application. School counseling programs should ensure school counselors are prepared to meet the unique needs students in the ED category as well as each of the special education categories. This conclusion would not be apparent without a disaggregated analysis. Specifically, DisCrit values multidimensional identities, privileges the voices of marginalized populations, and focuses on the invisible ways the forces of racism and ableism abound (Connor et al., 2016). Disaggregation of data by race/ethnicity and special education status will acknowledge the multidimensional identities of students, allow for an examination of the needs of marginalized populations, and include an increased level of detail to highlight trends in the data which were previously invisible or ignored. Although the aggregation of data is beneficial from a sample size perspective, the claims made from that data are without real world application. Researchers in school counseling should strive for a parallel process to the ASCA (2012b) mandate to serve every student. Just as practicing school counselors are tasked with meeting the needs of all of the students in the school, school counseling researchers should strive to examine how the profession is meeting the needs of all of the students, which is an impossible task with aggregated data.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

***Risk ratios for race/ethnicity and special education participation.*** Finally, in the intersectional analysis, across all ethnicities, students in special education have a greater than two times the odds of referral to the counselor compared to peers in general education. African-American students in general education were the only ethnic category to have a higher than average odds of referral with a 35% ( $OR = 1.351$ ) increased likelihood of referral compared to students of all other racial/ethnic categories in general or special education. The results from the intersectional analysis supports previous literature which has found African-Americans in special education at greatest risk for school discipline (Krezmein, Leone, & Achilles, 2006; Losen & Gillespie, 2012). This intersectional analysis is important; the results highlight the compounding impacts of belonging to more than one category which is disproportionately referred. The intersectional analysis approach is also supported by the theoretical framework. DisCrit specifically states the importance of multidimensional identities. The data from the present study emphasizes the relevance of considering multigroup membership. Although African-American students overall ( $OR = 1.77$ ) had the highest odds of being referred to the school counselor compared to all other racial/ethnic categories of students, an African-American in special education had greater than three times the odds ( $OR = 3.02$ ) of referral compared to all other peers in general or special education. The findings of the present research are supported by the tenets of both CRT and DisCrit, which both emphasize the importance of intersectionality in identity dimensions. Furthermore, the

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

intersectional analysis underscores the importance of professional development for school counselors centered on students in special education.

Regardless of race/ethnicity, students in special education were referred to the school counselor for disruptive behavior at more than twice the odds of peers in general education. Predominantly, the existing school counseling preparation research collects data from practicing school counselors (Milsom, 2002; Nichter & Edmonson, 2005; Studer & Quigney, 2005) and counselor educators (Korninek & Prillman, 1992; McEachern, 2003). The present study underscores the call for additional training in special education for school counselors through nationally representative data and student-level teacher referrals. Although previous research reported the needs of school counselors and counselor educators regarding special education practice (ASCA, 2016b) and coursework (McEachern, 2003), the present study supports those identified needs with referral trend data for students in special education.

Even with the simplicity of the risk ratio calculations, the results provide important insights. Overall, the results of the first research question support each of the hypotheses. Specifically, African-American students and students in the emotional disturbance category have a higher odds of referral than their respective peers. The findings from intersectional risk ratios provide evidence for the multiplicative impact of the odds of referral for minority students by membership in special education, which is also supported by the DisCrit framework. The present study demonstrates students who

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

are more likely to experience disproportional referrals in either special education or school discipline may also experience referral to the school counselor. Therefore, the school counselor should be positioned to work directly with these students as well as advocate for overrepresented populations who, as the evidence suggests, are referred to the school counselor.

In addition to the support for the hypotheses, the findings also highlight several other factors to consider. First, the results indicate that multiracial students have a higher risk ratio than their peers in other racial/ethnic groups, after their African-American peers. Presently, the disproportionality literature focuses on African-American, Asian, Latino, and White students. The results of this analysis demonstrate the importance of including multiracial students in the discussion. This is particularly salient to educational research given demographers with the US Census expect the population of multiracial citizens to increase from 2.5 percent in 2014 to 6.2 percent in 2060, a net addition of 18 million multiracial citizens (Colby & Ortman, 2015). Individuals who collect demographic data should include more detailed options for multiracial participants. For instance, data collectors could include a sub-question if participants selected multiracial as their race. The sub-question could then give participants the opportunity to “select all that apply” when considering their racial identity. This additional layer of data would enable researchers to examine the difference within the multiracial population potentially tied to racial categories. Additionally, similar to the present study, if researchers are to

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

speculate on the findings of the multiracial category, it would be beneficial to the researcher to be able to examine the detailed racial make-up of the multiracial population. Although the ELS:2002 (Ingles, Pratt, Rogers, Siegel, & Stutts, 2004) did not include specific race/ethnicity information for students who identified as multiracial, which would allow for a demographic description of the multiracial student population, the results for the present study justify the inclusion of multiracial students in future disproportionality research using advanced statistical models. The present study included multiracial students in the multilevel model and additional results are subsequently discussed.

Finally, the use of risk ratios allows for a disproportionality calculation for White students, who typically function as the reference category in more complex statistical models. The present research indicates that White students are less likely to be referred to the school counselor for disruptive behavior as compared to non-White peers. Furthermore, White students in special education have the lowest risk of referral to the school counselor for disruptive behavior of all racial/ethnic groups in special education. The low odds of referral for White students as compared to non-White peers suggests the need for caution in the interpretation of future disproportionality studies that use White students as the reference category. For instance, when disproportionality researchers use White as the reference category, the discussion often focuses on the differences for racial/ethnic minority students. When a researcher finds racial ethnic minorities are over

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

referred for special education (Skiba et al., 2011), a parallel discussion should also take place which calls into question why White students are referred at lower levels. When the second analysis is overlooked, researchers treat White referral as the correct rate of referral and fail to analyze the systemic influences that may support White students while simultaneously disadvantaging non-White students.

Notably, a report from the U.S. Department of Education (2018), the state of Texas was found to be out of compliance with federal law with the implementation of a special education cutoff of eight percent. The report noted that due to the state mandate, the enrollment of students in special education dropped by over 32,000 students between 2003-2004 and 2016-2017 (USDOE, 2018). This is especially troubling given that the enrollment of students in Texas increased by over one million students during the years specified. Although the report does not specifically discuss the demographic makeup of the students who were impacted, educational demographic data show that the Hispanic student population in Texas increased from nearly 1.9 million in 2003-2004 to 2.8 million in 2016-2017, while the enrollment of White students decreased from 1.7 million to 1.5 million in the respective years (Texas Education Agency 2005, 2017). Relevant to the case in Texas is the fifth tenet of DisCrit that states, “DisCrit considers legal and historical aspects of dis/ability and race and how both have been used separately and together to deny the rights of some citizens” (Connor et al., 2016, p. 19). It can be assumed that the majority of students who were denied access to special education

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

services in Texas were non-White students. Future longitudinal research on the demographics of the special education population in Texas could highlight whether White students continued to receive services at a consistent rate. The Texas case illustrates how the White reference category will not provide a comprehensive understanding of referral patterns. Although it is important to know non-White students are denied access to services, it is also important to know how White students continued to maintain access to the same services. If researchers only examine one side of the issue, strategies to address referral trends will always fall short.

*Risk ratios as evidence of systemic disproportionality.* The forgoing discussion highlights the presence of systemic disproportionality in referral to the school counselor in ways that parallel referral trends in both special education and school discipline. The theoretical lens of DisCrit allows the problem of disproportionality in school counselor referral to be examined from a critical perspective. The results should be interpreted with caution and do not imply the presence of overt racism in individual teachers who refer students to the school counselor for disruptive behavior. On the contrary, results suggest teachers utilize the counselor as a support for students with the greatest need. The results also suggest larger systemic forces which reproduce racial inequities (Blair, 2008) are evident across educational referral. These systemic forces are not easily addressed and DisCrit calls for activism and supports all forms of resistance (Connor et al., 2016) to facilitate change.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

In an autoethnographic study to explore a school district's role in reproducing racial inequities, Khalifa and Briscoe (2015) described the role of administrators in maintaining and reinforcing the disproportionality in discipline and achievement. The authors outlined their effort to obtain disciplinary data from three school districts. Even though state law mandated the disciplinary data be publicly available some districts placed restrictive financial demands on accessing the data. Although administrators in their study publicly expressed a desire to decrease racial/ethnic differences in discipline and achievement, administrators were unable (or opted not) to disrupt the district level trends. Moreover, the authors found administrators were resistant to the analysis of racial trends within their respective school districts (Khalifa & Briscoe, 2015). Both CRT scholars (Delgado & Stefancic, 2012) and DisCrit scholars (Annamma, Connor, & Ferri, 2016) have explicitly called for activism and resistance to all structural forces that perpetuate inequity. The authors speculate "the system acted to protect its own interest," (Khalifa & Briscoe, 2015, p. 23) which meant not working with individuals outside of the system to address discipline and achievement gaps. The work of Khalifa and Briscoe highlights the need for transparency for schools to work in the best interest of the students. The foregoing discussion demonstrates how an individual within the system, such as the school counselor, could potentially work to address systemic disproportionality through data analysis and systemic intervention in ways external researchers have not achieved. School counselors working within their own schools is an

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

example of the resistance within the theoretical approach of DisCrit. Moreover, the school counseling profession has been called upon to do just that.

More than two decades have elapsed since the Transforming School Counseling Initiative (TSCI; Ed Trust, 1997) called for an evolution in the school counseling profession with a focus on implementing change for groups of students. School personnel, including school counselors, are frequently required to report and analyze data across the levels of the school system (e.g. student evaluations, classroom referral data, school-wide and district-wide standardized test data). Additionally, school counselors hold a leadership position within the school and can access data on special education and school discipline referrals and could begin to collect data on students referred to the school counselor. The deidentified data could be used to determine risk ratios at the school level which are a simple tool to assess patterns in referral that can justify advocacy, and lead to local changes in policy and practice. Summarily, practicing school counselors can use the same academic and behavioral data used by teachers in the school, but viewed through a systems lens (e.g. Bronfenbrenner, 1979). School counselors should aggregate the data across classrooms to examine trends in academics, behavior referrals, and special education referrals. Only after school counselors begin to examine the needs of the school from a systemic perspective will the evolution of the school counseling profession called upon by the TSCI (EdTrust, 1997) become fully realized.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

### **Multilevel Analysis**

The second and third research questions use multilevel modeling to examine referral to the school counselor for disruptive behavior. While the risk ratios provide a population level perspective that may be defined as systemic disproportionality, multilevel models provide insight to referral at the student level or covert disproportionality. Similar to systemic disproportionality, covert disproportionality also examines the over or under representation of students, but controls for academic and other related factors to determine individual student outcomes. Explicitly stated, with all things equal, covert disproportionality assesses whether a student is more likely to be referred due to race/ethnicity. The second research question modeled referral to the school counselor for disruptive behavior and included participation in special education as an academic predictor. The final research question extended the model to include specific special education categories as predictors of referral to the school counselor for disruptive behavior.

The second research question assessed student and school level variables that contribute to counselor referral. After adding student demographics (race/ethnicity, gender, SES), African-American and multiracial students had a significantly higher odds of referral to the counselor than White peers, while Asian students had significantly lower odds of referral with the racial/ethnic trends continuing in each subsequent model. Additionally, across all models, males had a higher odds of referral than females. The

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

multilevel analysis supports the previous work of Bryan et al. (2012) who found higher odds of referral for both African-American and multiracial students. The low referral rate of Asian students is also consistent across the disproportionality research (Losen & Gillespie, 2012). However, the findings contradict Talbott, Fleming, Karabatsos, and Dobria, (2011) who found race and gender alone were significant factors in special education referral, but were no longer significant when nested in school level predictors. In the present model, race/ethnicity and gender remained significant across all models. Additionally, the presence of disproportionality after the inclusion of an academic variable is contrary to the work of Morgan and Farkas (2016) who critiqued the disproportionality research for not including academic variables when examining special education referral and participation.

Although Morgan and Farkas (2016) argue the inclusion of an academic variable shows African-American students are under referred to special education, the trend is not present in referral to the school counselor. The variation in these findings could be attributed to the different mechanisms of referral for special education and referral to the school counselor. For example, referral for school discipline is viewed as a punitive referral, while referral for special education may be viewed as a punitive or support intervention (Artiles, 2003), depending on the student, school, and family. Contrariwise, referral to the school counselor can be thought of as a mechanism of support since the referring teacher is choosing to send the student to the school counselor instead of to

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

administration for disciplinary consequences. How a referral is conceptualized across the spectrum of supportive measure to punitive measure could contribute to the inconsistencies across disciplines when examining referral trends by race/ethnicity.

*Covert and systemic disproportionality.* Additionally, the differences in findings across literature bases provide support for the conceptualization of covert and systemic disproportionality. For school counseling referral, disproportionality in over referral exists for African-American students at both the covert and systemic levels. In other words, the population of African-American students is more likely to be referred to the school counselor when only considering race/ethnicity as well as when controlling for confounding variables such as previous student behavior and academic achievement. School counseling referral for disruptive behavior alone does not provide evidence for the two conceptualizations of disproportionality. However, this is not the case with special education. When examining disproportionality at the population level, African-American students are more likely to be referred to special education with 11.6% of African-American students in special education compared to 8.2% of peers (USDOE, 2016a). From a population perspective, systemic disproportionality is evident from the national statistics on special education participation; African-American students participate in special education at a higher rate than their peers. Simultaneously, individual African-American students are less likely to be referred to special education as compared to academically similar White peers (Morgan et al., 2015). Stated simply, the educational

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

system is not serving the needs of African-American students, who overall are more likely to participate in special education, but are required to meet a higher academic threshold for inclusion in special education as compared to White peers. The differentiation between covert and systemic disproportionality provides a framework to simultaneously consider all disproportionality research. Similar to the codependence of the levels of racism to each other (Schuerich & Young, 1997), covert and systemic disproportionality operate synergistically within the literature. Each is used to justify the presence of the other. This concerted integration of the two forms of disproportionality is a perfect example of the first tenet in DisCrit and the parallel tenet in CRT, *racism as ordinary*. The results of the present research demonstrate that African-American students are more likely to be referred at both the population level and after accounting for individual variables such as academics. Therefore, both systemic and covert disproportionality are present in referral to the school counselor for disruptive behavior.

***Multiracial students and the law of hypodescent.*** In addition to African-American students, in the present study multiracial students had significantly higher odds of referral compared to similar White peers. Although this finding supports the work of Bryan, Day-Vines, Griffin, and Moore-Thomas (2012), multiracial students are largely absent from analysis in previous disproportionality research in special education and school discipline. As previously mentioned, the percentage of multiracial citizens is expected to increase by 18 million US citizens by the year 2060 (Colby & Ortman, 2015).

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

In fact, the multiracial population in America is growing three times as fast as the US population (Pew Research Center, 2015). However, little is known about the racial makeup of multiracial students. Without a more detailed understanding of the racial/ethnic makeup of multiracial students, the findings for multiracial students are purely speculative. For instance, multiracial students could follow the trends of African-Americans if the majority of multiracial students in a population have African-American ancestry. Historically, the stigma of African-American ancestry is unique when compared to other multiracial individuals (Hollinger, 2007). Although individuals with Native American ancestry are able to define themselves as one-quarter Cherokee, multiracial individuals with African-American heritage are typically identified as African-American. This categorization of multiracial individuals as African-American is described in the literature as the law of hypodescent, meaning if a person has any African-American heritage, that person is African-American. Commonly known as the “one drop rule,” the law of hypodescent was de jure and de facto. To illustrate, Fields (1982) pointed out that a White woman is able to have an African-American child, but an African-American woman is unable to have a White child. The literature defines this concept as the law of hypodescent (Hollinger, 2007), meaning certain societies will consistently assign a multiracial child to the subordinate ethnic group. In the United States, a child born of one African-American parent is historically described by society as African-American, regardless of the race/ethnicity of the second parent. This is may be evidenced by research noting biracial White and African-American adults have closer ties

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

to African-American relatives (Pew Research Center, 2016). The CRT tenet of social construction and the third tenet of DisCrit emphasize that not only are race/ethnicity and dis/ability socially constructed, but there are psychological impacts of those labels. In fact, Shih, Bonam, Sanchez, and Peck (2007) found that multiracial individuals have a heightened awareness of the social construction of race as compared to monoracial individuals due to the rejection they may experience from both majority and minority groups (Root, 1992). Additionally, although multiracial students are not frequently included in racialized analysis in educational research, biracial identity development has been developed in the literature (Khanna & Johnson, 2010). Students who are biracial have been found to adjust their behaviors depending on the peer group, and are not firmly grounded in an identity. In this way, there is a great fluidity in the racial identity of biracial individuals (Khanna & Johnson, 2010). The majority of work addresses racial identity functioning, yet less attention has been focused on capturing the lived experiences of biracial and multiracial students in longitudinal databases.

Furthermore, the CRT tenet of differential racialization describes how certain populations maybe viewed differently, depending on the historical context (Delgado & Stefancic, 2012). In as much as we see greater representation of biracial individuals in the media, it may be that society still holds fast to the labeling of biracial children as African-American, especially when they may have characteristics of an African-American phenotype. In other words, through the application of CRT it is interpreted

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

that multiracial individuals are labeled by society as non-White and, it can be assumed, experience racism and discrimination in American society similar to that of African-Americans. Although racial passing for multiracial Americans in the Jim Crow era often meant passing as White, Khanna and Johnson (2010) found multiracial Americans today often pass as African-American. If this is the case, then multiracial racial students who are disproportionality referred in the education system may be perceived as African-American by their teachers, which would translate to similar referral patterns for multiracial and African-American students.

Summarily, because biracial students may be racially ambiguous, these students may be perceived as African-American. Given this historical context, if the demographic makeup of multiracial students contains a large number of students with African-American ancestry, the parallel referral trends to African-American students is better understood. It can be assumed researchers have avoided research on this population since multiracial students cannot be easily categorized. However, only when additional detail in the demographic data for multiracial students is gathered will researchers be better able to assess the educational consequences of the law of hypodescent.

***Gender.*** An additional finding from this research is the significance of gender in referral to the school counselor for disruptive behavior, which is similar to gender patterns in special education and school discipline. Throughout all models, males are overwhelmingly referred to the counselor for disruptive behavior as compared to female

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

peers. Although this finding is statistically significant across all models, the present research as well as disproportionality research in special education and school discipline is dedicated to exploring racial/ethnic differences within a systemic framework. Moreover, the educational literature on the achievement gap focuses on race/ethnicity partly because of the differences in societal outcomes; for students who drop out of high school, 21% of poorly educated African-Americans are incarcerated as compared to 2.9% of White students (Pettit & Western, 2004). However, this does not mean the findings related to gender should be overlooked. Contrariwise, gender should be an additional consideration for intersectional analysis, as supported through the CRT tenet of *intersectionality* and the parallel second tenet of DisCrit. The results of the present study demonstrate the multiplicative effect of membership in disproportionately referred categories; African-American students have a high odds of referral, while African-American students in special education have the greatest odds of referral as compared to all other student groups. African-American males in special education represent three disproportionately referred categories (e.g. gender, race/ethnicity, special education participation), the effects of which cannot be ignored. For a student, each time a disproportionately referred category is included, there is a multiplicative negative effect and decreased academic achievement.

Finally, the referral of White students to the school counselor for disruptive behavior should also be critiqued. After controlling for student and school level variables

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

including the percentage of minority students and the teacher's minority status, African-American and multiracial students have a greater odds of referral than White students. Future qualitative research is needed to evaluate cultural barriers which lead to White students not being referred to the school counselor for disruptive behavior.

### **Counselor Referral and Special Education Categories**

The final research question investigated covert disproportionality and included special education categories as predictors of referral to the school counselor for disruptive behavior. The results from the first model indicated special education participation was a significant predictor in the model. The third research question sought to determine whether differences exist by special education category. The model included emotional disturbance, specific learning disabilities, other health impairment, cognitive impairment, and a collapsed category of other disabilities. The collapsed category was necessary due to the limited sample of the remaining categories. Previous school counseling research has not explored differences by special education category. Moreover, the limited intersectional analyses on race/ethnicity and special education on discipline referral typically focus on special education as a collapsed category.

*High incidence categories.* After the inclusion of the special education categories, all demographic trends from the first models held significance; African-American and multiracial students continued to have a higher odds of referral while Asian students had

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

a lower odds of referral. Results of the current study are consistent with findings in other educational literature which model individual special education categories and have found differences exist between categories (Sullivan & Bal, 2013). Specifically, high incidence categories of cognitive impairment (CI), emotional disturbance (ED), and specific learning disability (SLD) have previously been found to have a disproportionate number of African-American students, while disproportionality was not present in low incidence categories (e.g. autism, deaf-blindness, deafness, hearing impairment, speech or language impairment, traumatic brain injury, and visual impairment) (Donovan & Cross, 2002). One explanation for the significant findings for students in the ED, SLD, other categories is that those students are more likely to participate in general education classes as compared to students in the CI category. However, the findings of the present study may instead be a result of an issue of sample size in individual special education categories instead of differences in referral patterns between special education categories. In other words, of the five special education categories included in the model, CI and OHI had the lowest number of students. The small number of students in these categories may have impacted the statistical significance threshold, even though the odds ratio reported in the model for CI and OHI remained similar to the odds of other special education categories, which were significant. This is supported by the risk ratios calculated in the first research question. Regardless of special education category, students in special education had higher odds of referral as compared to students in general education.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

*Low incidence categories.* Although students in the ED and SLD categories were hypothesized to have higher odds of referral, the results demonstrated the collapsed category of other special education categories represented the low incidence disabilities was also significant. This finding is somewhat supported in previous literature. Although disproportionality research in school discipline referral has not been intersectional in the analysis of race/ethnicity and dis/ability, Balfanz et al. (2015) included a special education variable which was significantly related to suspension. Balfanz et al. (2015) did not disaggregate by special education category, yet found the aggregate special education students more likely to receive a suspension. Similarly, the present study found students in the collapsed category of special education have a higher odds of referral to the school counselor for disruptive behavior compared to general education peers. In conjunction with the findings from the first research question, which found regardless of category the risk ratio for students in special education was higher than students in general education, may indicate teachers use the school counselor as a support for students in special education. Future research should examine whether teachers are more likely to utilize the school counselor for students in special education as a behavioral support as compared to a punitive discipline referral.

The results of the second and third research questions suggest that trends in referral to the school counselor for disruptive behavior are similar to referral trends in other disciplines such as school discipline and special education. This suggests students

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

who are at risk of referral to special education and referral for school discipline also have an increased odds of referral to the school counselor. Practicing school counselors are positioned to work with these students individually and advocate for individual students as well as for changes in their local educational system. Additionally, it should not be implied that research suggests school counselors should be written into the IEPs of students in special education. Contrariwise, the present research is evidence of the need for systemic advocacy for students in marginalized groups, including minorities and students in special education, as opposed to a call for additional intervention with individual students. Although individual counseling will always be an element of a school counselor's role and responsibility, the present research suggests the need for more targeted interventions and advocacy approaches for disenfranchised populations across the system. As evidenced in the present study, in addition to individual counseling, African-American and multiracial students would benefit from a school counselor examining the educational and behavioral data of the school by race/ethnicity. Systemic advocacy, as supported by the guiding theoretical framework, requires concerted intervention throughout the various levels of the school. The individual counseling sessions are complemented by a critical examination of data and advocacy for changes in rules or policies which differentially impact African-American and multiracial students. Educational equity will not be achieved through individual counseling, but through a systemic approach with an eye to both the individual and the outer levels of the ecological model.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

### **Implications**

The results of the current study indicate students referred to the school counselor for disruptive behavior have lower academic scores, are more likely to have been in trouble in the classroom, more likely to have received an ISS, and more likely to be involved in special education (see Table 5). The consequences to educational attainment are straightforward, all of the aforementioned characteristics of students referred to the school counselor are risk factors for graduation (Balfanz et al., 2015). Additionally, after controlling for previous behavior and academics, students referred to the school counselor for disruptive behavior are more likely to be African-American or multiracial, a student population which is impacted multiplicatively by disproportionality. The evidence of referral differences after the inclusion of behavior and academic controls suggests underlying systemic factors exist in referral to the school counselor. Systemic advocacy is needed to address the systemic influences. Ecological models in counseling present a framework for systemic advocacy.

### **Ecological Model and Systemic Advocacy**

Systemic advocacy in counseling is the application of an ecological model; counselors assess the influence of factors across the spheres of influence (Bronfenbrenner, 1979). However, systemic advocacy is not the same as a systematic intervention or program. Systemic advocacy is a system wide analysis and intervention which intercedes

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

across the levels of influence. For school counselors, systemic advocacy would focus on working with all levels of the system, from stakeholders inside the school such as students, teachers, and administration, to stakeholders outside the school such as parents and community members. Systemic advocacy includes reviewing related policies at the local, state, and federal level and advocating for change.

Contrariwise, a systematic intervention is a step-by-step procedure of implementation. The present ASCA (2012a) model is an example of a systematic counseling program and includes specific areas of focus within a school counseling program. Although there is value of a unifying model, school counselors and counselor educators must consider taking additional steps to incorporate the Multicultural and Social Justice Counseling Competencies (MSJCC: Ratts, Singh, Nassar-McMillan, Butler, & McCoullough, 2015) in a systemic model to meet the needs of the disenfranchised populations of students. In other words, practicing school counselors should develop a school counseling program that is both systematic and systemic. The present ASCA model (2012a) should evolve to incorporate a systemic application of a school counseling program. The conceptualization of a systemic and systematic school counseling program is supported by the multicultural counseling competencies (Ratts et al., 2015). Moreover, researchers in school counseling have found school counselors who think systemically and implement multi-level interventions impact student outcomes (Militello, Carey, Dimmitt, Lee, & Schweid, 2009). One example of a systemic approach

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

to school counseling has been put forward by the National Office for School Counseling Advocacy (NOSCA) and the College Board Advocacy and Policy Center (2012) and is entitled *Own the Turf: College and Career Readiness Counseling*. The model has eight components of college and career readiness and emphasizes the need for school counselors to work systemwide and think systemically to fully implement a college-going environment. For each of the eight components the NOSCA outlines interventions for students, the school, the district, parents and families, and the community. This focus on the entire system is what is needed for school counselors to work within the educational system to improve outcomes for all students and improve issues of equity.

**Multicultural Counseling Competency.** The current study used a critical race theory lens to examine disproportionality in school counselor referral. Through the lens of critical race theory, counselor referral was examined for both covert and systemic disproportionality. African-American and multiracial students were found to be disproportionately referred when considering the system and after controlling for student and school level factors. For practicing school counselors to disrupt the system of referral, school counselors will need to advocate and intervene at both the individual and system level as well as comprehend the underpinnings of inequality, power, and privilege. Recently, the Multicultural and Social Justice Counseling Competencies (MSJCC: Ratts et al., 2015) were revised and endorsed by the Association for Multicultural Counseling and Development Executive Council and the American

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Counseling Association Governing Council. The MSJCC updated the Multicultural Counseling Competencies originally developed by Sue, Arredondo, and McDavis (1992). The new MSJCC reflect layers of competence from counselor self-awareness, understanding the client's worldview, the counseling relationship, and counseling and advocacy interventions. Within each of the first three layers, the MSJCC address attitudes and beliefs, knowledge, skills, and action. The counseling and advocacy component emphasizes a socioecological model as a framework for individual counseling and social justice advocacy. To illustrate with one example, the MSJCC calls for multicultural and social justice competent counselors to, "Acquire evaluation skills to determine when individual counseling or systems advocacy is needed with privileged and marginalized clients" (p. 10). Additionally, the MSJCC call for counseling and advocacy interventions to address the intrapersonal, interpersonal, community, public policy, and international and global affairs. The socioecological framework in the MSJCC echoes the systemic framework suggested to address disproportionality in educational referral (Mendez & Knoff, 2003).

The results of the present study indicate the school counseling profession needs to expand the focus when considering students disproportionately referred in education, including minority students and students in special education. As mentioned in the MSJCC, individual counseling should be balanced with systemic social advocacy "to address inequities that social institutions create that impede on human growth and

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

development” (Ratts et al., 2015, p. 13). Specifically, school counselors are called upon to work with student groups who are more likely to experience disproportionality in an educational referral as well as advocate for change at all levels of the system which may impact educational equity.

In one example of a systemic intervention, Day-Vines and Terriquez (2008) describe a student-led effort to improve school discipline in one California high school. Students expressed a concern that teachers were sending African-American and Latino males out of class but did not subject females or White and Asian students to the same disciplinary procedures. The school counselor worked collaboratively with the students and other school personnel to develop several interventions. The first intervention ensured all staff and students were knowledgeable of the school policies. Second, the staff hosted several lunchtime workshops for students focused on student rights and responsibilities. Student participation was encouraged through invitations for all those who were concerned about unfair disciplinary procedures. A third intervention was focused on faculty professional development on promoting a positive school climate. The fourth intervention was led by an administration team member who worked with other members of the administration to analyze school discipline data by teacher, observe classrooms, and provide individualized professional development. Finally, a school wide survey was administered to identify additional recommendations for improving school discipline. The school counselor leveraged knowledge of individual students and staff to

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

implement a systemic intervention focused on equity and driven by student-need.

Summarily, Day-Vines and Terriquez (2008) addressed the issue of school discipline through student, staff, classroom, and school-wide interventions with this comprehensive description of a systemic intervention.

The dual approach of individual and systemic advocacy will require practicing school counselors to consider the school as the client in addition to considering students as individual clients. In other words, as students bring concerns to the school counselor's office, the school counselor should work with the individuals, but also work within the system to make changes for similar students who have not stepped across the threshold of the counseling office. The inclusion of systemic advocacy in counselor preparation programs could change the perception of inadequate training when working with students in special education to approaching special education from a systemic perspective.

### **Future Research**

The present research is an exploratory study which provides new insight to referrals to the school counselor and sheds light on other avenues of future research. Given the paucity of school counseling research on disproportionality, there are a number of recommendations for future research. First, more research is needed to understand the myriad of reasons a student may be referred to the school counselor. A comprehensive school counseling program includes social, emotional, academic/career, and behavioral elements. Future research on counseling referral should expand to include teacher

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

referral for academics/career and social/emotional referrals as well as self-referrals. Only after each of these referral trends are examined will there be a comprehensive understanding of which students are referred to the school counselor. Unlike referral for school discipline or referral for special education, referral to the school counselor is multidimensional. The role of the school counselor is unique within the educational system in that a student may be referred for a variety of reasons, which allows for comparisons that examine the reason for referral since the school counselor is involved in all aspects of the educational system. The counseling referral could be rooted in behavior, academic, career, or social/emotional student needs. An examination of reason for referral to a constant resource, such as the school counselor, could provide insights and comparisons which are not practical in other educational disciplines. A comparative analysis of trends across reasons of referral presents a unique opportunity; a singular point of referral for behavioral, academic, and emotional support.

Second, the current research is a cross sectional analysis and the temporal order of referral to the counselor and referral to school discipline or referral to special education cannot be examined. Future counseling research should examine the temporal order of referral to determine whether the school counselor is used as either a proactive or reactive resource for disruptive behavior in the classroom. Establishing a temporal order for school counselors' involvement in the special education referral process would provide insight for counselor educators. Future research should examine whether school

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

counselors are utilized prior to referral for special education or school discipline.

Research that establishes a temporal order could lead to causal claims which are not possible with cross-sectional analyses.

Future counseling research should include both qualitative and quantitative methodologies (Ratts et al., 2015) to examine disproportionality for marginalized student populations as well as the involvement of school counselors to mitigate disproportionality. Although quantitative research studies, such as the present study, are able to capture the relationships between variables, more qualitative research is needed to gain insight into the experiences of the stakeholders impacted by disproportionality in the educational system. Although Shell (2013) has initiated qualitative research on school counselors' perceptions of disproportionality, follow up studies in other states or regions should compare the findings to increase generalizability. Specifically, future qualitative research should focus on the experiences of multiracial students. Little is known about how multiracial students perceive their educational experience, teachers, or school counselors. Additionally, qualitative research in school counseling is needed with students in the emotional disturbance category, who have the lowest educational outcomes of all groups of students (Oswald, et al., 1999; USDOE, 2016a) and are at greatest need for advocacy and assistance. Similar to the work of Moore, Henfield, and Owens (2008), who explored the perceptions of students in special education, research should focus on how school counselors work with students in the emotional disturbance

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

category as well as the students' perceptions of their school counselor. Finally, qualitative research should also investigate teachers' perceptions of referral to special education, school discipline, and the school counselor. Disproportionality research is predominantly quantitative without the companion qualitative research. Qualitative research is essential to understand the underlying mechanisms in educational referral, which primarily begin in the classroom with the student's teacher. Future qualitative and mixed methods research should explore teachers' perceptions of referring students to the school counselor as a behavioral support as compared to punitive discipline referrals.

Although disproportionality research is predominantly quantitative, additional quantitative research in school counseling is needed based on the findings of the present study. First, future counseling research should assess systemic interventions by the school counselor for students in special education as well as students who are at risk of referral to special education for behavior. Additionally, future research should include case studies focused on school counselors who engage in a systemic analysis and subsequent systemic advocacy. Future quantitative counseling research should also include intersectional analyses of race/ethnicity and dis/ability for a more comprehensive understanding of the lived experiences of minority students in special education as it relates to school counseling. Moreover, quantitative researchers should include special education status as an academic variable, given an Individualized Education Plan (IEP) is an academic support mechanism. Future counseling research should also include special

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

education variables in quantitative studies of student populations which contain student level descriptive variables. Moreover, counseling researchers interested in special education or the preparation of school counselors to work with students in special education, should disaggregate students in special education by category. As demonstrated in this study and in other educational literature, each special education category operates differentially (Sullivan & Bal, 2013) given the unique educational characteristics of students within the categories. In addition to disaggregation of students by special education status, researchers should also disaggregate by English as a second language and first-generation and second-generation immigration status. Moreover, research journals should not publish research unless researchers disaggregate data. This would also require both national surveys and smaller surveys to be designed to capture the details of participant demographics. Through disaggregation, researchers may begin to close the communication gap between research and practice.

Finally, although school counselors are educators who focus on academic, behavior, college/career, and social/emotional aspects of education, school counseling variables are frequently omitted from national datasets. The aforementioned recommendations for future research would be expedited if future national datasets collected data similar to the ELS:2002. Counseling researchers should advocate for more counseling variables included in longitudinal national datasets. For example, although the ELS:2002 implemented surveys for students, administrators, teachers, parents, and

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

librarians, the addition of a school counselor survey would provide an additional crucial element related to educational resources and student outcomes.

**Practicing School Counselors.** The current research suggests students who experience the multiplicative impacts of disproportionality across the various educational referrals are visiting school counselors. The development of a systemic approach to school counseling is necessary. Multiculturally competent counselors can consider implementing other mechanisms immediately to better meet the needs of the students who experience disproportionality in educational referrals. As Cook (2012) suggested, school counselors should look beyond the presenting concern of disruptive behavior and recognize the student in the context of their entire educational experience. In other words, school counselors should work to apply an ecological model (e.g. Bronfenbrenner, 1979) to case conceptualization and consider student level factors, including the student's involvement in discipline or special education, as well as the student's family and home environment. Moreover, school counselors should also consider school-based practices that reinforce and maintain disproportionality such as poor classroom management strategies. For example, Bryan et al. (2012) found teachers' postsecondary expectations was a significant predictor of referral to the school counselor for both math and English teachers. That is, teachers were less likely to refer students to the school counselor for disruptive behavior whom they believed were college bound. This finding suggests that conscious and unconscious bias exists in counselor referral.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Teachers are complicit in the disproportionality dilemma, but that is not to say teachers are intentionally disadvantaging African-American students. A differentiation must be made between intent and impact. Systemically, there are underlying issues with pedagogy, classroom management, and teaching placements outside primary content areas. The OCR report (USDOE, 2016b) found ethnic minority students were more likely to attend schools with higher concentrations of inexperienced teachers. Practicing school counselors should spend time with inexperienced teachers. The school counselor and teacher can work together to incorporate classroom management strategies with pedagogy. The combination of content knowledge and a systemic approach to equity between the school counselor and teacher may lead to classroom practices benefiting specific groups of students. This collaboration is supported through theory with the DisCrit call for activism and resistance and is also an example of a systemic approach to change at the classroom level. School counselors who apply the ecological model to advocacy should consider each level of the ecological system, including the teacher and classroom. Systemic interventions may include providing professional development to the teaching staff to bring awareness to the inequities in referral and achievement within the school building and across the district. Future research should consider all of the ways teacher training and behavior can impact referrals.

School counselors are called upon to work with student groups and advocate for change. Practicing school counselors should focus on advocacy at each level of the

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

system (ASCA, 2012b; Martin, 2002). A concerted effort of individual and systemic advocacy supports the call for the school counselor to work as a social justice advocate (ASCA 2016a; Bemack & Chung, 2005) and to work to ensure equity for all students (ASCA, 2012b).

*Application of research to school counseling.* There are several steps practicing school counselors can take immediately which can be categorized into two elements of implementation; change to the discipline referral system in the school and change into how school counselors work with students in special education.

The NOSCA (2012) guides encourage school counselors to work systemwide and implement interventions for students, the school, the district, parents, and the community. Taking a systemic approach to discipline referrals, school counselors can start with implementing change in the referral system of their school and school district. Counselors can begin by advocating at the classroom level for specific students and requesting students be referred to the counselor as opposed to administration for discipline. At the classroom level, the school counselor should critically examine patterns in teacher referral as well as the classroom peer environment. Additionally, school counselors should monitor the consequences of disruptive behavior for students who are referred. This would include whether the student is referred to the school counselor or for discipline. The school counselor should also critically evaluate the school level mechanisms and whether those mechanisms are disproportionality impacting

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

students by race/ethnicity. School level interventions would include collaboration with teachers and administration to review policies and corresponding data. The Transforming School Counseling Initiative (TSCI; Education Trust, 1997) sought to evolve school counseling from focusing on individual student needs to considering the school as a client. This may lead to competing interests when working with students. School counselors will need to navigate their work with students while recognizing they also work for a school system. Dual relationships are unavoidable in school counseling. Just as a school counselor may work with two students or a student and a teacher on an issue, the school counselor balances the needs of both parties. Similarly, when considering the student and the school, the school counselor will focus on the needs of both the individual and the school.

At the district level, school counselors can work with other schools in the district to identify similar patterns and advocate for students across the district. A systemic approach would also include parents and families. School counselors should create events for families to communicate school goals and provide families with information focused on helping their student as well as use families as sources of information that can better support children. At the community level, school counselors should develop community partnerships with local organizations and bring in community members to meet with students. Although it is important to consider any single student in the context

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

of the school environment, systemic advocacy implies working at each level of the school for groups of marginalized students.

The second element to apply the current research to practice is the school counselor's approach to working with students in special education. The results from the first and third research questions demonstrate the need for a systemic change in how counselors approach special education. School counselors should interject themselves into the special education referral system and have a working knowledge of students on their caseload who are being considered for referral to special education. School counselors are trained to conceptualize the whole student and bring valuable cultural insight to referral proceedings. This would require school counselors to shift from considering individual students as clients, to seeing the school as the client (elaborate on that). Additionally, school counselors need to shift their focus from working with individual students in special education to a systemic evaluation of the unique needs of students in each special education category. This transition in approach to special education will address the feeling of helplessness once a student is either referred or participating in special education (Shell, 2013). In other words, the present study does not imply school counselors require training in new individual interventions, but additional professional development in systemic analysis and intervention. School counselors should use existing practices in a systemic and equitable manner.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

*Application to comprehensive school counseling program.* The transition to focusing on both individual and systemic advocacy is not only beneficial to disenfranchised groups of students, but can also be incorporated into school counselor evaluations as evidence of a comprehensive school counseling program. In recent years, states have transitioned to standards based school counselor evaluations. For instance, the Ohio Department of Education has linked the school counselor evaluation (Ohio DOE, 2016) to the Ohio Standards for School Counselors (Ohio DOE, 2015), which include six school counseling standards. School counselors focused on disproportionality and systemic analysis could apply the data from a systemic analysis of disproportionality to their evaluation as evidence for meeting the standards (see Table 11). This approach would be more relevant to a school counselor's role and responsibility than an evaluation focused on school wide academic achievement in the form of standardized test scores. Moreover, subsequent systemic advocacy based on the disproportionality data is evidence of meeting the standards.

As an illustration, the first step for a school counselor analyzing disproportionality would be to collect data on educational referrals (Standard 4). These referrals could be referral to the school counselor, school discipline, special education, or gifted education. The referral data is recorded as part of data-driven services for equitable outcomes. Once the school counselor determines the most relevant referral to examine, they would proceed with the calculation of risk ratios for racial/ethnic trends, students in special

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

education, and an intersectional analysis. The intersectional analysis demonstrates the application of new knowledge and ongoing professional learning (Standard 6). Once calculations are complete, the school counselor should begin a critical systemic analysis. In other words, the school counselor should evaluate how each level of the educational system contributes to the disproportionality. The school counselor should consider what direct services for individuals or groups (Standard 2) are needed as well as how to work with other school personnel, parents/guardians, or community members (Standard 3). Finally, a school counselor should also critically analyze school policies which may impact disproportionality in the school (Standard 5) and advocate for change. The final product, which includes evidence of working with all levels of the system is one piece of a comprehensive school counseling program (Standard 1). Although this illustration was specific to Ohio, many states have rubrics tied to the state counseling standards and the evidence of data-driven services could be applied across various rubrics.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 13

*Systemic Analysis of Disproportionality as Related to the Ohio Standards for School Counselors*

Standard	Description	Evidence
Standard 1: Comprehensive School Counseling Program Plan	School counselors collaboratively envision a plan for a comprehensive school counseling program that is developmental, preventative and responsive, and in alignment with the school's goals and mission.	Comprehensive program includes all students, including students in special education
Standard 2: Direct Services for Academic, Career and Social/Emotional Development	School counselors develop a curriculum, offer individual student planning and deliver responsive services in order to assist students in developing and applying knowledge, skills and mindsets for academic, career and social/emotional development.	Direct services for students who are referred to the school counselor. Track those students who are referred, but deidentify. Responsive services. Decreasing disproportionality impacts academics
Standard 3: Indirect Services: Partnerships and Referrals	School counselors collaborate and consult with school personnel, parents/guardians, community partners and agencies/organizations to coordinate support for all students.	Systemic analysis of disproportionality
Standard 4: Evaluation and Data	School counselors collaboratively engage in a cycle of continuous improvement using data to identify needs, plan and implement programs, evaluate impact and adjust accordingly.	Data to assess both race/ethnicity, special education categories, and intersectional analysis
Standard 5: Leadership and Advocacy	School counselors lead school efforts and advocate for policies and practices that support an equitable, safe, inclusive and positive learning environment for all students.	The school counselor as an advocate for change to school policies which influence disproportionality
Standard 6: Professional Responsibility, Knowledge and Growth	School counselors adhere to the ethical standards of the profession, engage in ongoing professional learning and refine their work through reflection.	Intersectional analysis of referral extends previous analysis

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

**Counselor Education Training and Preparation.** School counseling and counselor preparation have evolved to meet the needs of the nation in different historical periods (Herr, 2001). In recent history, the Transforming School Counseling Initiative (TSCI) advocated for counselor education to place a greater influence on promoting academic development for all students through coursework in system change (Galassi & Akos, 2012). As an illustration, Galassi and Akos describe a graduate course for school counseling students to foster academic success for all students. Specifically, the course required students to interpret the high stakes scores for the students' practicum or internship site, increase academic achievement for a target group of low performing students, and present on closing the achievement gap or dropout prevention. The inclusion of systems change in course content described by Galassi and Akos (2012) can be applied to the next evolution of counselor education and preparation; an explicit focus on students in special education. Changes in counselor preparation as well as counselor professional development must continue in order to meet the changing demands of the educational system.

In counselor preparation, or preservice training, there are a number of considerations for counselor educators. One important finding from the current study is the evidence students in special education are referred to the school counselor. Previous research has noted school counselors feel unprepared to work with students in special education (Studer & Quigney, 2005), yet when preservice training was provided, school

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

counselors were better able to meet the needs of students in special education (Frye, 2005). To address these needs, counselor educators should work to include special education content across courses to ensure counseling programs are preparing school counselors to work with all students on the caseload. This does not imply counselor education programs need to incorporate new individual interventions or approaches to counseling for students in special education. In contrast, the results of the present study suggest the need for systemic analysis and intervention as described by Galassi and Akos (2012) and in the MSJCC standards (Ratts et al., 2015). However, the findings do suggest a need for a more uniform approach to incorporating introductory special education content, including an overview of special education legal history, the referral process, differences between categories, and national outcomes. A foundational special education course would also be a natural fit to explore systemic evaluation and advocacy.

Systemic evaluation and advocacy not only meet the MSJCC standards, but could be wedged into courses on evaluation, multicultural counseling, or special education courses as evidence for the CACREP standards in the accreditation process. A semester project on systemic advocacy would provide needed training for counseling students and address several CACREP standards (see Table 12), including but not limited to standards on multicultural counseling, school counselors as change agents, and the use of data in decision making. This list of standards (see Table 12) is not intended to be a comprehensive list and could be adapted depending on the course content for the

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

systemic analysis. To illustrate further, a focus on systemic advocacy would highlight theories and models of multicultural counseling, multicultural counseling competencies, and the effects of power and privilege for counselors and clients, as well as bridges theory and practice with specific action elements (see Table 12).

DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Table 14

*CACREP Standards (2016) Addressed through a Course Project on Systemic Analysis and Advocacy*

	CACREP Standard	CACREP Section
	Social and Cultural Diversity, Counseling Curriculum	
Section 2: Professional Counseling Identity	Theories and models of multicultural counseling, cultural identity development, and social justice and advocacy	Sec 2. F.2.b
	Multicultural counseling competencies	Sec 2.F.2.c
	The effects of power and privilege for counselors and clients	Sec 2.F.2.e
	Contextual Dimensions	
	School counselor roles as leaders, advocates, and system change agents in P-12 schools	Sec G.2.a
	Practice	
Section 5: Entry-Level Specialty Areas,  School Counseling	Skills to critically examine the connections between social, familial, emotional, and behavioral problems and academic achievement	Sec G.3.h
	Strategies to promote equity in student achievement and college access	Sec G.3.k
	Use of accountability data to inform decision making	Sec G.3.n
	Use of data to advocate for programs and students	Sec G.3.o

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

Across both preservice and in-service training, the underlying expectation of school counselors working with disadvantaged populations is multicultural competency. School counselors will be better prepared to work effectively with all disadvantaged populations through preservice training and continuing professional development of multicultural competence. Practicing school counselors and counselors in training should understand disadvantaged populations are not monolithic entities. Whether the population is students in special education, African-American students, or students in poverty, school counselors should focus on systemic change for the group, with an eye towards the individual needs of students. Disadvantaged students will have life challenges that set back the students, yet they will work to persist, despite the odds. Working more effectively with disadvantaged populations requires school counselors to continually examine personal biases through individual reflection in preservice training and professional development. Regardless of the demographic population of a school, a disadvantaged population will always be present. School counselors should understand the context in which they work and the context in which their students live and learn.

### **Policy implications**

The results of the current research have several policy implications at both the federal and local levels. Changes in federal policy include needed changes to the U.S. Department of Education requirements for disproportionality calculations, counselor variables in federal datasets, and changes to the ASCA national model (ASCA, 2012a).

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

First, the federal guidelines for disproportionality calculations do not require an intersectional analysis (USDOE, 2016b). States and individual districts disaggregate special education, school discipline, and standardized scores by race/ethnicity. However, the results of the present study demonstrate how an intersectional analysis may provide additional context which in turn may lead to more targeted advocacy for students who are disproportionality referred. Specifically, intersectional analysis can uncover more of the context in the referral system which may not be evident with separate discipline calculations for race/ethnicity and special education status. Federal guidelines should be advanced with intersectional identities in mind.

Also at the federal level, counseling needs to be more prominently featured in federal datasets (Bryan, Day-Vines, Holcomb-McCoy, & Moore-Thomas, 2010). School counselors are integral members of schools and assist students with academic, behavioral, college/career, and social/emotional needs. In order for the educational literature to include a comprehensive understanding of the various needs of students, school counseling variables need to be included in the datasets. The final federal element relates to the ASCA National Model (ASCA, 2012a). Counselor educators, counseling researchers, and practicing school counselors should advocate for an update to the ASCA National Model. As previously discussed, the ASCA model is a valuable unifying framework for school counselors to systemically implement a counseling program. However, the systematic implementation should also include systemic analysis. That is,

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

the ASCA model should include components related to school counselors' work with each ecological level of their school in order to implement change for disenfranchised groups of students.

In addition to policy changes at the national level, changes also are needed at the local level. First, school district policies should be critically examined by all stakeholders for mechanisms which disproportionately impact ethnic minority students through educational referrals. School counselors are positioned in the school to have access to the local data and are called upon to work for change in issues of equity (ASCA, 2012b). Moreover, comprehensive changes in local policy could have implications for the achievement gap and high school graduation. School counselors should work to change rules and guidelines which disproportionately impact specific student groups. Additionally, school counselors should conduct an intersectional analysis of school level referral trends. This data can demonstrate the multiplicative impact of disproportionality for students belonging to more than one over-referred student group (males, African-Americans, students in special education). The school counselor can communicate the findings to all other educational stakeholders to advocate for change.

Finally, changes are also needed in counselor training. Clinical mental health requires annual professional development and diversity training for licensure. School counseling does not have a similar licensure requirement. In fact, continuing education

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

for licensure renewal can include participation in activities unrelated to counseling (INDOE, 2011). For example, the state of Indiana allows continuing education hours for licensure through participation in school committees, school accreditation, and school level in-service which are typically teacher-centric (INDOE, 2011). Requiring school counselors to have ongoing diversity training would allow school counselors to attain professional development directly related to counseling. The licensure requirements would also increase the need for professional development opportunities and counselor educators would need to be prepared to fill that need. The additional opportunities for counselor educators would allow for advances in counselor education research.

### **Assumptions, Limitations, and Delimitations**

It should be noted that there are several limitations to the present study. First, sampling weights were not used in the multilevel modeling due to the incompatibility of sampling weights and multiple imputation. Since sampling weights are not used, there are limits to the generalizability of the study. However, the alternative of using weights without imputation would also limit generalizability. The decision was made that a more representative dataset would be achieved through multiple imputation as compared to the use of weights.

Additionally, the ELS:2002 is a secondary dataset, the analysis was restricted to the constructs and variables collected. The present study analyzed cross-sectional data, and it should not be interpreted as suggesting a causal pathway. In other words, temporal

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

order cannot be determined regarding a teacher's decision to send a student to the school counselor or for discipline at the administration level. Moreover, given the sampling design of the ELS:2002, classroom effects could not be included. The present study was limited to teacher demographics as a student level control.

Finally, the purpose of this study is not to make a determination about whether referral trends of students to the school counselor are good or bad, but to analyze a reality which exists in our nation's schools. Understanding the reality of referral to the school counselor for disruptive behavior identifies a platform for school counselors to work with specific subgroups of students and work within the system to affect change.

### **Conclusion**

The present study was an exploratory analysis of referral to the school counselor for disruptive behavior. Results show that both systemic disproportionality and overt disproportionality exist in school counselor referrals with differences by race/ethnicity when considering the overall population as well as after controlling for student and school variables. In the context of the present study, disproportionality in referral to the counselor for disruptive behavior is not assumed to be either a positive or negative. Unlike referral for discipline, referral to the school counselor should not be viewed as a punitive measure. Therefore, the presence of an overrepresentation of disadvantaged populations in referral to the school counselor is not to be inferred as a negative. The

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

purpose of the present study is not to critique the mechanism of school counselor referral; instead the purpose of the present study was to map the landscape of counselor referral and provide the estimates for students referred to the counselor for disruptive behavior. Results show African-American, multiracial students, and students in special education are disproportionality referred to the counselor, parallel to trends in other educational referral literature bases. With similar evidence of parallel trends, it can be assumed that similar students who are referred to for special education or school discipline are also referred to the school counselor. Therefore, the school counselor should play an active role in working with individual students as well as systemic advocacy for disadvantaged groups of students by race/ethnicity and special education status. If counselor educators, school counselors, and counseling researchers do not address the issue of disproportionality, we are perpetuating intergenerational systems of inequity with real impacts on children.

## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

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## DISPROPORTIONALITY IN SCHOOL COUNSELOR REFERRAL

### **Biography**

Jennifer R. Brodar was born in 1979 in the USA.

Jennifer did her undergraduate work at Purdue University, West Lafayette where she majored in Biology and Biology Education and minored in psychology. She received her Master's degree from the CACREP accredited school counseling program at Purdue University.

Jennifer worked as a family-school liaison at Miami Elementary School in Lafayette, Indiana and as a school counselor at Greencastle Middle School in Greencastle, Indiana. Additionally, she served on the Board of Directors for the Indiana School Counseling Association as the Vice President, Middle Level.

In 2013, Jennifer began her Ph.D. at Johns Hopkins University, School of Education. She taught and cotaught several courses within the counseling program including Research and Evaluation for Counselors, Counseling Theories, Counseling Techniques, and Career/Life Development and Planning.