

## Chapter 4

# Disproportionate Representation of Minorities in Schools: The Case of Special Education

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### **ABSTRACT**

*Deno reflected on what special education should be. His reflections were related to Dunn's complaints regarding the disproportionate representation of minority ethnic low-income populations identified in special education schools in the US. Over the years, studies have gathered evidence to answer questions regarding the causes of such disproportions. However, it is important to establish what the characteristics of the studies were. The case in question focuses on Spain, where official school enrolment data do not segregate information by ethnic minorities. School enrolment classifications by nationality will be used as a descriptor. The proportion of the foreign population in the school system in Spain will be studied and compared with the same proportion in the European Union. Finally, the scientific evidence constructed with the information produced will be framed as a means by which to show how schools manage diversity through the construction of difference.*

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## INTRODUCTION

Evelyn Deno (1970) had already reflected on what “special education” (SE) should be in relation to Lloyd Dunn’s (1968) earlier complaints. These pointed to the disproportionate representation of minority ethnic low-income populations identified in SE in the USA. Over the last fifty years, the argument has continued to be made about how a discriminatory school system labels certain groups as subjects of special education due to their ethnic affiliations as opposed to their abilities.

In addition to addressing the controversial nature of the issue, evidence has been gathered to answer some questions about the causes of disproportionate representation. However, what is important for our current interests is to obtain a more in-depth understanding of what have been the characteristics of the studies on this disproportionate representation, which minorities have been studied, in which school contexts the studies have taken place, in which school stages the differences have been evidenced and which methodological tools have been employed to demonstrate such disproportionate representation.

We will start by documenting these studies on disproportionate representation in order to try to replicate similar enquiries in European contexts. In this respect, given that most of the studies we refer to have been carried out in North America and, to a lesser extent, in the United Kingdom, it is relevant to know whether the same phenomenon can be said to occur on the European continent. The lack of studies undertaken on that continent leads us to highlight the importance of carrying them out.

We will focus solely on Spain, a country in which official school enrolment data do not segregate information by ethnic minorities. As a descriptor of what we call *difference* we will use the classifications of school enrolments by nationality. Although this is a legal-administrative classification, some of them are considered as distinct groups and in many cases the link to migration processes is clear. We will study the proportion of the foreign population in the Spanish school system and compare it with the same proportion in special education (we will proceed in the same way with the majority population, that of Spanish nationality).

SE is a type of education included in the compulsory part of the school system that accommodates disabled students. This concept first appeared in the General Law of Education (LGE) in 1970, a law that included a chapter on the regulation of SE (Villagrasa, 2019). This entire regulated system was reformed in 1990 with the Law for the General Organization of the Educational System (LOGSE). With this law, the SE was incorporated into the regular education system, unifying a large part of the student body under the same system (García, 2017). This law also defined the concept of students with Special Educational Needs (SEN). It was considered part of an integrating educational model. The 2006 Organic Law of Education (LOE) later defined a more general concept: Specific Educational Support Needs (SESN). Within these needs are contained the SEN. Students with SEN are the ones who currently have access to SE. This will be the students who will form part of the population through which we will study our object of study: the construction of difference. We will go deeper into this issue in the terminological notes.

We will examine the extent to which this disproportionate representation may be occurring in this context and observe whether there are differences between territories within the state itself and between different types of schools.

Lastly, we will frame the scientific evidence that we can build with the information produced in an attempt to demonstrate how the school manages diversity through the construction of difference. We argue that behind the homogenisation of citizens in schools lies the strategy of organising the diversity that constitutes any human group. In this way, the differences that are established end up increasing

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