

## **MINORITY ISSUES IN SPECIAL EDUCATION: Reflections on the current discourse in the USA**

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The hiccup in the Presidential elections is not the only question about the state of American democracy. There is another cancer at the heart of that great nation, one that shows little sign of resolution. I am referring to the endemic racism within the education system that has resulted in a re-constructed system of racial segregation, one that accounts for the disproportionate numbers of racial minority children continuing to be categorised as in need of special education. Regrettably, this is not a new issue. What is new is that the matter is now under growing scrutiny by the American legal system, the same force that is also in the forefront of the battles about the 'Florida affair'. Things are different and yet they remain the same! This, in essence, is the main conclusion I have drawn from a national seminar on *'Minorities in Special Education'* that I was invited to attend at the University of Harvard's School of Law.

In this article, I offer my personal reflections on some of the key perspectives and problems that I gleaned from my visit. I did not go there to criticise the US, mindful of the failure of the British and European special education establishments' failure to address the same issue [Diniz, 1999]. A stark reminder of this standardised neglect to address the impact of institutional racism in special education – reconstructed as 'Inclusive Education' - was sadly evident at a recent international congress [ISEC2000], held in Manchester. Perhaps, this is one area in which the US - despite all its contradictions - may offer some pointers for future policy and action in our context. In the remainder of the article, I offer my initial critique of salient issues and pose some questions that readers may feel inclined to engage in discussion through the web-site.

### **Negotiating an identity of a 'Visitor'**

I realise that it is sometimes considered vulgar in academic circles to share one's personal 'stuff'. The futility of such thinking about being 'neutral' and 'objective' has been argued in a range of research methodology textbooks. In a racialised Britain, it is pretty difficult to side-step issues of personal identity, a matter black people encounter in our daily lives as we jump through the hoops of being 'outsiders/insiders' in this society [Diniz, 2000]. Nor it seems is it that different being a 'visitor' in the US, something I was faced with on the day of my arrival in Boston. On a visit to that august institution – MIT – I had this encounter; whereas it is not unusual it is indicative of the mindset that plagues the US system.

Q: White American academic;

R: Black British visiting academic.

Q: *Are you at MIT?*

R: *No, I'm from the University of Edinburgh.*

Q: *Oh, Scotland! But you don't look Scottish to me?*

R: [Maintaining British etiquette] *Why do you say so?*

Q: *Because you look like from much further away...[gestures].*

R: [Politely persists] *I don't get your meaning....*

Q: *You're not originally from Scotland!*

The stage was set for a negotiation of meaning. Black people are very familiar with this scenario.

R: *How similar we are, both 'outsiders' aren't we! You are not originally from here either, are you?*

Q: [Looks sharply at R]

R: *My apologies if I've not recognised your Native American roots.*

Q: [Walks away with more gestures]

R: [Continues in reflection and somewhat ashamed at self!]

This encounter has little to do with dysfunctional interpersonal relations and everything to do with the conceptual-rut in which American institutions are trapped. It was not surprising then that the next item I picked up was the Boston Herald, that in a report on the academic league table for Massachusetts schools, decried the failure of African-American and Latinos in the state exams despite the billions of dollars that are being spent [Hayward, 2000]. Nor were the other rumblings that were brought to my notice that minority students at MIT and Harvard were protesting about institutional racism and that both universities had an under-representation of minority academics. It seemed possible that the prism that Q had adopted so naturally might have something to do with the substance of the seminar I was to attend. Despite the rhetoric of 'diversity' assimilationist thinking looks alive and well as a force, at least in the powerful seats of learning! To what extent are we seeing the same happening in Blair's Britain [Gillborn & Youdell, 1999]?

However, a welcome was around the corner. On entering the conference venue I was soon in the company of other 'scholars of color'. I cannot exaggerate the feeling of empowerment I feel on these occasions. In an academic career spanning 25 years in universities in England and Scotland, I am still the only black scholar in my field and one of a handful in a 'senior' post in University Institutes of Education in the UK. This systemic failure is only recently being acknowledged but the isolation and pressure under which black academics work is barely understood [Carter, et al, 1999]. It matters for a number of reasons, particularly as the presence of a diverse population of minority academics in US special education is undoubtedly having an impact on the current discourses [Artiles & Trent, 2000]; so are the teachers,

psychologists, therapists. Whereas there is some improvement in the English education system, Scottish faculties have been characterised as 'black-free zones' in terms of student and staff representation [CERES, 2000]. How have US institutions made progress in increasing the supply of minority professionals? What can Britain's universities learn from this?

### **A Litany of Systemic Failure**

In an article about 'race' and special education in Britain, I identified four key themes that signify the barriers to social justice in the education of black disabled children [Diniz, 1999]:

The invisibility of 'race' in policy and curriculum special education research, aggravated by the absence of statistical monitoring data;  
The complex nature of the debate about 'representation' of different ethnic groups in various categories of SEN;  
Discriminatory assessment systems and inappropriate curriculum support and lack of black and multilingual professionals.  
Serious under-representation of families in decision making due to institutional barriers to access of support from statutory and voluntary agencies.

In the US, there has been more research though it has to be said that the quality and relevance of much of the earlier work are questionable. More recent research efforts from the 1990s are proving very influential in challenging conventional thinking and research methodologies [Artiles & Trent, 2000]. It is significant that minority scholars are conducting much of this research with financial support provided through a federally funded agency. The availability of statistical data is not a problem as all states are legally required to supply this, disaggregated by ethnicity and first language status. The result is that, uncomfortable as it may be for policy makers and professionals, the public is able to assess the scale of the problem and any improvement; and minority communities are certainly doing so – as are the lawyers!

There are striking similarities overall between the US and Britain in the next three themes, with differences in scale and context.

The over-representation of African-American boys in segregated provision for 'learning disabled', even after economic status and access to 'better education' facilities are taken into account, continues to persist for over twenty years. Latinos, including those described as English Language Learners, are increasingly over-represented in special education and more likely to be placed in restrictive classroom contexts, with lack of bilingual programmes in states like California. Native Americans, who as a group are the most excluded group in US society, are least likely to be mainstreamed with regular education peers. Asian-Americans [the category includes all from the Continent of Asia and often the Pacific!] are the relatively 'new kids on the block' and are less visible in the discourses. Unsurprisingly, they are

ghettoised under the category of 'English Language Learners' with the likelihood that they miss out on appropriate assessment and support for learning and other disabilities. A delegate told me that 'Asians are often seen as needing language therapy'!

The drive towards state-wide curriculum, testing and league tables is having the same deleterious impact on some minority pupils, as we are experiencing in Britain. What was reported in Massachusetts [a State famous for its 'Inclusive Education'!] is indicative of the double-speak of 'Inclusion' on the one hand and the forces of American 'Individualism' and markets on the other. It is unlikely to get any better under G. W. Bush..... Whereas there is increasing scrutiny of OFSTED performance and the attainment of black children in England, we have no such information in Scotland.

As far as minority families are concerned, there is the same deficit-thinking [of the Q-type, above] and institutional barriers to providing support that are present in Britain. What is different is that the US has a long established tradition of voluntary advocacy agencies, though the latter have adopted a color-blind approach. Minority-led advocacy centres, like the one I am involved in here in Edinburgh [MELDI] are increasingly in evidence. It is a growing trend in Britain as statutory bodies withdraw from direct provision of services. There are opportunities for the Black Voluntary Sector to make a difference!

### **Here come the lawyers**

The significant difference between the US and Europe is the apparent ease with which individuals [not all can] will resort to the law to gain their assumed rights. America is certainly a litigious society but it would be unwise to dismiss what is happening there as freakish for there are a number of structural measures that are of interest:

The US has a 'Bill of Rights', 'Freedom of Information' and a raft of legal instruments to protect individuals and consumers. We don't have the first although the Human Rights Act may have some effect. We have yet to see the second in secretive Britain. Anti-discriminatory legislation [Race, Sex and Disability] has had a negligible impact: think of Stephen Lawrence, and as I write, the news about the acquittal of those responsible for the murder of Surjit Chokkar in Scotland!!

The US professional body of lawyers seems to have a more organic link with other professional bodies and public agencies. I cannot think of an occasion in Britain when I have been at a conference on Education in which lawyers are active participants. Indeed, how one becomes a lawyer in the US is itself interesting. I met a range of attorneys who had previously been teachers, health workers, sports administrators before 'doing law'. In the US, one goes to Graduate School to become a lawyer, architect, unlike the structural orthodoxy in UK universities where early specialist ghettoisation rules! It is apparently not unusual therefore to have a legal expert who actually has professional experience in another area of public service.

Standards-based education reforms, of the type in Massachusetts, have opened up an avenue for individual litigants to demand more accountability and remedies. In the field of special education of minorities, this has led to the imposition of financial compensation as well as legal obligations on 'offending' institutions, including local government, to fund and administer systemic changes. Thus far, only those parents with social capital in the UK [e.g., parents of dyslexic pupils] have benefited from this; it is a matter of time before a black parent does the same in education as the Lawrence family were forced to do in such tragic circumstances.

The US State Department of Education has an 'Office for Civil Rights' within it. Will the UK Human Rights Act lead to the establishment of a similar facility in the DfEE or SEED? In Scotland we now have a Minister for Social Justice, a separate post from the general Minister for Justice. What difference might this make for black children in Scottish education?

### ***Reconciliation with Q?***

When the MacPherson Report (1999) was published you recall the ensuing debate about the 'few rotten apples'. So what do I make of Q? Frankly, not much, though I am grateful to this fellow academic for preparing my mind for the seminar. So much energy and money has been expended to change the attitudes, hearts and minds of individuals [Race Awareness Training], but not behaviours. Q's opinions are of little consequence unless they are translated into institutional practices that lead to the racial discrimination of minority students at MIT or the under-representation of black academics in that university. The challenge we all face is a systemic one. Our efforts have to be directed towards demanding our rights as citizens, to transforming the institutions that this far are excluding black people from full democratic participation in all spheres of activity.

I wish that Q had asked me about my identity. We would have probably agreed on something, for I do not see myself as Scottish though I live and work here. I am a Black Briton – or, within the context of Scottish national politics, a Black-Anglo! That's life.....

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