

# Hypocrisy, State Policy, and African American Students With Disabilities: The Guise of Access

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## Abstract

We critically examined the odds of earning a college preparatory diploma for African American high school seniors receiving special education services under Texas's Top 10% Policy (TTPP). Critical policy analysis was used to explore the meritocratic guise of college access for African American youth with disabilities, and through DisCrit, theorized TTPP's broader effect on the social stratification and creation of policy "winners" and "losers." Results from multilevel logistic regression models indicate African American students are nearly twice as likely to be identified with disabilities as their peers and are the least likely to earn a college preparatory diploma in Texas.

## Keywords

critical policy analysis, college access, special education, DisCrit, critical quantitative inquiry

America's public schools have had a long-standing history of the disproportionate representation and placement of African American children in special education programs (Annamma, Connor, & Ferri, 2016; Artiles, 2016;

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Artiles, Klinger, & Tate, 2006; Beratan, 2008; Coutinho & Oswald, 2006; Ferri & Connor, 2005). According to the 38th Annual Report to Congress on the Implementation of the Individuals With Disabilities Education Act (IDEA) (U.S. Department of Education, 2016), African American, Native American, and Pacific Islander students, ages 6 through 21, are more likely to be served under IDEA than any other racial group combined. Moreover, African American students are 2.08 times more likely to be categorized under emotional disturbance, 2.22 times more likely under intellectual disabilities, 1.68 times more likely under developmental delay, and 1.51 times more likely under specific learning disabilities than any other student group. These classifications all rely on subjective judgments of educational specialists.

The overrepresentation of African American children in special education has resulted in their systematic marginalization within K-12 school contexts (Noguera, 2008). For example, this subpopulation of children are recipients of special education services in more restrictive environments instead of regular education classrooms like their peers (Skiba et al., 2008). African American students, in particular, are relegated to lower curriculum tracks, which resegregate students within schools often by race and social class (Mickelson, 2005; Oakes, 2005). The restrictive educational experiences that African American children with disabilities receive have also resulted in racially stratified outcomes. The U.S. Department of Education Office of Civil Rights issued a brief in 2014 on College and Career Readiness which indicated that students with disabilities represent 12% of high school students yet only 2% are enrolled in Advanced Placement (AP) courses. Only 63% of students with disabilities have access to a full range of courses such as Algebra I, Geometry, Algebra II, Calculus, Biology, Chemistry, and Physics. Furthermore, within this same population, 19% are retained at least a year, whereas 12% of African American students are retained in Grade 9, which is double the rate of all students who are retained (6%). A 2016 report to Congress indicates that only 42.1% of students with disabilities graduated with a regular high school diploma and 11.8% dropped out. These types of educational experiences likely contribute to the pervasive racial college enrollment and completion gap, particularly at state flagship and highly selective universities.

Selective higher education institutions, such as Texas A&M University–College Station (TAMU) and the University of Texas–Austin (UT), tried to help close their racial postsecondary participation gap through affirmative action strategies to redress their historical legacy of racism that excluded African Americans from participation in higher education (Moses, 2001; Texas Higher Education Coordinating Board [THECB], 1998). However, in 1996, a judicial statewide ban of affirmative action in college admissions

resulted in the 75th Texas state legislature's introduction of a race neutral percent plan in college admissions, Texas Top 10% Plan (TTPP). The implementation of the TTPP was of particular interest to us for the following reasons: (a) under TTPP, earning a college preparatory diploma<sup>1</sup> is an eligibility requisite for automatic college admission to one or more universities in the state system, and (b) students with disabilities, particularly African American students, are often relegated to low-level coursework and lack full access to the advanced coursework needed to earn a college preparatory diploma (U.S. Department of Education, 2016). In this study, our purpose was to critically examine the odds of African American high school seniors receiving special education services of earning a college preparatory diploma under TTPP.

## **Research Questions**

This study was guided by the following research questions:

**Research Question 1:** What are the odds that African American students receiving special education services qualify for the TTPP policy incentive relative to their racial counterparts?

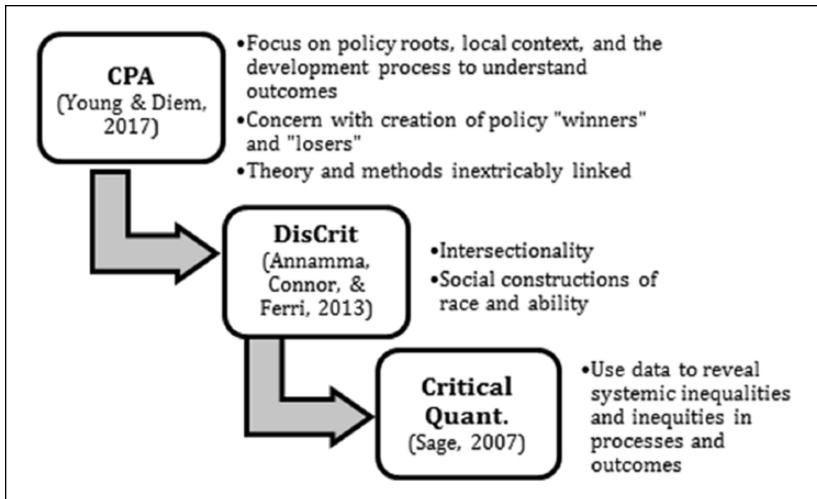
**Research Question 2:** Based on the distribution of earned high school diploma types, what is the relationship between school context and the odds of African American Texas public high school students who receive special education services of earning a college preparatory high school diploma under the TTPP?

The exploration of these questions allowed us to provide a deeper understanding of whether the TTPP's automatic admission incentive provides an inclusive college pathway to selective Texas higher education institutions and is accessible to the more vulnerable students within Texas's college-eligible pool, African American students with disabilities.

## **Critical Policy Analysis (CPA): A Tool for Critique**

Throughout this article, we illustrate how we used CPA as a tool to explore and critique the meritocratic guise of college access for African American students with disabilities. In Figure 1, we provide an illustration of how CPA, DisCrit, and Critical Quantitative Inquiry were interconnected in this study.

Utilizing this framework, we, like other critical policy researchers, paid "significant attention to the complex systems and environments in which policy is made and implemented" (Young & Diem, 2017, p. 2). Subsequently,



**Figure 1.** CPA-influenced research design process.

Note. CPA = critical policy analysis.

we placed emphasis on three areas: (a) the historicity of TPPP: the context, political climate, and policy actors; (b) how our theoretical perspective framed the way we thought about the relationship between the TPPP and access for marginalized populations; and (c) how our theoretical perspective was inextricably linked to our selected methodology (Young & Diem, 2017). These three areas in our CPA are presented as follows.

First, we began our inquiry with an exploration and discussion of the historical and political context of the TPPP. We sought to understand what led to the initial use of affirmative action, its subsequent ban, and later implementation of the TPPP, a race neutral college admission alternative. This examination of policy context helped us to better understand that designing a color-blind policy was an intentional political strategy used to address the racial postsecondary enrollment gap in Texas.

Second, we discuss why the color-blind intent of the policy design and process led us to theorize, through DisCrit, TPPP's creation of policy "winners" and "losers" and the broader effect this might have on the racial stratification of college access to selective universities, such as Texas's Flagships. Using DisCrit as an interpretive lens, we present critical perspectives of TPPP in relation to the role these policies play in furthering educational inequities and perpetuating systemic racism experienced by African American students with disabilities.

Third, we explain how framing the problem through DisCrit promoted research questions best addressed through quantitative inquiry. Although critical policy researchers are more likely to use qualitative research approaches (Young & Diem, 2017), we demonstrate the importance of quantitative inquiry in CPA work. A critical approach to quantitative inquiry allowed us to use “data to represent educational processes and outcomes on a large scale to reveal inequities and to identify social or institutional perpetuation of systemic inequities in such processes and outcomes” (Stage, 2007, p. 10). Specifically, we used quantitative inquiry to illustrate whether there are equal odds of earning a college preparatory diploma among youth receiving special education services. We end our CPA with a discussion of these results and provide implications for future policy, research, and practice.

## **Historical Context**

Since the 1990s, Texas has experienced rapid demographic growth that has resulted in a larger share of potential African American and Latinx college-goers than the national average (Ura & Daniel, 2015). Although African American and Latinx students comprise approximately 60% of 12th-grade students enrolled in Texas public schools and have an average graduation rate of 80%, they are still underrepresented at TAMU and UT (~4% African American and ~21% Latinx combined average enrollment at Flagships) relative to their representation in Texas’s college-eligible pool (Texas Education Agency, 2017; THECB, 2017). This persistent underrepresentation can be traced back to nearly 100 years of legalized racism, exclusion, and segregation of African Americans at both institutions and less than 20 years of affirmative action to address the legislation that produced the racial inequities (Cushing Library, n.d.; Moses, 2001; Resler, 2014; THECB, 1998). As TAMU and UT could not keep pace with the rise in demand for college access at their schools, rejected students blamed the institutions’ use of affirmative action as the decisive reason (see *Hopwood v. University of Texas*, 1996). Hughes, Thompson Dorsey, and Carrillo (2016) argued,

contemporary history suggests that when many self-identified White and Asian applicants are rejected during the selective admissions process, a dominant narrative replays among them, portraying them as victims of reverse discrimination via education policy—namely, race-based affirmative action (Liu, 2002) and that dominant narrative has been shared by a majority of the Supreme Court. (p. 64)

A common misperception held by opponents of affirmative action is that considering race means forfeiting merit (Alon & Tienda, 2007; Republicanviews.

org, 2015). Consequently, merit and race are often pitted against each other as a dichotomous pairing. However, the Supreme Court of the United States has established legal precedents that prohibit the use of affirmative action as a racial quota system (*University of California v. Bakke*, 1978), fixed point system by race (*Gratz v. Bollinger*, 2003), or a tiebreaker (*Parents Involved in Community Schools v. Seattle School District*, 2007). The *Grutter v. Bollinger* (2003) Supreme Court decision established that achieving racial diversity, reducing harms of racial isolation, and eliminating present effects of past discrimination are all compelling governmental interests that can be pursued through race-conscious policies (Garfield, 2005). However, race can only be considered in a narrowly tailored way. The way(s) race is used must be a factor of among many and the least intrusive and effective way of pursuing such efforts. There also must be evidence of good-faith consideration of workable race neutral alternatives. Furthermore, the plan or strategy must be flexible, reviewed frequently, and have a time limit.

Despite established legal precedent, historical context, and current student enrollment trends at TAMU and UT where White students still hold the majority of seats, there is still a perception that affirmative action systematically allows unqualified applicants of color to take the seats of qualified White applicants (Hughes et al., 2016). This narrative is clear in the Hopwood (1996) lawsuit and subsequent ruling that resulted in Texas becoming the first state in the nation to ban affirmative action in admissions, recruitment and retention, and financial aid decisions.

## **Political Context and Policy Actors**

Immediately after the affirmative action ban, a task force was created to develop a legislative response. Webster (2007) reported that the task force was comprised of

professors from both the University of Texas and the University of Houston, two University of Texas students, an attorney from the Mexican-American Legal Defense and Education Fund (MALDEF), and representatives from the offices of state Senator Gonzalo Barrientos and state Representative Irma Rangel. (p. 5)

This task force represented major policy actors who sought to represent the concerns of underrepresented student groups, namely African American and Latinx, while fully understanding the conservative political climate of the Texas legislature. This task force clearly understood a bill proposed as race neutral would be key if they were to gain the votes of other major policy

players, such as the Republican-controlled Texas Senate and the governor at that time, George W. Bush, who deeply opposed affirmative action measures in education (Munoz, 2003).

In 1997, Irma Rangel, the sponsor of the bill, leveraged her political power as chair of the Texas House Committee of Higher Education to pass her bill over competing bills within the Texas House and Senate. House Bill 588 had strong appeal in both the Texas House and Senate because it was simple, met the race neutral requirement, and was not based on test scores. Democrats from minority districts and Republicans who represent rural White districts supported the TPP and argued that the law gave students from their districts access to the public flagships (Munoz, 2003; Tienda, 2006). With Rangel's political prowess, House Bill 588 passed through the House on April 16, 1997, and a little over a month later passed through the Senate. Governor George Bush signed House Bill 588 (codified as TEC 51.802 et seq.) and would later leverage this race neutral policy in his successful presidential campaign (Munoz, 2003).

### ***TPPP and College Preparatory High School Diplomas***

During the time of this study, Texas public high school students graduated under one of three high school graduation plans subsequently earning one of three tiered high school diplomas: Minimum High School Diploma (MHSP), Recommended High School Diploma (RHSP), or Distinguished High School Diploma (DHSP). At this time, the Texas Board of Education only recognized the RHSP and DHSP as college preparatory graduation tracks that would position students for eligibility for the statewide automatic college admission decision. Essentially, within this K-12 context, the TPP consequently became a policy incentive for tiered graduation curricular tracks. This is problematic as current statistical trends illustrate that the odds of earning a college preparatory high school diploma (i.e., completion of advanced level coursework) is low for students with disabilities and is further complicated with double-bind identities such as being an African American student who has been classified as having a disability (Artiles, 2016; U.S. Department of Education, 2016).

### **Linking DisCrit to CPA**

While scholars have separately addressed issues that people of color and people with disabilities face using varying types of theoretical frameworks, there had not been a particular way of thinking about the intersectionality of the racialized and disabled identities in such a comprehensive manner as is

explained by Annamma, Connor, Ferri (2013). These scholars coined the term DisCrit as a lens to understand the interconnecting complexity of race and dis/ability. This work combines the important aspects of Critical Race Theory (CRT; Ladson-Billings & Tate, 1995) and disability studies (Brantlinger, 2006; Erevelles, Kanga, & Middleton, 2006). More specifically, “a DisCrit theory in education is a framework that allow researchers to theorize the ways in which race, racism, dis/ability and ableism are built into the interactions, procedures, discourses, and institutions of education” (Annamma et al., 2013, p. 7). Important to note about this framework is the undergirding understanding that ability and race are both identity categories that are socially constructed and, therefore, create lines of normality upon which DisCrit researchers seek to problematize.

We used this approach as a subset of CRT, to discuss how dis/ability has been racialized in schooling contexts via policy creation and implementation. DisCrit allowed us to focus on issues typically not recognized in CRT such as other marginalized markers of difference (i.e., dis/ability, language, class, etc.) that intersect with race and adds further complications to stigmatizing identities and differentially constructs educational pathways that are delimiting to children of color with disabilities (Annamma et al., 2013). Mechanisms in educational institutions, such as racial labels or disability categorizations, structure schooling experiences. The overrepresentation of African American children in high incidence disabilities exemplifies this argument. Furthermore, these labels and categories are used to confine students into particular places which creates barriers of access to and advancement in academic programs/tracks. For students who have an “accumulative effect of racism and disablism” (Liasidou, 2014, p. 732), stratification and inequality in schooling options alter post school outcomes because of these structural challenges. Racial gaps in graduation and dreary achievement rates in special education programs are evidence of this issue (Annamma et al., 2013). Moreover, the imposition of identity categories happens through labeling/categorizing students which have material and social consequences such as the underrepresentation of students of color in postsecondary education (Reid & Knight, 2006).

There are seven tenets that Annamma et al. (2013) describe as useful in this framework. For the purposes of this study, we emphasize the following tenets:

1. DisCrit researchers focus on ways that forces of racism and ableism circulate interdependently, often in neutralized and invisible ways, to uphold notions of normalcy.

2. DisCrit researchers value multidimensional identities and trouble singular notions of identity such as race or dis/ability or class or gender or sexuality, and so on.
3. DisCrit researchers emphasize the social constructions of race and ability and yet recognize the material and psychological impacts of being labeled as raced or dis/abled, which sets one outside of the Western cultural norms.

Understanding if or how the TPP is related to the odds of schooling outcomes of African American children with disabilities may shed light on the role this policy plays as a sorting mechanism for this population of children in terms of their postsecondary options.

## **Method**

This non-experimental, correlational study was an empirical examination of the relationship between school context and the odds of African American students who receive special education services of earning a college preparatory high school diploma under the TPP. This study was guided by the following research questions:

**Research Question 1:** What are the odds that African American students receiving special education services qualify for the TPP policy incentive relative to their racial counterparts?

**Research Question 2:** Based on the distribution of earned high school diploma types, what is the relationship between school context and the odds of African American Texas public high school students who receive special education services of earning a college preparatory high school diploma under the TPP?

## *Data Collection*

To evaluate the relationships between school context and the odds of earning a college preparatory diploma for students with disabilities, high school level summaries of demographic profiles were downloaded from the Academic Excellence Indicator System (AEIS) and Texas Academic Performance Reports (TAPR) that is managed by the Texas Education Agency and available to the general public. School-level variables were downloaded for the 2004-2014 academic school years. These data were then merged with de-identified student-level data provided by the Texas Education Agency. These student-level data (over 1 million observations) included the

type of high school diploma earned by high school seniors from 1,420 Texas public high schools.

## Data Analysis

**Outcome variable.** The outcome variable is binary (1/0): earned a college preparatory high school diploma or did not. A “1” was assigned to students who earned a RHSP or DHSP. Diploma types serve as a useful proxy to a student’s course-taking behavior because each diploma type has state legislated course and credit requirements. A student could not receive a particular diploma without successfully fulfilling the prescribed course requirements. Thus, a student’s chosen graduation track dictates the courses they must take to receive the diploma associated with that respective track.

**Explanatory variables.** Explanatory variables included the individual student characteristics such as race, gender, economic status, and special education status. School context variables were also included as explanatory variables. School context variables included (a) the percentage of students enrolled in advanced or dual credit courses on the campus, (b) the percentage of students of each ethnicity, (c) the percentage of economically disadvantaged students, and (d) the years of experience in education for teachers on the campus.

**Multilevel modeling estimation strategy.** Multilevel logistic regression models were analyzed in a hierarchical manner to examine the impact of adding various sets of contextual and individual predictors on the outcome. Multilevel modeling was employed because this analytic approach accounts for the dependence among observations that occur when research subjects are nested within clusters, as students are within schools (Rabe-Hesketh & Skrondal, 2008). The initial intra-class correlation for the unconditional model was .520. The residual intra-class correlation dropped to .517 with the third model incorporating predictors from both levels and their interactions. This was a slight decrease from the unconditional to the full model. However, since 50% of the variance in earning a college preparatory diploma for a particular student could not be separated from school context, we decided to continue with multilevel logistic regression as our analytic strategy. The analyses were conducted using Stata Version 14 (StataCorp, 2017). We set our alpha level to .05, *a priori*.

In this two-level logistic regression model, we were interested in the school and student characteristics related to the likelihood of high school students earning a college preparatory high school diploma or higher thus becoming rank-eligible. We used the multilevel logistic regression model to

compare various combinations with the probability of a particular outcome. We exponentiated the coefficients of the predictor variables and interpreted them as odds ratios. The exponentiated value of each coefficient represents the increase (or decrease if  $\text{Exp}(B)$  is less than 1) in odds of being classified in a category when the predictor variable increases by 1. In this model, we estimated how a set of coefficients corresponded to the binary outcome (rank-eligible by earning a college preparatory diploma):

$$\Pr\left(y_{ist} = 1 \middle| \mathbf{X}\right) = \frac{1}{1 + e^{\mathbf{x}_{ist}^T b(1) + \mathbf{z}_{ist}^T \eta(1)} + e^{\mathbf{x}_{ist}^T b(2) + \mathbf{z}_{ist}^T \eta(2)} + e^{\mathbf{x}_{ist}^T b(3) + \mathbf{z}_{ist}^T \eta(3)}}.$$

Formally, the equations represent the probability of outcome  $Y$  (college preparatory diploma) for student  $i$  from high school  $s$  at time  $t$ ;  $\mathbf{X}$  is a vector of school characteristics theoretically related to high school students' post-secondary enrollment decisions.  $\mathbf{Z}$  is a vector of student characteristics (e.g., race/ethnicity). We reported our findings using odds ratios,<sup>2</sup> that is, the odds of a student earning a college preparatory diploma given particular school and individual characteristics. Not included in our model, but used as our referent groups, were racial student groups who do not receive special education services. Essentially, we investigated the relationship between school context and the odds of earning a college preparatory diploma between students receiving special education services and their peers who do not.

## Limitations

There are important limitations to note before interpreting the results of our study. First, the design of this study is a correlational, non-experimental design. We make no causal claims between the implementation of TPP and a student's odds within their high school context. However, our data do allow us to highlight statewide patterns that reflect the culmination of high school graduates' curricular choices and behavior for the past decade in Texas.

Second, as our analytic sample is not panel data, we were unable to follow individual high school students throughout high school (Grades 9–12). Our analytic sample should be interpreted and understood as yearly observations for each high school's graduating class of seniors, which is only a snapshot of a student's high school experience. Our data also do not include pre-high school student characteristics (i.e., elementary or middle school opportunities and performance, family or community forms of capital) that could also help explain differences in odds of earning a college preparatory diploma among students who receive special education services.

Third, by using earned diploma types of high school graduates, we have made assumptions about the rigor of a high school student's course-taking behavior throughout high school based on the attained high school diploma and state requirements associated with the graduation track reported by the Texas Education Agency. The quality of these courses likely varies between and even within schools, especially for students receiving special education services.

Fourth, our data did not contain a breakdown of the different types of special education services students received. We were only able to denote whether or not a student received special education services, which limited our ability to distinguish the odds of earning a college preparatory diploma by type of disability (e.g., emotional disturbance vs. specific learning disability).

Finally, we recognize that the publicly available data providing school-wide demographics contained simplistic racial categories that lumped students together and missed the heterogeneity within groups (Joo, Reeves, & Rodriguez, 2016). In alignment with critical quantitative inquiry, the results of this study should not be used to characterize racial groups, which can perpetuate racial stereotypes. Instead, we encourage the results to be used to reframe gaps in educational achievement and opportunity from an individualistic perspective toward systemic inequities and barriers that still exist within high schools, the broader educational community, and society at large.

## Results

We begin our results describing the demographic characteristics of our sample. In Table 1, we show the breakdown of student characteristics by race and whether or not a student receives special education services for over 1 million Texas public school students from 2004 to 2014. Our analytic sample contained 109,328 high school students who receive special education services, which comprised 6% of our sample total ( $N = 1,801,312$ ). Latinx students represented the largest percentage of students that receive special education services, approximately 3% of the total student population. White students that receive special education services represented approximately 2% of the total population, while African American students that receive special education services represented approximately 1% of the total population. Asian students that receive special education services represented the smallest percentage of the total population at approximately 0.001%. Students in our sample who identified as Native, Hawaiian Pacific, or Biracial (.27% of total sample) were not identified as special education

**Table I.** Student Count by Race, 2004-2014.

	Students receiving special education services	Students not receiving special education services	Sample total
Latinx	46,415	744,083	790,498
White	40,517	677,619	718,136
African American	22,367	211,456	233,823
Asian	29	58,826	58,855
Total	109,328	1,691,984	1,801,312

Source. Texas Education Agency.

Note. Natives, Hawaiian Pacific, and Biracial student groups made up 0.27% of the population ( $n = 5,470$ ). Students in our sample who identified as Native, Hawaiian Pacific, or Biracial were not identified as special education recipients, and thus situated among our referent group of students not receiving special education services.

recipients and thus situated among our referent group of students not receiving special education services.

### *Descriptive Statistics*

When the number of special education students in each racial-ethnic category was compared with their total representation in the population, African American students represented the largest proportion of special education students at 10% relative to their total representation in the sample. This is nearly double the proportion of White (6%) and Latinx (6%) students when compared with their total categorical representation in the sample. These descriptive data also allowed us to understand the likelihood of a student being identified for special education services simply by dividing the number of students identified for special education services in each racial category by each racial group's respective representation in the total sample (comprised of two possible outcomes, students who receive and do not receive special education services). The probabilities, then, are that 10 African American students out of 100 will be likely identified for special education services compared with six out of 100 White students and six out of 100 Latinx students. There is nearly a zero probability that an Asian student will be identified for special education services.

In Table 2, we show the distribution of earned diplomas among students who received special education services by race. The majority of students who received special education services earned a Minimum High School Program diploma (~87%) and consequently are neither eligible for the TPP

**Table 2.** Distribution of Earned Diplomas Among Students Receiving Special Education Services by Race, 2004-2014.

	No diploma	Minimum HSP	Recommended HSP	Distinguished HSP	Total
Latinx	5	38,277	7,972	161	46,415
White	6	35,715	4,782	14	40,517
African American	0	20,854	1,495	18	22,367
Asian	0	22	7	0	29
Total					109,328

Source. Texas Education Agency.

Note. HSP = high school diploma.

automatic college admission incentive nor the Texas Scholars Scholarship Program, an additional financial incentive. This also indicates that in the presence or absence of the TPPP, students receiving special education services in Texas are not completing coursework that would adequately prepare them for a successful transition to a 4-year university.

### *Multilevel Logistic Regression Models*

In Table 3, Model 1, we included individual student characteristics as predictors of the outcome variable. This model revealed whether the racial background, economic status,<sup>3</sup> special education status, or gender of a student contributed to explaining the odds of that student earning a college preparatory diploma. When these individual characteristics were added to the model, we found that students who identified as African American, Latinx, and economically disadvantaged and received special education services were less likely to earn a college preparatory diploma than their Asian or White, non-disabled, non-economically disadvantaged peers. We did find that girls were nearly 2 times more likely to earn a college preparatory diploma than boys, but these odds were racially stratified.

### *Intersectional Social Locations*

In Table 3, Model 2, we included the intersecting social locations of students. This model indicates whether the intersecting locations of race and gender of a student explained the odds of that student earning a college preparatory diploma when individual characteristics were held constant. When individual student characteristics and their interactions were included, we found that

**Table 3.** Comparison of Odds Ratios of Earning a College Preparatory Diploma by Individual and School, 2004-2014.

	(1)	(2)	(3)
Individual student characteristics			
African American	0.811***	0.832***	0.820***
Latinx	0.732***	0.788***	0.780***
Economically disadvantaged	0.524***	0.531***	0.525***
Special education	0.007***	0.010***	0.010***
Girls	1.940***	2.090***	2.093***
Intersecting social locations			
African American × Special Education	0.684***	0.677***	
Latinx × Special Education	0.854***	0.857***	
Economically Disadvantaged × Special Education	0.796***	0.807***	
African American × Girl	0.592***	0.585***	
Latinx × Female	0.845***	0.844***	
School characteristics			
% African American		1.023***	
% Latinx		1.012***	
% economically disadvantaged		1.000	
% enrolled advanced/dual		0.996***	
School Mean SAT Score		0.999***	
% taking SAT/ACT		1.003***	
Average teacher experience		0.916***	
Year	1.086***	1.087***	1.080***
N	1,801,312	1,801,312	1,801,312

Source. Texas Education Agency.

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

layering identities such as race, gender, coming from a low-income household, or receiving special education services resulted in worse odds of earning a college preparatory diploma. For example, although our first model indicated that girls had higher odds of earning college preparatory diploma, these odds changed when gender interacted with race. Interestingly, Latina and African American girls had worse odds of earning a college preparatory diploma compared with Latino and African American boys and White and Asian girls and boys. African American girls who received special services were the least likely to earn a college preparatory diploma compared with their counterpart peers.

## **School Context**

In Table 3, Model 3, we included a selection of school characteristics that have been empirically found to be associated with college enrollment and success for students from traditionally marginalized groups (Black, Lincove, Cullinane, & Veron, 2015; Engberg & Wolniak, 2007; Frost, 2007; Hanushek & Rivkin, 2006; Long, Saenz, & Tienda, 2010; Struhl & Vargas, 2012). Variables used to describe the school context were the percentage of students enrolled in advanced or dual credit courses on the campus, the mean SAT score, the percentage of all students taking the ACT or SAT, the geographic location of the campus in relation to the Texas Flagships, the percentage of students of each ethnicity, the percentage of economically disadvantaged students, and the years of experience in education for teachers on the campus.

In the final model, we found that students in high schools with more experienced teachers were less likely to earn a college preparatory diploma, which was an unexpected result. This suggests that years of experience is not synonymous with teacher effectiveness within a school's context (Kraft & Papay, 2014). The percentage of students of each ethnicity, the percentage of economically disadvantaged students, the percentage of students taking the ACT or SAT, the mean school SAT score, and the percentage of students enrolled in advanced or dual credit courses on campus did not increase or decrease the odds of a student earning a college preparatory diploma. However, when holding school context variables constant, the results indicate that a student's gender and special education status is related to the odds of a student earning a college preparatory diploma. Both African American and Latinx students who receive special education services are less likely than their counterparts to earn a college preparatory diploma regardless of high school context (i.e., demographic characteristics such as race, wealth, and test scores). Economically disadvantaged students are also less likely to earn a college preparatory diploma than non-economically disadvantaged students. Furthermore, when an African American or Latinx student's gender is also included in the model, the odds of earning a college preparatory diploma decrease more. African Americans that receive special education services have significantly less likely odds than their counterparts to earn a college preparatory diploma, indicating that the policy might have a disparate impact on these students, which could not be addressed in this correlational design.

## **Discussion**

In this study, we focused on the odds of earning a college preparatory high school diploma for African American students receiving special education

services. We found that the majority of high school students earned a college preparatory high school diploma (RHSP or DHSP) in Texas. Most students earning a college preparatory high school diploma seems to suggest equal odds of earning a college preparatory diploma for all students, especially some of the most vulnerable, African American youth receiving special education services. Equal odds could be perceived as equal access to all universities within the Texas state system, including its Flagships, TAMU and the UT.

However, our findings indicate that students who receive special education services are being left behind. There are poor odds of any student receiving special education services of earning a college preparatory diploma, and these odds worsen when intersectional social locations are considered. Based on the distribution of earned high school diploma types, African American Texas public high school students had the highest probability of being identified for special education services and, once identified, experienced the worst odds of earning a college preparatory diploma. What is worse is that managing to be among the odds earning a college preparatory high school diploma (i.e., 10 out of every 100 African American student receiving special education services) might not be enough. African American students receiving special education services must ensure that their preparation and performance in coursework sufficiently ranks them in the top 10% of their senior class, which is an additional requisite to qualify for the TPP automatic admission policy incentive.

We also want to shine a light on two marginalized groups often left in the shadows, Latinas and African American girls. In our study, these two groups had the worst odds of earning a college preparatory diploma, which should be further explored in future research. Powers, Hogansen, Geenen, Powers, and Gil-Kashiwabara (2008) noted that culturally and linguistically diverse “women and girls with disabilities are subject to ‘triple jeopardy,’ as they encounter negative attitudes and behaviors because of the intersection of gender, race/ethnicity, and disability” (p. 351). Investigations in this “triple jeopardy” is warranted to address the complexity that surrounds these bleak and oppressive odds of earning a college preparatory diploma.

### ***Fallacy of Distributive Models of Justice***

Policies, funding, and practices are often framed through distributive models of justice, which is the “traditional examination of equity as a consequence of technical processes and practices (e.g. Does the differential access or distribution of resources cause inequitable conditions?)” (Artiles, 2016, p. 177). The architects of the TPP, unintentionally or perhaps due to political motivation, subscribed to a distributional model of justice that resulted in a color-blind policy focused on access to advanced high school courses and

subsequently access into Texas's universities. In doing so, they indirectly acknowledged the racial impact of Texas's existing segregation of schools by race, wealth, and test scores (Nelson, Pitner, & Pratt, 2017). However, the neutralized and invisible ways in which racism and ableism are perpetuated in policies were also normalized (Annamma et al., 2013) in the processes of implementation that are evident with this Texas policy. Although TPPP architects successfully restructured student competition and redefined merit, the policy makers failed to directly address unequal inputs (e.g., fewer effective teachers, less rigorous curricular resources, inferior facilities). The fair distribution of goods is a necessary component of the distributive model of justice and that component was not addressed in this policy.

Distributive models of justice are undergirded by a monolithic narrative and White racial framing (Feagin, 2013) of a meritocratic school system and society where equal work and inputs yield equal opportunities and outcomes for all students. These types of models produce technical changes such as access to general education classrooms and personnel and material resources, but leaves uninterrogated an educational system that systemically sorts, tracks, and excludes the students they intended to help (Oakes, 2005; Rogers, 2011). Furthermore, the policy models and political strategies attributed with this approach to justice fail to address the systemic structures and practices that produce educational inequities for students.

Socially stratified outcomes must be questioned and investigated because of the unequal and damaging impact it has on marginalized students such as African American students with disabilities as the results of this study indicated. We showed how particular children with disabilities, denoted by race and then by gender, have very limited access to higher education opportunities in the Texas education system. One tenet of DisCrit focuses on the material and social impacts (Annamma et al., 2013) of a policy like the TPPP. As a result of stratifying students based on race, dis/ability, class, or gender, the TPPP creates a system of policy winners and losers whereby the losers were further constrained by the social constructions of their race and ability (i.e., African American students with disabilities). A singular understanding of identity does not bode well for students whose experiences are shaped by their intersecting identities. The educational system, including special education and its policies and practices, needs to be examined for its role in producing inequities and sustaining systemic racism (Artiles, 2016).

### ***Building on CPA***

CPA was the guiding framework that allowed us to illuminate the complexity and contradictory nature of the TPPP. Our examination of the extent to which

African American students with disabilities receiving a college preparatory diploma clearly shows how the ideologies of meritocracy and colorblindness further divided African American students with disabilities from their peers and thus adversely affecting their postsecondary choices. Through the interconnection of CPA, DisCrit, and Critical Quantitative Inquiry, researchers can continue to problematize the conceptualization of merit, uninterrogated beliefs about dis/ability, and the racist and deficit-oriented focus on reclaiming the few seats held by underrepresented students of color at selective universities. We used CPA, DisCrit, and a critical quantitative approach in this study to demonstrate the systemic inequities that exist statewide for nearly a decade, despite the implementation of the TPP, for a particular marginalized population of high school students. We recommend that future research be focused on the complexity in the process of development and implementation of policies that aim to address issues related to the achievement gap and access. Future research can also extend upon the findings of this study by using intersectionality as the conceptual lens to view and analyze the odds of earning a college preparatory diploma for Latinas and African American girls. This might allow researchers to critically engage with quantitative data and explore interactions of interconnecting identity markers. It is beneficial to use intersectionality as a research paradigm because it addresses the simultaneity, complexity, irreducibility, and inclusivity (Carastathis, 2014) of the cumulative effects of markers of differences.

## Concluding Thoughts

In this study, we illuminate the need to further interrogate the TPP policy, and similarly structured policies, and their impact on marginalized populations. Students with disabilities, specifically those who are African American and Latinx, are not afforded the same educational experiences of a path toward college-level postsecondary schooling. The TPP is grounded in a distributive model of justice and subsequently leaves the meritocratic nature of schools intact and secondary educational inequities uninterrogated. We caution against over-reliance of this policy as a remedy to the racial postsecondary participation gap and offer the suggestion that the TPP plan be used in conjunction with affirmative action policies to address more broadly access to college for students of color.

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## Notes

1. A college preparatory high school diploma consists of advanced coursework approved by the State board of Education that prepares students to enter a 4-year higher education institution and earn a bachelor's degree.
2. The reader should interpret the odds ratios as follows: odds ratio (OR) > 1 indicates increased odds of earning a college preparatory diploma when the predictor variable increases by 1 unit. OR = 1 indicates no risk of a changed outcome, even odds. OR < 1 indicates decreased odds of earning a college preparatory diploma when the predictor variable increases by 1 unit. Alternatively, odds ratios can also be expressed as a percentage using the following equations:  $100 \times (OR - 1) = \text{expected increased odds}$  and  $100 \times (1 - OR) = \text{expected decreased odds}$ .
3. A student from an economically disadvantaged household is one who is eligible for free or reduced-priced meals under the National School Lunch and Child Nutrition Program. The annual income eligibility guidelines are adjusted annually. However, a family a four would not have an annual household income of more than US\$23,850 to receive free lunch or US\$59,145 to receive reduced-priced lunch (U.S. Department of Agriculture, n.d.).

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