EQUITY IN SPECIAL EDUCATION

Significant Disproportionality

IDAHO STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION | PROGRAM MONITORING

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INTRODUCTION TO SIGNIFICANT DISPROPORTIONALITY

IDEA Section 618(d) requires each state to annually examine whether significant disproportionality based on race and ethnicity is occurring in the State and the local education agencies (LEAs) of the State and if discovered provide for the review and, if appropriate, revision of policies, practices and procedures. Having significant disproportionality means that students of a particular race/ethnicity are significantly more likely than their other-race peers to be identified as students with disabilities, identified in a particular disability category, placed in a particular educational setting, or suspended/expelled as a disciplinary measure. These requirements stem from national historical trends that "Children with disabilities are often disproportionately and unfairly suspended and expelled from school and educated in classrooms separate from their peers. Children of color with disabilities are overrepresented within the special education population, and the contrast in how frequently they are disciplined is even starker" (U.S. Department of Education, 2016).

Changes in Regulations

The amended regulations 34CFR§330, implemented December 2016, effects how Idaho identifies and monitors significant disproportionality. The purpose of the final regulations is to promote equity in IDEA. Specifically, the final regulations are intended to help ensure that States meaningfully identify LEAs with significant disproportionality and that States assist LEAs in ensuring that children with disabilities are appropriately identified for services, receive necessary services in the least restrictive environment (LRE), and are not disproportionately removed from their educational placements for disciplinary removals. These final regulations also address the well-documented and detrimental effect of over-identifying certain students for special education services, with concern that over-identification results in children being placed in more restrictive environments and not being taught to challenging academic standards.

When a State educational agency (SEA) identifies LEAs with significant disproportionality in one or more of these areas based on the collection and examination of their data, States must:

1. provide for the review and, if appropriate, revision of the LEA's policies, procedures, and practices for compliance with IDEA;
2. require the LEA to reserve the maximum amount (15 percent) of its Part B funds to be used for comprehensive coordinated early intervening services (CCEIS) to serve children in the LEA, particularly, but not exclusively, children in those groups that were significantly over-identified;
3. require the LEA to publicly report on the revision of its policies, procedures, and practices.

In addition, the final regulations establish a standard methodology that each State must use in its annual determination under IDEA section 618(d) (20 U.S.C.1418(d)) to identify whether significant disproportionality based on race and ethnicity is occurring in the State and in each LEA in the State. Further, the final regulations clarify ambiguities in the previous regulations concerning significant disproportionality in the disciplining of children with disabilities. In addition, funds reserved for CCEIS must now be used to identify and address the factors

contributing to significant disproportionality and may be used to serve children from age 3 through grade 12, with and without disabilities. A Crosswalk of Current Significant Disproportionality Regulations with Prior Significant Disproportionality Regulations is available at the Center for IDEA Fiscal Reporting (CIFR) website.

CALCULATING SIGNIFICANT DISPROPORTIONALITY

Standard Methodology

To ensure equity in special education, the calculation of significant disproportionality includes all racial and ethnic subgroups as required by federal reporting (Hispanic or Latino of any race, American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White, and Two or more races (non-Hispanic/Latino)). These seven subgroups are analyzed using the risk ratio and alternate risk ratio in three key areas identification, placement, and disciplinary action. The following are the specific areas of focus:

- Identification
    - Identification as a student with a disability under IDEA Part B
    - Identification in a particular disability category
        - Autism
        - Emotional Disturbance
        - Intellectual Disability
        - Other Health Impairment
        - Specific Learning Disability
        - Speech or Language Impairment
- Placement in a particular educational setting [least restrictive environment (LRE)]
    - Inside the regular class less than 40 percent of the day
    - Inside separate schools and residential facilities (not including homebound or hospital settings, correctional facilities or private schools)
- Received suspension/expulsion as a disciplinary action
    - Out-of-school suspensions and expulsions of 10 days or fewer
    - Out-of-school suspensions and expulsions of more than 10 days
    - In-school suspensions of 10 days or fewer
    - In-school suspensions of more than 10 days
    - Total disciplinary removals including in-school and out-of-school suspensions, expulsions, removals by school personnel to an interim alternative education setting, and removals by a hearing officer

Idaho's Defined Areas of Flexibility

Under the amended regulations, States have the flexibility to determine reasonable risk ratio thresholds, reasonable minimum n-size(s) and cell size(s), and the extent to which LEAs have made reasonable progress under §300.647(d)(2) in lowering their risk ratios or alternate risk ratios. Based on data analysis and stakeholder involvement, Idaho State Department of Education has determined the areas of flexibility as:

- Number of years of analysis = three consecutive years
- Minimum cell size, number of students in a specific analysis category = 10
- Minimum n-size, number of students for comparison = 30
- Ratio threshold = three

- Reasonable progress = NA (Idaho has identified this area of flexibility as an area of interest to pursue at a later date after receiving further guidance and clarification from the federal level)

Calculating Risk and Alternate Risk Ratios

As part of the standardized process, States are required to utilize the risk ratio and alternate risk ratio formulas in determining equity within LEAs. The cell size and n-size, as defined by the State, determine which calculation is used for each area of analysis.

Risk Ratio

If an LEA meets the cell size and n-size requirements for a particular area, the Risk ratio will be applied. The risk ratio compares the rate of the target group versus the rate of all other students within the LEA for a particular action.

***Example risk ratio**:*

Mountain Peak School District had 40 students identified with disabilities out of a total of 100 enrolled students of Hispanic/Latino race/ethnicity. There are 100 students identified with disabilities out of 1000 non-Hispanic students in the school district.

$$\left(\frac{40\ SWD\ Hispanic}{100\ Hispanic}\right) = .4\ , \left(\frac{100\ SWD\ non{-}Hispanic}{1000\ non{-}Hispanic}\right) = .1$$

$$\left(\frac{.4\ rate\ of\ identification\ for\ Hispanic\ or\ Latino}{.1\ rate\ of\ identification\ for\ non-Hispanic\ or\ Latino}\right) = 4$$

Mountain Peak School District is identifying students who are Hispanic/Latino race ethnicity at four times the rate as non-Hispanic peers. Idaho's threshold is 3, so Mountain Peak School District has disproportionality related to the identification of students of Hispanic/Latino race/ethnicity.

If the district meets or exceeds the threshold for three consecutive years, the district will be identified as having significant disproportionality in that category.

For a visual representation of this calculation see Figure 1: Calculating Significant Disproportionality.

Alternate Risk Ratio

If an LEA meets the cell size and n-size requirements for the target group, but not the cell or n-size requirements for the comparison group, then the alternate risk ratio will be calculated. The alternate risk ratio compares the LEA's rate of the target group versus the State rate for the target group.

***Example alternate risk ratio**: Mountain Oaks School District identified 10 Hispanic/Latino students with disabilities out of a total of 95 enrolled students of Hispanic/Latino race-ethnicity. There are 8 students identified with disabilities of non-Hispanic/Latino race-ethnicity in the school district. The district comparison group does not meet cell size requirements so a reliable comparison cannot be made within the district. Therefore, the alternate risk ratio is used and compares the district rate for the target group to the state rate for all other races.*

$$\left(\frac{10\ SWD\ Hispanic}{95\ Hispanic}\right) = .1053\ \left(\frac{22{,}465\ SWD\ non{-}Hispanic}{220{,}440\ non{-}Hispanic}\right) = .1019$$

$$\left(\frac{.1053\ District\ rate}{.1019\ state\ rate}\right) = 1.03$$

Mountain Oaks School District is identifying students who are Hispanic/Latino race-ethnicity at a slightly higher rate than non-Hispanic peers.

An alternate risk ratio (and risk ratio) of one represents perfect proportionality. Based on the calculation, Mountain Oaks School District does not have disproportionality in identifying students of Hispanic/Latino race/ethnicity for special education and related services.

If the cell size or n-size requirements for the target group are not met, then it is not possible to calculate that area.

FIGURE 1 CALCULATING SIGNIFICANT DISPROPORTIONALITY

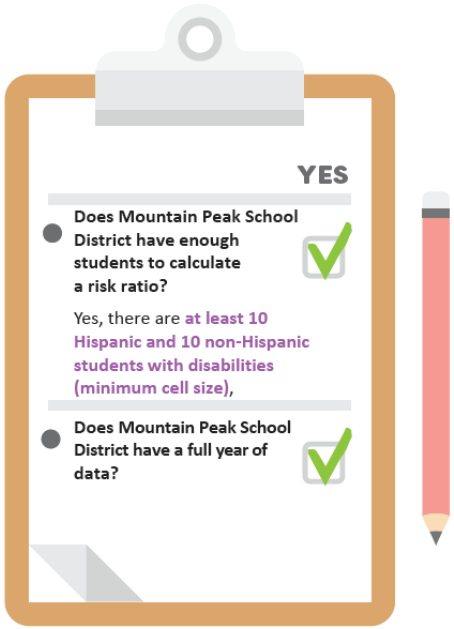
CALCULATING SIGNIFICANT DISPROPORTIONALITY:

Idaho collects and examines data to determine if significant disproportionality exists in the identification of students with disabilities, by race/ethnicity, including specific disabilities.

In Mountain Peak School District, we will use the identification of Hispanic students as students with disabilities as an example to show how Idaho calculates a risk ratio to determine if a school system is significantly disproportionate in identification of students with disabilities, by race/ethnicity.

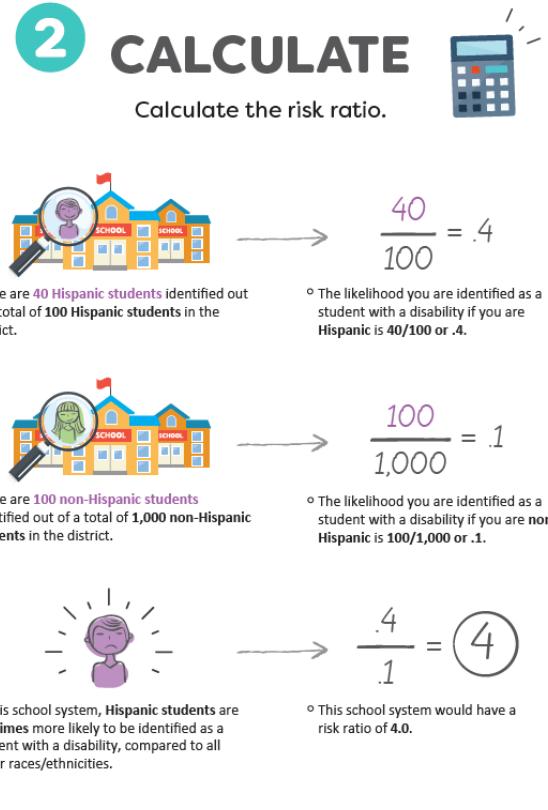
1 DETERMINE

Determine whether we will calculate a risk ratio for the identification of Hispanic students with disabilities.



2 CALCULATE

Calculate the risk ratio.



- There are 40 Hispanic students identified out of a total of **100 Hispanic students** in the district.
  - The likelihood you are identified as a student with a disability if you are **Hispanic** is **40/100 or .4.**
- There are 100 non-Hispanic students identified out of a total of **1,000 non-Hispanic students** in the district.
  - The likelihood you are identified as a student with a disability if you are **non-Hispanic** is **100/1,000 or .1.**
- In this school system, **Hispanic students** are **4.0 times** more likely to be identified as a student with a disability, compared to all other races/ethnicities.
  - This school system would have a risk ratio of **4.0.**

3 COMPARE RESULTS

Compare the result to Idaho's risk ratio threshold of **3.0.**

If the risk ratio calculation meets or exceeds the threshold, the LEA is disproportionate.

$4.0 \geq 3.0 =$ significantly disproportionate

In Mountain Peak School District, Hispanic students are 4.0 (four) times as likely to be identified as a student with a disability when compared to all other racial/ethnic groups. This exceeds the established risk ratio threshold of 3.0. Mountain Peak School District is disproportionate in the identification of Hispanic students as students with disabilities. Continuing three consecutive years the LEA will have significant disproportionality.

NOTIFICATION TO LEAS

LEAs will receive a copy of their Significant Disproportionality Report on an annual basis documenting three years of calculations.

At Risk

In addition to the Significant Disproportionality Report, if an LEA exceeds the threshold, the LEA will receive a notification that they have exceeded the State's significant disproportionality threshold for one or more categories and are at risk for future identification for significant disproportionality. The notification will include information on available supports, requirements for comprehensive coordinated early intervening services (CCEIS), and regulatory requirements of significant disproportionality. The LEA will be encouraged to utilize supports including the self-assessment tool to address and reduce disproportionality in the LEA. The SDE and or Idaho SESTA will provide supports through technical assistance, webinars, and general monitoring.

Significant Disproportionality

In addition to the Significant Disproportionality Report, LEAs that have exceeded the state threshold for three consecutive years in the same category will receive a notification that the LEA has significant disproportionality in one or more categories. The notification will include information on available supports, recommended timeline, requirements for CCEIS, and regulatory requirements of significant disproportionality.

REQUIREMENTS WHEN IDENTIFIED WITH SIGNIFICANT DISPROPORTIONALITY

Once an LEA is identified as having significant disproportionality in one or more areas, the state is required to provide for the review and, if appropriate, revision of policies, practices, and procedures. After notification is issued, the LEA will be required to complete a guided self-assessment, determined by the SDE, and commit funds as part of CCEIS.

Guided Self-Assessment

The guided self-assessment process will be facilitated by the SDE and Idaho Special Education Support and Technical Assistance (SESTA) through two or more meetings and is designed to identify root-causes contributing to significant disproportionality at the system and team level. The self-assessment provides supports and a framework for conducting a review of policies, practices, and procedures; analyzing root-cause; and creating and tracking action and improvement plans with emphasis on equity, inclusion, and opportunity. The LEA will be required to document information on the review and, if appropriate, revision of policies, practices, and procedures to the SDE. The LEA must publicly report any revisions to policies, practices, and procedures.

Comprehensive Coordinated Early Intervening Services (CCEIS)

As part of the amended regulations, LEAs identified as having significant disproportionality are required to commit 15% of their IDEA Part B funds as part of CCEIS to address factors contributing to significant disproportionality in the LEA 34 CFR §300.646. Funding committed to CCEIS will be tracked through IDEA Part B and Preschool Application and monitored by the Special Education Funding & Fiscal Accountability team. For additional information regarding CCEIS see the CCEIS Memo 19- 20 and A Comparison of Mandatory Comprehensive Coordinated Early Intervening Services (CCEIS) and Voluntary Coordinated Early Intervening Services (CEIS) document on the IDEA Data Center website.

CONTACT INFORMATION

For questions or clarification related to data contact Alisa Fewkes, Data and Reporting Coordinator; CCEIS and budgeting contact Lisa Pofelski-Rosa, Principal Financial Specialist; other questions regarding significant disproportionality contact Charlie Silva, State Director of Special Education.

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