



Addressing the Significant Disproportionality that Does Exist!

Tom Munk, IDC
Nancy O'Hara, IDC

Lisa Haley, Arkansas
Nancy Hicks, Louisiana
Kathleen Ehling, New Jersey

CIFR and IDC in collaboration
with NCSI Fiscal Team.



Agenda



- Overview of Significant Disproportionality requirements as they currently stand
- State stories from three states on how they have addressed significant disproportionality
- Discussion with presenters and among participants about significant disproportionality and the results of addressing significant disproportionality over time.

Current Significant Disproportionality (SD) Requirements



- **Annual review of data in three areas:**
 - Identification, discipline incidences, and placement
- **LEAs with SD must reserve 15 percent of IDEA funds for CEIS.**
 - Funds to be spent on children not yet identified for special education in K-12
- **State must ensure that there is a review of policies, procedures, and practices.**
- **LEA must publicly report on changes to policies, procedures, or practices and report to the state on children who received CEIS.**
- **State must report to U.S. ED CEIS data, including dollar amounts reserved and number of children who receive services and subsequently (within 2 years) become identified for special education.**

Addressing SD: How do states do it?



- **States have had a lot of flexibility and minimal guidance.**
- **Some states have mixed up disproportionate representation (B9 and 10), significant discrepancy (B4), and significant disproportionality.**
 - They are three very separate requirements with a few similar elements (i.e. they each require a review of policies, procedures, and practices, although at different times in the process).
 - Discipline and placement requirements under significant disproportionality are different measurements than those required for indicators 4 and 5.

Addressing SD: How do states do it?



- This presentation presents three states that are sharing their processes as they currently exist.
- Most states are considering and making changes to their processes based on the NPRM of March 2016 and expected final regulations.
- Many states, including our presenters' states, are making some changes prior to the release of final regulations due to clarifications of requirements that were contained in the NPRM.

Disproportionality in Arkansas

Lisa Haley

Associate Director

Special Education Unit

Arkansas Department of Education

The Four Areas To Address

- Procedures for identifying significant disproportionality
- Some state-specific data about the numbers and types of districts that have been required to reserve funds for CEIS
- The financial effect of the reserve
- How the state and the districts have used the review of policies, procedures, and practices in conjunction with the use of CEIS funds

Procedures for Identifying Significant Disproportionality

- Risk ratio: Identification, disability, LRE
- Comparative analysis within LEA: Discipline
- Secondary criteria
- Three-year pattern in the specific area

Procedures for Identifying Significant Disproportionality

■ Risk Ratios Methodology

- Weighted RR vs RR; whichever is smaller
- Three consecutive years with risk ratios greater than 4

■ Risk ratio of the racial/ethnic group will be considered invalid and be excluded if the

- District enrollment of a racial/ethnic group is less than 5 percent or more than 95 percent; or
- Number of students in the district's special education child count is equal to or less than 40.

Arkansas' Significant Disproportionality by Disability Category

- **Risk Ratios Methodology**

- Weighted RR vs RR; whichever is smaller
- Three consecutive years with risk ratios greater than 4

- **Risk ratio of the racial/ethnic group will be considered invalid and be excluded if the**

- District enrollment of a racial/ethnic group is less than 5 percent
- Number of students in the district's special education child count is equal to or less than 40.

Arkansas' Significant Disproportionality: Least Restrictive Environment

■ Risk Ratios Methodology

- Weighted RR vs RR; whichever is smaller
- Three consecutive years with risk ratios greater than 4

■ Included Environments

- 40-79 percent in the regular classroom (RR)
- <40 percent in the regular classroom (SC)
- Day school

Arkansas' Significant Disproportionality: Least Restrictive Environment

- **Risk ratio of the racial/ethnic group will be considered invalid and be excluded if the**
 - District enrollment of a racial/ethnic group is less than 5 percent
 - Number of students in the district's special education child count is equal to or less than 40

Arkansas' Significant Disproportionality: Discipline

■ Discipline

- Percentage point difference greater than 4 for three consecutive years
- Secondary criteria: The composition difference will be excluded
 - If the child count is below 40 or
 - If the child count of the race is group below 10
 - If there are fewer than 2 students with >10 days OSS/expulsion

State Data On Mandated CEIS

2014/15	2015/16	2016/17
<p>3 LEAs identified</p> <ul style="list-style-type: none"> Discipline (1st year CEIS) 10 W-OHI (3rd year CEIS) 10 B-ID (multi-years) 	<p>2 LEAs identified</p> <ul style="list-style-type: none"> Discipline (2 years CEIS) Same LEA 10 B-SLD (1 year CEIS) New LEA 	<p>1 LEA identified</p> <ul style="list-style-type: none"> Discipline (3 years CEIS) Same LEA

- Complete a self-assessment as a review of policies, procedures, and practices
- Complete the success gap rubric
- Required to submit a CEIS plan

Financial Impact of the Reserve

- MOE Reduction
- Fiscal Distress

State, Districts, And Technical Assistance

- Self-assessment of policy, procedures, and practices
- Success gap rubric
- CEIS plans
- TIER II monitoring/TA

Review of Policy Procedures and Practices and the Success Gap Rubric

■ Self-assessment

- Modification of the self assessment developed by NCCREST (National Center for Culturally Responsive Educational System) AND PROVIDED TO STATES BACK IN 2007 AT THE OSEP LEADERSHIP CONFERENCE

■ Arkansas's modified version of the success gap rubric

- Link: <https://arksped.k12.ar.us/DataAndResearch/default.html>
 - RIGHT HAND SIDE UNDER DATA SUMMIT
- The rubric has probing questions for each area.
- Arkansas broke PROBLING QUESTIONS DOWN, so districts could score them individually instead of just being discussion points.

Success Gaps Rubric

- 2014/15 was the first time the state pulled districts together to learn and use about the success gaps rubric (**THREE DISTRICTS**).
- Teams had to be at least four individuals from across the district.
 - Special education staff worked with district staff to complete the rubric.
 - That gave everyone a better understanding.
- **Strengthened partnership between seas and locals around increasing results.**
 - “Forced us to look at things we were avoiding.”

A Look at One District

■ Blytheville School District

- Identified for black discipline
- Developed a tiered in-school-suspension programs with an intensive level
- Piloted in middle school
- Elements also implemented across the district as a whole

Discipline Data for Blytheville Middle School

2013-2014

2,045.50 student days of
out-of-school suspension

2014-2015

1,249 student days of
out-of-school
suspension

This is a 38.94% reduction.

How the State Is Using the Information

- **Special education reviews:**

- Self-assessment for inappropriate policies, procedures, and practices
- SUCCESS GAP RUBRICS (if completed, optional)
- ADE is partnering with districts required to complete the self-assessment for two or more years. They will have to upload student folder information relevant to area of disproportionality
- Information is used to establish targeted technical assistance.

Louisiana Believes

Addressing Significant Disproportionality
in Louisiana

Objectives

- Procedures for identifying significant disproportionality
- Some state specific data about the numbers and types of districts that have been required to reserve funds for CEIS
- The financial impact of the reserve, and
- How the state and the districts have used the review of policies, procedures, and practices in conjunction with the use of CEIS funds.

Procedures for Determining Significant Disproportionality*

SD Category	Indicator	Calculation	N	Threshold
Identification	9/10	Risk Ratio	25	2.0
Placement	NA	Risk Ratio	25	2.0
Discipline	NA	State Bar	2	1.5x State Average

LEA Type	% Identified
Traditional	68%
Charter	27%
All LEAs	43%

*definitions same as for Disproportionality

State Specific Data About Our Districts Required to Reserve the 15 Percent

SD Category	Indicator	Traditional LEA	Charter School	Median RR Score
Identification	9- SWD	1	13	3.04
Identification	10-ID	26	2	5.03
	10-SLD	20	11	2.90
	10-ED	3	0	2.60
	10-S/LI	7	1	3.37
	10-OHI	2	0	2.29
	10-Aut	1	0	2.42
Placement	NA	2	1	2.61
Discipline	NA	12	11	5.21* State Bar

Financial Impact of Reserving CEIS Funds

Funding	Amount
IDEA 611 Funds	\$151,068,106
IDEA Preschool	\$ 4,147,293
15% Required	\$ 15,669,277
15%	10%

Disproportionality in New Jersey

Kathleen Ehling

Acting Manager

Bureau of Policy and Planning

Office of Special Education Programs

Disproportionality in New Jersey

Original procedure for identification was developed with technical assistance from the United States Office for Civil Rights and stakeholder input in 2005.

New Jersey Office of Special Education Programs (NJOSPEP) defined disproportionate representation from both a *functional* and *statistical* perspective.

Disproportionality in New Jersey

Functional Definition

- Implementation of policies, procedures, and practices in the general education instructional, behavioral, and intervention process and/or the special education identification, referral, evaluation, or eligibility determination process that results in a ***systemic, pervasive, persistent pattern*** of inappropriate ***over-representation*** of students with disabilities of a specific racial/ethnic group as eligible for special education and related services or in a specific eligibility category.

Disproportionality in New Jersey

Statistical Definition

- NJOSEP, with technical assistance provided through the USDE, Office for Civil Rights, developed a process for determining disproportionate representation. The process involved using multiple measures to statistically determine disproportionate **over-representation**.

Disproportionality in New Jersey

Statistical Definition

- The measure includes three descriptive statistics:
 - Unweighted risk ratio
 - Risk rate comparison
 - A measure of effect comparing expected vs. observed numbers of students identified as eligible for special education (systemic, pervasive)
- The measure also includes a statistical test of significance – chi square.

Disproportionality in New Jersey

1. All NJ Districts apply formula
2. Identify Districts with Disproportionality
3. Identify Districts with Significant Disproportionality

Disproportionality in New Jersey

Step One

- Calculate the unweighted risk ratio and the difference between risk rates for ALL DISTRICTS.
- Disproportionate districts must have at least 25 students **effected** by over-inclusion and an increased risk ratio.

Disproportionality in New Jersey

Unweighted Risk Ratio for each racial/ethnic group

- What is a specific racial/ethnic group's risk of receiving special education and related services compared to the risk for all other students?

Difference between risk rates

- What is the difference between the classification rates of minority students compared to all other students?

Number of students impacted by the over-inclusion

- How large is the impact on a particular racial/ethnic group?
- A minimum of 50 students must be impacted to be identified with significant disproportionality.

Disproportionality in New Jersey

Following the calculations, districts are ranked.

- Unweighted risk ratio
- Difference between risk rates
- Over-inclusion rate (must be 50 or more)

The rank scores are totaled for each district.

- Districts ranked lowest (less than 50) meet criteria for significant disproportionality.

Districts must meet all of the above criteria for three consecutive years in order to be identified with significant disproportionality.

- This eliminates identification as a result of a “data bubble.”

Disproportionality in New Jersey

Discipline

- Approximately six (<1%) districts are identified for discipline each year.
- These districts have been identified in previous years.

Indicator 9: Overrepresentation for Eligibility

- Between 30-35 districts are identified each year.
- The majority of districts have been identified in previous years.

Disproportionality in New Jersey

Indicator 10: Over-representation in Specific Eligibility Categories

- Between 7-10 districts are identified each year.
- All of these districts have been identified in previous years.
- Districts are frequently identified for more than one disability category for the same racial/ethnic group

Types of Districts Identified

- Large, urban districts
- Higher-performing suburban districts
 - Non-English speaking subgroup
 - Lower socio-economic subgroup

Disproportionality in New Jersey

Once identified, Districts are required to set aside 15 percent of their IDEA Basic and Preschool Award for Coordinating Early Intervening Services (CEIS).

- Districts receive notification through the electronic IDEA grant application platform.
- Districts identified for the first time receive a letter from the NJOSEP explaining the CEIS requirements.

Disproportionality in New Jersey

Coordinated Early Intervening Services	Instructions
<p>Under 34 CFR §300.646(a) of the IDEA - Part B, states have the obligation to identify local districts having "Significant Disproportionality" based on race or ethnicity with respect to the identification of children as children with disabilities, including identification as children with particular disabilities; the placement of children in particular education settings; and the incidence, duration and type of disciplinary actions, including suspensions and expulsions. States must make this determination on an annual basis. Your district has been identified for "Significant Disproportionality" with regard to the following:</p>	
<p>"A continued pattern of "significant disproportionality" of specific racial/ethnic groups determined eligible for special education and related services: Black - All Disabilities; Black - Emotionally Disturbed; Black - Other Health Impairments; Black students educated in general education; Failure to correct noncompliance within one year of identification. "</p>	
<p>Consequently, your district is required to reserve 15% of the district's total IDEA funds to provide and track coordinated early intervening services, see 34 CFR §300.646(b)(2). The following information must be completed showing how the district plans to address the "Significant Disproportionality." In addition, the district must show in the budget details any Coordinated Early Intervening Expenditures.</p>	
<p>The LEA is exercising its authority under section 613(a)(4)(ii) to use IDEA funds, in accordance with subsection(f) for the provision of Early Intervening Services.</p>	
<p>(A)(ii) Early Intervening Services - To develop and implement coordinated, early intervening educational services in accordance with subsection (f). The maximum amount available for these services is</p>	
1424534	which is the calculated value of the allocation * 0.15 plus any unexpended Early Intervening Funds from the previous year, if applicable.
379466	(a) Enter the amount of allowable maximum that is being used for professional development as described below, in accordance with section 613(f)(2)(A). (87 of 1000 characters used.)
<p>Professional development training of teachers and staff of identified at risk students.</p>	
1045068	(b) Enter the amount of allowable maximum that is being used for the provision of educational and behavioral evaluations, services, and supports including scientifically based literacy instruction as described below: (302 of 1000 characters used.)
<p>4 Accademic Intervenstionist, 3 Behavioral Specialist, and 1 Special Assitant of Literacy Intervention will be working with identified students at risk. Supplemental pay used to support targeted after school students around literacy intervention and system 44 software used for literacy intervention.</p>	

Disproportionality in New Jersey

Districts identified for the first time are required to complete a self-assessment to determine whether the significant disproportionality is due to inappropriate identification.

- NJOSEP staff conducts verification activities in all districts where noncompliance was identified.

Districts are required to report any changes to policies, procedures, and practices as a result of the identification of significant disproportionality must report out to their board of education and submit the board resolution to the NJOSEP.

Disproportionality in New Jersey

Disproportionate Representation Self-Assessment & Data Collection Form

District Name: _____ County: _____

Part I – Student Data

Student Initials	D.O.B.	Race/Ethnicity	Student Initials	D.O.B.	Race/Ethnicity
1.			8.		
2.			9.		
3.			10.		
4.			11.		
5.			12.		
6.			13.		
7.			14.		

Disproportionality in New Jersey

Part II – Compliance Review and Data Collection

Indicator	Compliant (yes or no)
Written notice to the parent is provided and required parent conferences shall be conducted in the language used for communication by the parent and student unless it is clearly not feasible to do so, in accordance with N.J.A.C. 6A:14-2.4(a).	
The district uses a variety of assessment tools and strategies to gather relevant functional and developmental information when conducting an evaluation, in accordance with N.J.A.C. 6A:14-2.5(a)1;	
The district does not use any single procedure as the sole criterion for determining whether a student is a student with a disability or determining an appropriate educational program for the student, in accordance with N.J.A.C. 6A:14-2.5(a)2;	
The district uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors, in accordance with N.J.A.C. 6A:14-2.5(a)3.	
Tests and other evaluation materials are selected and administered so as not to be racially or culturally discriminatory, in accordance with N.J.A.C. 6A:14-2.5(b)1i;	
Tests and other evaluation materials are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to do, in accordance with N.J.A.C. 6A:14-2.5(b)1ii;	
Materials and procedures used to assess a student with limited English proficiency are	

Disproportionality in New Jersey

Range of CEIS fiscal requirements for FY 2017

- 25 districts were identified
- Set aside amounts range from
 - \$96,585 to \$1,424,534
- Use of funds includes:
 - Professional development
 - Instructional supplies
 - Additional staff (behavior specialists, reading specialists, general education teachers, interventionists)
 - Instructional support (before/after school, summer, tiered interventions, reading programs)

Questions for Our Presenters



Discussion



- What ideas did you hear that you want to know more about?
- What are you doing in your state that might inform others?
- Are you seeing LEAs actually being able to reduce SD?
How are they doing it?

Important Resources

OSEP Memo 07-09

- Disproportionate Representation vs. Significant Disproportionality

OSEP Memo 08-09

- Detailed information about CEIS and Significant Disproportionality Requirements

OSEP resources found at:

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/index.html#memos>

Important Resources

IDC TA Guide: *Methods for Assessing Racial/Ethnic Disproportionality in Special Education*

<https://ideadata.org/resource-library/54480c2b140ba0665d8b4569/>

- Relevant to both Disproportionate Representation and Significant Disproportionality

IDC TA Guide: *Measuring Significant Discrepancy: An Indicator B4 Technical Assistance Guide*

<https://ideadata.org/resource-library/54417825140ba073238b457f/>

- Relevant to B4A and B4B

IDC *Success Gaps Toolkit*: <https://toolkits.ideadata.org/>

IDC Resources found at: <https://ideadata.org/resource-library/>

Contact Us



Web: <http://cifr.wested.org/>
Email: cifr_info@wested.org
Tel: 855.865.7323
Twitter: @CIFR_IDEA



Web: <https://ideadata.org/>
Email: ideadata@westat.com
Tel: 888.819.7024
Twitter: @IDEAdatacenter

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