

IDC Interactive Institutes on High-Quality Part B Data

In collaboration with **CIFR, CIID, & NTACT**

Significant Disproportionality: Past, Present, and Future

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Agenda

- Introduction
- Past
- Present
- Future
- Questions

Past: Origins of Significant Disproportionality

- Born out of years of research in the field
 - Lloyd Dunn (1968) - “Special education for the mildly retarded: Is much of it justifiable?”
 - High levels of Black students labeled as “mildly retarded”
 - Two major reviews by the National Research Council in 1980 and 2002
 - Patterns of disproportionality visible in the *Annual Report to Congress on IDEA*
 - Still a major focus of research, especially recently

Past: Legislative Path

- IDEA 97
 - Really set up the current rules and regulations around significant disproportionality
 - Began to require the disaggregation of data by race/ethnicity across multiple collections
 - Established discipline collection
 - Introduced the concept of significant disproportionality
 - Required states to start monitoring for significant disproportionality

Present: Current Rules of the Road

- IDEA 2004 and related regulations
 - Continued the required monitoring of significant disproportionality
 - Made it a monitoring priority
 - Shifted the emphasis from fixing non-compliance with special education law to prevention in the general education setting
 - Made intervention mandatory
 - Required LEAs identified as having significant disproportionality to reserve 15% of their IDEA funds for CEIS
 - Requires identified LEAs to review the policies, practices, and procedures used in the identification, placement, and discipline of children with disabilities (CWDs)
 - Also required to report the results

Present: What does it actually look like?

- Broad discretion given to SEAs to determine how LEAs are identified as having significant disproportionality
- CEIS funds are to be used for children in kindergarten through grade 12 not identified as being a CWD.
- SEAs and LEAs looking for significant disproportionality across 15 areas of identification, placement, and discipline.
- Majority of the data used is “618 data.”
- Data reported to OSEP through MOE/CEIS collection (old Table 8)

Future: Impetus for change

- GAO Report Findings
 - Few LEAs identified as having significant disproportionality
 - Majority of identified districts in a handful of states
 - No common methodology across states
- Still seeing some disparity in the *Annual Report to Congress*
- Significant Disproportionality identified as a priority by the White House as a part of “My Brother’s Keeper”
- OSEP published a Request for Information in the Federal Register last summer.

Future: Changing times

- ED issued an NPRM in early March
 - Included a series of directed questions
 - Proposed changes to a number of areas related to significant disproportionality
 - Use of a standard methodology
 - Requirement for States to set a “reasonable threshold”
 - Increased stakeholder involvement
 - Expansion of CEIS to pre-school
 - Ability for CEIS funds to be used for CWD

Future: How different would it really look?

Current

- State chosen methodology
- State chosen threshold
- Identified LEAs required to review policies, practices, and procedures
- CEIS funds only spent on K-12 non-CWD
- Uses 618 data and membership data

Proposed

- Common methodology
- State chosen threshold
- Identified LEAs required to review policies, practices, and procedures
- CEIS funds can be spent on CWD (ages 3-21) in addition to non-CWD
- Uses 618 data and membership data

Next Steps

- NPRM comment period closed on May 16, 2016.
- The department is now reviewing the comments.

Thank you!

For More Information



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