



Equity in IDEA: Comparing the Current IDEA Equity Requirements and Understanding the Proposed Changes for Significant Disproportionality

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Agenda

Describe requirements related to:

- Disproportionate Representation
- Significant Discrepancy in Discipline
- Significant Disproportionality

Discuss Notice of Proposed Rulemaking

- What would states need to do differently for significant disproportionality if draft regs go into effect?

Questions?



- What questions do you have about the equity requirements and the current regulations?
 - Disproportionate representation
 - Significant discrepancy in discipline
 - Significant disproportionality

- Please type your questions into the chat box.

Disproportionate Representation

- 20 U.S.C. 1416(a)(3)(C)
- Reported in states' SPPs/APRs
- **Indicator B9:** Percent of districts with disproportionate representation of racial and ethnic groups in **special education and related services** that is the result of inappropriate identification



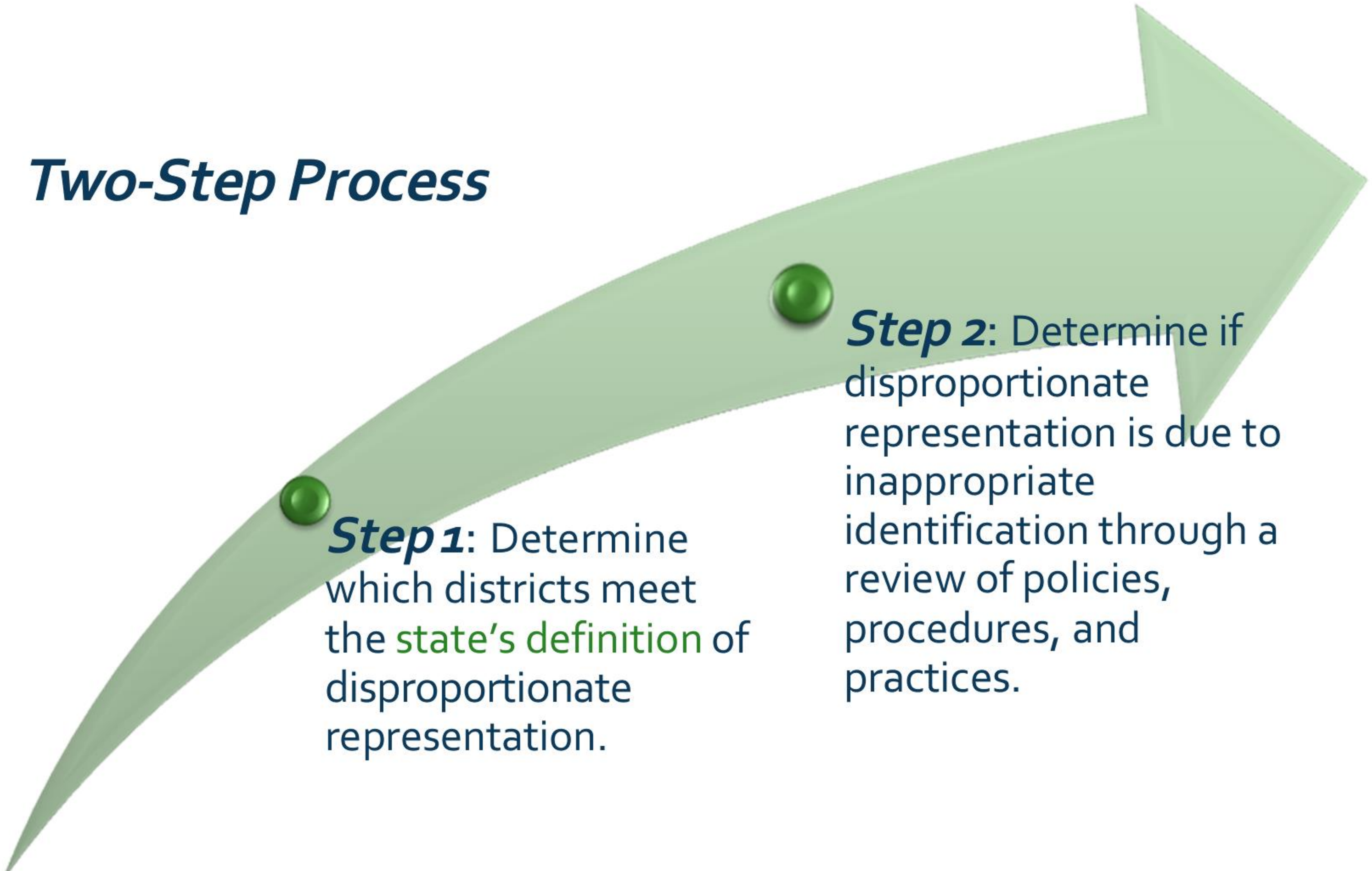
Disproportionate Representation (cont'd)

- **Indicator B10:** Percent of districts with disproportionate representation of racial and ethnic groups in **specific disability categories** that is the result of inappropriate identification
 - At minimum, following six disability categories:
 1. Intellectual Disability
 2. Specific Learning Disabilities
 3. Emotional Disturbance
 4. Speech or Language Impairments
 5. Other Health Impairments
 6. Autism



Disproportionate Representation (cont'd)

Two-Step Process



Step 1: Determine which districts meet the **state's definition** of disproportionate representation.

Step 2: Determine if disproportionate representation is due to inappropriate identification through a review of policies, procedures, and practices.

Disproportionate Representation (cont'd)

States can choose:

- Calculation methodology;
- Definition of disproportionate representation;
- Minimum cell size requirements;
- To use multiple years of data;
- Process for reviewing policies, procedures, and practices of districts that meet the definition.

B₉ and B₁₀ are compliance indicators.

- Targets must be 0%.

Disproportionate Representation (cont'd)



Analyze data for:

- Students ages 6–21 with disabilities;
- All seven racial/ethnic groups.

Do not report on underrepresentation.



If inappropriate identification is identified, report on corrective actions taken.

Questions?



Please type your questions into the chat box

Significant Discrepancy in Discipline

- 20 U.S.C. 1416(a)(3)(A); 1412(a)(22)
- Reported in states' SPPs/APRs
- **B4A:** Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs



Significant Discrepancy in Discipline (cont'd)

- **B4B:** Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards

Significant Discrepancy in Discipline (cont'd)

For B4A and B4B, states must compare either:

- The rates of suspensions/expulsions for children with disabilities among districts within the state;
OR
- The rates of suspensions/expulsions for children with disabilities to children without disabilities within the district.

Significant Discrepancy in Discipline (cont'd)



Analyze data for:

- Children ages 3–21 with disabilities;
- All seven racial/ethnic groups (B4B).

Cannot use the results of B4B analyses to meet the significant disproportionality requirements.



Likewise, methods for determining significant disproportionality cannot be used for B4B.

Questions?



Please type your questions into the chat box

Significant Disproportionality



- 20 U.S.C. 1418(d) and 34 CFR §300.646
- Determine whether significant disproportionality based on race/ethnicity is occurring with respect to:
 - The **identification** of children as children with disabilities, including identification as children with particular impairments;
 - The **placement** of children in particular educational settings;
 - The incidence, duration, and type of **disciplinary actions**, including suspensions and expulsions.

Significant Disproportionality (cont'd)

Identification

- All Disabilities
- Intellectual Disability
- Specific Learning Disabilities
- Emotional Disturbance
- Speech or Language Impairments
- Other Health Impairments
- Autism

Placement

- Inside regular class no more than 79% of day and no less than 40% percent of the day
- Inside regular class less than 40% percent of day
- Separate schools and residential facilities

Discipline (Incidence, Type, Duration)

- For example:
 - Out-of-school suspensions/expulsions of 10 days or less
 - Out-of-school suspensions (including expulsions) of greater than 10 days
 - In-school suspensions of 10 days or less
 - In-school suspensions of greater than 10 days
 - Total disciplinary removals

Significant Disproportionality (cont'd)

States can choose:

- Calculation methodology;
- Definition of significant disproportionality;
- Minimum cell size requirements;
- To use multiple years of data.

Significant Disproportionality (cont'd)



Analyze data for:

- Students ages 6–21 with disabilities for identification and placement, ages 3–21 for discipline;
- All seven racial/ethnic groups.



Do not consider underrepresentation.



Report state's definition of significant disproportionality as part of SSS-IDEA metadata survey.



What states report for B4B, B9, and B10 does not satisfy the significant disproportionality requirements.

Significant Disproportionality (cont'd)

If a district meets the state's definition for significant disproportionality for any of the analysis categories (identification, placement, discipline), the district **MUST**:

Set aside 15% of its special education funding for Coordinated Early Intervening Services (CEIS).

The state must ensure a review of policies, procedures, and practices occurs after the determination of significant disproportionality is made.

The result of the review of policies, procedures, and practices does not affect the identification of the district as having significant disproportionality.

Significant Disproportionality (cont'd)

The state must ensure the district meets the reporting requirements.

Districts report to the state the number of children who received CEIS and the number of those children who subsequently received special education and related services under Part B during the preceding 2-year period.

The district must report publicly on the revision of any policies, procedures, or practices as a result of the review.

Questions?



Please type your questions into the chat box

Notice of *Proposed* Rulemaking (NPRM)

Establishes a standard methodology that states must use to determine SD based on race/ethnicity

Clarifies that states must address SD in discipline

Clarifies requirements for review and revision of policies, practices, and procedures when SD is found

Requires LEAs to identify and address factors contributing to SD as part of comprehensive CEIS

- Allows CEIS for children age 3 through grade 12
- Allows CEIS for children with and without disabilities

Significant Disproportionality

Identification (ages 3–21)

- All Disabilities
- Intellectual Disability
- Specific Learning Disabilities
- Emotional Disturbance
- Speech or Language Impairments
- Other Health Impairments
- Autism

Placement (ages 6–21)

- Inside regular class no more than 79% of day and no less than 40% percent of the day
- Inside regular class less than 40% percent of day
- Separate schools and residential facilities

Discipline (ages 3–21)

- Out-of-school suspensions/ expulsions of 10 days or less
- Out-of-school suspensions (including expulsions) of greater than 10 days
- In-school suspensions of 10 days or less
- In-school suspensions of greater than 10 days
- Total disciplinary removals

Calculation Method

What Do States Need to Know?

Risk Ratio: What is a specific racial/ethnic group's risk of:

Receiving special education and related services for a particular disability

Being placed in a particular educational environment

Experiencing a particular disciplinary removal



As compared to the risk for all other children?

Calculation Method

What Do States Need to Know? (cont'd)

When can a state use an alternate risk ratio instead of a risk ratio?

If the total number of children in the comparison group in the LEA is less than 10 (denominator of risk for all other racial/ethnic groups in the LEA is less than 10)

If the risk for the comparison group in the LEA is zero (numerator of risk for all other racial/ethnic groups in the LEA is zero)

Minimum Cell Size

What Do States Need to Know?

States will calculate, for each LEA, risk ratios for all racial and ethnic groups that include a minimum number of children not larger than 10. The 10 refers to the denominator of the risk for the racial or ethnic group of interest.

$$\frac{\text{Black CWD}}{\text{All Black children}} \div \frac{\text{All other CWD}}{\text{All other children}}$$

$$\frac{\text{Black CWD in separate settings}}{\text{All Black CWD}} \div \frac{\text{All other CWD in separate settings}}{\text{All other CWD}}$$

$$\frac{\text{Black CWD with ISS (10 days or more)}}{\text{All Black CWD}} \div \frac{\text{All other CWD with ISS (10 days or more)}}{\text{All other CWD}}$$

Risk Ratio Thresholds

What Do States Need to Know?

States must select risk ratio/alternate risk ratio thresholds that are:

- Reasonable;
- Developed based on advice from stakeholders.

States can select different thresholds for different analysis categories.

Department encourages states to differentiate between LEAs with some disproportionality and SD.

Thresholds are subject to Department monitoring and enforcement for reasonableness.

Additional Flexibility

What Do States Need to Know?

Consecutive Years

- States can choose to identify an LEA as having SD only after an LEA exceeds the risk ratio threshold for up to 3 *prior consecutive years*, including the current reporting year.
- LEAs are less likely to be identified based on volatile data if multiple years of data are taken into consideration.

Reasonable Progress

- A state need not identify an LEA with SD if the LEA is making “reasonable progress” in lowering the risk ratios, where reasonable progress is determined by the state.

Conducting Reviews

What Do States Need to Know?

The state must ensure that a review of policies, procedures, and practices occurs after the determination of significant disproportionality is made.

- The result of the review of policies, procedures, and practices does not affect the identification of the district as having significant disproportionality.

Conducting Reviews

What Do States Need to Know? (cont'd)

The state must ensure the district meets the reporting requirements.

- The district must report publicly on the revision of any policies, procedures, or practices as a result of the review.

Impact of NPRM on Example State's Data

Using State's Prior Definition

- Two consecutive years of data
- Minimum cell size of 30
- A weighted risk ratio greater than 4.0
- **Identified one district (0.3%) with SD**

Using NPRM Example

- Three consecutive years of data
- Minimum cell size of 10
- A risk ratio based two MADs above the median for all districts
- **Identified 173 districts (51%) with SD**

Questions?



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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**
 - Relevant to both Disproportionate Representation and Significant Disproportionality
- **IDC TA Guide: Measuring Significant Discrepancy: An Indicator B₄ Technical Assistance Guide**
 - Relevant to B₄A and B₄B
- IDC Success Gaps Toolkit – COMING SOON!
- IDC Resources found at:
<https://ideadata.org/resource-library/>

Contacts and Technical Assistance

- For technical assistance with IDEA equity requirements or the resources, contact one of the following:
 - Your IDC State Liaison
(<https://ideadata.org/technical-assistance/>)
 - Julie Bollmer, JulieBollmer@westat.com
 - Nancy O'Hara, nancy.ohara@uky.edu

For More Information

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