## Essential Elements

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| **Indicator Description:**  |
| 4B. Percent of LEAs that have: (a) a significant discrepancy, as defined by the State, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; [[1]](#footnote-1) and (b) policies, procedures or practices that contribute to the significant discrepancy, as defined by the State, 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. |
| **Measurement:**[[2]](#footnote-2) |
| 4B. Percent = [(# of LEAs that meet the State established n and/or cell size (if applicable) for one or more racial/ethnic groups that have: (a) a significant discrepancy, as defined by the State, by race or ethnicity, in the rates of suspensions and expulsions of more than 10 days during the school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy, as defined by the State, 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) divided by the (# of LEAs in the State that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups)] times 100.  Include State’s definition of “significant discrepancy.” Discrepancy can be computed by either comparing the rates of suspension and expulsions for children with IEPs to rates for nondisabled children within the LEA or by comparing the rate of suspensions and expulsions for children with IEPs among LEAs within the state. Provide the following: (a) the number of LEAs that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups that have a significant discrepancy, as defined by the State, by race or ethnicity, in the rates of long-term suspensions and expulsions (more than 10 days during the school year) for children with IEPs; and (b) the number of those LEAs in which policies, procedures or practices contribute to the significant discrepancy, as defined by the State, 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. Provide detailed information. Data for this indicator are “lag” data. Examine the data for year before the reporting year (e.g., for the FFY2020 SPP/APR, use data from 2019–2020). |
| **Stakeholder Engagement:** Describe the process the state uses to engage stakeholders for the SPP/APR that includes broad stakeholder input and includes (a) the number of parents (parent members of organizations and individual parents) engaged in setting targets, analyzing data, developing improvement activities, and evaluating progress; (b) description of activities the SEA conducted to increase the capacity of diverse groups of parents to support the development of implementation of activities to improve outcomes; (c) the mechanisms and timeline for soliciting input for target setting, analyzing data, developing improvement strategies, and evaluating progress; and (d) mechanisms and timelines for making the results of the target setting, data analysis, development of improvement strategies, and evaluation available to the public. |
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| **Target Setting:** This is a compliance indicator.  |
| Target must be 0%. |
| **Online SPP/APR Submission Tool Information:** Describe login information, who has access, how to gain access for additional staff, and how to access online SPP/APR submission tool support.  |
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| **Data Stewards:** Provide titles and names, contact information, department, and any notes on persons responsible for data collection, validation, analysis, and submission. If there are multiple parties responsible or involved in the process, list them all. |
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| **Data Source Description:** Provide a short description of the database or data system the SEA uses to process data for this indicator. Consider connecting to 618 Discipline data protocol for description of data. Data for this indicator are “lag” data. Examine the data for year before the reporting year (e.g., for the FFY2020 SPP/APR, use data from 2019–2020). |
| State discipline data, including State’s analysis of state’s Discipline data the SEA collected under IDEA Section 618, where applicable. Discrepancy can be computed by either comparing the rates of suspensions and expulsions for children with IEPs to rates for nondisabled children within the LEA or by comparing the rates of suspensions and expulsions for children with IEPs among LEAs within the State. |
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| **State Collection and Submission Schedule:** Provide a list of dates necessary for this data collection, including when the data collection period opens, when data are due from the local education agencies (LEAs), and when assigned SEA staff pull the data after the collection closes. |
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## Processes

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| **Collection:** Provide detailed information about the origin and collection of the data including titles of persons responsible. |
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| **Data Validation:**Describe the data cleaning processes and any other processes the SEA uses to ensure high-quality data. |
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| **Data Analysis:**[[3]](#footnote-3) Describe the process for data analysis.  |
| If the State has established a minimum n and/or cell size requirement, the State may only include, in both the numerator and the denominator, LEAs that met that State-established n and/or cell size. If the State used a minimum n and/or cell size requirement, report the number of LEAs totally excluded from the calculation as a result of this requirement.Describe the results of the State’s examination of the data for the year before the reporting year (e.g., for the FFY 2020 SPP/APR, use data from 2019–2020), including data disaggregated by race and ethnicity to determine if significant discrepancies, as defined by the State, are occurring in the rates of long-term suspensions and expulsions (more than 10 days during the school year) of children with IEPs, as required at 20 U.S.C. 1412(a)(22). The State’s examination must include one of the following comparisons: * The rates of suspensions and expulsions for children with IEPs among LEAs within the State; or
* The rates of suspensions and expulsions for children with IEPs to nondisabled children within the LEAs.

In the description, specify which method the State used to determine possible discrepancies and explain what constitutes those discrepancies. States should examine the 618 data that was submitted by LEAs that were in operation during the school year before the reporting year. For example, if a State has 100 LEAs operating in the 2019–2020 school year, those 100 LEAs would have reported 618 data in 2019–2020 on the number of children suspended/expelled. If the State then opens 15 new LEAs in 2020–2021, suspension/expulsion data from those 15 new LEAs would not be in the 2019–2020 618 data set, and therefore, those 15 new LEAs should not be included in the denominator of the calculation. States must use the number of LEAs from the year before the reporting year in its calculation for this indicator. For the FFY 2020 SPP/APR submission, States must use the number of LEAs reported in 2019–2020 (which can be found in the FFY 2019 SPP/APR introduction). Provide the following: (a) the number of LEAs that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups that have a significant discrepancy, as defined by the State, by race or ethnicity, in the rates of long- term suspensions and expulsions (more than 10 days during the school year) for children with IEPs; and (b) the number of those LEAs in which policies, procedures or practices contribute to the significant discrepancy, as defined by the State, 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.Describe the state’s process when discrepancies occurred and the district with discrepancies had policies, procedures or practices that contributed to the significant discrepancy and that do not comply with related requirements and how the state ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP[[4]](#footnote-4) Memorandum 09-02, dated October 17, 2008.  |
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| **Response to OSEP-Required Actions:** Describe the procedures for reviewing OSEP feedback. Following the release of the OSEP determination, indicate who reviews OSEP feedback and how assigned SEA staff make the plan to address concerns and create a response. |
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| **Report on Correction of Identified Noncompliance:** Describe the databases, sources, and persons responsible for conducting the verification of correction reported in the previous State Performance Plan/Annual Performance Report (SPP/APR). If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance. |
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| **Internal Approval Process:** Describe any internal approval processes (e.g., who must sign off, timelines). |
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| **Submission:** Describe the process for entering the data and analyses into online SPP/APR submission tool. Include information about the person authorized to certify the final report. |
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| **Clarification:**[[5]](#footnote-5) Describe the process for responding to OSEP’s requests for clarification. |
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| **Data Governance:** Describe the process for reviewing potential or actual future changes to the data collection and associated requirements.  |
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| **Public Reporting:** Describe the process and format for publicly reporting the performance of each LEA against the target of the state’s SPP/APR. Note where the SEA posts the state's SPP/APR and the performance of the LEAs against the state targets. |
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1. Individualized education program. [↑](#footnote-ref-1)
2. **Measurement:** Part B State Performance Plan (SPP) and Annual Performance Report (APR) Part B Indicator Measurement Table: For Federal Fiscal Year (FFY) 2020 Submission. [↑](#footnote-ref-2)
3. **Data Analysis:** Review data year to year, looking for patterns statewide and within LEAs, outliers, information about whether targets are met or not met, and slippage. [↑](#footnote-ref-3)
4. Office of Special Education Programs. [↑](#footnote-ref-4)
5. **Clarification—**OSEP generally sends clarification requests to SEAs about 60 days postsubmission. [↑](#footnote-ref-5)