Decisions, Decisions, Decisions... Winding Your Way Through the Indicator 4 Decision Journey

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Participant Outcomes

- Increase knowledge about what Indicator 4 measures
- Recognize factors for making decisions to address Indicator 4 requirements
- Gain an understanding of new guidance for Indicator 4
How Lenient/Stringent Is Your State’s Indicator 4 Definition?

- **Lenient**: “We haven’t flagged any districts with significant discrepancy for years.”

- **Neutral/I Don’t Know**: “We flag some districts some years, but not every year.”
  “I have no idea!”

- **Stringent**: “We flag several districts with significant discrepancy every year.”
Let the Journey Begin 😊
What Is Indicator 4?

- Divided into 4A and 4B
- In both, states report the percentage of LEAs that have a significant discrepancy, as defined by the state, in the rate of suspensions and expulsions greater than 10 days in a school year
What Is Indicator 4? (cont.)

- Includes students ages 3–21
- 10 days is cumulative
- Only includes OUT-OF-SCHOOL suspensions and expulsions*
- “Significant discrepancy” is defined by the state
- Determined by comparing data in one of two ways:
  - Comparison of LEAs' rate (children with disabilities) to state rate (children with disabilities)
  - Comparison of rates within LEAs (children with disabilities to children without disabilities)
- Uses 618 Discipline data
- States can set a minimum cell or n-size
- Data lag one year (In Feb. 2023 submission, which is the FFY 2021 reporting year, states report significant discrepancy found in the SY 2020–21 data)

Agenda

• What does Indicator 4A measure?
• What does Indicator 4B measure?
• Indicator 4B is NOT significant disproportionality
• New guidance for Indicator 4
Agenda

• What does Indicator 4A measure?
• What does Indicator 4B measure?
• Indicator 4B is NOT significant disproportionality
• New guidance for Indicator 4
What States Report in Indicator 4A

Percentage of LEAs that have a significant discrepancy, as defined by the state, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs
What States Report in Indicator 4A (cont.)

• Number of LEAs that have a significant discrepancy
• Number of LEAs that met the state’s minimum n/cell size
• State’s definition of “significant discrepancy” and methodology
• Description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards
• Correction of findings of noncompliance
What States MUST Know About Indicator 4A

4A is a *results* indicator

- States must set targets with stakeholders

4A is a results indicator *with* a compliance component

- Review of policies, practices, procedures
- Correction of noncompliance consistent with OSEP Memo 09-02
- Report of correction process in the SPP/APR

States can choose how to examine the data—two ways to compare
Two Ways of Comparison in Indicator 4A: Option 1

Compare the rates of out-of-school suspensions and expulsions greater than 10 days in a school year for Children with IEPs among LEAs within the state

1. Children with IEPs among LEAs within the state

Diagram:
- State’s rate
  - Compare
  - LEA 1’s rate
  - Compare
  - LEA 2’s rate
  - Compare
  - LEA 3’s rate
  - Compare
  - LEA 4’s rate
Two Ways of Comparison in Indicator 4A: Option 1 (cont.)

Compare the rates of out-of-school suspensions and expulsions greater than 10 days in a school year for 1. Children with IEPs among LEAs within the state

<table>
<thead>
<tr>
<th>Children with IEPs</th>
<th>LEA 1’s rate</th>
<th>LEA 2’s rate</th>
<th>LEA 3’s rate</th>
<th>LEA 4’s rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>State’s rate</td>
<td>1.5%</td>
<td>0.9%</td>
<td>2.0%</td>
<td>6.2%</td>
</tr>
</tbody>
</table>

Significant Discrepancy: LEA 4’s rate = more than 4x the state rate
Two Ways of Comparison in Indicator 4A: Option 1 (cont.)

Compare the rates of out-of-school suspensions and expulsions greater than 10 days in a school year for

1. Children with IEPs among LEAs within the state

![Diagram showing comparison of suspension rates]

State’s rate: 1.5%

LEA 1’s rate: 0.9%

LEA 2’s rate: 2.0%

LEA 3’s rate: 1.8%

LEA 4’s rate: 6.2%

LEA 4 is significantly discrepant because its rate is more than 4x the state rate.
Two Ways of Comparison in Indicator 4A: Option 2

Compare the rates of out-of-school suspensions and expulsions greater than 10 days in a school year for

2. Children with IEPs to the rates of suspensions and expulsions for children without disabilities **within the LEAs**

Within LEA 1

- Rate for children without disabilities
- Rate for children with IEPs

Within LEA 2

- Rate for children without disabilities
- Rate for children with IEPs
Two Ways of Comparison in Indicator 4A: Option 2 (cont.)

Compare the rates of out-of-school suspensions and expulsions greater than 10 days in a school year for

2. Children with IEPs to the rates of suspensions and expulsions for children without disabilities within the LEAs

Within LEA 1

<table>
<thead>
<tr>
<th>Rate for children without disabilities</th>
<th>Rate for children with IEPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.2%</td>
<td>1.3%</td>
</tr>
</tbody>
</table>

Within LEA 2

<table>
<thead>
<tr>
<th>Rate for children without disabilities</th>
<th>Rate for children with IEPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.8%</td>
<td>3.5%</td>
</tr>
</tbody>
</table>

Significant Discrepancy: Discipline rate of students with IEPs = more than 4x the rate of students without IEPs
Two Ways of Comparison in Indicator 4A: Option 2 (cont.)

Compare the rates of out-of-school suspensions and expulsions greater than 10 days in a school year for:

2. Children with IEPs to the rates of suspensions and expulsions for children without disabilities within the LEAs.

**Within LEA 1**
- Rate for children without disabilities: 1.2%
- Rate for children with IEPs: 1.3%

**Within LEA 2**
- Rate for children without disabilities: 0.8%
- Rate for children with IEPs: 3.5%

LEA 2 is significantly discrepant because its rate is more than 4x the rate of students without IEPs.
Agenda

• What does Indicator 4A measure?
• What does Indicator 4B measure?
• Indicator 4B is NOT significant disproportionality
• New guidance for Indicator 4
What States Report in Indicator 4B

Percentage of LEAs that have a significant discrepancy, as defined by the state, **by race and ethnicity**, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs **AND** 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.
What States Report in Indicator 4B (cont.)

- Number of LEAs that have a significant discrepancy by race or ethnicity
- Number of those LEAs that have policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements
- Number of LEAs that met the state’s minimum n/cell size
- State’s definition of “significant discrepancy” and methodology
- Description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards
- Correction of findings of noncompliance
What States MUST Know About Indicator 4B

4B is a **compliance** indicator

- Target is 0% for all states
- Has a correction of noncompliance process

States can choose how to examine the data—two ways to compare

4B is **different** from significant disproportionality out-of-school > 10-day suspensions/expulsions
Two Ways of Comparison in Indicator 4B: Option 1

Compare the rates of out-of-school suspensions and expulsions greater than 10 days in a school year for

1. Children with IEPs among LEAs within the state

   - Asian children with IEPs
     - State’s ALL race rate
     - LEA 1’s Asian rate
     - LEA 2’s Asian rate
     - LEA 3’s Asian rate
     - LEA 4’s Asian rate

   - White children with IEPs
     - State’s ALL race rate
     - LEA 1’s White rate
     - LEA 2’s White rate
     - LEA 3’s White rate
     - LEA 4’s White rate

Do the same comparison for
- American Indian/Alaska Native
- Black/African American
- Hispanic/Latino
- Native Hawaiian/Other Pacific Islander
- Two or more races

Must compare each LEA’s race-specific rate to the state’s ALL race rate.
Two Ways of Comparison in Indicator 4B: Option 2

Compare the rates of out-of-school suspensions and expulsions greater than 10 days in a school year for
2. Children with IEPs to the rates of suspensions and expulsions for children without disabilities within the LEAs

Within LEA 1

ALL races removal rate for children without disabilities

- Removal rate for Asian children WITH IEPs
- Removal rate for White children WITH IEPs
- Removal rate for Hispanic/Latino children WITH IEPs

Within LEA 2

ALL races removal rate for children without disabilities

- Removal rate for Asian children WITH IEPs
- Removal rate for White children WITH IEPs
- Removal rate for Hispanic/Latino children WITH IEPs

Do the same comparison for American Indian/Alaska Native, Black/African American, Native Hawaiian/Other Pacific Islander, and Two or more races

DO NOT compare removal rate for Asian children WITH IEPs to removal rate for Asian children without disabilities! A race-to-race comparison is not allowed in Indicator 4!
Shameless Plug!

If your state needs help selecting a calculation method, setting a threshold, or learning how to calculate correctly, *Measuring Significant Discrepancy: An Indicator B4 Technical Assistance Guide* is THE resource for you!
The Decision Journey for Indicator 4
Definition Development

Decision 1
Comparison
- Comparison of LEAs’ rate (children with disabilities) to state rate (children with disabilities); or
- Comparison of rates within LEAs (children with disabilities to children without disabilities)

Decision 2
Calculation Method
- Standard deviation
- Compare district’s rate to state’s rate
- Compare district’s rate to state’s mean rate
- Rate ratio
- Rate difference
- Percentile

Decision 3
Threshold
- “How discrepant should a district be to be called out ‘significantly’ discrepant?”
  - 3 (or 4, or 5) times the state’s rate?
  - 1.5 (or 2 or 1.96) standard deviations above the mean?
  - 75th (or 80th, or 85th) percentile or above?

Decision 4
Cell & N
- Minimum cell size
- Minimum n-size
- Do having these make sense?
- How do you set the minimum cell/n-size to capture districts with true significant discrepancy?
The Decision Journey for Indicator 4
Definition Development (cont.)

Decision 1
Comparison
- Comparison of LEAs’ rate (children with disabilities) to state rate (children with disabilities); or
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Decision 4
Cell & N
- Minimum cell size
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- Do having these make sense?
- How do you set the minimum cell/n-size to capture districts with true significant discrepancy?

All of these decisions together determine how many LEAs get identified as significantly discrepant every year!
Activity!
Activity Instruction

• Get together with people who want to discuss

  Decision 1
  Comparison

  Decision 2
  Calculation Method

  Decision 3
  Threshold

  Decision 4
  Cell & N

• Share
  – What your state uses
  – How the decision on the topic affects how many LEAs the state identifies as significantly discrepant every year
Share out!

• What was your decision topic?
• Did the topic seem to affect how many LEAs your state identifies as significantly discrepant every year?
• How so?
Shameless Plug!

The Indicator 4A and 4B processes can get complicated. Make sure you document every single element needed for the data and the monitoring portions!

Use the SEA Data Processes Toolkit for Indicator 4A and Indicator 4B.

When it’s time to share the data with internal staff or outside stakeholders, use the IDC Part B Indicator Data Display Wizard to visualize the data effectively!
Agenda

• What does Indicator 4A measure?
• What does Indicator 4B measure?
• Indicator 4B is NOT significant disproportionality
• New guidance for Indicator 4
**Indicator 4B and Significant Disproportionality Seem Really Similar...**

<table>
<thead>
<tr>
<th>Question They Address</th>
<th>What They Examine</th>
<th>LEA Consequences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there racial disproportionality in the rate of severe types of discipline among students with disabilities?</td>
<td>• Students with disabilities who receive out-of-school suspensions and expulsions greater than 10 days&lt;br&gt;• Students ages 3–21</td>
<td>• Review policies, practices, and procedures&lt;br&gt;• If the policies, practices, and procedures contributed to the disproportionate representation or significant disproportionality and do not comply with IDEA, engage in the correction of noncompliance</td>
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# Indicator 4B ≠ Significant Disproportionality

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<td>Minimum n-size</td>
<td>State's choice</td>
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<td>Does not exist</td>
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Activity!
Table Talk! Discuss These Two Questions

**Indicator 4 and significant disproportionality both require**
- A review of policies, practices, and procedures
- If they are determined as contributing to the disproportionate representation or significant disproportionality and do not comply with IDEA, states must engage in the correction of noncompliance

**Indicator 4 and significant disproportionality are similar enough to confuse people**

Do you combine the review of policies, practices, and procedures for Indicator 4 and significant disproportionality?

What are the pros and cons of combining them?

How would you explain to LEAs the difference between Indicator 4 and significant disproportionality in your state?
• Do you combine the review of policies, practices, and procedures for Indicator 4 and significant disproportionality?
• What are the pros and cons of combining them?
• How would you explain to LEAs the difference between Indicator 4 and significant disproportionality in your state?
Shameless Plug!

If you’d like to know more about the differences between Indicator 4 and significant disproportionality, check out IDC’s *Equity Requirements in IDEA*!

Also, if you’d like to know more about significant disproportionality, IDC’s Significant Disproportionality Resources page is a one-stop shop for all significant disproportionality-related needs!
Agenda

• What does Indicator 4A measure?
• What does Indicator 4B measure?
• Indicator 4B is NOT significant disproportionality
• New guidance for Indicator 4
The New Guidance on Indicator 4 for FFY 2021

For Indicators 4A and 4B, the State’s methodology for examining data must be reasonably designed to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities among LEAs in the State or compared to the rates for nondisabled children within those LEAs.

Factors that OSEP may consider in determining reasonableness of the State’s methodology include whether none, or a very low percentage of, the State’s LEAs are being examined for significant discrepancy under the State’s chosen methodology, and whether statistically sound alternative methodologies exist or are being used by similarly-situated States.

The New Guidance on Indicator 4 for FFY 2021

For Indicators 4A and 4B, the State’s methodology for examining data must be reasonably designed to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities among LEAs in the State or compared to the rates for nondisabled children within those LEAs.

The guidance specifies significant discrepancies; NOT significant discrepancies due to noncompliant policies, practices, and procedures.

For OSEP’s explanation for this new guidance, check out OSEP's October 13, 2022 National Technical Assistance Call.
The New Guidance on Indicator 4 for FFY 2021

• The guidance seems to say that a reasonably designed methodology should determine that at least some significant discrepancies are occurring.

• The guidance seems to imply that the states should entertain other methodologies if “none, or a very low percentage of, the State’s LEAs are being examined.”

Factors that OSEP may consider in determining reasonableness of the State’s methodology include whether none, or a very low percentage of, the State’s LEAs are being examined for significant discrepancy under the State’s chosen methodology, and whether statistically sound alternative methodologies exist or are being used by similarly-situated States.

For OSEP’s explanation for this new guidance, check out OSEP's October 13, 2022 National Technical Assistance Call.
Activity!
Activity Instruction

• Given the new guidance, do you need to modify your current Indicator 4 methodology?

• Get together with people who have come to the same conclusion and discuss

  “YES, my state needs to make our Indicator 4 methodology more *stringent*”
  • What needs to be changed and why?

  “YES, my state can actually make our Indicator 4 methodology more *lenient*”
  • What needs to be changed and why?

  “No, my state can keep our Indicator 4 methodology as it is”
  • Design a pitch to your state leadership about why your current methodology is sound in light of the new guidance

  “I don’t know”
  • What information do you need to share with your SEA folks about Indicator 4 when you get back to your state?
Share out!
Contact Us

• Miki Imura, mimura@aemcorp.com
• Nancy Johnson, ntjohnson11@gmail.com
For More Information

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http://ideadata.org/

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**Project Officers:** Richelle Davis and Rebecca Smith