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# Decisions, Decisions, Decisions...

## Winding Your Way Through the Indicator 4 Decision Journey

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Miki Imura, IDEA Data Center

Nancy Johnson, IDEA Data Center

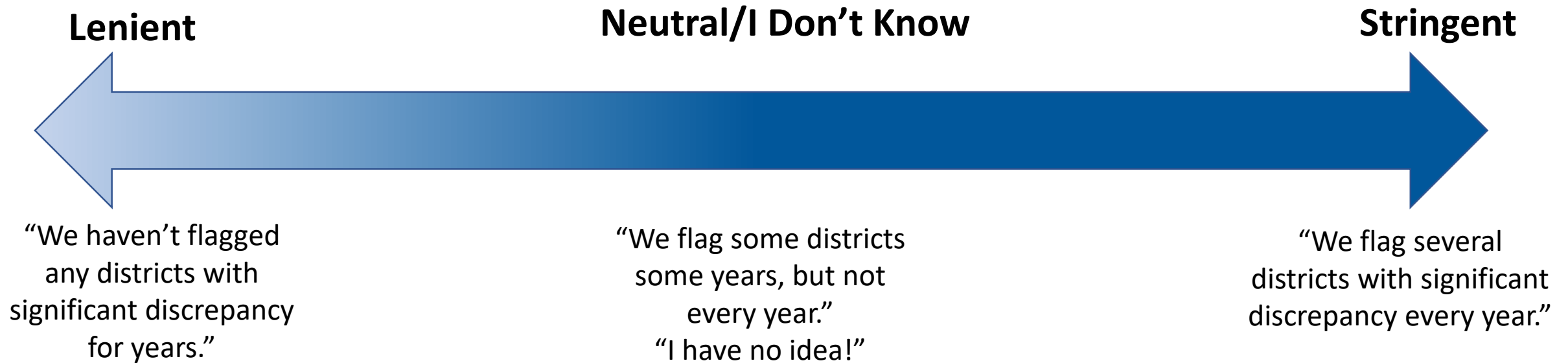
November 15–16, 2022



# 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?





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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)

\*Source: Office of Special Education Programs. *Universal Technical Assistance for Federal Fiscal Year (FFY) 2020–2025 SPP/APR*. Retrieved from <https://sites.ed.gov/idea/files/Universal-TA-for-FFY-2020-2025-SPP-APR.pdf>.

# 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?
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# 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

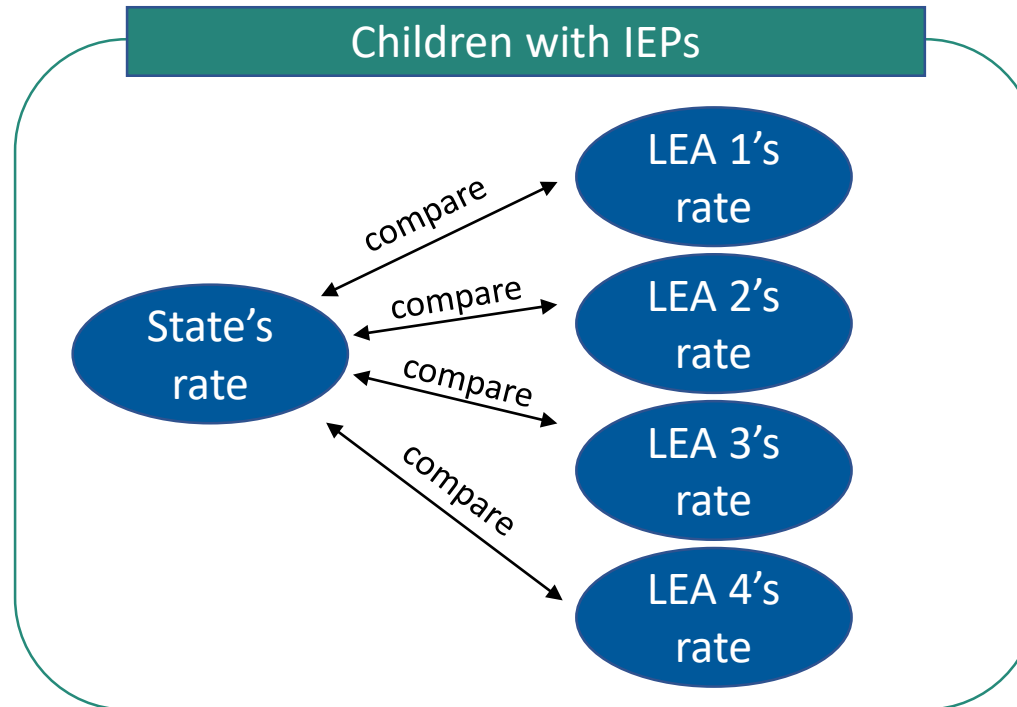
- Review of policies, practices, procedures
- Correction of noncompliance consistent with OSEP Memo 09-02
- Report of correction process in the SPP/APR

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

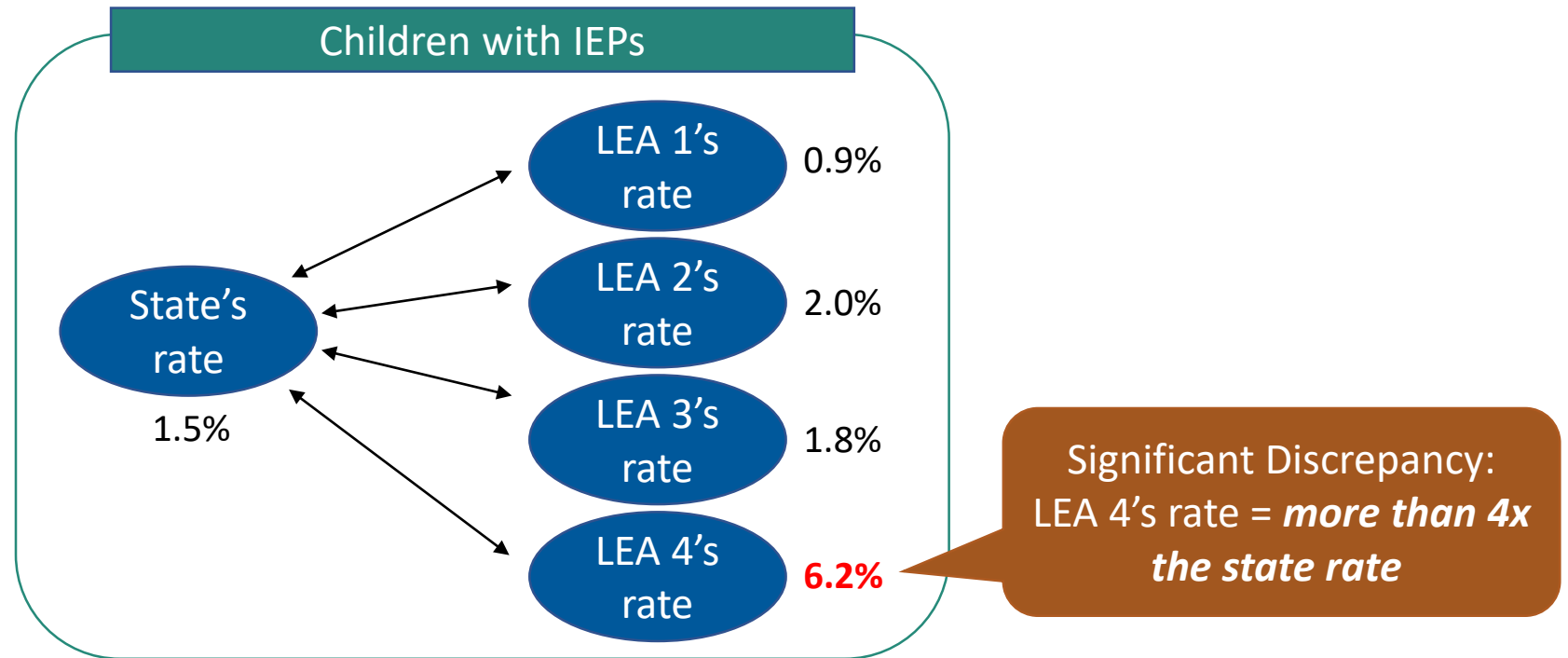
1. Children with IEPs among LEAs **within the state**



# 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

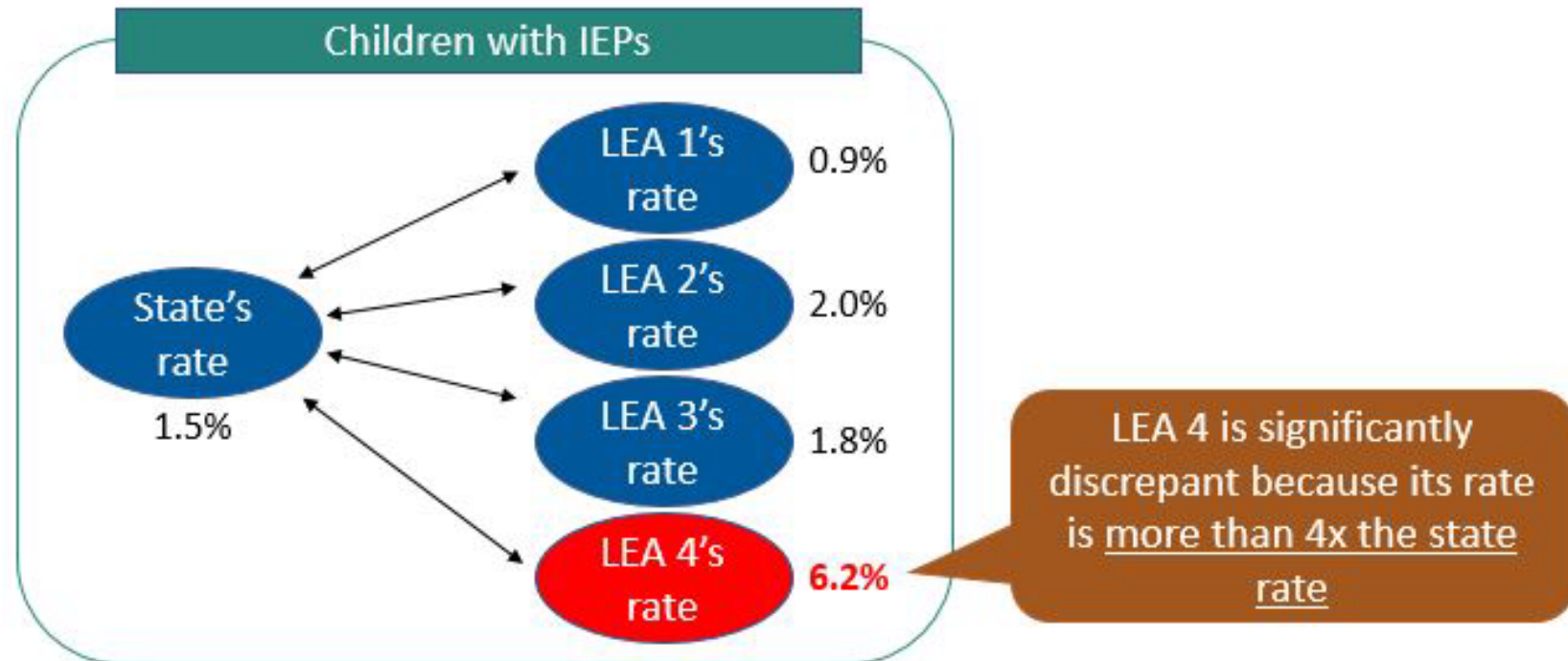
1. Children with IEPs among LEAs **within the state**



# 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**

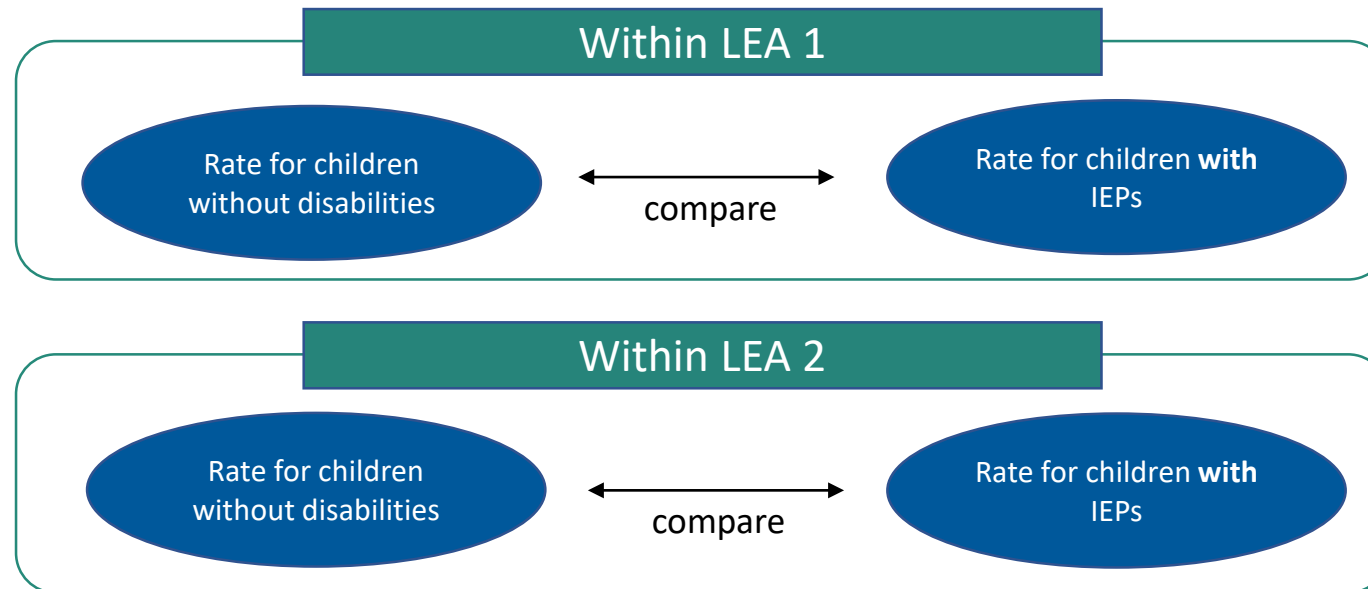


# Two Ways of Comparison in Indicator 4A:

## Option 2

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

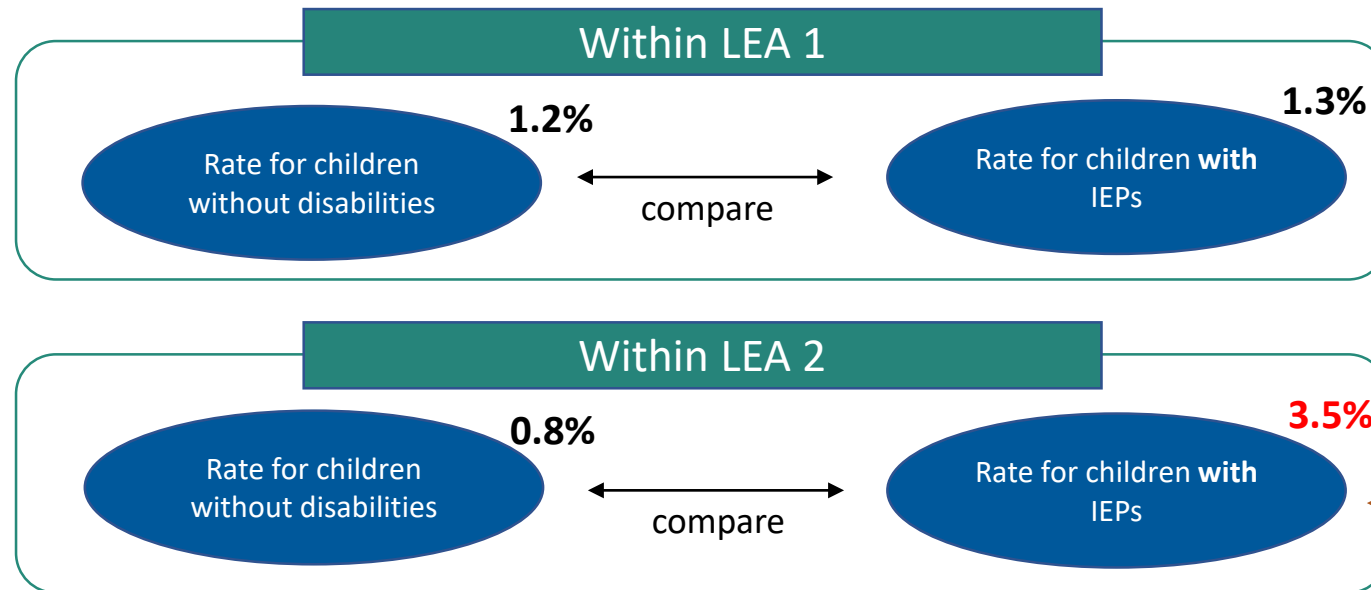
2. Children with IEPs to the rates of suspensions and expulsions for children without disabilities **within the LEAs**



# 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**



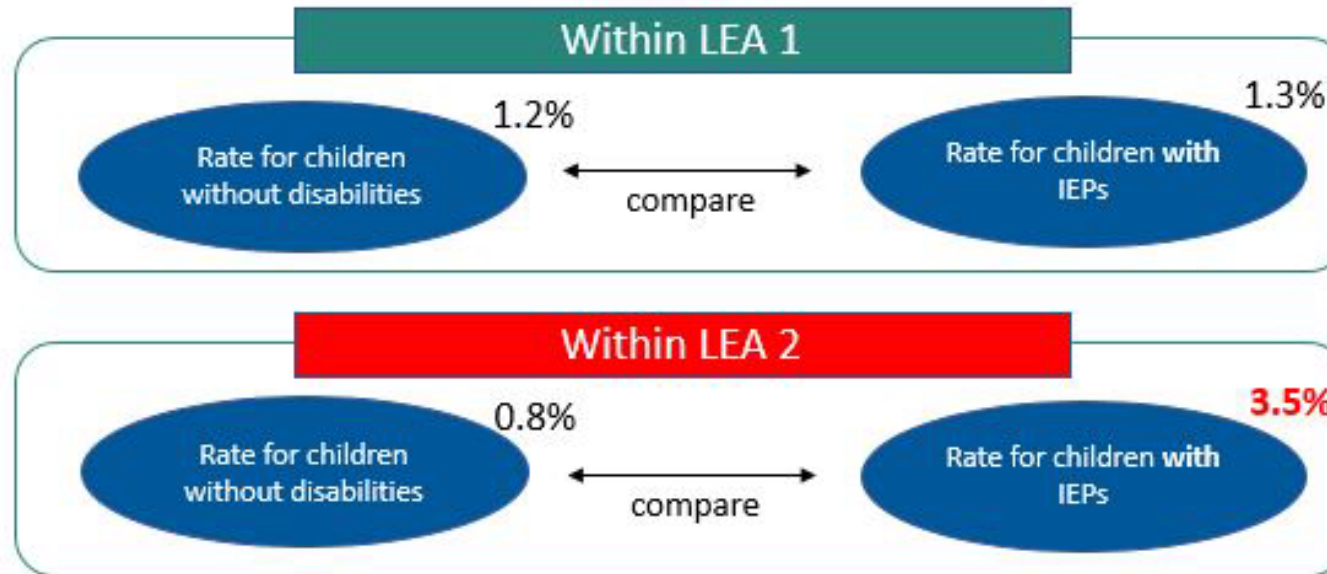
Significant  
Discrepancy:  
Discipline rate of  
students with IEPs  
= **more than 4x**  
**the rate of**  
**students without**  
**IEPs**



# 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**



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

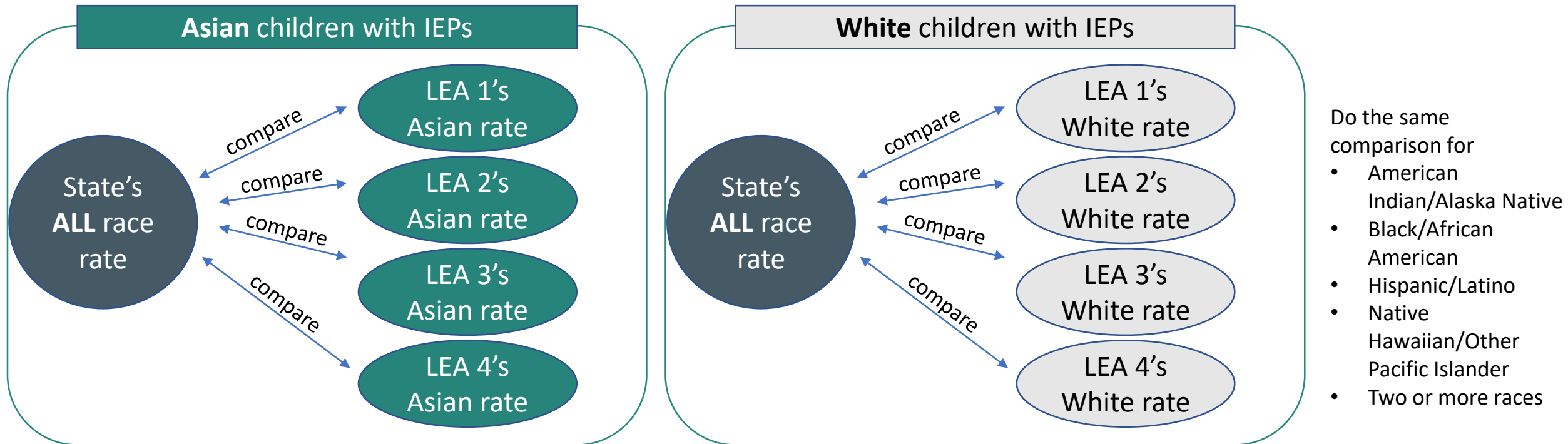
4B is *different* from significant disproportionality out-of-school > 10-day suspensions/expulsions

# 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**



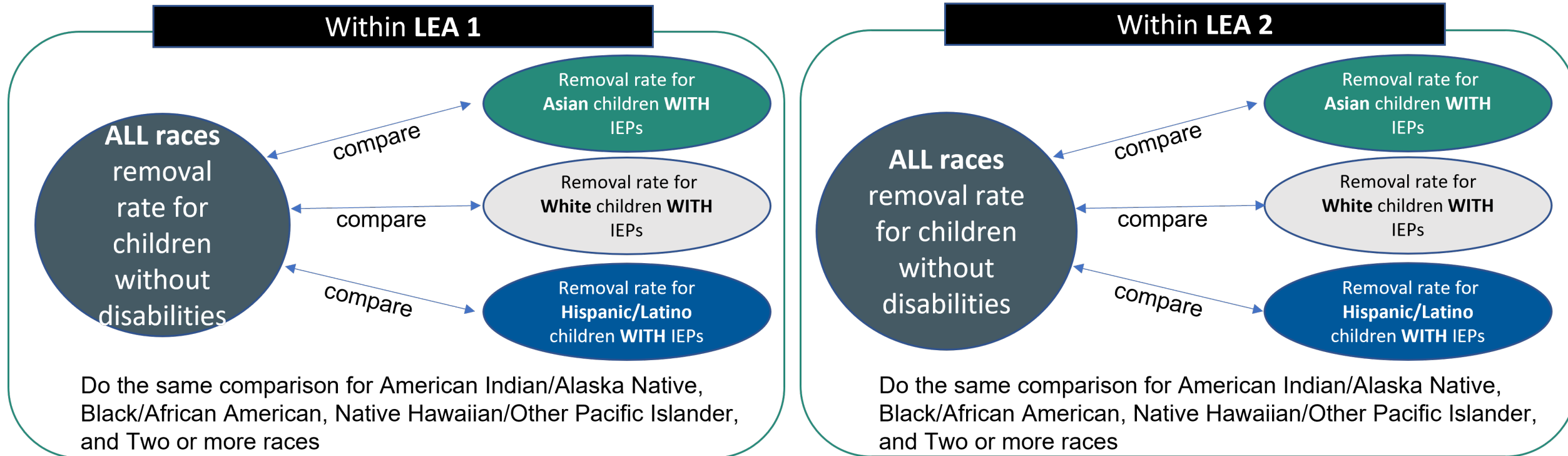
Must compare **each LEA's race-specific** rate to the **state's ALL race** rate.

# 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**



**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!

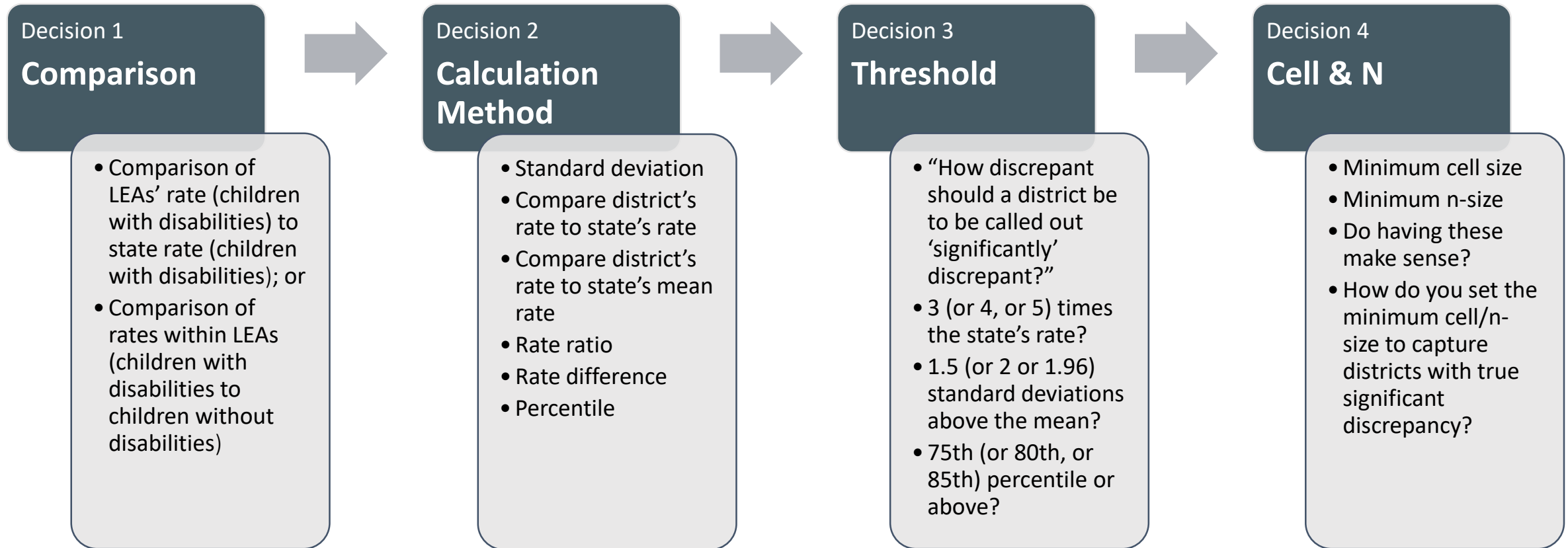
If your state needs help selecting a calculation method, setting a threshold, or learning how to calculate correctly, *Measuring Significant Discrepancy: An Indicator B4 Technical Assistance Guide* is THE resource for you!



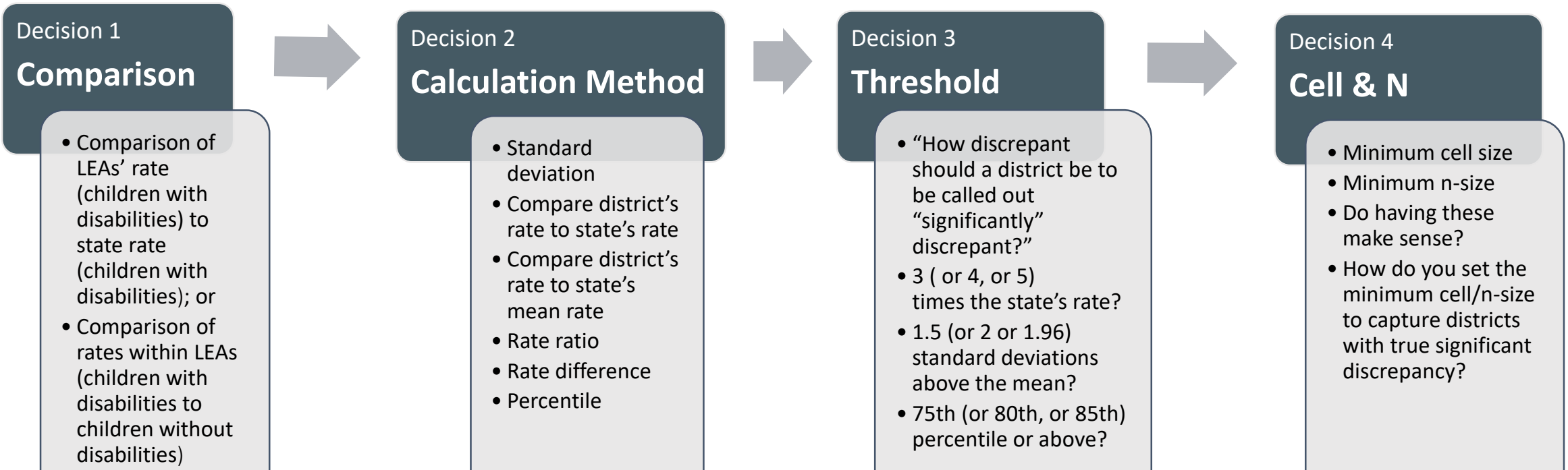
[Indicator B4 Technical Assistance Guide](#)



# The Decision Journey for Indicator 4 Definition Development



# The Decision Journey for Indicator 4 Definition Development (cont.)



**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!



[Indicator 4A. Suspension/Expulsion: Percent of Districts With Significant Discrepancy](#)



[Indicator 4B. Suspension/Expulsion: Percent of Districts With Significant Discrepancy by Race/Ethnicity](#)

## Part B Indicator Data Display Wizard

[Part B Indicator Data Display Wizard](#)

# 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...

## Question They Address

Is there racial disproportionality in the rate of severe types of discipline among students with disabilities?

## What They Examine

- Students with disabilities who receive out-of-school suspensions and expulsions greater than 10 days
- Students ages 3–21

## LEA Consequences

- Review policies, practices, and procedures
- 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



# Indicator 4B ≠ Significant Disproportionality

	Indicator 4	Significant Disproportionality
Regulation	20 U.S.C. 1416(a)(3)(A); 1412(a)(22)	20 U.S.C. 1418(d) and 34 CFR §§ 300.646–647
Type of discipline	Out-of-school suspensions and expulsions greater than 10 days	Identification of students with IEPs including specific disability categories Placement Discipline NOT LIMITED to out-of-school suspensions and expulsions greater than 10 days
Comparison group	Students with IEPs among districts and within the state or students with and without disabilities within the district	Students with IEPs within the district
Calculation method	State's choice – but not the risk ratio or alternate risk ratio method	Risk ratio and alternate risk ratio method
Minimum cell size	State's choice	States choose with stakeholder input but must provide rationale to OSEP if > 10
Minimum n-size	State's choice	States choose with stakeholder input but must provide rationale to OSEP if > 30
Reasonable progress	Does not exist	States choose with stakeholder input
LEA consequences	Review of policies, practices, and procedures. If they are determined as contributing to the disproportionate representation and do not comply with IDEA, engage in the correction of noncompliance.	Review of policies, practices, and procedures. Use 15% of IDEA funds for comprehensive coordinated early intervening services (CCEIS), which targets the root cause of the disproportionality.

# Indicator 4B ≠ Significant Disproportionality

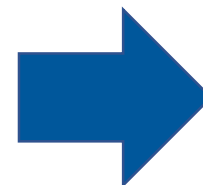
	Indicator 4	Significant Disproportionality
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Reasonable progress	Does not exist	States choose with stakeholder input
LEA consequences	Review of policies, practices, and procedures. If they are determined as contributing to the disproportionate representation and do not comply with IDEA, engage in the correction of noncompliance.	Review of policies, practices, and procedures. Use 15% of IDEA funds for comprehensive coordinated early intervening services (CCEIS), which targets the root cause of the disproportionality.

**Activity!**

# Table Talk! Discuss These Two Questions

## Indicator 4 and significant disproportionality both require

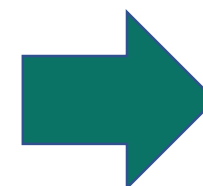
- A review of policies, practices, and procedures
- If they are determined as contributing to the disproportionate representation or significant disproportionality and do not comply with IDEA, states must engage in the correction of noncompliance



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?

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



How would you explain to LEAs the difference between Indicator 4 and significant disproportionality in your state?

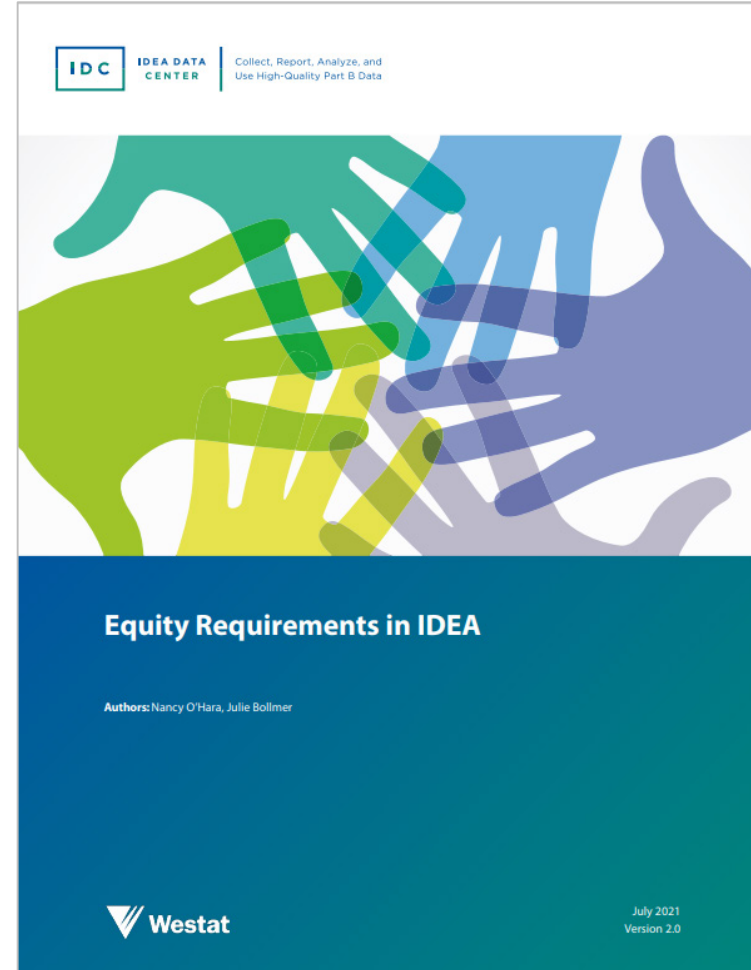
# Share out!

- 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!



[Equity  
Requirements in  
IDEA](#)

[Significant  
Disproportionality](#)



**Significant  
Disproportionality**

# 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.***

Source: Part B State Performance Plan and Annual Performance Report (Part B SPP/APR) General Instructions: For FFY 2021 Submission. Retrieved from [https://sites.ed.gov/idea/files/2023/Part-B\\_SPP-APR\\_Instructions.pdf](https://sites.ed.gov/idea/files/2023/Part-B_SPP-APR_Instructions.pdf).



# 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](mailto:mimura@aemcorp.com)
- Nancy Johnson, [ntjohnson11@gmail.com](mailto:ntjohnson11@gmail.com)



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

