



IDEA DATA
CENTER

Collect, Report, Analyze, and
Use High-Quality Part B Data



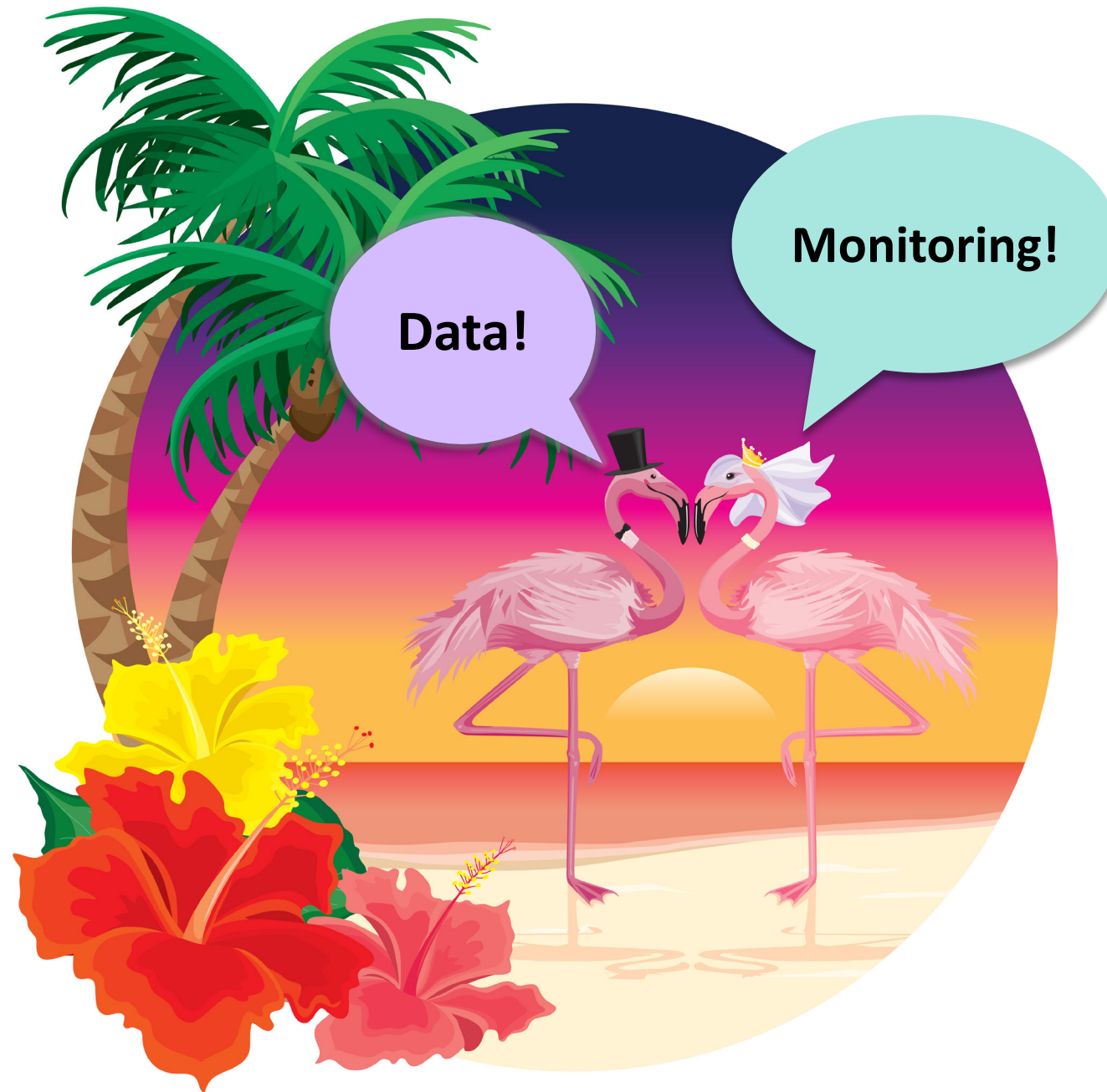
Identifying Disproportionate Representation—A Happy Marriage Between Data and Monitoring!

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Agenda

- What are SPP/APR Indicators 9 and 10?
- Data: How do states determine disproportionate representation?
- Monitoring: How do states examine inappropriate identification?
- How are Indicators 9 and 10 different from significant disproportionality?

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What Are SPP/APR Indicators 9 and 10?

Indicator 9

- States must report the percentage of districts with **disproportionate representation of racial and ethnic groups in special education and related services** that is **the result of inappropriate identification**.

Indicator 10

- States must report the percentage of districts with **disproportionate representation of racial and ethnic groups in specific disability categories** that is **the result of inappropriate identification**.

Blue Text = Data

Orange Text = Monitoring

Indicators 9 and 10: Commonalities

Compliance indicators

- Targets must be 0%
- OSEP requires correction of noncompliance

Require a two-step process

- Examine data to identify local education agencies (LEAs) with racially disproportionate representations among
 - Students with disabilities (Indicator 9)
 - Students in specific disability categories (Indicator 10)
- Conduct a review of these LEAs' policies, practices, and procedures to determine whether any of the identified districts have disproportionate representation that is the result of inappropriate identification

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Calculation Methodologies to Determine Disproportionate Representation

States use diverse calculation methodologies to determine disproportionate representation, including

- Risk
- Risk ratios
- Alternate risk ratios
- Weighted risk ratios
- Risk difference
- Composition
- E-formula
- ..and more!



Calculation Methodologies

Risk

- Percent of children from a specific racial/ethnic group who are identified with a disability in an LEA
- *"In LEA A, **5.08%** of Asian students are identified with a disability"*

Risk ratios

- The risk of one racial/ethnic group being identified with a disability compared to the risk of all other racial/ethnic groups being identified with a disability within the LEA
- Risk for Asian students (**5.08%**) ÷ Risk for non-Asian students (**1.98%**)
- *"In LEA A, Asian students are **2.57 times** as likely as non-Asian students to be identified with a disability"*

Alternate risk ratios

- The risk of one racial/ethnic group being identified with a disability in an LEA compared to the risk of all other racial/ethnic groups being identified with a disability in the state
- Risk for Asian students (**5.08%**) in an LEA ÷ Risk for non-Asian students in the state (**2.51%**)
- *"In LEA A, Asian students are **2.02 times** as likely as non-Asian students in the state to be identified with a disability"*

Weighted risk ratios

- The risk of one racial/ethnic group being identified with a disability compared to the risk of all other racial/ethnic groups within the LEA, but the "all other" comparison group is weighted according to the racial/ethnic demographics of the state
- *"In LEA A, Asian students are **2.53 times** as likely as all non-Asian students to be identified with a disability when the risk ratio is weighted by the state's demographics"*

Calculation Methodologies (cont.)

Risk difference

- The risk of one racial/ethnic group identified with a disability minus the risk of all other racial/ethnic groups identified with a disability within the LEA
- Risk for Asian students (**5.08%**)—Risk for non-Asian students (**1.98%**)
- *“In LEA A, the risk of Asian students being identified with a disability is **3.1 percentage points** higher than the risk of non-Asian students being identified with a disability”*

Composition

- The percent of students identified with a disability in one racial/ethnic group out of students identified with a disability in all racial groups within the LEA
- (Number of Asian students identified with a disability [316] ÷ all students identified with a disability, regardless of race [1,222]) * 100
- *“In LEA A, **25.86%** of students who are identified with a disability are Asian”*

E-formula

- Determines if the percent of Asian students identified with a disability are above the upper bound of what is expected, given the percent of total Asian student enrollment
- Using an E-formula, insert the composition of Asian students identified with a disability (**25.86%**) and the composition of Asian students' total enrollment to calculate the upper bound (**12.89%**)
- *“In LEA A, the percent of Asian students identified with a disability (25.86%) is **above the upper bound** of what's expected (12.89%)”*

Additional Considerations to Determine Disproportionate Representation

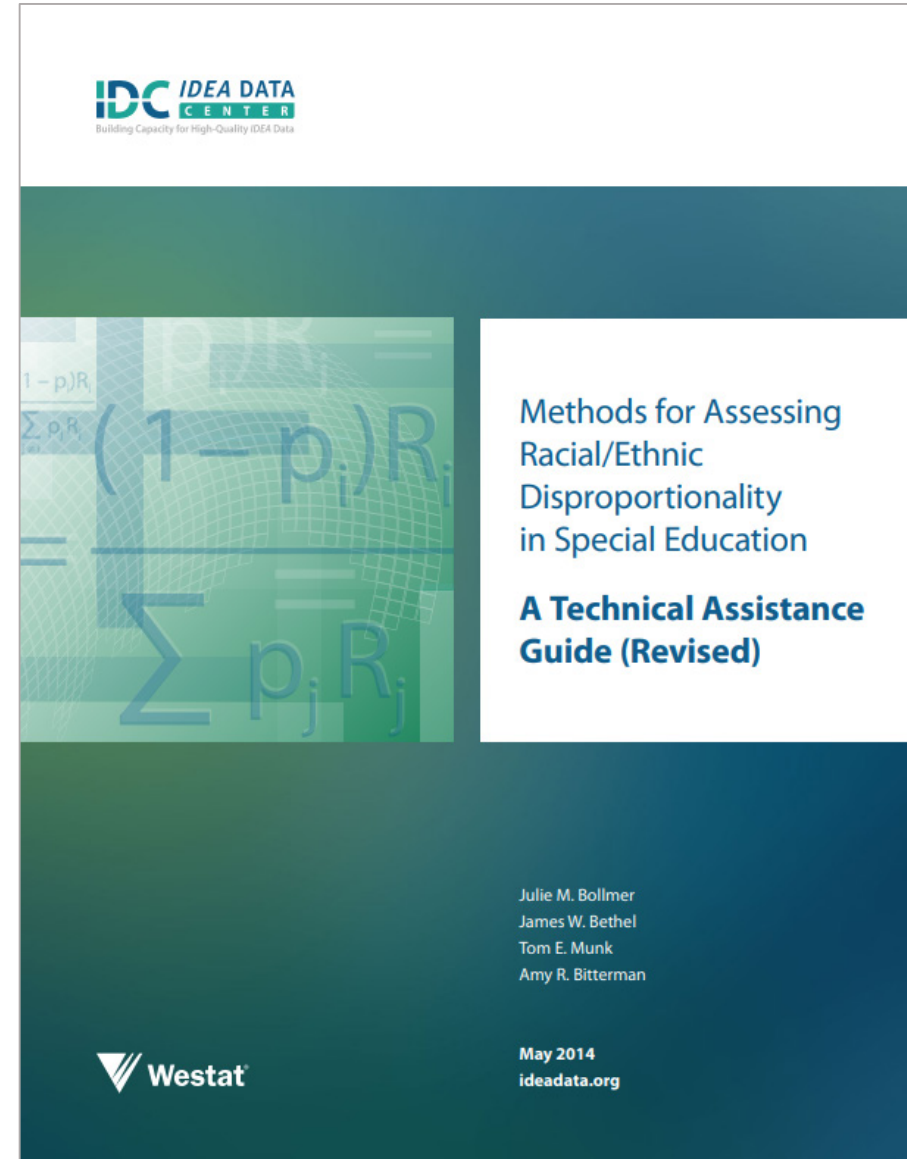
In addition to the calculation method, states must decide on

- Minimum cell sizes
- Minimum n-sizes
- Thresholds at which they will consider representation disproportionate
- Number of years of data to examine



Shameless Plug!

If your state needs help selecting a calculation method or wants to explore other methods for determining disproportionate representation, IDC's [Methods for Assessing Racial/Ethnic Disproportionality in Special Education](#) is **the** resource for you!



Activity

Activity Instructions—Part 1

1. Gather with people who use the **same** calculation method you use in your state
2. Ask at least one person
 - Why did your state choose this calculation method?
 - How many LEAs does your state identify with disproportionate representation for Indicators 9 and 10 each year?
 - How well do LEAs understand what it means to have a disproportionate representation?

Activity Instructions—Part 2

1. Find someone who uses a **different** calculation method than you use in your state
2. Ask at least one person
 - Why did your state choose that calculation method?
 - How many LEAs does your state identify with disproportionate representation for Indicators 9 and 10 each year?
 - How well do LEAs understand what it means to have a disproportionate representation?



**Share
out!**

- What is your state's calculation method?
- What was your new friend's calculation method?
- What did you learn about this method?

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- **Monitoring: How do states examine inappropriate identification?**
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I've Identified Disproportionate
Representation!

Now What?

Introducing the Other Member of Our Dynamic Duo—Monitoring!

As outlined in IDEA regulations, [Section 300.600\(d\)\(3\)](#), states must **monitor** LEAs using quantifiable and qualitative indicators to measure performance in the priority area of

Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

Plain Language, Please!

If an LEA meets criteria for disproportionate representation for a racial/ethnic group, based on the state's data analysis and definition of disproportionate representation

THEN

The state must determine if the disproportionate representation was the result of inappropriate identification.

Inappropriate Identification Q&A

Q: Is there a federal definition of inappropriate identification?

A: No, there is no explicit federal definition.

Group discussion!

How does your state define inappropriate identification?

Inappropriate Identification Q&A (cont.)

Q: What information should I use to determine inappropriate identification?

A: Different states vary the information they use. In the SPP/APR measurement table, OSEP provides the following examples

- Using monitoring data
- Reviewing policies, practices, and procedures

Group discussion!

What information does your state use to determine inappropriate identification?

Example 1

The state considers different data points that may include student file reviews, LEA child find data, student referral data, other compliance measures, and interviews with LEA staff. The state may also have LEAs complete a self-assessment and student file reviews in which the LEAs assess their policies, procedures, and practices and whether they demonstrate inappropriate identification.

Example 1—Improved

The state uses its documented compliance review protocol to determine whether LEAs identified with disproportionate representation demonstrated inappropriate identification. The first step in the protocol is a self-assessment that LEAs with disproportionate representation must complete. In this self-assessment, LEAs review their policies, procedures, and practices and conduct record reviews for five students the state randomly selects.

The second part of the protocol is supplemental data analysis. For this data analysis, the state collects and reviews the following additional data: LEA child find data, LEA referral data, and any dispute resolution data for the LEA. Utilizing an established internal rubric to score the different elements of the compliance review protocol, the state makes its final determination of whether the disproportionate representation in identified LEAs was the result of inappropriate identification.

I've Determined Inappropriate Identification!

Now What?

Diving Into Noncompliance

- Inappropriate identification is noncompliance
- Once states identify noncompliance (e.g., determine inappropriate identification or individual records with noncompliance), per OSEP's famous 09-02 Memo, states must
 - Notify LEAs in writing of noncompliance
 - Notify LEAs that they must correct noncompliance “as soon as possible, but in no case more than one year from identification”
 - Determine and communicate actions LEAs must take to correct noncompliance (often called “corrective actions”)

Source: U.S. Department of Education, Office of Special Education Programs. (2008, October 17). “OSEP Memo 09-02: Reporting on Correction of Noncompliance in the Annual Performance Report Required Under Sections 616 and 642 of the Individuals with Disabilities Education Act.” Retrieved 4 November 2022 from <https://sites.ed.gov/idea/idea-files/osep-memo-09-02-reporting-on-correction-of-noncompliance/>.

Correcting Noncompliance

When demonstrating correction of noncompliance, states must

- Account for all instances of noncompliance (may review “a reasonable sample of the previously noncompliant files to verify noncompliance was corrected”)
- Identify LEAs where noncompliance occurred, percentage level of the noncompliance, and root causes of noncompliance
- Change, or require LEAs to change, policies, procedures, and practices contributing to noncompliance
- Determine if the LEAs with noncompliance are correctly implementing regulatory requirements (must be based on state’s review of updated data from subsequent monitoring or data collected by the state)

Source: U.S. Department of Education, Office of Special Education Programs. (2008, October 17). “OSEP Memo 09-02: Reporting on Correction of Noncompliance in the Annual Performance Report Required Under Sections 616 and 642 of the Individuals with Disabilities Education Act.” Retrieved 4 November 2022 from <https://sites.ed.gov/idea/idea-files/osep-memo-09-02-reporting-on-correction-of-noncompliance/>.

Documenting Correction of Noncompliance in the SPP/APR

When demonstrating correction of noncompliance, states must

- **Account for all instances of noncompliance (they may review “a reasonable sample of the previously noncompliant files to verify noncompliance was corrected”)**



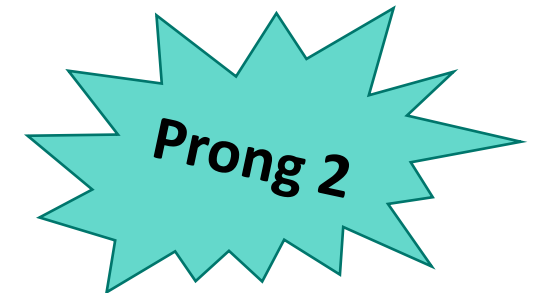
Prong 1

Source: U.S. Department of Education, Office of Special Education Programs. (2008, October 17). “OSEP Memo 09-02: Reporting on Correction of Noncompliance in the Annual Performance Report Required Under Sections 616 and 642 of the Individuals with Disabilities Education Act.” Retrieved 4 November 2022 from <https://sites.ed.gov/idea/idea-files/osep-memo-09-02-reporting-on-correction-of-noncompliance/>.

Documenting Correction of Noncompliance in the SPP/APR (cont.)

When demonstrating correction of noncompliance, states must

- **Determine if the LEAs with noncompliance are correctly implementing regulatory requirements (must be based on state's review of updated data from subsequent monitoring or data collected by the state)**



Source: U.S. Department of Education, Office of Special Education Programs. (2008, October 17). "OSEP Memo 09-02: Reporting on Correction of Noncompliance in the Annual Performance Report Required Under Sections 616 and 642 of the Individuals with Disabilities Education Act." Retrieved 4 November 2022 from <https://sites.ed.gov/idea/idea-files/osep-memo-09-02-reporting-on-correction-of-noncompliance/>.

Example 2

Describe how the state verified that the source of noncompliance is correctly implementing the regulatory requirements.

If the state identifies noncompliance, it requires school districts to submit evidence that they corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA program. After reviewing these records, the state notifies school districts if there is still noncompliance that they need to address. The state addresses noncompliance based on OSEP's 09-02 Memo.

Describe how the state verified that each individual case of noncompliance was corrected.

If the state identifies noncompliance, it requires school districts to submit evidence that they corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA program. After reviewing these records, the state notifies school districts if there is still noncompliance that they need to address. The state requires LEAs to review policies, procedures, and practices and update them as needed. The state must hold trainings with staff on evaluation practices and provide, if requested, proof of trainings. The state addresses noncompliance based on OSEP's 09-02 Memo.

Example 2—Improved

Describe how the state verified that the source of noncompliance is correctly implementing the regulatory requirements.

The state required the eight LEAs with noncompliance to review policies, practices, and procedures through their self-assessment. As a result of these reviews, five LEAs revised their policies, practices, and procedures. The state required each LEA to submit 10 subsequent student files through the state monitoring platform and upload requisite evaluation data to assess identification and evaluation practices. State monitors used a rubric to evaluate the records consistently, and through this review the state verified that all eight LEAs (the sources of noncompliance) were correctly implementing the regulatory requirements, consistent with OSEP's 09-02 Memo.

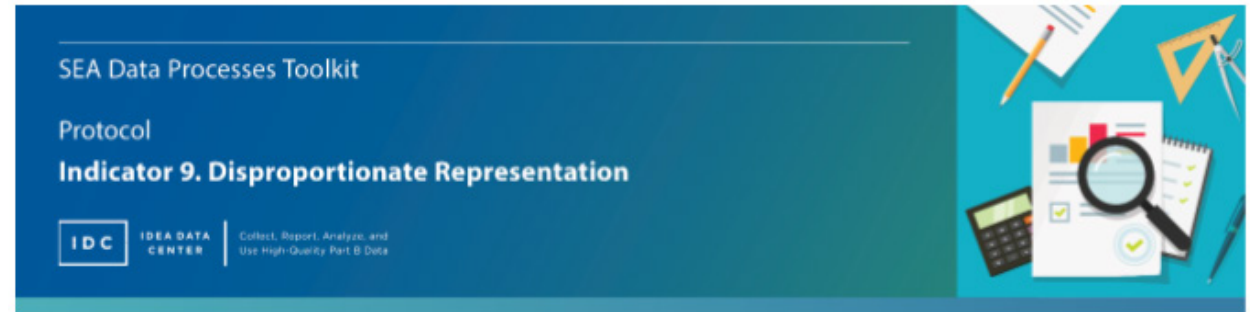
Describe how the state verified that each individual case of noncompliance was corrected.

Five LEAs had findings of noncompliance related to policies, practices, and procedures. These LEAs revised policies, practices, and procedures and submitted these revisions to the state for final approval. The state verified the updated policies, practices, and procedures corrected the instances of noncompliance initially identified. Three LEAs had one or more student-level records with noncompliance. Through a multi-step process of reviewing individual cases of noncompliance to determine updated evaluations, eligibility reports, and IEPs addressing prior noncompliance, the state verified that the LEA corrected these student-level records with noncompliance, consistent with OSEP's 09-02 Memo.

Shameless Plug!

Indicators 9 and 10 can get complicated. Make sure you document every single element needed for the data and monitoring portions of these indicators using resources like IDC's [SEA Data Process Toolkit](#).

When it's time to share the data with internal staff or outside stakeholders, use IDC's [Part B Data Display Wizard](#) for improved data visualization.



Part B Indicator Data Display Wizard

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- **How are Indicators 9 and 10 different from significant disproportionality?**

Indicators 9 and 10 and Significant Disproportionality Seem Really Similar...

Indicator 9

Disproportionate representation of racial/ethnic groups in special education

Indicator 10

Disproportionate representation of racial/ethnic groups in specific disability categories

Significant disproportionality (identification category)

- Significant disproportionality in identification of students with disabilities
- Significant disproportionality in identification of students with particular impairments

...But Indicators 9 and 10 Are *Different* From Significant Disproportionality

Elements	Indicators 9 and 10	Significant Disproportionality
Regulation	20 U.S.C. 1416(a)(3)(c)	20 U.S.C. 1418(d) and 34 CFR §§ 300.646–647
Age	Age 5 (in kindergarten) through age 21	Ages 3–21
Calculation Method	States' choice	Risk Ratio and Alternate Risk Ratio methods
Minimum Cell Size	States' choice	States' choice, with stakeholder input, and must provide rational to OSEP if greater than 10
Minimum N-Size	States' choice	States' choice, with stakeholder input, and must provide rational to OSEP if greater than 30
Multiple Years of Data	States' choice	States' choice, with stakeholder input, with a maximum of three years of data
Reasonable Progress	Does not exist	States' choice, with stakeholder input
LEA Consequences	Review of policies, practices, and procedures. If the state determines disproportionate representation(s) are the result of inappropriate identification, engage in the correction of noncompliance.	Review of policies, practices, and procedures. Use 15% of IDEA funds for comprehensive coordinated early intervening services (CCEIS) to address the root cause of the significant disproportionality.

Three Strategies for States

Make them different

Make methodologies for Indicators 9 and 10 completely different from significant disproportionality

Diverse evaluation methods for disproportionality

Warning system

Align methodologies for Indicators 9 and 10 and significant disproportionality, but make methods for Indicators 9 and 10 more rigorous

Early warning system for the state and LEAs

Two birds, one stone

Align methodologies for Indicators 9 and 10 and significant disproportionality as much as possible

Less monitoring engagement (but heavier consequences)

Activity

Table Talk

Which strategy has your state chosen?
How has it been working out?

Make them different

Make methodologies for Indicators 9 and 10 completely different from significant disproportionality

Diverse evaluation methods for disproportionality

Warning System

Align methodologies for Indicators 9 and 10 and significant disproportionality, but make methods for Indicators 9 and 10 more rigorous

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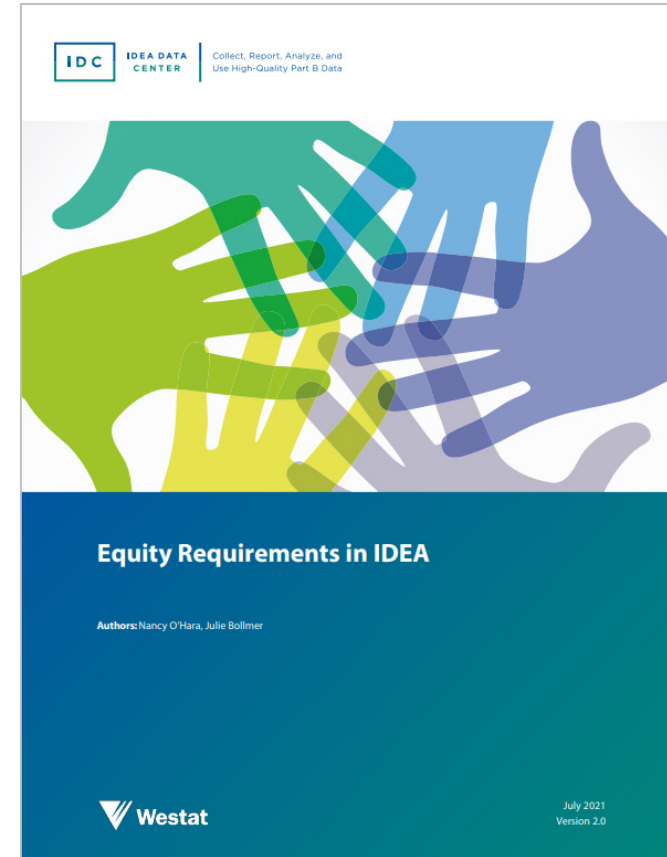
**Share
Out!**

- What is your state's current strategy?
- What is your neighbor's strategy?
- Do you feel like you need to change your state's strategy?

Shameless Plug!

If you'd like to know more about the differences between indicators 9, 10, 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](#) is a one-stop shop for all significant-disproportionality-related needs.



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