How to be a $igDis..PRO!

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Outcomes for Today's Session:

- Describe the process the Office of special education has for identifying districts with significant disproportionality, significant discrepancy and disproportionate representation. What this means for a district and what does the cautionary zone mean.
- Work through the financial impact of being Significantly Disproportionate and the use of CCEIS funds.
- Provide information to districts even if they are not identified or in a cautionary zone for Significant Disproportionality
- Align policies, procedures and practices to meet the needs of all students in identification, placement and discipline without discriminating against a student with disabilities and students within a specific race and ethnic group.
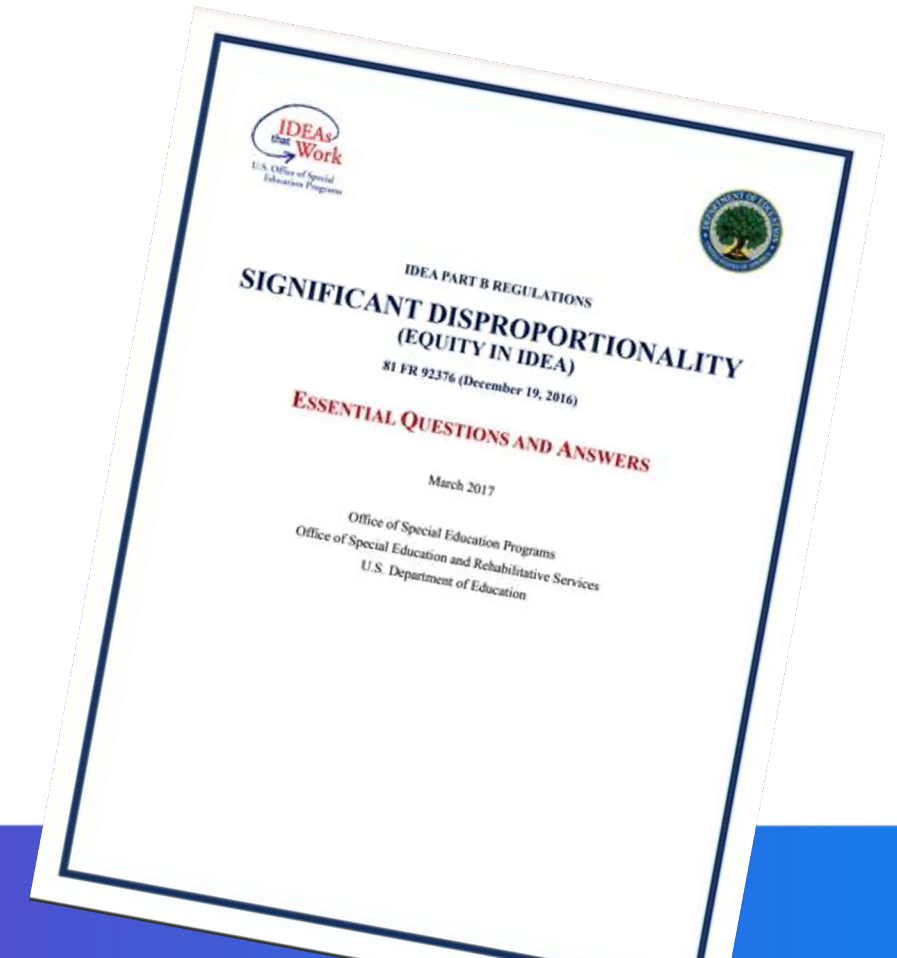
Equity in Special Education

Office of Special Education Programs (OSEP) issued guidance around significant disproportionality

34 CFR §300.646-647

IDEAs that Work
U.S. Office of Special Education Programs

IDEA PART B REGULATIONS

SIGNIFICANT DISPROPORTIONALITY
(EQUITY IN IDEA)
81 FR 92376 (December 19, 2016)

ESSENTIAL QUESTIONS AND ANSWERS

March 2017

Office of Special Education Programs
Office of Special Education and Rehabilitative Services
U.S. Department of Education

Significant disproportionality must be calculated for seven racial/ethnic groups, when there are a sufficient number of students in the group to allow for reliable calculations.

The groups are:

1. American Indian or Alaskan Native,

2. Asian,

3. Black or African American,

4. Hispanic/Latino,

5. Native Hawaiian or Other Pacific Islander,

6. White, and

7. Two or More Races.

Nebraska's definition of significant disproportionality

Significant disproportionality in identification occurs when children ages 3-21 in a particular racial/ethnic group are at a significantly greater risk than their peers in other racial/ethnic groups of being:

1. identified as a child with a disability,

2. identified as a child with a specific learning disability,

3. identified as a child with an intellectual disability,

4. identified as a child with a speech and language impairment,

5. identified as a child with other health impairment,

6. identified as a child with autism, or

7. identified as a child with an emotional disturbance.

Let's talk through an example...

$$\frac{10 \; Asian \; children \; with \; disabilities}{100 \; Asian \; children \; enrolled}$$

Risk for Asian children = **10%**

$$\frac{10 \; non-Asian \; children \; with \; disabilities}{200 \; non-Asian \; children \; enrolled}$$

Risk for non−Asian children = **5%**

Risk ratio = **10/5 = 2.0**

What is Nebraska's significant disproportionality definition for placement?

Significant disproportionality in placement occurs when children with disabilities ages 6-21 in a particular racial/ethnic group are at a significantly greater risk than their peers in other racial/ethnic groups of being:

1. inside a regular class for less than 40 percent of the day

2. inside separate schools and residential facilities (not including homebound or hospital settings, correctional facilities, or private schools).

Another example…

$$\frac{30 \text{ Black children with disabilities placed inside the regular class for less than } 40\% \text{ of the day}}{50 \text{ Black children with disabilities}}$$

Risk for Black children with disabilities = **60%**

$$\frac{10 \text{ non–Black children with disabilities placed inside the regular class for less than } 40\% \text{ of the day}}{100 \text{ non–Black children with disabilities}}$$

Risk for non–Black children with disabilities = **10%**

Risk ratio = **60/10 = 6.0**

What is Nebraska's significant disproportionality definition for discipline?

Significant disproportionality in <u>discipline </u>occurs when children with disabilities <u>ages 3-21</u> in a particular racial/ethnic group are at a significantly greater risk than their peers in other racial/ethnic groups of being:

1. OSS ≤ 10. Suspended out-of-school or expelled for 10 days or fewer

2. OSS > 10. Suspended out-of-school or expelled for more than 10 days

3. ISS ≤ 10. Suspended in-school for 10 days or fewer

4. ISS > 10. Suspended in-school for more than 10 days.

What is Nebraska's significant disproportionality definition for discipline?

5. Total Removals. Significant disproportionality in discipline also occurs when children with disabilities ages 3-21 in a particular racial/ethnic group experience a significantly greater average number of disciplinary removals than their peers in other racial/ethnic groups. The total number of removals includes in-school and out-of-school suspensions, expulsions, removals by school personnel to an interim alternative educational setting, and removals by a hearing officer.

Example for #1 - #4

$$\frac{50 \text{ White children with disabilities suspended in–school for more than 10 days}}{1000 \text{ White children with disabilities}}$$

Risk for White children with disabilities = **5%**

$$\frac{(10 \text{ non–White children with disabilities suspended in-school for more than 10 days)/} (100 \text{ non–White children with disabilities)}}{100 \text{ non–White children with disabilities}}$$

Risk for non–White children with disabilities = **10%**

Risk ratio = 5/10 = **0.5**

Example for #5

$$\frac{120 \text{ total removals for Hispanic or Latino children with disabilities}}{100 \text{ Hispanic or Latino children with disabilities}}$$

Total Removals Per Hispanic or Latino Child =
$$120/100 = 1.2$$

$$\frac{60 \text{ total removals for non} - \text{Hispanic or Latino children with disabilities}}{100 \text{ non} - \text{Hispanic or Latino children with disabilities}}$$

Total Removals Per non – Hispanic or Latino Child =
$$60/100 = 0.6$$

Total Removals Per Child Ratio = $1.2/0.6 = 2.0$

Indicator 4: What is significant discrepancy (SPP/APR Indicator 4) and how is it related to significant disproportionality for discipline?

Significant Discrepancy - The data comes from a single discipline category: being suspended out-of-school or expelled for more than 10 days. Federal regulations allow states many options for performing significant discrepancy calculations, but none of them match the calculation allowed for significant disproportionality. In particular, significant disproportionality requires a direct comparison of racial/ethnic groups with each other within each LEA, while significant discrepancy prohibits such a comparison.

Nebraska's significant discrepancy definition...

Disproportionate Representation (SPP/APR Indicators 9 and 10)

How is it related to significant disproportionality for identification?

What if we have a small number of children? (Non-calculation and alternate risk ratios)

15 White children with disabilities inside separate schools and residential facilities

60 White children with disabilities

Risk = **15/60 = 0.25**

100 non – White children with disabilities inside separate schools and residential facilities IN THE STATE

200 non – White children with disabilities IN THE STATE

State-Level Risk = **100/200 = 0.5**

Alternate Risk Ratio = **.25/.50 = 0.50**

Must a district meet the definition for significant disproportionality in each of the categories before being identified with significant disproportionality?

No. The LEA only needs to meet the definition for one of the 14 categories and one of the 7 racial or ethnic groups to be identified with significant disproportionality.

When is district level data examined for significant disproportionality, significant discrepancy, and disproportionate representation?

Identification and Placement data will be examined each summer and districts will be notified in the fall. Discipline data will be examined in the winter each year and LEAs will be notified in the spring.

Where does the data being examined come from?

Identification and Placement data is taken from the October 1st Special Education Child Count submitted to ADVISER. Discipline data is taken from data submitted by districts throughout the year in ADVISER with a June deadline.

How will a district be notified if they have significant disproportionality or are in a cautionary zone for significant disproportionality?

Color scheme for significant disproportionality calculations in a single category and a single year

Limited data (Cell < 10 or N < 30)	Equitable	Cautionary Zone 3	Cautionary Zone 4	Significant Disproportionality

Example of cautionary zone 3:

2019-20	2018-19	2017-18
3.02	N size < 30	N size < 30

Example of cautionary zone 4:

2019-20	2018-19	2017-18
5.32	3.86	N size < 30

Example of significant disproportionality:

2019-20	2018-19	2017-18
5.32	4.34	4.55

What happens if a District is identified as having significant disproportionality?
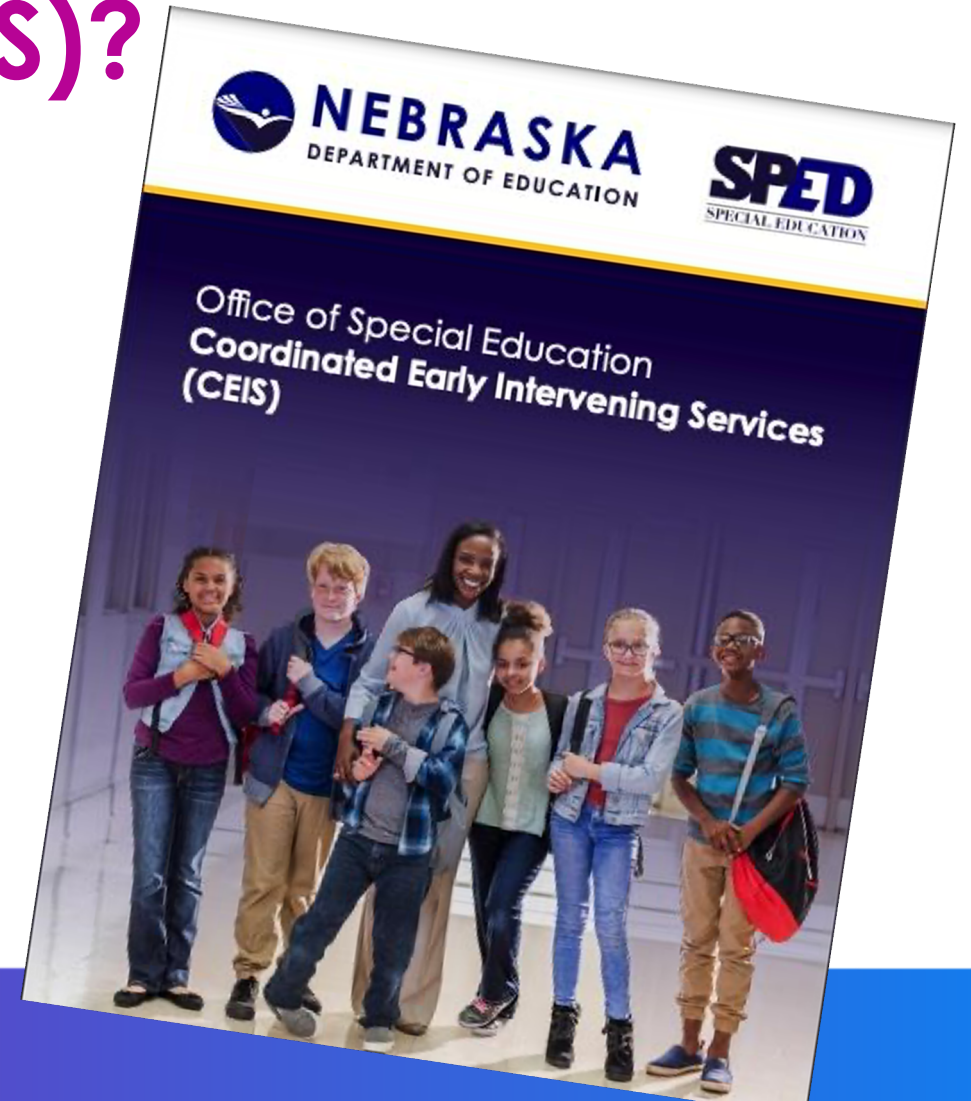

Equity, Inclusion, and Opportunity

Addressing *Success Gaps*

Indicators of Success Rubric

Where can I find additional information about Comprehensive Coordinated Early Intervening Services (CCEIS)?

A guidance document around CEIS and CCEIS is located on the NDE [Special Education website](#).

Can a District provide early intervening services even if they aren't identified with Significant Disproportionality?

Yes, Districts may voluntarily set aside up to 15 percent of their special education funds to provide Coordinated Early Intervening Services (CEIS). A LEA might choose to do this, for example, if they have been identified in the Cautionary Zone for disproportionality.

How can an District be disproportionate when the population is fairly homogeneous?

> When an LEA has a very small number of students in its second largest racial/ethnic group, it would be unreliable to calculate a risk ratio because the comparison group is too small. In these cases, the comparison group is switched from the district level to the state level.

Understanding and applying the knowledge of your district's data story helps ensure services are getting to students in an appropriate way.

"So my district is not Significantly Disproportionate or in a Cautionary Zone! Great I don't need to do anything!!"

Helping you to be a Pro!

Office Of Special Education Equity Website:
https://www.education.ne.gov/sped/equity-in-special-education/

NEBRASKA
DEPARTMENT OF EDUCATION

SPED
SPECIAL EDUCATION

Office of Special Education
Equity Guidance August 2020