Understanding Significant Disproportionality in Special Education

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What is Significant Disproportionality?

- Disproportionality is the overrepresentation of a racial or ethnic group in a particular category.

- It is measured by a risk ratio that asks:

  How likely is one group of students to have "x" occur, compared to all other groups of students?

- Disproportionality becomes significant when the over-representation exceeds a defined risk ratio threshold *for a certain period of time.*

CONTENT AND PURPOSE

REGULATIONS

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Notice: Significant Disproportionality

- Effective January 2017: Revised regulations dictate that states review and amend the definition, calculation, tracking of & response to district-level significant disproportionality in three major areas: identification, placement and discipline.
  - All decisions must take into account stakeholder input.
  - Initially, updated practices must be implemented July 1, 2018.
  - Currently, the regulations allow states to delay implementation by two years.

Purpose of Revised Regulations

All children who require special education services should be appropriately identified and supported. At the same time, no child should be inappropriately identified *for special education services,* segregated *from his or her peers, or* disciplined *more frequently or harshly simply because they are a student of color with a disability. These regulations will help ensure that the promise of IDEA is fulfilled without regard to race or ethnicity.*

US Department of Education, December 12, 2016. **FACT SHEET: Equity in IDEA.**
https://www.ed.gov/news/press-releases/fact-sheet-equity-idea

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The Revised Regulations...

- Dictate 14 categories of measurement;

- Require at all states use the same mathematical methods to identify inequity (applied with some flexibility);

- Clarify requirements for reviewing & revising policies, procedures, and practices; and

- Require that districts identify & address factors contributing to significant disproportionality.

  – This includes a mandatory set-aside of 15% of federal SPED funding.

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98 Ways...

- A district has ninety-eight "opportunities" to be identified as being significantly disproportionate.
  - Seven racial/ethnic groups
  - Fourteen categories
    - SPED identification
    - 6 disability categories (ID, ED, SLD, AU, OHI, Sp/L)
    - Two placement categories
    - Five discipline groups

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Why This Matters to Families, Communities…Everyone!

+ Race-based differential treatment at the district level…
  - Will be clearly identified by the state
  - Will be addressed through changes in and additions to programs, policies, practices and procedures
  - Improvements will be publicly reported

− Funding will be diverted from special education services

− OSDE must dedicate limited resources to monitor districts and oversee implementation of all changes and improvements

Why This Matters to Districts

If identified, districts must:

- Set aside 15% of IDEA funds to address significant disproportionality (CCEIS)
- Review and revise policies, procedures & practices
- Publicly report results of review and any revisions

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Comprehensive Coordinated Early Intervening Services (CCEIS)

Grade Level/ Ages Served	Age 3 through grade 12
Groups Served	Students with and without disabilities
Permitted & Required Activities	Professional development and educational and behavioral evaluations, services, and supports. The district must address factors and policies, practices, or procedures contributing to significant disproportionality.

Stakeholder Input Process

- OSDE internal stakeholder meeting(s)

- Six sets of meetings around the state in November 2017
  - In each location, one meeting will be held for district personnel and another for community stakeholders.

- Oklahoma Part B State Advisory Panel

DATA

National Trends: Identification & Placement*

Identification Findings

ED

African-American students are 1.75 times as likely to be identified with emotional disturbance.

ID

African-American students are 1.85 times as likely to be identified with an intellectual disability.

Placement Findings

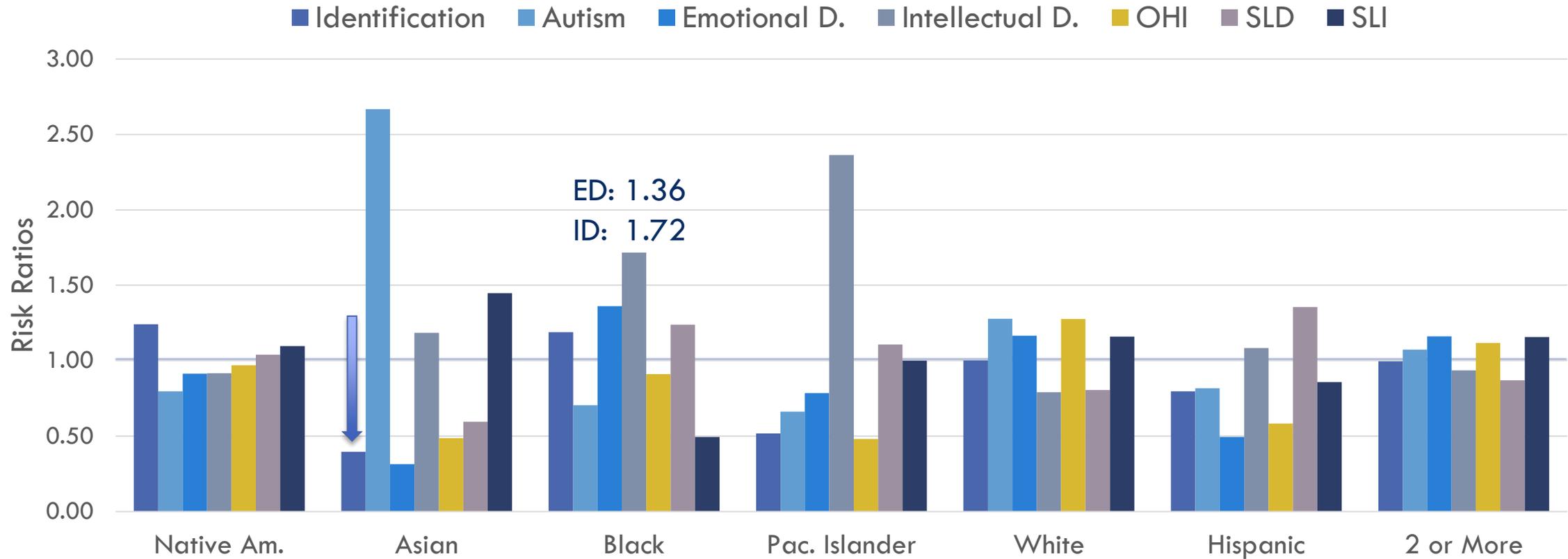Asian students are 1.6 times as likely to be placed in a separate setting the majority of the day.

*SY 2014-2015 data

Oklahoma Trends: Identification 2016-2017

Oklahoma Trends: Placement 2016-2017

- Pacific Islander & Asian students are about 1.7 times as likely to be placed in separate settings.

- "Separate settings" includes:
  - "Regular education less than 40% of the time" *and*
  - "other" settings such as a correctional facility, separate school, etc.

Separate Settings	
Race	**Risk Ratio**
Pac. Islander	1.73
Asian	1.64
Black	1.53
2 or More	1.06
Hispanic	0.99
White	0.94
Native Am.	0.72

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National Trends: Discipline (Suspensions)

Relative Suspensions of Students with Disabilities, 2013-2014 CRDC Data

7% of white students were suspended out-of-school in 2013-2014, compared to

12.5% of all other students*, and

20% of Black/African-American students.

*Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, Black, & Multiracial
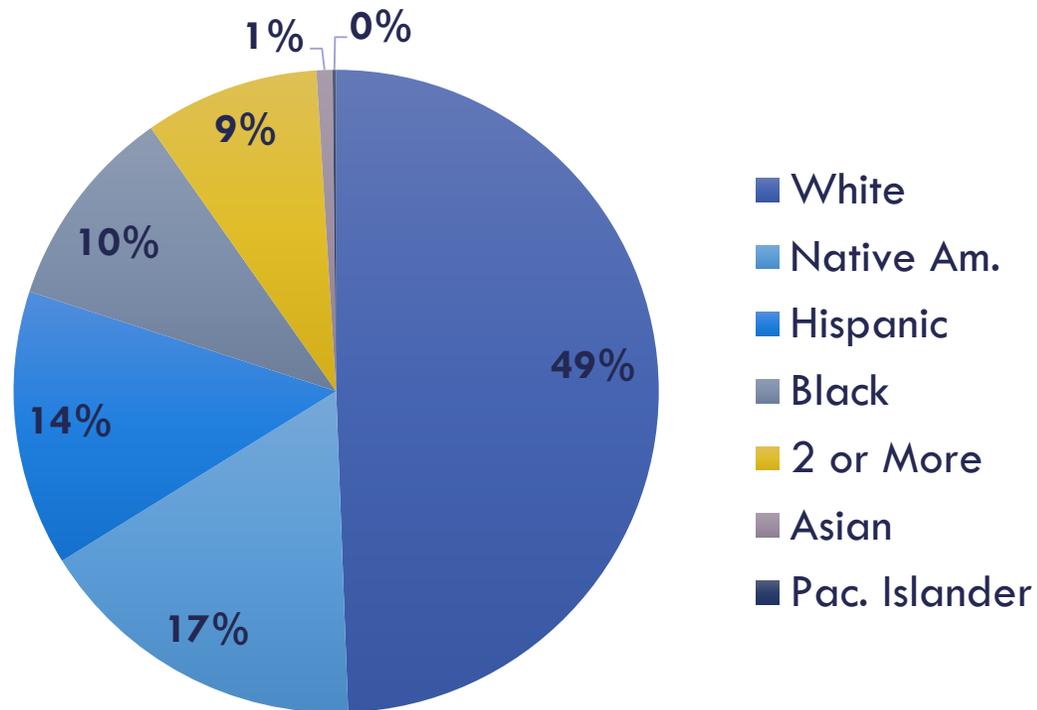
Oklahoma Trends: Discipline 2016-2017

Black or African-American students on IEPs are about 2.5 times as likely to be suspended out of school than all others.

Percent Students w/IEPs Suspended, by Race			
Out-of-School		*In-School*	
Black	**19.71%**	Pac. Islander	5.79%
2 or More	9.73%	Black	4.97%
Hispanic	7.68%	Native Am.	4.92%
White	6.53%	2 or More	4.72%
Native Am.	6.18%	White	4.25%
Pac. Islander	5.26%	Hispanic	3.80%
Asian	2.08%	Asian	1.38%

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Oklahoma Trends: Discipline 2016-2017

Racial Distribution: SPED Child Count

- White — 49%
- Native Am. — 17%
- Hispanic — 14%
- Black — 10%
- 2 or More — 9%
- Asian — 1%
- Pac. Islander — 0%

Racial Distribution: Students with OSS

- White — 39%
- Native Am. — 13%
- Hispanic — 13%
- Black — 25%
- 2 or More — 10%
- Asian — 0%
- Pac. Islander — 0%

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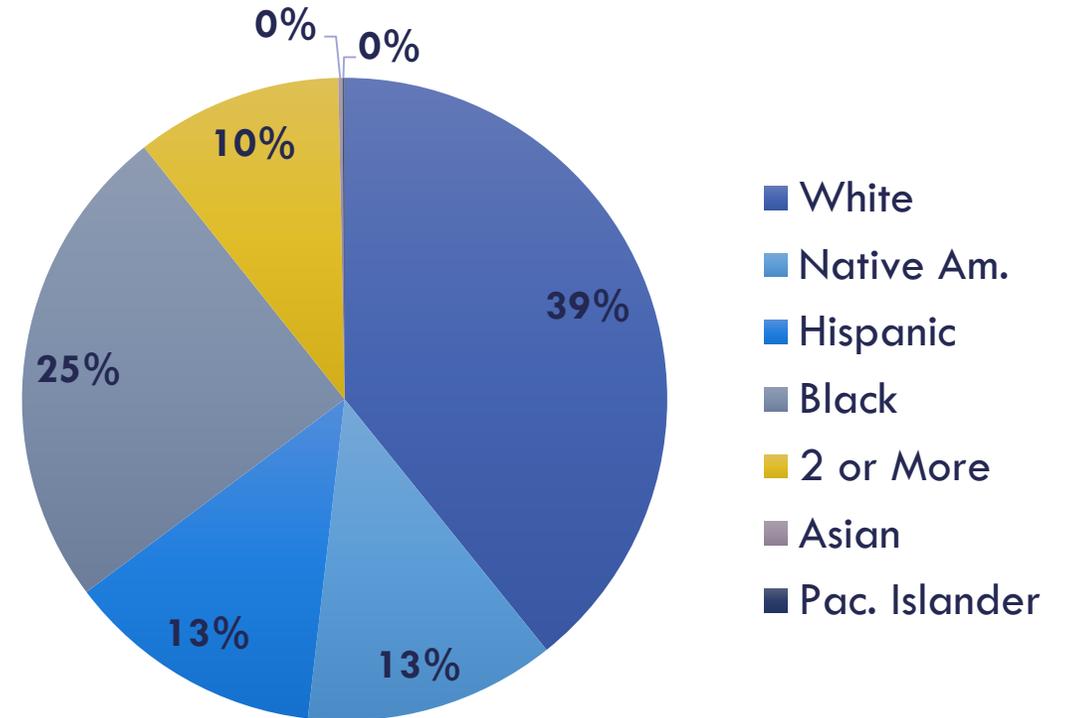
District Patterns: Central Region

Based on current data, districts in the central region are likely to have disproportionality in:

- Discipline (various categories) for African-American students
- Identification (various categories) for Native American students
- Speech/Language for White students

District Patterns: Northwestern Region

Based on current data, districts in the northwestern region are likely to have disproportionality in:

- Other Health Impaired (OHI) for White students
- Identification (various categories) for White students

District Patterns: Northeastern Region

Based on current data, districts in the northeastern region are likely to have disproportionality in:

- Discipline (various categories) for Native American students
- Identification (various categories) for African-American students
- Identification (various categories) for White students
- Speech/Language Impairment (SLI) for Native American students
- Speech/Language Impairment (SLI) for students of 2 or more races

District Patterns: Southeastern Region

Based on current data, districts in the southeastern region are likely to have disproportionality in:

- Other Health Impaired for (OHI) Native American students
- Other Health Impaired for (OHI) White students
- Speech/Language Impaired (SLI) for Native American students
- Speech/Language Impaired (SLI) for White students

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District Patterns: Southwestern Region

Based on current data, districts in the southwestern region are likely to have disproportionality in:

- Specific Learning Disability (SLD) for Hispanic students
- Specific Learning Disability (SLD) for White students
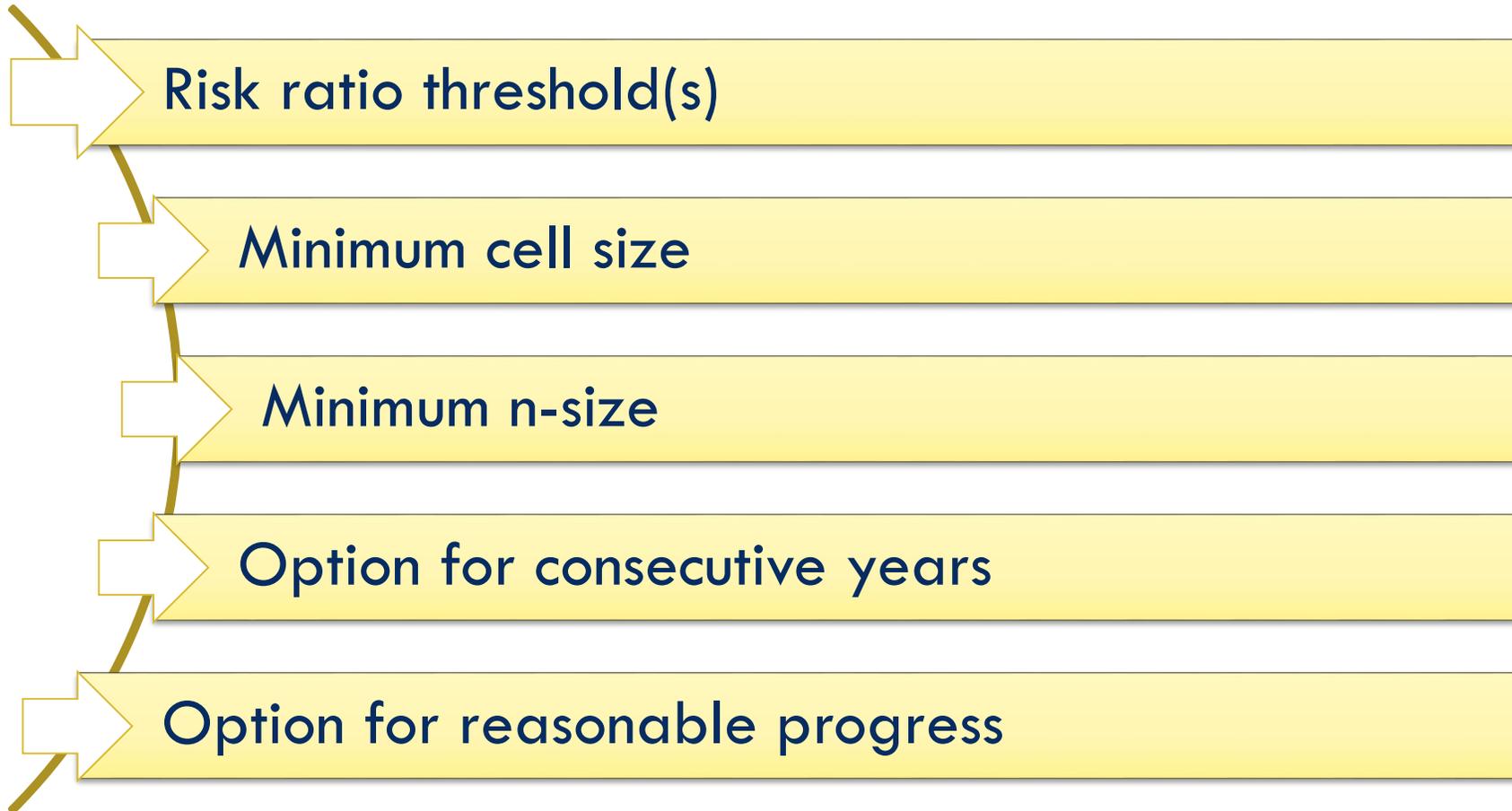- Speech/Language Impaired (SLI) for White students

CALCULATING SIGNIFICANT DISPROPORTIONALITY

Components

- Risk ratio threshold(s)
- Minimum cell size
- Minimum n-size
- Option for consecutive years
- Option for reasonable progress

Why These Components Matter

- The threshold defines the lower limit of "significant" differential treatment.

- Cell and n sizes determine which districts and race/ethnicity -- category pairs get evaluated.

- The number of years above the threshold determines significance.

- Reasonable progress is a measure of district improvement.
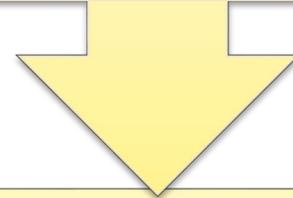
Required Methodology: the Risk Ratio

What is each racial group's risk of…

identification	placement	discipline

…as compared to the risk for all other IDEA children in the district, *and* when is it significant?

Approved Risk Ratio Thresholds: Oklahoma

- Three Risk Ratio Thresholds have been approved, one for each major area of categorical risk:
  - Identification and 6 sub-categories: 2.6
  - Placement categories (2): 2.5
  - Total removals and 4 sub-categories of discipline: 2.25

How a Risk Ratio is Calculated

STEP ONE: GROUP RISK

What percentage of students from a specific racial/ethnic group in the LEA receive special education and related services?

$$= \frac{\text{Asian students with disabilities}}{\text{All Asian students}} = \frac{40}{180}$$

$$= 0.222$$

So: **22.2%** of Asian students in the LEA receive special education and related services.

How a Risk Ratio is Calculated

STEP TWO: NON-GROUP RISK

What percentage of students from all other racial/ethnic groups <u>in the LEA</u> receive special education and related services?

$$= \frac{\text{Non-Asian students with disabilities}}{\text{All Non-Asian students}}$$

$$= \frac{336}{2250} = 0.149$$

So: **14.9%** of Non-Asian students in the LEA receive special education and related services.

How a Risk Ratio is Calculated

STEP THREE: RISK RATIO

What is the risk for Asian students in the LEA to receive special education and related services, compared to the risk for all other students?

$$= \frac{\text{Risk for Asian students}}{\text{Risk for all other students}} = \frac{0.222}{0.149}$$

$$= 1.49$$

So: Asian students in the LEA are 1.49 times as likely as all other students to receive special education and related services.

Minimum Cell & N Sizes/Counts

"Cell size" refers to numerator in the risk calculation (presumptively reasonable if 10 or less)

"N size" refers to denominator in the risk calculation (presumptively reasonable if 30 or less)

Oklahoma's decision:
cell size of 10 and n size of 10

Why This Matters: Minimum Counts

Minimum cell size = risk numerator
Minimum n-size = risk denominator

Asian students with disabilities

All Asian students

Non-Asian students with disabilities

All Non-Asian students

- IF cell size is less than 10 on the top, NO CALCULATION MADE.

- IF n-size is less than 10 in the top, NO CALCULATION MADE.

- IF cell size OR n-size is less than 10 on the bottom, COMPARISON TO THE STATE IS REQUIRED via the *alternate risk calculation* (see next slide).

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The Alternate Risk Calculation

– The state risk for "all other students" in a particular category becomes the comparison.

– Homogenous districts with very few students in "other" racial/ethnic groups will be compared to categorical risk at the state level.

EXAMPLE:

$$\frac{\text{White students with disabilities}}{\text{All white students}}$$

$$\frac{\text{Non-white students with disabilities}}{\text{All non-white students}}$$

District risk calc is used if top & bottom are both >10.

State risk calc is used if top OR bottom is <10.

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Using Multiple Years

- A district must be above the risk ratio threshold for three consecutive years in a single race-category pair before OSDE marks it as *significantly* disproportionate.

- EXAMPLE:
    - District X is above the threshold for Native American-OHI in year one and year two. It drops below the threshold in year three, so is not identified as significant. That year begins a new three year cycle.

Why This Matters: Using Multiple Years

+ Can identify systemic patterns

+ Accounts for annual anomalies

+ Prevents false positives

− Heavy data tracking requirements

Reasonable Progress

- States may choose to *not* identify a district with significant disproportionality if the district is making "reasonable progress" in lowering risk ratios in consecutive years.

- Reasonable progress should represent a meaningful benefit to children across the district.

- It can be measured in multiple ways.

Why This Matters: Reasonable Progress

- May be more useful in cases where risk is reasonably stable over time.
  - Where risk is more volatile, a reduction in the risk ratio may not represent real improvement.
- Reasonable progress does not apply when a district is under the risk ratio threshold.
- Acknowledges a district's efforts to make improvements.

Measuring Reasonable Progress

- To meet the "reasonable progress" standard in Oklahoma, an LEA must:
  - Reduce the risk ratio for the relevant race-category pair by 15% annually until the approved threshold for significant disproportionality is met, and
  - Meet a "secondary risk ratio threshold" of 4.5 by year three of any three year cycle, until the approved threshold is met.

Questions and Contacts

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