

Frequently Asked Questions about Special Education Disproportionality

Illinois State Board of Education

October 2009

The following questions and answers are based on information presented in an audiocast on special education disproportionality conducted by the Illinois State Board of Education (ISBE). We encourage the reader to access the audio cast and the associated PowerPoint presentation, both of which are posted on the disproportionality page of the ISBE website at (<http://www.isbe.net/spec-ed/html/diproportionality.htm>).

Determining Disproportionate Representation in Special Education

1. What is special education disproportionality?

Disproportionate representation in special education involves comparisons made between groups of students by race or ethnicity who are identified as eligible for special education services. It includes both overrepresentation and underrepresentation and occurs when students from a particular racial or ethnic group are identified at a greater or lesser rate than all other racial/ethnic groups. Illinois' definition of disproportionality is:

Students in a particular racial/ethnic group (i.e., Asian, Black, Hispanic, Native American or White) being at a considerably greater or lesser risk of being identified as eligible for special education and related services overall or by disability category (i.e., Autism, Cognitive Disability, Emotional Disability, Other Health Impairment, Specific Learning Disability and Speech/Language) than all other racial/ethnic groups enrolled either in the district or in the state.

2. Why do states have to look at disproportionality?

The federal Office of Special Education Programs (OSEP) requires state education agencies to address disproportionality in conjunction with Indicators 9 and 10 of the State Performance Plan (SPP) for Special Education. Indicator 9 involves the percentage of districts with disproportionate representation of racial and ethnic groups in special education and related services overall that is the result of inappropriate identification. Indicator 10 involves the percentage of districts identified with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Per the performance target set by OSEP for Indicators 9 and 10, 0 percent of districts in a state should have disproportionate representation that is the result of inappropriate identification. To determine if any districts in Illinois have disproportionality due to inappropriate identification, ISBE is required to establish a process for analyzing district data and reviewing policies, procedures and practices. Illinois' procedures involve 1) the calculation of a risk ratio for each district in the state to identify districts with disproportionate representation and 2) a district self-assessment process to determine if the disproportionality is the result of inappropriate identification (see the "Self-Assessment Process" section of this document for further details).

3. How is disproportionality determined? Can you please clarify the three years of data used in the calculation?

To determine disproportionate representation, ISBE analyzes three years of data from annual Fall Housing and December Special Education Child Count (FACTS) reports, as submitted and verified by local districts. For example, the 2009 determinations were based on data for the 2006-2007, 2007-2008 and 2008-2009 school years. The criteria for disproportionate representation is a calculated risk ratio of 3.0 or higher (overrepresentation) or 0.25 or lower (underrepresentation) for a particular racial/ethnic group for three consecutive years.

To calculate the risk ratio, we only utilize data for students aged 6-21 and in grades 1-12. This means that in elementary and unit districts, data for children aged 3-5 and in kindergarten have been removed prior to completing the risk ratio calculation. Also, before calculating district risk ratios, where applicable ISBE removes from a district's special education Child Count any student who is a ward of the state and placed at a facility within a district's boundaries through other entities, i.e., under the Orphanage Act or by the Court system.

4. How is the risk ratio calculated?

Please refer to the document titled "Methods for Assessing Racial/Ethnic Disproportionality in Special Education: A Technical Assistance Guide," which is available on the Disproportionality page of the ISBE website at <http://www.isbe.net/spec-ed/html/disproportionality.htm>. OSEP and Westat produced this document to provide guidance on how states should go about calculating disproportionality within local education agencies (LEAs). ISBE has based its disproportionality calculation on the guidance set forth in this document.

5. Are the data used to determine disproportionality based on students' primary or secondary disabilities?

The data are based on the primary disability of each student.

6. Would you please explain the comparison groups?

Comparison groups are comprised of students of all other races/ethnicities enrolled in the district, regardless of whether or not they receive special education services. For example, if you were looking at African American students receiving special education services overall or in a particular disability category within your district, the comparison group would be all other races/ethnicities (Asian, Hispanic, Native American and White) enrolled in your district.

7. Unlike Fall Housing reports, the special education data reporting tools do not allow us to choose multi-racial for a child's race/ethnicity. If, when enrolling their child, parents select multi-racial instead of a specific race/ethnicity, how do we determine the student's racial/ethnic group for the purposes of special education reporting? How will this difference in reporting options affect our data?

There are two issues here: 1) When calculating a district's risk ratio, what happens with students identified in Fall Housing Reports as multi-racial for NCLB purposes? and 2) If

students are identified as multi-racial in Fall Housing reports, how is their race/ethnicity determined for special education reporting?

Issue 1: For students identified as multi-racial in Fall Housing reports, per current OSEP guidance, these students are proportionately distributed among the racial/ethnic categories in the district when calculating the risk ratio to determine disproportionality.

Issue 2: At this time, there is no multi-racial reporting category for special education. Therefore, in accordance with federal reporting requirements, the state must report students with disabilities in one of five racial/ethnic categories: Asian, Black, Hispanic, Native American and White. To designate the specific race/ethnicity of a student identified as multi-racial, guidance from OSEP indicates that LEAs should first ask the student and/or his or her parents to identify the student's race/ethnicity for the purposes of special education data reporting. If these individuals elect not to self-identify a specific race/ethnicity from the five categories available, then the LEA must use observer identification.

8. How do you determine if a district's disproportionality is due to inappropriate identification?

ISBE's procedures require that any district whose risk ratio meets the threshold for disproportionate representation must complete a self-assessment, which includes local data analysis and a review of district policies, procedures and practices. ISBE uses the results of the self-assessment, along with district data, to determine whether or not the disproportionality is the result of inappropriate identification. Please also refer to the "Self-Assessment Process" section of this document for further information.

9. Are the data on the Special Education Profile correct in regards to our district's disproportionality standing?

Yes. The district Special Education Profile only reports on disproportionality in terms of whether or not ISBE found that the district's disproportionate representation is the result of inappropriate identification in a given school year. If ISBE determines that the district's disproportionality is not due to inappropriate identification, then the Special Education Profile will show that the district met the state target for Indicators 9 and 10 of the SPP for the school year in question. If it is determined that the district's disproportionality is due to inappropriate identification, then the Special Education Profile will show that the district did not meet the state target for Indicators 9 and 10.

10. Whom do we contact to compare our district data to ISBE's data?

You may contact the ISBE Consultant assigned to your district, as specified in your notification letter. Please keep in mind that all data used by ISBE to calculate a district's risk ratio are taken from final, verified Fall Housing and December Special Education Child Count (FACTS) reports, as submitted by the district.

11. What is an acceptable percentage of students to have eligible for special education services?

Disproportionality goes beyond the percentage of students eligible for special education, in that it addresses the likelihood that students of a particular race/ethnicity will be identified as eligible for special education overall or in a disability category within your district. Because

there are multiple variables among districts, comparing your district's percentages to an average state percentage can be misleading, in that the state percentage is a combination of all districts in the state, regardless of district demographics. This is the reason we use the weighted risk ratio when calculating disproportionate representation. A weighted risk ratio adjusts for district variability in the racial/ethnic composition of the comparison group and tells you how many times greater is a specific racial/ethnic group's risk of being identified as eligible for special education and related services (overall or in a particular disability category) in comparison with all other racial/ethnic groups in your district. No such adjustments occur if raw percentages are used.

12. Do we need to verify the data that ISBE used to calculate our district's risk ratio?

Districts have already submitted verified data through Fall Housing and December Special Education Child Count (FACTS) reports. What we would like you to do now is analyze your district data and drill down to look at school and student data to identify trends, e.g., if a particular building has a higher incidence of special education referrals and/or students found eligible. The results of the data analysis should then be used to complete the district self-assessment.

Self-Assessment Process

13. Why do districts have to do a self-assessment for disproportionality?

As discussed in the response to Question 2, the first step in ISBE's process to determine disproportionality is to calculate a risk ratio for each district in the state and then notify districts whose risk ratios met the criteria for disproportionate representation. The second step is to determine if the disproportionality is the result of inappropriate identification.

Because a risk ratio alone is not sufficient to determine whether the disproportionality is the result of inappropriate identification, ISBE developed a self-assessment process for districts, which includes data analysis and a review of local policies, procedures and practices. The self-assessment gives the district the opportunity to tell the story behind the numbers.

14. What tips can you give us for completing the self-assessment?

To complete the self-assessment, the district should assemble a team. We recommend that the team membership be cross-disciplinary and include such individuals as the following: district superintendent or representative, curriculum director, special education director/administrator, building principal(s), general and special education teachers, related service providers and parents.

The information you submit in your self-assessment is critical to our ability to determine if the disproportionality is due to inappropriate identification, so please work with your district team to ensure that the self-assessment is comprehensive and sufficiently detailed to provide a good picture of your current policies, procedures and practices in each component within each of the Focus Areas.

In terms of "Evidence Reviewed for Verification," it is not necessary to submit copies of district policies, procedural manuals, reports or other documents reviewed to verify the implementation of the policies, procedures and practices. In the column provided you may

simply list the sources of evidence reviewed, which could include links to documents posted on the district's website.

In the Conclusions section, it is important that you use the results of the self-assessment to help you identify the primary reason or reasons that may be the root cause or causes of disproportionality in your district, then explain why you identified those areas. Please keep in mind that there should be a clear connection between the self-assessment results and the reasons for the disproportionality that you identify.

In the Next Steps section, you should use the reason or reasons identified as the root cause or causes to outline at least three improvement activities you will implement to address disproportionality. Provide a brief narrative for each activity so that we get a clear picture of what will be done and identify the needed resources, timelines for completion and who will be responsible for seeing that each activity is implemented. Please keep in mind that there should be clear connections among the self-assessment results, the identified reasons for the disproportionality and the district's next steps.

15. How is the district self-assessment submitted?

The Special Education Disproportionality District Self-Assessment template is posted on the Disproportionality page of the ISBE website at <http://www.isbe.net/spec-ed/html/disproportionality.htm>. The template should be downloaded and saved as a Word document, which will allow the district to save all work within the template. Once the district team has completed and saved all changes to the self-assessment, the Word document should be sent as an email attachment to the ISBE consultant assigned to work with the district. The self-assessment is due no later than November 20, 2009.

16. Our district was identified last year as having disproportionality and completed a self-assessment. We have been identified again this year. Must we complete another self-assessment in conjunction with the current identification?

It is necessary that all districts identified with disproportionality complete the self-assessment, including those districts that may have completed a self-assessment in prior years. Within the past year, OSEP notified states that any determination that a district's disproportionality is due to inappropriate identification must be a finding of noncompliance linked to one or more statutory and/or regulatory requirements. As a result, ISBE modified the district self-assessment to align its components with specific state and federal requirements. We encourage those districts that have previously completed a self-assessment in conjunction with past disproportionality identification to use that document as a resource in completing this year's self-assessment, including any improvement activities that may have been implemented.

17. We are a high school district. What can we do about students who come to our district and have already been identified as eligible for special education services by an elementary district?

There are several things a high school district can do to address disproportionality, including the following:

- Review policies, procedures and practices with regard to transitioning students with Individualized Education Programs (IEPs) from the elementary district to the high

- school district, e.g., participation of high school staff in annual reviews for 8th grade students, review of recent student evaluation data.
- Establish or enhance ongoing communication with elementary districts (possibly in conjunction with the special education cooperative of which the districts are members) about their policies, procedures and practices in such areas as academic and behavioral interventions, Child Find and special education evaluation and eligibility determination.
 - Look at what happens once students with IEPs enter high school in terms of monitoring students' progress and performance and using data to help determine an individual student's continuing need for special education services.
 - Examine core instruction and the range and types of supports (e.g., differentiated instruction, schoolwide academic and behavioral interventions and group and individualized interventions) provided to students.

18. How do we draw conclusions in our self-assessment when we are not sure what the problem could be?

It is important to remember that the self-assessment process involves 1) analyzing district, school and student level data and 2) reviewing existing policies, procedures and practices and subsequently using that information to complete the Special Education Disproportionality District Self-Assessment. The district team should then use the results of the self-assessment to reach preliminary conclusions about the possible root causes of the disproportionality, including whether any current policies, procedures and practices may be resulting in the inappropriate identification of students in a particular racial/ethnic group.

19. Would you please clarify what happens if ISBE determines that a district's disproportionality is due to inappropriate identification?

ISBE will notify districts in January 2010 whether or not the disproportionality has been determined to be the result of inappropriate identification. Inappropriate identification is considered by OSEP to be noncompliance with one or more statutory and/or regulatory requirements. To correct this noncompliance, districts found to have inappropriate identification must develop and implement improvement activities. The improvement activities must be incorporated into the District Improvement Plan (via e-Plans on the Illinois Interactive Report Card website at <http://iirc.niu.edu/>), and the noncompliance must be corrected within one year of the date on which the district was notified, which for this year's determinations will be January 2011. Affected districts will also be required to submit quarterly reports of progress in implementing the improvement activities outlined in the District Improvement Plan using a form to be provided by ISBE.

20. Do we have to complete a District Improvement Plan if we are not identified as having disproportionality due to inappropriate identification?

No. Only those districts determined to have inappropriate identification will be required to develop improvement activities and incorporate those activities into the District Improvement Plan.

21. Will ISBE communicate further with the special education cooperatives regarding the findings for their member districts?

Because the accountability for disproportionality is at the district level, our primary communications are with individuals within each of the identified districts. Directors of special education cooperatives and Regional Superintendents receive copies of both the initial disproportionality notification letter sent to the district superintendent and the subsequent letter informing the district of ISBE's determination regarding whether a district's disproportionality is due to inappropriate identification. Based on the information in those letters, special education cooperative directors are welcome to contact their member districts to offer assistance in the self-assessment process and the development and implementation of improvement activities.

Significant Disproportionality

22. Would you please clarify how significant disproportionality is different from disproportionate representation?

As part of the process of looking at special education disproportionality, states must also address significant disproportionality. Significant disproportionality is only calculated for overrepresentation; it does not apply to underrepresentation.

The criteria for determining significant disproportionality are different from the criteria for disproportionate representation. In order to have significant disproportionality, a district must have a risk ratio of 4.0 or higher for three consecutive years. Also, for each of the three consecutive years, the district must have had at least 20 students in the racial/ethnic group in question who are eligible for special education overall or within the primary disability category and at least 20 students in all other racial/ethnic groups in special education overall or in the primary disability category.

In accordance with IDEA 2004, any district identified as having significant disproportionality, regardless of whether or not it is the result of inappropriate identification, must set aside and use 15 percent of its IDEA funds for early intervening services in the fiscal year immediately following the year in which the identification occurred. Additional information about significant disproportionality is also available on the Disproportionality page of the ISBE website at <http://www.isbe.net/spec-ed/html/disproportionality.htm>.

23. Why does my district not have significant disproportionality if our risk ratio is 4.0 or higher?

The district may not have met the all of the criteria for significant disproportionality discussed in the response to Question 22 above. This means that your district may not have had:

- 1) A risk ratio of 4.0 for all three consecutive years,
- 2) Enough students to meet the N size of 20 or more students in the racial/ethnic group in question for one or more of the three consecutive years and/or
- 3) Enough students to meet the N size of 20 or more students in all other racial/ethnic groups for one or more of the three consecutive years.