



# Equity in Education- Significant Disproportionality

March 2020



## Context: A Timeline of Significant Dates

New Regulations released for Significant Disproportionality

(December 19, 2016)

New Regulation placed in the Code of Federal Regulation

(January 18, 2017)

Original Compliance Date (July 1, 2018)

New Compliance Date (July 1, 2020)

Must implement (May 20, 2019)



## May 20<sup>th</sup>, 2019

“Pursuant to the plain language of the December 19, 2016 Equity in IDEA regulation on significant disproportionality, and in conjunction with the March 7, 2019 decision in COPAA v. Devos, the Department expects States to calculate significant disproportionality for the 2018–2019 school year using the 2016 rule’s standard methodology, or to recalculate using the 2016 rule’s standard methodology if a different methodology has already been used for this school year.”



# Significant Disproportionality

## §300.646 Disproportionality.

(a) *General.* Each State that receives assistance under Part B of the Act, and the Secretary of the Interior, must provide for the collection and **examination of data to determine if significant disproportionality based on race and ethnicity is occurring** in the State and the LEAs of the State with respect to—

- (1) **The identification of children as children with disabilities**, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3) of the Act;
- (2) **The placement in particular educational settings** of these children; and
- (3) **The incidence, duration, and type of disciplinary removals** from placement, including suspensions and expulsions.



## Similar sounding but... ...not the same!

- Significant Discrepancy – term used in 4A/4B  
*...percent of divisions identified as having a significant discrepancy in the rate of suspension and expulsion*
- Disproportionate Representation – term used in 9/10  
*...percent of divisions with disproportionate representation of racial and ethnic groups in... ... that is a result of inappropriate identification.*
- Significant Disproportionality – term used for CCEIS  
*...states must require an LEA with significant disproportionality to utilize 15% of the LEA's total amount of IDEA Part B funds...*

(Comprehensive Coordinated Early Intervening Services (CCEIS) Academy- IDEA Data Center)



## §300.647

### Determining Significant Disproportionality

- (a) *Definitions.* (1) **Alternate risk ratio** is a calculation performed by **dividing the risk of a particular outcome for children in one racial or ethnic group within an LEA by the risk of that outcome for children in all other racial or ethnic groups in the State.**
- (2) **Comparison group** consists of the children in all other racial or ethnic groups within an LEA or within the State, when reviewing a particular racial or ethnic group within an LEA for significant disproportionality.
- (3) **Minimum cell size** is the minimum number of children experiencing a particular outcome, to be used as the numerator when calculating either the risk for a particular racial or ethnic group or the risk for children in all other racial or ethnic groups.
- (4) **Minimum n-size** is the minimum number of children enrolled in an LEA with respect to **identification**, and the minimum number of children with disabilities enrolled in an LEA with respect to **placement** and **discipline**, to be used as the denominator when calculating either the risk for a particular racial or ethnic group or the risk for children in all other racial or ethnic groups.



## Significant Disproportionality, *continued*

- States must develop reasonable:
  - Risk ratio thresholds;
  - Minimum n-sizes;
  - Minimum cell sizes and;
  - If the state uses flexibility, standards for measuring reasonable progress



## Illinois - Minimum N and Cell Sizes

- Cell size = 10
- N size = 30





## Illinois - Risk Ratio Threshold and Flexibility

- Greater than 4.0 for 3 consecutive years
- Same Threshold for all categories of analysis
- If a reduction of 10% or higher in the Risk Ratios from year-to-year are observed, that condition exempts the LEA from a SigDispro determination for that particular Race/CoA.



# Racial and Ethnic Groups

Racial/Ethnic Groups						
(i) Hispanic/Latino of any race; and, for individuals who are non-Hispanic/Latino only	(ii) American Indian or Alaska Native	(iii) Asian	(iv) Black or African American	(v) Native Hawaiian or Other Pacific Islander	(vi) White	(vii) Two or more races

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## Analysis Category

### Identification

#### Age Range

- Children ages 6-21
- Must also include children ages 3-5 by July 1, 2020

#### Categories

- All Disabilities
- Intellectual Disabilities
- Specific Learning Disabilities
- Emotional Disturbance
- Speech or Language Impairments
- Other Health Impairments
- Autism

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## Analysis Category

### Placement

#### Age Range

- Children ages 6-21

#### Categories

- Inside a regular class for less than 40 percent of the day
- Inside separate schools and residential facilities (not including homebound or hospital settings, correctional facilities, or private schools)

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# Analysis Category

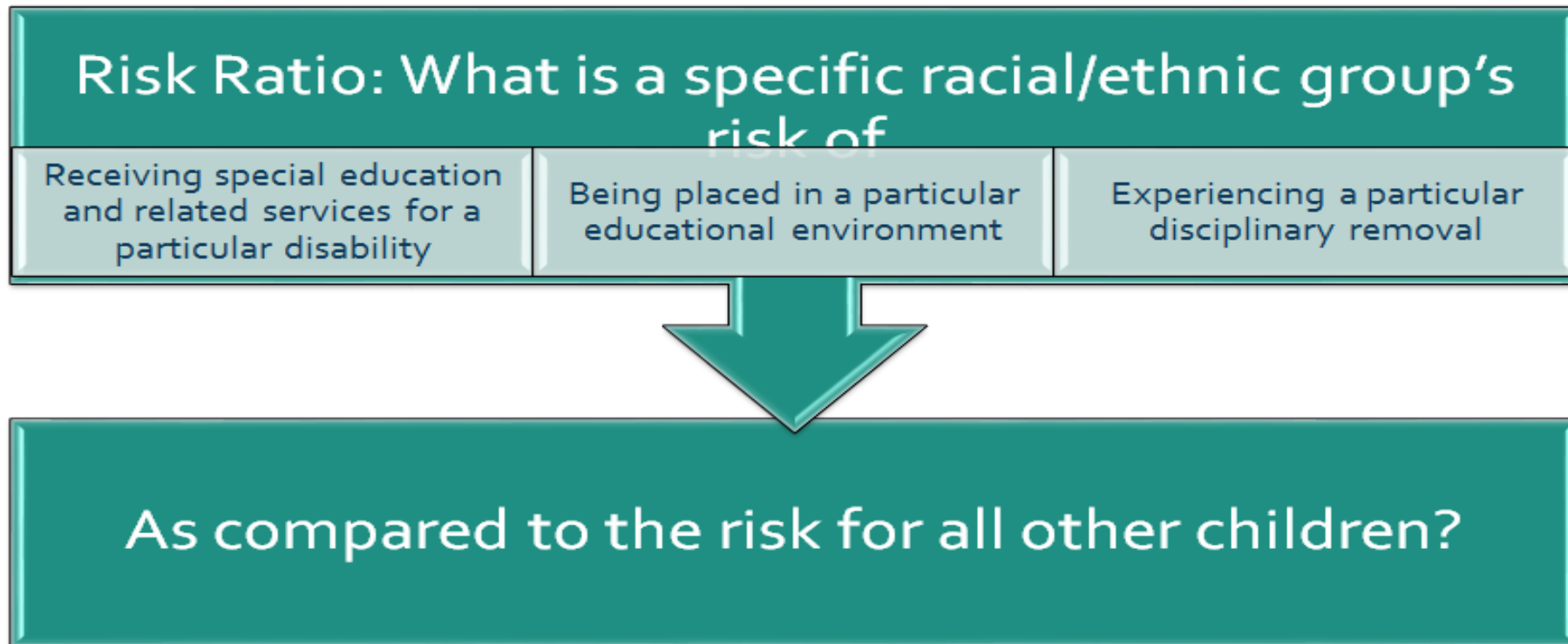
Discipline	
<b>Age Range</b> <ul style="list-style-type: none"><li>• Children ages 3-21</li></ul>	<b>Categories</b> <ul style="list-style-type: none"><li>• Out-of-school suspensions and expulsions of 10 days or fewer</li><li>• Out-of-school suspensions and expulsions of more than 10 days</li><li>• In-school suspensions of 10 days or fewer</li><li>• In-school suspensions of more than 10 days</li><li>• Disciplinary removals in total</li></ul>

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## Methodology – Risk Ratio

- Must calculate a risk ratio for each local education agency (LEA) for each of the racial/ethnic groups for each analysis category (i.e., identification, placement, discipline)



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## Methodology – Risk Ratio

### Identification/Disability:

Target

$$\frac{\text{Number of children from racial/ethnic group in disability category}}{\text{Number of enrolled children from racial/ethnic group}}$$

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Comparison

$$\frac{\text{Number of all other children in disability category}}{\text{Number of all other enrolled children}}$$



## Methodology – Risk Ratio

Target	<b>Placement:</b> $\frac{\text{Number of children with disabilities from racial/ethnic group in placement category}}{\text{Number of children with disabilities from racial/ethnic group}}$
Comparison	$\div$ $\frac{\text{Number of all other children with disabilities in placement category}}{\text{Number of all other children with disabilities}}$
Target	<b>Discipline:</b> $\frac{\text{Number of children with disabilities from racial/ethnic group in discipline category}}{\text{Number of children with disabilities from racial/ethnic group}}$
Comparison	$\div$ $\frac{\text{Number of all other children with disabilities in discipline category}}{\text{Number of all other children with disabilities}}$





## Why Has My District Been Identified (Risk Ratio)?

If your district has been identified with a significant disproportionality based on a risk ratio, it means that there is a racial/ethnic group of students in your district that is much more likely than other students in your district to:

- be identified for special education, or
- be identified in a particular special education category, or
- once in special education, be placed outside of the regular classroom, or
- once in special education, be suspended or expelled in a particular way

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## Alternate Risk Ratio

SEAs must use an alternate risk ratio if the *comparison* group in the LEA does not meet the minimum cell size or the minimum n-size.

Note: If the *target* minimum cell size or minimum n-size is not met, then that CoA for that race is excluded from consideration for Significant Disproportionality.

### Identification:

Target

Number of children from racial/ethnic group in disability category  
Number of enrolled children from racial/ethnic group

District-Level Data

Comparison

Number of all other children in disability category  
Number of all other enrolled children

State-Level Data



## Why Has My District Been Identified (Alternate Risk Ratio)?

If your district has been identified with a significant disproportionality based on an alternate risk ratio, it means that there is a racial/ethnic group of students in your district that is much more likely than students not in that group at the state level to

- be identified for special education, or
- be identified in a particular special education category, or
- once in special education, be placed outside of the regular classroom,  
or
- once in special education, be suspended or expelled in a particular  
way

(Comprehensive Coordinated Early Intervening Services (CCEIS) Academy- *IDEA Data Center*)



# National Discipline Risk Ratio: Black OSS > 10 days

Nationally,  
Black or  
African  
American  
students  
with  
disabilities  
are...

- 4.3 times as likely to receive out-of-school suspensions for more than 10 days as all other students with disabilities

SOURCE: 2015-16 OSEP Discipline and Child Count and Educational Environment Part B State Level Data Files



# Illinois Discipline Risk Ratio: Black OOS > 10

In Illinois,  
Black or  
African  
American  
students  
with  
disabilities  
are...

4.9 times as likely to  
receive out-of-school  
suspensions for more  
than 10 days as all  
other students with  
disabilities

SOURCE: 2016-17 Discipline Crime Violence and Child Count Part B State Level Data Files



## Illinois Identification Risk Ratio: Emotional Disturbance

In Illinois,  
Black or  
African  
American  
students  
with  
disabilities  
are...

**1.8** times as likely to  
be identified as a  
child with an  
emotional  
disturbance as all  
other children

SOURCE: SY 2016-17 Child Count and Educational Environment Part B State Level Data File



## Identified Districts Must:

- Review policies, procedures and practices
- Reserve 15% for CCEIS
- Publicly report and changes to the policies, procedures and practices



## Root Cause Analysis and CCEIS Plan Narrative Due to ISBE by July 1st

- Root cause analysis and CEIS Plan Narrative should contain
  - Who was involved in the analysis,
  - What was examined
    - Review policies, procedures and practices should be included
  - What was found
    - explain the data trends and patterns identified
    - any significant historical data or findings
    - significant policies, procedures and practices identified (historical and current)
    - identify any systems, supports and intervention including the length of implementation related
    - contributing factors identified
    - Strategies for addressing each of the factors
    - Plan for evaluating effectiveness of the strategies
  - Must tie to the CEIS Plan and funds budgeted





## Root Cause Analysis and CCEIS Plan Narrative Due to ISBE by July 1st

- Resources
  - Success Gap Toolkit - <https://ideadata.org/toolkits/>
    - Action plan templates in the Success Gap Toolkit
  - Use applicable plans that cover the same dates and areas of concern



## Comprehensive Coordinated Early Intervening Services (CCEIS)

Districts are required to budget for 15% of their IDEA funds to address academic and behavior struggles early.

CCEIS must address:

- Factors that contributed to the disproportionality
- Policies, practices and procedures

Possible uses: professional development, evaluations, services and supports including scientifically based instruction

Supplement/Supplant rules apply



## CEIS vs. CCEIS

CEIS (Voluntary)

34 CFR 300.226

Grades: K-12

Cannot be spent on students with disabilities

CCEIS (Mandatory)

34 CFR 300.646

Ages: 3-21

Can be spent on students with disabilities, but not only on those students



## Reporting Requirements

Districts are required to track and report:

- The funds set aside and expended
- The number of students that received services
- The number that subsequently became eligible for special education services in the preceding 2 year period
- Districts are required to publicly report the changes made to policies, practices and procedures consistent with the Family Educational Rights and Privacy Act (FERPA)



## Resources

ISBE Significant Disproportionality Webpage -

<https://www.isbe.net/significantdisproportionality>

ISBE IDEA Part B Grant Webpage -

<https://www.isbe.net/Pages/IDEA-Part-B-Grant-Program-Information.aspx>

Center for IDEA Fiscal Reporting Webpage -

<https://cifr.wested.org/resources/ceis/>

IDEA Data Center - <https://ideadata.org/>



## Support:

Questions about:

CCEIS: Tammy Greco – [tgreco@isbe.net](mailto:tgreco@isbe.net)

Data: Scott Norton – [snorton@isbe.net](mailto:snorton@isbe.net)

Special Education Services Department - (217) 782-5589