



DISTRICT OF COLUMBIA

**Disproportionate Representation Review Guide
FFY 2018**

Office of the State Superintendent of Education
Division of K-12 Systems and Supports
Accountability, Performance, and Support Cluster

Dear LEA Team,

This guide includes instructions for completing the FFY 2018 Disproportionate Representation (Indicators 9 and 10) Self-Study, answers to frequently asked questions regarding the disproportionate representation calculation, and resource and background information for those interested in learning more about Indicators 9 and 10.

In order to meet OSEP's timelines for completing the FFY 2018 Indicator 9 and 10 data review, the **following two steps must be completed and submitted to OSSE within 30 days after receiving a notification letter:**

STEP ONE: CONDUCT STUDENT FILE REVIEW

The student file review tool (see below) is in the form of a checklist and should be used to review individual student files in SEDS, the District of Columbia's Special Education Data System. **The individual student file review checklist is for LEA internal use ONLY, however, OSSE expects LEAs to correct any noncompliance identified during the student file review process.**

For your review sample, select the students who were most recently determined eligible for special education and related services through the initial evaluation process.

- LEAs with more than 150 students with IEPs are required to review 20 student files.
- LEAs with fewer than 150 students with IEPs are required to review 10 student files.
- If your LEA has fewer than the required number of student files to review then your LEA should also review the files of students who were determined eligible through the reevaluation process.

When reviewing the student files, place an "X" in either the **Yes, No, or N/A** column of each item on the Student File Review Checklist. Once all checklists have been completed, tabulate the total number for each column and report the count in the corresponding row of the Tally Sheet below.

STEP TWO: SUBMIT LEA POLICIES AND PROCEDURES FOR REVIEW

Submit the following materials to your designated LEA Monitor by email **no later than Friday, May 31, 2019:**

1. LEA's special education policies and procedures, in particular those relating to your LEA's Child Find process - from pre-referral, referral, and evaluation, to eligibility determination
2. Tally Sheet from the Student File Review activity

FREQUENTLY ASKED QUESTIONS

- **How did our LEA come up in the data and what does it mean?**

OSSE uses a Weighted Risk Ratio (WRR) to calculate whether an LEA has disproportionate representation/overrepresentation. The WRR compares the probability that a student of a particular racial/ethnic group is identified as a child with a disability to the probability of identification for all students. The WRR is used to negate any effect caused by a large or small percent of students coming from any one particular racial/ethnic group. The WRR limit for the District of Columbia is 2.5. OSSE will examine LEA policies, procedures, and practices in all cases where a student is 2.5 times or more likely than their general school population peers to be identified as a child with a disability.

- **What data sources are used in the calculation?**

OSSE uses SY 2018-2019 Enrollment Audit and Child Count data in the WRR calculation.

- **Why is disproportionate representation considered a matter of public concern?**

OSEP Memo 07-09 states that the disproportionate representation of children from diverse racial and ethnic backgrounds in special education is a longstanding national issue that continues to concern the public. Excerpts related to IDEA's 2004 statute note that:

- Greater efforts are needed to prevent the intensification of problems connected with mislabeling minority children with disabilities;
- African-American children are twice as likely as their white counterparts to be identified as having an emotional disturbance and nearly three times as likely to be identified as having mental retardation/intellectual disability ;
- More minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population;
- In the 1998-1999 school year, African American children represented 14.8% of the population aged 6-21, yet comprised 20.2% of all children with disabilities served in our schools;
- Studies have found that schools with predominately white students and teachers have placed disproportionately high numbers of minority students into special education.

- **Only LEAs with an enrollment of 40 or more students with IEPs and 5 or more students with IEPs in the qualifying (racial/ethnic) subgroup undergo the disproportionate representation data review.**

In APR reporting, states are required to identify the number of LEAs with disproportionate representation; and of those, the number of LEAs that have disproportionate representation as a result of inappropriate identification.

- **Data showing a disproportionate representation in and of itself does not lead to a finding of noncompliance.**

Only if the disproportionate representation that was found to be occurring is the result of inappropriate identification is noncompliance cited and the LEA required to carry out corrective actions.

BACKGROUND INFORMATION ON DISPROPORTIONATE REPRESENTATION

The State must have in effect, consistent with the purposes of 34 CFR Part 300 and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR 300.8 of the Individuals with Disabilities Education Act (IDEA). See 34 CFR 300.173.

This self-study must be completed by LEAs identified by OSSE as having disproportionate representation of racial and ethnic groups in special education, or in specific disability categories, in order to determine whether the disproportionate representation is the result of inappropriate identification. LEAs that have not been identified by OSSE as having disproportionate representation are not required but may choose to use this self-study to examine their policies, procedures, and practices as they relate to child find, evaluation, and eligibility as part of efforts to further prevent the disproportionate representation of students from culturally and linguistically diverse backgrounds in special education.

The IDEA requires state education agencies (SEAs) to measure the performance of local educational agencies (LEAs) using quantifiable indicators in priority monitoring areas and to report annually on its findings to the Office of Special Education Programs (OSEP), the federal education agency responsible for ensuring the protection of the educational rights of infants, toddlers, children and youth with disabilities. Disproportionality is one such priority area and, reflecting the seriousness with which the issue is viewed, three of the 17 Indicators in IDEA's Part B State Performance Plans (SPP) directly relate to it. This self-study focuses on Indicators 9 and 10.

Indicator 9 – the percentage of districts with disproportionate representation of racial and ethnic groups in special education as a result of inappropriate identification.

Indicator 10 – the percentage of districts with disproportionate representation of racial and ethnic groups in specific disability categories as a result of inappropriate identification.

If disproportionate representation is found to be the result of inappropriate identification, LEAs may be required to take corrective actions with respect to particular students, to revise any

policies, procedures, and practices that are contributing to the disproportionate representation, or take additional steps toward improvement and compliance. The corrective action process also involves engagement in root cause analysis, or the development of theories about what is triggering the disproportionate representation. Failure to conduct this analysis is cited as noncompliance with the requirements of 34 CFR §300.646, 300.211 and 300.600(d).

To determine whether an LEA has disproportionate representation, OSSE uses the LEA's Child Count and enrollment audit data to compare the probability or risk of children of a particular racial/ethnic group being identified for special education or placed in a specific disability category to the probability or risk of children of all other racial/ethnic groups being identified as eligible for special education or placed in a specific disability category. These probabilities are calculated using a weighted risk ratio (WRR), a method used by almost all other States. In the District of Columbia, if a student is 2.5% more likely to be identified as eligible for special education and related services or eligible in a specific disability category, overrepresentation is found to be occurring. The attached Data Sheet provides LEA specific information on your LEA's calculation.

Only LEAs with an enrollment of at least 40 or more students with IEPs and 5 students with IEPs in the qualifying subgroup undergo the disproportionate representation data review. In APR reporting, states are required to identify the number of LEAs with disproportionate representation, and of those, the number of LEAs where the disproportionate representation was found to be the result of inappropriate identification. **Note that data showing disproportionate representation in and of itself does not lead to a finding of noncompliance.** Findings of noncompliance for disproportionate representation are made only in cases where the disproportionate representation is found to be the result of inappropriate identification.

Student File Review Checklist Disproportionate Representation

| | | | | | | |
|--------------------------------|---|---|-----------------|------------|-----------|------------|
| LEA: School/Campus: | | Date of Review: | | | | |
| Student Name: | | Birthdate: | Race/Ethnicity: | | | |
| Student USI: | | Disability category(ies): | | | | |
| Reviewers Name: | | Reviewer's Position: | | | | |
| IDEA Regulation | | Response Criteria | | Yes | No | N/A |
| Focus Area – Evaluation | | | | | | |
| §300.301 | 3.1 The child underwent a full and individual initial evaluation prior to receiving special education and related services. | Yes= There is evidence in SEDS that the child underwent a full and individual initial evaluation. No= There is no such documentation in SEDS. | | | | |
| §300.304 (b)(1) | 3.2 A variety of assessment tools and strategies were used to gather relevant functional, developmental and academic information about the child, including information provided by the parent. | Yes= There is evidence in SEDS that at least two tools and strategies were used: <ul style="list-style-type: none"> • Aptitude and achievement tests • Parent input • Teacher recommendations • Child's physical condition • Child's background • Adaptive behavior No= There is no such documentation in SEDS. | | | | |
| §300.304 (b)(2) | 3.3 The LEA did not use any single measure or assessment as the sole criterion for determining whether the child is a child with a disability. | Yes= There is evidence in SEDS that more than a single measure or assessment were used as part of the evaluation process. No= There is no such evidence in SEDS. | | | | |
| §300.304 (b)(3) | 3.4 Technically sound instruments were used to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. | Yes= There is evidence in SEDS that technically sound instruments were used to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. No= There is no such evidence in SEDS. | | | | |
| §300.304 (c)(1)(i) | 3.5 Assessments and other evaluation materials used to assess the child are selected and administered so as not to be discriminatory on a racial and cultural basis. | Yes= There is evidence in SEDS that the assessments and other materials used to assess the child were selected and administered so as not to be discriminatory on a racial and cultural basis. No= There is no such evidence in SEDS. | | | | |

| IDEA Regulation | | Response Criteria | Yes | No | N/A |
|---------------------|--|---|-----|----|-----|
| §300.304 (c)(1)(ii) | 3.6 Assessments were provided and administered in a child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly unfeasible to so provide or administer. | Yes =There is evidence in SEDS that assessments are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly unfeasible to so provide or administer. No = There is no such evidence in SEDS. | | | |
| §300.304 (c)(1)(iv) | 3.7 Assessments and other evaluation materials used to assess the child were administered by trained and knowledgeable personnel. | Yes = There is evidence in SEDS that assessments and other evaluation materials used to assess the child were administered by trained and knowledgeable personnel. No =There is no such evidence in SEDS. | | | |
| §300.304 (c)(3) | 3.8 Assessments were selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure). | Yes = There is evidence in SEDS that assessments were selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level. No = There is no such evidence in SEDS. | | | |
| §300.304 (c)(4) | 3.9 The student was assessed in all areas related to the suspected disability, including, if appropriate: A. Health Assessment used: | | | | |
| | B. Vision Assessment used: | | | | |
| | C. Hearing Assessment used: | | | | |
| | D. Social and Emotional Status Assessment used: | | | | |
| | E. General Intelligence Assessment used: | | | | |
| | F. Academic Performance Assessment used: | | | | |

| IDEA Regulation | | Response Criteria | Yes | No | N/A |
|---------------------------------|---|--|-----|----|-----|
| §300.304 (c)(4) | G. Communicative Status Assessment used: | | | | |
| | H. Motor Abilities Assessment used: | | | | |
| §300.305 (a)(1)(i) | 3.10 The IEP team reviewed existing evaluation data including information provided by the parents as part of the initial evaluation or reevaluation. | Yes= SEDS contains evidence that information provided by the parent was reviewed. No= There is no such evidence in SEDS. | | | |
| §300.305 (a)(1)(ii) | 3.11 The IEP team reviewed existing evaluation data including current classroom-based, local or state assessments. | Yes= SEDS contains evidence that existing classroom-based, local or state assessments were used to determine continued eligibility. No= There is no such evidence in SEDS. | | | |
| §300.305 (a)(1)(iii) | 3.12 The IEP team reviewed existing evaluation data including classroom-based observations. | Yes= SEDS contains evidence that classroom based observations were used to determine continued eligibility. No= SEDS does not contain such evidence. | | | |
| §300.305 (a)(1)(iii) | 3.13 The IEP team reviewed existing evaluation data including observations by teachers and related service providers. | Yes= SEDS contains evidence that the IEP team reviewed existing evaluation data including progress reports and related service progress trackers to determine continued eligibility. No= SEDS does not contain such evidence. | | | |
| Focus Area – Eligibility | | | | | |
| §300.306 (c)(i) | 4.1 The LEA must draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior. | Yes= There is evidence in SEDS that the LEA drew upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior. No= There is no such evidence in SEDS. | | | |
| §300.306 (b)(1) | 4.2 A child must not be determined to be a child with disability under this part if the determinant factor for that determination is: | | | | |
| | <ul style="list-style-type: none"> lack of appropriate instruction in reading, including the essential components of reading instruction | Yes= There is evidence in SEDS that the determinant factor for the eligibility determination was not lack or appropriate instruction in reading. No= There is no such evidence in SEDS. | | | |

| IDEA Regulation | | Response Criteria | Yes | No | N/A |
|---------------------------------------|--|---|-----|----|-----|
| §300.306 (b)(1) | <ul style="list-style-type: none"> lack of appropriate instruction in math | <p>Yes= There is evidence in SEDS that the determinant factor for the eligibility determination was not lack or appropriate instruction in math.</p> <p>No= There is no such evidence in SEDS.</p> | | | |
| | <ul style="list-style-type: none"> Limited English proficiency | <p>Yes= There is evidence in SEDS that the determinant factor for the eligibility determination was not limited English proficiency.</p> <p>No= There is no such evidence in SEDS.</p> | | | |
| Focus Area – Parent Engagement | | | | | |
| §300.503 | 5.1 The LEA gave notice to the parent any time the LEA proposed or refused to initiate or change the identification, evaluation or educational placement of the child. | <p>Yes= There is evidence in SEDS in the form of a Prior Written Notice that the LEA gave notice to the parent of such actions or inactions.</p> <p>No= There is no such evidence in SEDS.</p> | | | |
| §300.306 (a)(1) | 5.2 A group of qualified professionals and the parent determined that the child was a child with a disability. | <p>Yes= There is evidence in SEDS that a group of qualified professionals and the parent determined that the child was a child with a disability.</p> <p>No= There was no such evidence in SEDS.</p> | | | |
| §300.300 (b) | 5.3 The parent provided informed consent for the initial provision of services. | <p>Yes= SEDS contains a signed consent for services form and the form was signed prior to services beginning.</p> <p>No= The form is not contained in SEDS and/or was not signed prior to services beginning.</p> | | | |

| Student File Review Tally Sheet Disproportionate Representation | | | | |
|--|---|----------------------|----|-----|
| LEA: School/Campus: | | Date of Review: | | |
| Reviewers Name: | | Reviewer's Position: | | |
| IDEA Regulation | | Yes | No | N/A |
| Focus Area – Evaluation | | | | |
| §300.301 | 3.1 The child underwent a full and individual initial evaluation prior to receiving special education and related services. | | | |
| §300.304 (b)(1) | 3.2 A variety of assessment tools and strategies were used to gather relevant functional, developmental and academic information about the child, including information provided by the parent. | | | |
| §300.304 (b)(2) | 3.3 The LEA did not use any single measure or assessment as the sole criterion for determining whether the child is a child with a disability. | | | |
| §300.304 (b)(3) | 3.4 Technically sound instruments were used to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. | | | |
| §300.304 (c)(1)(i) | 3.5 Assessments and other evaluation materials used to assess the child are selected and administered so as not to be discriminatory on a racial and cultural basis. | | | |
| §300.304 (c)(1)(ii) | 3.6 Assessments were provided and administered in a child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly unfeasible to so provide or administer. | | | |

| IDEA Regulation | | Yes | No | N/A |
|------------------------|--|-----|----|-----|
| §300.304 (c)(1)(iv) | 3.7 Assessments and other evaluation materials used to assess the child were administered by trained and knowledgeable personnel. | | | |
| §300.304 (c)(3) | 3.8 Assessments were selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure). | | | |
| §300.304 (c)(4) | 3.9 The student was assessed in all areas related to the suspected disability, including, if appropriate: | | | |
| | A. Health | | | |
| | B. Vision | | | |
| | C. Hearing | | | |
| | D. Social and Emotional Status | | | |
| | E. General Intelligence | | | |
| | F. Academic Performance | | | |
| | G. Communicative Status | | | |
| H. Motor Abilities | | | | |
| §300.305 (a)(1)(i) | 3.10 The IEP team reviewed existing evaluation data including information provided by the parents as part of the initial evaluation or reevaluation. | | | |
| §300.305 (a)(1)(ii) | 3.11 The IEP team reviewed existing evaluation data including current classroom-based, local or state assessments. | | | |

| IDEA Regulation | | Yes | No | N/A |
|---------------------------------------|---|-----|----|-----|
| §300.305 (a)(1)(ii) | 3.12 The IEP team reviewed existing evaluation data including classroom-based observations. | | | |
| §300.305 (a)(1)(iii) | 3.13 The IEP team reviewed existing evaluation data including observations by teachers and related service providers. | | | |
| Focus Area - Eligibility | | | | |
| §300.306 (c)(i) | 4.1 The LEA must draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior. | | | |
| §300.306 (b)(1) | 4.2 A child must not be determined to be a child with disability under this part if the determinant factor for that determination is - | | | |
| | <ul style="list-style-type: none"> • lack of appropriate instruction in reading, including the essential components of reading instruction | | | |
| | <ul style="list-style-type: none"> • lack of appropriate instruction in math | | | |
| | <ul style="list-style-type: none"> • Limited English proficiency | | | |
| Focus Area – Parent Engagement | | | | |
| §300.503 | 5.1 The LEA gave notice to the parent any time the LEA proposed or refused to initiate or change the identification, evaluation or educational placement of the child. | | | |
| §300.306 (a)(1) | 5.2 A group of qualified professionals and the parent determined that the child was a child with a disability. | | | |
| §300.300 (b) | 5.3 The parent provided informed consent for the initial provision of services. | | | |