Significant Disproportionality

20 U.S.C. 1418(d) and 34 CFR §§300.646 and 300.647 New Regulations

March 14, 2019

Agenda

- New Information
- Goals for Significant Disproportionality
- Goals for Today
- Timeline
- SAPSE Suggestions and Feedback
- OSSE's Proposal for Significant Disproportionality
- Next Steps
- Feedback and Questions

Since We Last Met…

- On Thursday (3/7/19), the U.S. District Court vacated the U.S. Education Department's (ED's) decision to delay compliance with the 2016 regulation on how to calculate significant disproportionality in racial disparities in special education. This delay pushed the required year of compliance for states from 2018 to 2020.

- The Council of Parent Attorneys and Advocates and the National Center for Youth Law had filed a lawsuit against ED last summer saying the delay would harm districts that would have been identified as significantly disproportionate because they would lose the opportunity to have an automatic state-provided review of their district's practices, policies, and procedures. The Court ruled in the advocates' favor and rejected the delay.

- To our knowledge, ED is reviewing the ruling and considering its options. OSSE will keep the SAPSE abreast of any shifts as they are identified.

What are the goals of the Significant Disproportionality regulations?

- To address educational equity challenges for students with disabilities in the District of Columbia through:
  - identifying LEAs with the greatest needs/challenges;
  - assisting LEAs with identifying underlying causes of significant disproportionality and taking steps to address them.

Goals for Today

- Review SAPSE's considerations from last meeting.
- Review and discuss OSSE's proposed changes and provide feedback.
- Discuss next steps for significant disproportionality.

Timeline & Activities

Phase 1

Understanding the New Regulations

Sept. – Dec. 2018

- Review current practices, policies and procedures
- Launch stakeholders engagement

Phase 2

Set State Definition of Sig. Dis.

Dec. 2018 – Mar. 2019

- Analyze Sig. Dis. data to inform stakeholder discussions
- Continue stakeholder engagement
- Compile feedback

Phase 3

Revision of Policies and Procedures

April – Nov. 2019

- Review and revise policies and procedures
- Post policies and procedures for public comment
- Establish final definitions of Sig. Dis.
- Notify all stakeholders of new definitions

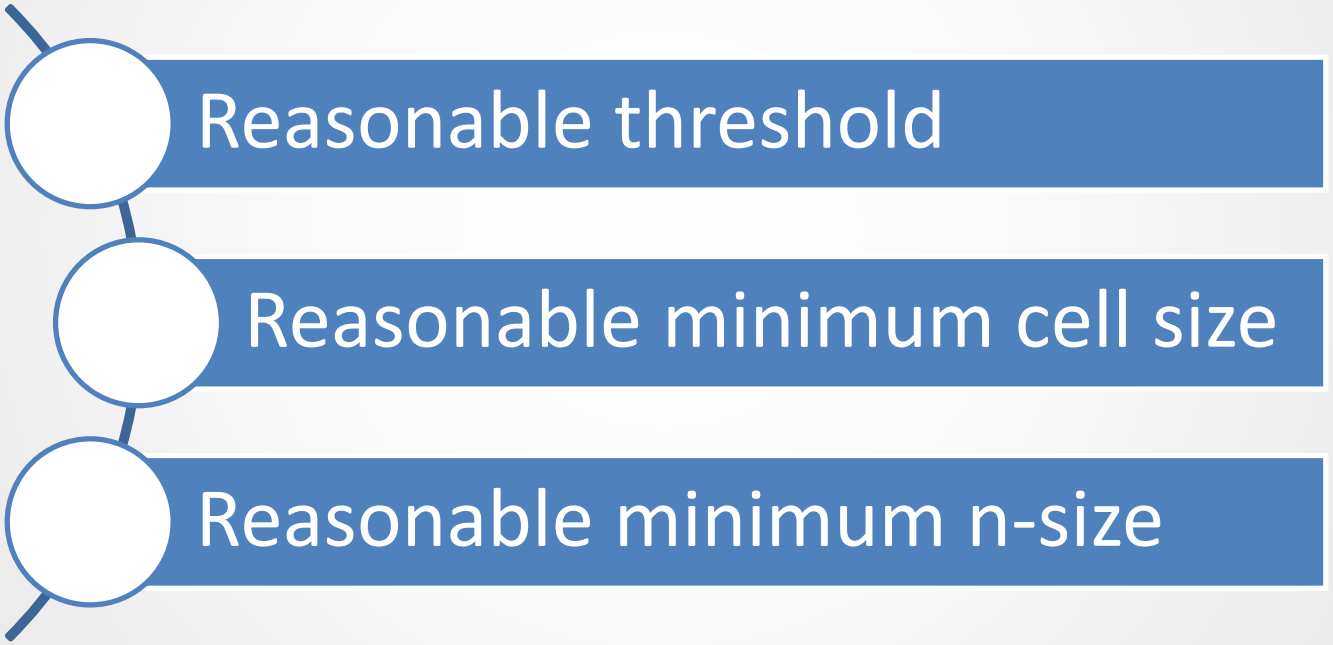
Phase 4

Implement new Sig. Dis. Standard

Spring 2020

- Calculate risk ratios
- Make determination of Sig. Dis. using new methodology
- Notify LEAs flagged for Sig. Dis.
- Implement “new” CCEIS

Stakeholder Input for Today's Meeting



Takeaways from Our Last Meeting

- Methodology
  - Should we take a more expansive approach in our identified of LEAs, but allow for an appeal process for LEAs that were misidentified?
  - How can we both avoid false positives and hold LEAs accountable?
- Communications
  - How do we plan to solicit LEA feedback?
  - How can we clearly communicate the new regulations to the public?
  - How can we help parents engage with this information?
- Required next steps
  - How will schools communicate with parents regarding significant disproportionality, and changes in practice or policy?

OSSE's Current Proposal for SD

- Methodology
  - OSSE would:
    - » take a more expansive approach with its significant disproportionality methodology, which sets a lower "bar" for identification; and
    - » institute an appeal process that allows LEAs to appeal their identification through a structured and transparent process.
- Communication
  - OSSE would:
    - » engage with LEAs to solicit feedback; and
    - » continue to update OSSE's public-facing significant disproportionality website in parent friendly language.
- Required next steps
  - OSSE would:
    - » Require LEAs to share updated policies and procedures with parents and other relevant stakeholders.

Analysis Category #1

Identification

Age Range	Categories
• Children ages 6-21 • Must also include children ages 3-5 by July 1, 2022	• **All Disabilities** • Intellectual Disabilities • Specific Learning Disabilities • Emotional Disturbance • Speech or Language Impairments • Other Health Impairments • Autism

Example: Methodology – Risk Ratio

Identification:

Cell Size – Numerator*

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

N Size – Denominator*

$$\div$$

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

***10 and 30 are the highest recommended minimum cell and n size.**
Anything larger requires justification and approval from OSEP.

Alternate Risk Ratio

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**

Identification:

District-Level Data

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

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State-Level Data

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

Example: Step 1 - Calculating Risk

What percentage of black students at LEA X receive special education and related services?

$$\text{Risk} = \frac{\text{Black students with disabilities}}{\text{All Black students}} = \frac{20}{100} = .20$$

20% of Black students at LEA X receive special education and related services.

Example: Step 2 - Calculating Comparison

What percentage of all other students at LEA X receive special education and related services?

$$\text{Risk} = \frac{\text{All other students with disabilities}}{\text{All other students}} = \frac{10}{100} = .10$$

10% of all other students at LEA X receive special education and related services.

Example: Step 3 - Calculating Risk Ratio

What is the risk for Black children at X receiving special education and related services as compared to the risk for all other children?

$$\text{Risk Ratio} = \frac{\text{Risk for Black students}}{\text{Risk for all other students}} = \frac{.20}{.10} = 2.00$$

Black students at LEA X are **2 times as likely** as all other students to receive special education and related services.

Identification Methodology Scenarios

	Current	Scenario 1	Scenario 2*
Cell Size	5	10	5
N Size	40	30	20
Threshold	5	5/7 (all disabilities/specific disability categories)	5/7 (all disabilities/specific disability categories)
# of LEAs - all disabilities (% using alt. risk ratio)	2 (N/A)	1 (100%)	1 (100%)
# of LEAs - specific disability categories (% using alt. risk ratio)	11 (N/A)	11 (100%)	14 (100%)

Rationale for Identification Scenarios

Scenario 1 10 cell, 30 N, 5/7 Threshold (all disabilities & specific disability categories) 1 LEA identified for all disabilities 11 LEAs identified for specific disability categories	**Scenario 2*** 5 Cell, 20 N, 5/7 Threshold (all disabilities & specific disability categories) 1 LEA identified for all disabilities 14 LEAs identified for specific disability categories
• The thresholds we saw for specific categories ranged from .17 to 34.60 with a mean of 3.07. For this reason we recommend increasing the threshold to 7 for specific disability categories in order to not over identify. • This methodology appears to strike the balance between the level of LEAs likely to be identified and resources currently available within OSSE to support. By using a higher threshold, cell and n-size, fewer LEAs will be included in calculations. Since State comparison numbers may be small, this provides greater protections against false positives. Because the District is predominantly African American, very few non-black students are included in the calculation. For example, the state rate of non-black students with Intellectual Disability is 0.7%, so if more than 4.9% of your LEA's black students have ID, you would be identified. • Thresholds <5 result in 29 LEAs being identified.	• The thresholds we saw for specific categories ranged from .17 to 45.41 with a mean of 2.88 for specific disability categories. For this reason we recommend increasing the threshold to 7 for specific disability categories in order to not over identify. • This scenario is more inclusive than Scenario 1: Using 10 and 30, 226 total ratios are calculated vs. 352 total ratios calculated using 5 and 20 for cell and n-size. As a result more LEAs may be identified in the future using this methodology. Additional resources may need to be targeted to this work to provide appropriate support. • Thresholds <5 result in 38 LEAs being identified.

Analysis Category #2

Placement

Age Range	Categories
• Children ages 6-21	• Inside a regular class for less than 40 percent of the day • Inside separate schools and residential facilities (not including homebound of hospital settings, correctional facilities, or private schools)

Methodology – Placement

Placement:

$$\frac{\text{Number of children from racial/ethnic group in placement category}}{\text{Number of children with disabilities from racial/ethnic group}} \div \frac{\text{Number of all other children in placement category}}{\text{Number of all other children with disabilities}}$$

Placement Methodology Scenarios with Rationale

	Current	Scenario 1	Scenario 2*
Cell Size	5	10	5
N Size	40	30	20
Threshold	5	5	5
# of LEAs Identified (% using alt. risk ratio)	8	2 (100%)	2 (100%)

Rationale for Placement Scenarios

Scenario 1 10 Cell, 30 N, 5 Threshold 2 LEAs identified for placement	**Scenario 2*** 5 Cell, 20 N, 5 Threshold 2 LEAs identified for placement
• This methodology appears to strike the balance between the level of LEAs likely to be identified and resources currently available within OSSE to support.	• More inclusive than Scenario 1: 49 calculations can be made with the lower cell and n-sizes vs. 27 calculations at 10 and 30. As a result, more LEAs may be identified in the future using this methodology. Additional resources may need to be targeted to this work to provide appropriate support.

Analysis Category #3

Discipline

Age Range	Categories
• Children ages 3-21	• Out-of-school suspensions and expulsions of 10 days or fewer • Out-of-school suspensions and expulsions of more than 10 days • In-school suspensions of 10 days or fewer • In-school suspensions of more than 10 days • Disciplinary removals in total

Methodology

Discipline:

$$\frac{\text{Number of children from racial/ethnic group in discipline category}}{\text{Number of children with disabilities from racial/ethnic group}} \div \frac{\text{Number of all other children in discipline category}}{\text{Number of all other children with disabilities}}$$

Discipline Methodology Scenarios

	Current	Scenario 1	Scenario 2*
Cell Size	5	10	5
N Size	40	30	20
Threshold	5	5	5
# of LEAs Identified (% using alt. risk ratio)	0	13 (100%)	12 (100%)

Rationale for Discipline Scenarios

Scenario 1 10 Cell, 30 N, 5 Threshold 13 LEAs identified for discipline	Scenario 2* 5 Cell, 20 N, 5 Threshold 12 LEAs identified for discipline
• At a threshold of 5, 33% of findings (by race/discipline category) are disproportionate versus 53% using a threshold of 3. • Using a cell-size of 10 and an n-size of 30, more LEAs are compared to state denominators. This means that LEAs that have high discipline rates for all SWDs aren't as easily overlooked. For example, if an LEA disciplines 20% of their Latino students and 20% of their non-Latino students, they are not going to be flagged for significant disproportionality based on a comparison to their LEA data as its risk ratio would be 1. If that same LEA were compared to the state data of 1% its risk ratio would be 20. • This methodology appears to strike the balance between the level of LEAs likely to be identified and resources currently available within OSSE to support.	• More inclusive than Scenario 1 • Using a cell-size of 5 and an n-size of 20, more LEAs will be included in the calculations using a comparison against their own population. This provides for more diagnostic data that allows to see actual differentiation within practice at specific LEAs. • For example, the number of LEAs identified for discipline is actually fewer than at 10/30 because the one LEA was disproportionate compared to state numbers (at 10/30) but not found disproportionate compared to its own numbers (at 5/20). • At a threshold of 5, 20% of findings are included vs. 40% using a threshold of 3.

Next Steps

- Host an LEA feedback session
  - March 21, 2019
  - 4 – 6 p.m.
  - Eleanor Holmes Norton III at OSSE
- Compile feedback from SAPSE and LEAs
- Draft State policies and procedures on significant disproportionality

Resources

Equity Requirements in IDEA

Significant Disproportionality Essential Questions and Answers

Quick Reference Guide on Coordinated Early Intervening Services (CEIS)

OSSE's Significant Disproportionality Website

Questions