Significant Disproportionality
Significant Disproportionality

States must annually collect and examine data to determine whether significant disproportionality based on race or ethnicity is occurring in each local education agency (LEA) with respect to:

- The identification of children as children with disabilities, including the identification of children as children with a particular disability;
- The placement of children with disabilities in particular educational settings; and
- The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

• According to 34 C.F.R. § 300.646 of the regulations implementing the IDEA
Disproportionality Categories

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

Discipline
- Out of School Suspension ≤10 Days
- Out of School Suspension >10 Days
- In School Suspension ≤10 Days
- In School Suspension >10 Days
- Total Removals

Environment
- Regular Class <40% of time
- Separate Facilities
History

• 1975-Education for All Handicapped Children Act
• 1997-Individuals with Disabilities Education Act (IDEA)
• 2004-IDEA Amendment
• 2016-Equity in IDEA
• 2018-Secretary DeVos Delay
• 2019-United States District Court for the District of Columbia sided with Council of Parent Attorneys & Advocates (COPAA)
How is this calculated?

• Risk Ratio
  • The risk ratio answers the question “What is the risk of children from target racial/ethnic group found within a subcategory as compared to the risk of children from the Comparison racial/ethnic group found within a subcategory within the LEA or USD?”

• Alternate Risk Ratio (For LEAs that don’t meet the minimum sizes)
  • The alternate risk ratio answers the question “What is the risk of children from a target racial/ethnic group found within a subcategory as compared to the risk of children from all the comparison racial/ethnic group found within a subcategory within the state?”
Risk Ratio Calculation for Identification

**Formula**

1. Target Group Risk = # in Target Race/Ethnicity Group within Subcategory divided by # in Target Race/Ethnicity Groups Enrolled
2. Other Group Risk = # in all Other Race/Ethnicities Group within Subcategory divided by # in all Other Race/Ethnicities Group Enrolled
3. Risk Ratio = Target Group Risk divided by Other Group Risk

**Example for Asian OHI**

1. 50 Asian OHI divided by 5,000 total Asian is 1%
2. 10 all other OHI ethnicities (Black+Hispanic+Multi-Racial+White+Native American+Pacific Islander) divided by 4,000 total all other ethnicities (Black+Hispanic+Multi-Racial+White+Native American+Pacific Islander) is .25%
3. 1% divided by 0.25% is 4.0 (Risk Ratio)
Alternate Risk Ratio Calculation for Identification

**Formula**

1. District Risk = # in Target Race/Ethnicity Group within Subcategory divided by # in Target Race/Ethnicity Groups Enrolled
2. State Risk = # in all Other Race/Ethnicities Group within Subcategory divided by # in all Other Race/Ethnicities Group Enrolled
3. Alternate Risk Ratio = District Risk divided by State Risk

**Example for White Autism**

1. 9 White Autism divided by 250 total White is 3.6%
2. 2,000 all other Autism race/ethnicities (Black+Hispanic+Multi-Racial+Asian+Native American+Pacific Islander) divided by 200,000 total all other ethnicities is 1%
3. 3.6% divided by 1% is 3.6 (Risk Ratio)
Risk Ratio Calculation for Environment

Formula

1. Target Group Risk = # in Target Race/Ethnicity Group within Subcategory divided by # in Target Race/Ethnicity Groups Enrolled
2. Other Group Risk = # in all Other Race/Ethnicities Group within Subcategory divided by # in all Other Race/Ethnicities Group Enrolled
3. Risk Ratio = Target Group Risk divided by Other Group Risk

Example for White Students in Separate Facilities (SF)

1. 13 White SF divided by 800 total White students is 1.6%
2. 15 all other SF ethnicities (Black+Hispanic+Multi-Racial+Asian+Native American+Pacific Islander) divided by 3,500 total all other ethnicities (Black+Hispanic+Multi-Racial+Asian+Native American+Pacific Islander) is .43%
3. 1.6% divided by 0.43% is 3.72 (Risk Ratio)
Alternate Risk Ratio Calculation for Environment

**Formula**

1. District Risk = # in Target Race/Ethnicity Group within Subcategory divided by # in Target Race/Ethnicity Groups Enrolled
2. State Risk = State # in all Other Race/Ethnicities Group within Subcategory divided by State # in all Other Race/Ethnicities Group Enrolled
3. Alternate Risk Ratio = District Risk divided by State Risk

**Example for White Students in Separate Facilities (SF)**

1. 9 White SF divided by 250 total White is 3.6%
2. 2,000 all other SF race/ethnicities (Black+Hispanic+Multi-Racial+Asian+Native American+Pacific Islander) divided by 200,000 total all other ethnicities is 1%
3. 3.6% divided by 1% is 3.6 (Risk Ratio)
Risk Ratio Calculation for Discipline

Formula

1. Target Group Risk = # of SWD in the target ethnic group in that category divided by # of SWD of the target ethnic group enrolled
2. Other Group Risk = # of SWD in the "other" ethnic group in that category divided by # of SWD of the "other" ethnic group enrolled
3. Risk Ratio = Target Group Risk divided by Other Group Risk

Example for White In-School Susp. <= 10

- 132 White In-School Susp. <= 10 divided by 171 total White SWDs is 77%
- 275 all other ethnicities In-School Susp. <= 10 (Black+Hispanic+Multi-Racial+Asian+Native American+Pacific Islander) divided by 1,212 total all other ethnicities SWDs (Black+Hispanic+Multi-Racial+Asian+Native American+Pacific Islander) is 23%
- 77% divided by 23% is 3.35 (Risk Ratio)
Alternate Risk Ratio Calculation for Discipline

Formula

1. District Risk = # of SWD in the target ethnic group in that category divided by # of SWD of the target ethnic group enrolled
2. State Risk = State # of SWD in the "other" ethnic group in that category divided by State # of SWD of the "other" ethnic group enrolled
3. Alternate Risk Ratio = District Risk divided by State Risk

Example for White In-School Susp. <= 10

- 9 White In-School Susp. <= 10 divided by 250 total White SWDs is 3.6%
- 2,000 all other In-School Susp. <= 10 race/ethnicities (Black+Hispanic+Multi-Racial+Asian+Native American+Pacific Islander) divided by 200,000 total all other SWDs ethnicities is 1%
- 3.6% divided by 1% is 3.6 (Alternate Risk Ratio)
**CRITERIA**

**Minimum Cell Size:** 10

**Minimum N Size:** 30

**Standard for Reasonable Progress:**
≥ 0.5 progress per year in lowering the risk ratio in each of the most recent 2 consecutive years.

A district that exceeds the risk threshold for 3 prior years, but that has shown reasonable progress for lowering the risk ratio in each of the most recent 2 consecutive prior years, will be evaluated by KSDE and may not be identified with significant disproportionality.

<table>
<thead>
<tr>
<th>Identification</th>
<th>Risk Ratio Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Disabilities</td>
<td>≥3.0</td>
</tr>
<tr>
<td>Autism</td>
<td>≥3.0</td>
</tr>
<tr>
<td>Emotional Disturbance</td>
<td>≥3.0</td>
</tr>
<tr>
<td>Intellectual Disability</td>
<td>≥3.0</td>
</tr>
<tr>
<td>Other Health Impairment</td>
<td>≥3.0</td>
</tr>
<tr>
<td>Specific Learning Disability</td>
<td>≥3.0</td>
</tr>
<tr>
<td>Speech/Language</td>
<td>≥4.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Discipline</th>
<th>Risk Ratio Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-School Susp. &lt;= 10</td>
<td>≥3.0</td>
</tr>
<tr>
<td>In-School Susp. &gt;10</td>
<td>≥3.0</td>
</tr>
<tr>
<td>Out-of-School Susp. &lt;= 10</td>
<td>≥3.0</td>
</tr>
<tr>
<td>Out-of-School Susp. &gt;10</td>
<td>≥3.0</td>
</tr>
<tr>
<td>Total Removals</td>
<td>≥3.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environment</th>
<th>Risk Ratio Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular Env &lt; 40%</td>
<td>≥3.0</td>
</tr>
<tr>
<td>Separate Settings</td>
<td>≥3.0</td>
</tr>
</tbody>
</table>
What happens if an LEA is identified as having Significant Disproportionality?

• If an LEA has been identified as having significant disproportionality, the LEA is restricted from reducing its Maintenance of Effort (MOE) level by using the 50% reduction rule, and it must:
  • Reserve 15% of its IDEA Part B Section 611 and 619 allocations for comprehensive coordinated early intervening services (CCEIS) to address factors contributing to the significant disproportionality;
  • Review and, if appropriate, revise its policies, practices, and procedures used in identification or placement in particular education settings, and/or disciplinary removals, to ensure that the policies, practices, and procedures comply with the requirements of the IDEA; and
  • Publicly report on the revision of those policies, practices, and procedures consistent with the requirements of the Family Educational Rights and Privacy Act, its implementing regulations in 34 C.F.R. part 99, and Section 618(b)(1) of IDEA.
SIGNIFICANT DISPROPORTIONALITY

Where is the data?

• Significant Disproportionality analysis is available on Kansas APR Reports website, http://ddesurvey.com/kansasAPR/login.aspx

• Look for & address yellow & red cells.
SIGNIFICANT DISPROPORTIONALITY

Data Sources

• September 20 Count
• Final December 1\textsuperscript{st} Report
• Final End of Year Report
• Final Office of Special Education Programs (OSEP) Table 5 Discipline Incident Report
Ages

- Identification – ages 3 through 21
- Placement – ages 3 through 21
- Discipline – ages 6 through 21 (5-year-olds in Kindergarten as well)
Process

- Once identified as an LEA that is significantly disproportionate, then the LEA will work with a lead from KSDE as well as technical assistance team (TAT) members.

- The identified LEA will form a DIVERSE stakeholder group to review & if appropriate, revise LEA policies, practices & procedures (PPPs). Publicly report on revised PPPs, if needed.

- The identified LEA will also use a DIVERSE stakeholder group to gather data to analyze and find root causes for the identification.

- Write a summary that includes the identification, data, root causes & next steps that includes how the Comprehensive Coordinated Early Intervening Services (CCEIS) money will be spent.
Making connections to improve outcomes.

REQUEST ASSISTANCE

We provide technical assistance to support school districts’ systematic implementation of evidence-based practices. How can we help you?

- Evidence based resources.
- Data explanation.
- Root cause analysis guidance.
- Technical assistance resources.
- Technical Assistance Team (TAT) members.
Resources from the Federal Department of Education

• Equity in IDEA - Webinar Series
• Early Childhood Technical Assistance Center (ECTA)
• Positive Behavioral Interventions and Supports (PBIS) Center
• https://osepideasthatwork.org/federal-resources-stakeholders/disproportionality-and-equity
Examples of Root Cause Analysis Processes & Tools

- [Addressing Success Gaps Toolkit](IDEA Data Center)
- [Utilizing Integrated Resources to Implement the School and District Improvement Cycle and Supports: Guidance for Schools, Districts, and State Education Agencies](Council of Chief State School Officers)
- [Tools & Publications](The Center on School Turnaround)
- [Root Cause Analysis Using 5 Whys](National Implementation Research Network)
- [5-Step Root Cause Analysis](MindTools)
- [Compilation of Resources](Model Schools Conference)
Frequently Asked Questions & Answers

• Significant Disprportionality FAQ (PDF)
Please contact us with any questions.

Shanna Bigler, (Discipline) 785-296-4941
sbigler@ksde.org

Christy Weiler (Funding) 785-296-1712
cweiler@ksde.org

Kelly Steele (Identification & Placement) 785-296-2050
ksteele@ksde.org