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Significant Disproportionality Updates

Bryan Klimkiewicz & Diane M. Murphy
Bureau of Special Ed/Performance Office

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Today we will be reviewing...

- IDEA Statutory requirements
- The areas examined for Significant Disproportionality
- Required district actions
- Data Analysis and the Relative Risk Index (RRI)
- The intersection with State Performance Plan/Annual Performance Report (SPP/APR) Indicators

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IDEA Part B Section 618d
20 U.S.C. 1418(d) and 34 CFR §300.646-647

Disproportionality

Disproportionality exists when students in a racial or ethnic group are more likely to be

- identified as a student with a disability
- identified as a student with a particular disability
- placed in more restrictive settings
- suspended or expelled

than students in other racial or ethnic groups



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Race and Ethnicity Categories

- American Indian or Alaska Native
- Asian
- Black or African American
- White
- Hispanic or Latino of any race
- Native Hawaiian or Other Pacific Islander
- Two or more races



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Analysis Categories

Identification Ages 6-21*

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

*Ages 3-5 by July 1, 2022

Placement Ages 6-21

- Inside regular class no more than 79 percent of day and no less than 40 percent of the day
- Inside regular class less than 40 percent of day
- Separate schools and residential facilities

Discipline Ages 3-21

- Out-of-school suspensions/expulsions of 10 days or less
- Out-of-school suspensions (including expulsions) of greater than 10 days
- In-school suspensions of 10 days or less
- In-school suspensions of greater than 10 days
- Total disciplinary removals



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Summary of IDEA Part B Section 618d

In the case of a determination of significant disproportionality in a district, the State shall—

- provide for the **review and, if appropriate, revision of the policies, procedures, and practices** used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this title;
- **require any local educational agency identified to reserve the maximum amount of funds to provide comprehensive coordinated early intervening services (CCEIS)** to serve children in the local educational agency, particularly children in those groups that were significantly over identified ; and
- require the local educational agency to **publicly report** on the revision of policies, practices, and procedures.



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Comprehensive CEIS

Grade Level/Ages Served	Age 3 through grade 12
Groups Served	<p>Children who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment</p> <p>Children currently identified as needing special education or related services (funds can be used primarily, but not exclusively, for this group)</p>
Permitted Activities	<p>Professional development and educational and behavioral evaluations, services, and supports</p> <p>The activities must address factors and policies, practices, or procedures contributing to significant disproportionality</p>



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How Significant Disproportionality is Determined

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)

Risk Ratio: What is a specific racial/ethnic group's risk of

Receiving special education and related services for a particular disability

Being placed in a particular educational environment

Experiencing a particular disciplinary removal



As compared to the risk for all other children?



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Formula Changes Review

- Reasonable Threshold: CT must reduce current RRI from 4.0 to 3.0 or lower
- CT must remove the confidence interval from the formula
- Institute Minimum Cell Size (numerator) and Minimum N-Size (denominator) Rules
- Applying new Alternate Risk Ratio rule to compare to state figures when comparison group (all other races) is too small (doesn't meet min. N and Cell size)



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Minimum Cell Size

States may set a reasonable minimum cell size (risk numerator). Presumptively reasonable if 10 or less; anything larger requires rationale and detailed explanation.

Identification:

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



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Minimum N-Size

States may set a reasonable minimum n-size (risk denominator). Presumptively reasonable if 30 or less; anything larger requires rationale and detailed explanation.

Identification:

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



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:

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

District-Level Data

State-Level Data



What does CT need to do to Prepare?:

Stakeholder Input

States must seek stakeholder (including State Advisory Panel) advice for the following:

- Reasonable threshold
- Reasonable minimum cell size
- Reasonable minimum n-size
- Standard for reasonable progress



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What are CT's recommendations?

The BSE and Performance Office will be recommending to the SAC that CT update our existing approved state formula for calculating disproportionality to:

1. remove the statistical sign. test (conf. interval);
2. apply a minimum cell size of 10 (numerator) and a minimum n size of 30 (denominator);
3. reduce our RRI threshold from 4.0 to 3.0;
4. implement the required Alternate Risk Ratio to compare district to the state when failing to meet cell and n size rules for the district comparison group;
5. need to determine a reasonable progress recommendation.



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What will implementing these new rules mean for CT's data?

2017-18 Disability Data

	RRI \geq 4.0	RRI \geq 3.0	RRI \geq 2.0
IND. 9 Old	0	0	2
IND. 9 NEW	0	1	27
IND. 10 Old	1	11	33
IND. 10 NEW	0	20	64



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What will implementing these new rules mean for CT's data?

2017-18 Placement Data

	RRI \geq 4.0	RRI \geq 3.0	RRI \geq 2.0
Placment Old	1	3	6
Placment NEW	0	1	6



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What will implementing these new rules mean for CT's data?

2016-17 Discipline Data

	RRI \geq 4.0	RRI \geq 3.0	RRI \geq 2.0
Discipline Old	2	5	9
Discipline NEW	0	2	17



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Additional Flexibilities

Consecutive Years

- States can choose to identify an LEA as having significant disproportionality only after an LEA exceeds the risk ratio threshold for *up to three prior consecutive years*, including the current reporting year.

Reasonable Progress

- A state need not identify an LEA with significant disproportionality if the LEA is making "reasonable progress" in lowering the risk ratios, where reasonable progress is determined by the state.



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Timeline Continued

2017-18 (15% Redirect in Spring 2018)

- Use a 4.0 RRI, with Conf. Interval
- Redirect after 2 consecutive years (both years using old formula)

2018-19 (15% Redirect in Spring 2019)

- Use a 3.0 RRI, no Conf. Interval
- Apply Minimum Cell and N Size rules (10/30)
- Redirect after ? consecutive years (combo old/new formulas)

2019-20 (15% Redirect in Spring 2020)

- Have final decisions on consecutive years and reasonable progress decisions; implement as above. (combo old/new formulas)

2020-21 (15% Redirect in Spring 2021)

- Should have 3 yrs of new formula use;
- compliant with federal rule



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DISCUSSION



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Identification Relationship to SPP/APR Indicators

Significant Disproportionality in the identification for special education

Indicator 9 - Disproportionate representation in special education that is the result of inappropriate identification

Significant Disproportionality in the identification for specific disability categories

Indicator 10 - Disproportionate representation in specific disability categories that is the result of inappropriate identification



Like Significant Disproportionality, Disproportionate representation is analyzed using an RRI; however, different rules are applied.

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Relationship to SPP/APR Indicators What's the same? What's the difference?

- The review for **Disproportionate Representation** (Ind. 9 & 10) is a two-step process:
 - STEP ONE: A district would be “flagged” for review if the data show an **RRI of 2.0 or above for one year** (e.g., a 2.7 RRI for White Autism in 2017-18).
 - STEP TWO: A district would be required to review its policies, procedures and practices (PPPs) related to identifying students for special education services via the completion of a self-assessment.
- A “flagged” district would only be identified as being out of compliance under Disproportionate Representation if the self-assessment it is required to complete shows that the district’s PPPs for identifying students for special education and related services were not in compliance with the related regulatory requirements (i.e., the result of inappropriate identification).
- The review of PPPs via the self-assessment used for Disproportionate Representation satisfies the requirement for that review under the Significant Disproportionality regulations since a district would not be identified for Significant Disproportionality for Identification without already being “flagged” and reviewed for Indicator 9 or Indicator 10.



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Placement
Relationship to SPP/APR Indicators

Significant Disproportionality in the placement of children in particular educational settings
(40-79% TWNDP, 0-39% TWNDP, Other Settings)

Indicator 5 – Participation in General Education Settings

- A. Inside regular class 80% or more
- B. Inside regular class less than 40% of the day
- C. In separate schools, residential facilities or homebound/hospital placements



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Relationship to SPP/APR Indicators
What's the same? What's the difference?

- Indicator 5 is not a compliance indicator and there is no requirement for districts to review their PPPs like there is for Indicators 9 and 10.
- Indicator 5 reports the percentage of students in different placement categories each year and the Significant Disproportionality analysis uses the RRI.
- A district would be required to complete a self-assessment of its PPPs related to the placement of students with disabilities if it is identified as having Significant Disproportionality.



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Discipline Relationship to SPP/APR Indicators

Significant Disproportionality in the discipline of children with disabilities (Suspension/Expulsion)

(ISS \leq 10 days, ISS \geq 11 days, OSS \leq 10 days, OSS/EXP \geq 11 days)

Indicator 4 – Rates of Suspension and Expulsion

4A – Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs

4B – Percent of districts that have: a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; **and PPPs that contribute to the significant discrepancy** and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.



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Relationship to SPP/APR Indicators What's the same? What's the difference?

Indicator 4 only monitors **OSS/EXP rates that are greater than 10 days**.

Indicators 4A and 4B report the percentage of students being suspended/expelled each year and the Significant Disproportionality analysis uses the RRI.

4A – Is not a compliance indicator and a review of PPPs is not required (similar to Indicator 5)

4B – Is a compliance indicator. The review for Indicator 4B is a two-step process (similar to Indicators 9 and 10).

➤ **STEP ONE:** A district would be “flagged” for review if the data show a suspension/expulsion rate greater than 2% for one year (e.g., Rate of 2.5% for Hispanic OSS/EXP \geq 11 days in 2016-17)

➤ **STEP TWO:** A district would be required to review its PPPs related to the requirements for the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.



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Relationship to SPP/APR Indicators What's the same? What's the difference?

- Due to the time of year the discipline data are collected, there is a one-year data lag in the discipline data that are analyzed for both Significant Disproportionality and Indicators 4A and 4B.
- Determinations made in 2017-18 for Significant Disproportionality for Discipline are based on an RRI of 4.0 and above for 2015-16 and 2016-17 data.
- Determinations made in 2017-18 for Indicators 4A and 4B are based on 2016-17 data.



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Questions?



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Contact Information

Bryan Klimkiewicz
Chief, Bureau of Special Education
bryan.klimkiewicz@ct.gov
860-713-6910

Diane Murphy
Performance Office
diane.murphy@ct.gov
860-713-6891



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