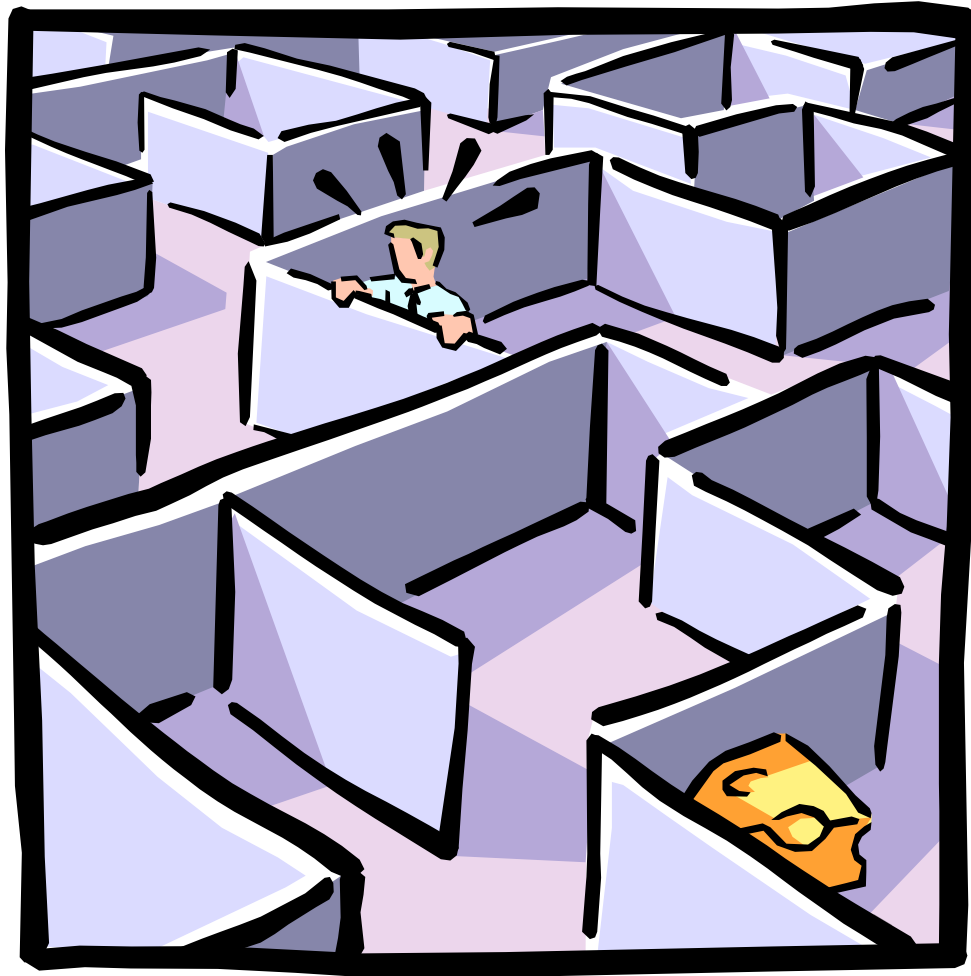


Disproportionality: Everything you need to know!

The Divisions for
Special
Education
Services and
Supports



Traveling through the maze of disproportionality



Historical Context

- Georgia had several “agreements” with the Office of Civil Rights (OCR) in the mid to late 90s regarding the overidentification of Students with Disabilities (SWD).
 - The overidentification of black students as mildly intellectually disabled
 - The overidentification of students as Specific Learning Disabled
- As a state, we all worked to reduce overrepresentation as identified by the OCR and made progress.

Individuals with Disabilities Education Act (IDEA) 2004

- IDEA requires states to conduct two separate processes that are similar in that they look at the practices, policies and procedures of states and districts that result in disproportionality of ethnic and racial categories in the SWD subgroup.
 - Data collection and review (significant disproportionality)
 - Monitoring process (disproportionate representation)

IDEA 2004

- In 2004, the IDEA required that states begin to analyze data and identify patterns of significant disproportionality in *racial and ethnic* categories:
 - In SWD as a group,
 - In specific disability categories,
 - In placement (educational settings) of SWD, and
 - In the exclusion of SWD from classrooms for disciplinary reasons.

IDEA 2004

- IDEA requires the states to review the data and determine significant disproportionality and if present:
 - Review and revise policies, procedures and practices (34 CFR §300.646);
 - Require the Local Educational Agency (LEA) identified to reserve the maximum amount (15%) to provide comprehensive coordinated early intervening services (CEIS), particularly children in the groups that were overidentified; and
 - Require the LEA to publicly report on the revisions of policies, procedures and practices.

IDEA 2004

- IDEA also requires states to monitor local systems on Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. (34 CFR § 300.600)
 - Compliance issue, includes over and underrepresentation
 - Must review and report this in the Annual Performance Report (APR) as a compliance issue
 - Determined in special education in general
 - Determined in particular disability categories (Autism, ID, SLD, SI, OHI, and EBD)

IDEA 2004

Significant Disproportionality (SD)

34 CFR § 300.646

- The regulation states:
- Collect and examine the data to determine if SD based on race and ethnicity is occurring in the State and LEAs with respect to the identification of children with disability, including children with disabilities in accordance with particular impairments, placement in particular educational settings and incidence, duration and type of disciplinary actions.

Disproportionate representation (DR)

34 CFR § 300.600

- The regulation states:
- States must monitor LEAs in the priority areas: DR of racial and ethnic groups in special education and related services to the extent the representation is the result of inappropriate identification.

IDEA 2004

Significant Disproportionality (SD)

34 CFR § 300.646

- Collect and analyze data regarding: (1) identification, (2) identification in specific categories, (3) educational settings of (a) greater than 40% removed from general ed and (b) separate school, and (4) the incidence, duration and type of disciplinary actions including suspension and expulsion (ISS and OSS)
- Require LEAs with SD to reserve 15% for CEIS
- Based only on the numbers

Disproportionate representation (DR)

34 CFR § 300.600

- Collect and analyze data for identification in special education or in each of six categories of disability
- Review both underrepresentation and overrepresentation
- Review more than numbers, look at policies, procedures, practices, other data to determine if the disproportionality in the data is a result of inappropriate identification
- If yes to inappropriate identification, it is a compliance finding for the local system and must be corrected within one year.

IDEA 2004

Significant Disproportionality (SD)

34 CFR § 300.646

- Requires the LEA to report publicly on the revision to procedures, policies and practices
- Reported annually for each LEA with weighted risk ratio for setting and identification
- Suspension is reported for the comparison among districts currently
- Intradistrict will be reported in the future

Disproportionate representation (DR)

34 CFR § 300.600

- Reported annually to OSEP on the percentage of LEAs in which disproportionate representation results from inappropriate identification
- Reported annually to the public for those who have been identified with DR
- Corrective action will be required

IDEA 2004

Significant Disproportionality (SD)

34 CFR § 300.646

- State Process
 - Data are collected in Federal Student count and/or student record discipline data.
 - SD systems are identified.
 - Required to reserve 15% of federal funds (both flow-through and preschool)
 - Must complete self-assessment (review of policies, procedures and practices)

Disproportionate representation (DR)

34 CFR § 300.600

- State Process
 - Uses the same criteria as SD at the starting point, but it is more than numbers.
 - Required to complete the self-assessment
 - Based on the self-assessment and other available data, the compliance determination is made.
 - If noncompliant, must complete a corrective action plan within the Consolidated Application as part of the CLIP.

IDEA 2004

Significant Disproportionality (SD) 34 CFR § 300.646

- State Process continued
 - Revise and report on revisions to policies, procedures, and practices
 - Reserve the maximum 15% of funds to provide Coordinated Early Intervening Services (CEIS)
 - Carryover funds in same category if not all spent
 - Report to the state information about students served in CEIS

Disproportionate representation (DR) 34 CFR § 300.600

- State Process continued
 - Compliance must be corrected within one year of identification.
 - LEA will be reserving funds (15%) to address the issue (because of SD).
 - Over representation and under representation are both considered.

Determining what constitutes Significant Disproportionality

- States may define SD as long as it is based on numerical information and not policies or procedures.
- May be based on different numbers for the different aspects
- May change from year to year

- Remember, SD must be determined for:
 - educational settings of ≥ 40 removed in special education and in separate facilities;
 - Overidentification of SWD and in specific disability categories; and
 - Exclusion of students in subgroups within the district.

SD for Educational Setting

- Among districts, what is a specific racial/ethnic SWD group's risk of receiving special education in a particular educational environment as compared to the risk for all other SWD?
 - Federal SWD child count
 - Ages 6 – 21
 - Does not include 618 facilities

SD for Educational Setting

- Setting is based on “less than 40% in the general ed setting” and/or “other separate placements”
 - Other separate settings includes:
 - **Environment 4** Public Separate Facilities - Special education and related services for greater than 50% of the school week in public separate day-school facilities (e.g., the Atlanta Area School for the Deaf).
 - **Environment 5** Private Separate Facilities - Special education and related services in *private* separate day school facilities at public expense for greater than 50 % of the school week
 - **Environment 6** Public Residential Facilities - - Special education and related services in public residential facilities for greater than 50% of the school week. This includes residential State Schools and Department of Human Resources (DHR) operated facilities.
 - **Environment 7** Private Residential Facilities - Special education and related services in private residential facilities at public expense for greater than 50 % of the school week.
 - **Environment 9** Hospital/Homebound – Give an *unduplicated* total of children who received special education and related services in a homebound/hospital environment. These data are intended to be a count of all children receiving special education in: Hospital programs; or Homebound programs.
- Does not include Correctional (**Environment 8**) or Parentally Placed in Private School (**Environment 0**).

SD for Educational Setting

- Other variables
 - District SWD subgroup size is ≥ 20
 - Each environment subgroup is ≥ 10
- Under-representation is the opposite of over-representation or $\leq .25$ and uses the environment of $\geq 80\%$ in the general classroom.

SD for Educational Setting

- FY 11: ≥ 5.0 for FY09 and ≥ 4.0 for FY10 (an size of ≥ 20)
 - For FY11: ≥ 4.0 for 1 year (FY10) means “At Serious Risk” and LEAs must develop a plan to address
- The formula is a weighted risk ratio.
- Systems are notified annually in March.

SD for Educational Setting

FY to reserve and spend funds	Data year(s)	Risk criteria	N size of District SWD	N size of environment subgroup	Data Source
FY07	FY06	≥ 3.0	≥ 10	≥ 10	Federal Child Count
FY08	FY07	≥ 3.0	≥ 20	≥ 20	Federal Child Count
FY09	FY08	≥ 4.0	≥ 20	≥ 10	Federal Child Count
FY10	FY08 and 09	≥ 5.0 for two years	≥ 20	≥ 10	Federal child count
FY11	FY09 and 10	≥ 5.0 for FY09 and ≥ 4.0 for FY10	≥ 20	≥ 10	Federal Child Count
FY12	FY10 and 11	≥ 4.0 for two years	≥ 20	≥ 10	Federal Child Count

SD for Identification

- Among districts, what is a specific racial/ethnic group's risk of **being identified as a student with a disability (or one of the six disability categories)** as compared to the risk for all other students?
 - Federal SWD child count (FTE 2)
 - General education count (FTE 1)
 - Ages 6 – 21
 - Does not include 618 facilities

SD for Identification

- Other variables
 - District SWD subgroup size is ≥ 40
 - Each racial/ethnic subgroup is ≥ 10
 - The subgroup composition (district level) $\leq .75$
- Under-representation is the opposite of over-representation or $\leq .25$

Identification

FY to reserve and spend funds	Data Year(s)	Risk Criteria	N size of district subgroup	N size of focus subgroup	District composition	Data Source(s)
FY07	FY06	≥ 3.0	≥ 10	≥ 10	$\leq .90$	Federal Child Count (FTE 2) General Ed count (FTE 1)
FY08	FY07	≥ 3.0	≥ 20	≥ 20	$\leq .85$	Federal Child Count (FTE 2) General Ed count (FTE 1)
FY09	FY08	≥ 4.0	≥ 40	≥ 10	$\leq .85$	Federal Child Count (FTE 2) General Ed count (FTE 1)
FY10	FY08 and 09	≥ 5.0 for two years	≥ 40	≥ 10	$\leq .85$	Federal Child Count (FTE 2) General Ed count (FTE 1)
FY11	FY09 and 10	≥ 5.0 for FY09 and ≥ 4.0 for FY10	≥ 40	≥ 10	$\leq .75$	Federal Child Count (FTE 2) General Ed count (FTE 1)
FY12	FY10 and 11	≥ 4.0 for two years	≥ 40	≥ 10	$\leq .75$	Federal Child Count (FTE 2) General Ed count (FTE 1)

SD for identification

- FY 11: ≥ 5.0 for FY09 and ≥ 4.0 for FY10) (and an n size of ≥ 40 in the district subgroup count and an n size of ≥ 10 in the specific disability racial/ethnic category)
 - For FY11: ≥ 4.0 for 1 year (FY10) is considered “At Serious Risk”.
- The formula is a weighted risk ratio.

The Numbers for SD: Exclusion

- In a specific district, what is the risk of a SWD being excluded from class for > 10 days as compared to the risk for the risk of a SWD being excluded from class for >10 days in all other districts?
- In a specific district, what is the risk of a SWD subgroup being excluded for >10 days as compared to the risk for the risk of a SWD being excluded in all other subgroups in the district?
 - Student Record discipline information for In School Suspension and Out of School Suspension
 - Ages 6 – 21
 - Does not include 618 facilities

The Numbers for SD: Exclusion

- Other variables
 - District SWD subgroup size is ≥ 20
 - District disciplinary exclusions ≥ 10
 - Relative Risk Ratio ≥ 5.0 for 2 years (FY10)

The Numbers for SD: Exclusion

- Data come from student record, discipline for both ISS and OSS.
 - Each incidence counts even when services are continued.
- The timing of the data collection delays when the funds can be reserved.
- Data collected in FY09 student record (June 2009) is actually available to the state for review in FY10 (November 09) and therefore, funds cannot be reserved until FY11.

The Numbers for SD: Exclusion

FY to reserve and spend funds	Data Year(s)	Risk Criteria	N size of district subgroup	N size of Disciplinary Removals	Data Source(s)
FY08	FY06	≥ 3.0	≥ 10	≥ 10	Student record for discipline
FY09	FY07	≥ 4.0	≥ 20	≥ 20	Student record for discipline
FY10	FY07 FY08	≥ 5.0 two years	≥ 20	≥ 10	Student record for discipline
FY11	FY 08 and 09	≥ 5.0 for two years	≥ 20	≥ 10	Student record for discipline
FY12	FY10	≥ 5.0 for one year	≥ 20	≥ 10	Student record for discipline

The numbers for SD: exclusion

- FY 11: ≥ 5.0 for 2 years (FY08 and 09) (and an n size of ≥ 20)
 - For FY11: ≥ 3.0 for 1 year (FY09) is considered “At serious risk”
- FY12: ≥ 5.0 for 1 year (FY10) is SD
- The formula is a relative risk ratio

The formula: relative risk

Calculation for District Level Relative Discipline Risk for SWD Race/Ethnicity

[((District # of SWD in focus subgroup with greater than 10 days ISS and/or OSS) **Divided by (District # of SWD in focus subgroup))**

Divided by

((District # of SWD in all other subgroups with greater than 10 days ISS and/or OSS) **Divided by (District SWD in all other subgroups Age 3/21))]**

Significant Disproportionality

- If identified as SD:
- Must complete and submit a Self-Assessment as a review of policies, procedures and practices
- Must receive TA from the state
- Must reserve the 15% of federal IDEA flow-through and preschool funds and
- Must develop a written plan and provide CEIS services to students not yet identified as SWD
- Must revise policies, procedures and practices as necessary and report to the public on the revision

If identified as “at serious risk” for SD...

- Must receive TA from the state
- Must plan in the Consolidated Application strategies to resolve the problem
- May use the self-assessment as an analysis tool
- May reserve up to 15% of federal funds to develop and implement activities to prevent significant disproportionality
 - If you choose to reserve funds, you have to follow the GaDOE procedures for using CEIS funds.

Disproportionate Representation

- The numbers to be considered to have DR is the same as that for SD.
- Self-assessment is reviewed by a team at DOE.
- Other data of the system are reviewed.
- A determination of compliance is made regarding whether the DR is the result of inappropriate identification (noncompliance).

Disproportionate Representation

- If noncompliance exists...
- The system will receive a letter stating noncompliance has been identified.
- The system will develop a corrective action and include it in the CLIP of the Consolidated Application.
- The state will monitor the district through a review of records for the “problem area” as well as other practices that may contribute to the DR.

Disproportionate Representation

- The system must correct the noncompliance within one year of identification.
- The state will verify the correction through a review of documentation.
- Both over representation and under representation are considered. (Note: Districts with under representation will not be SD but may have DR as a result of inappropriate identification.)

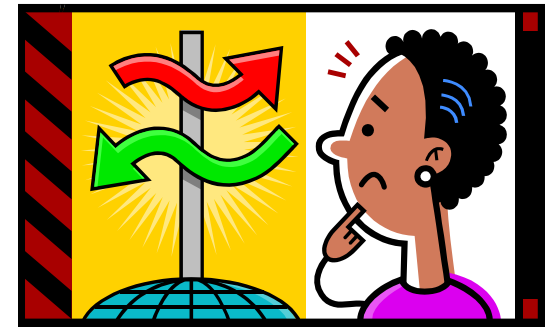
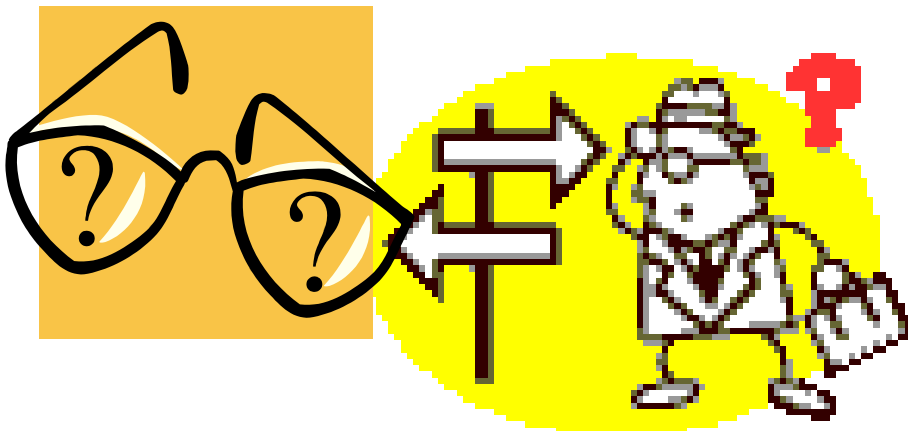
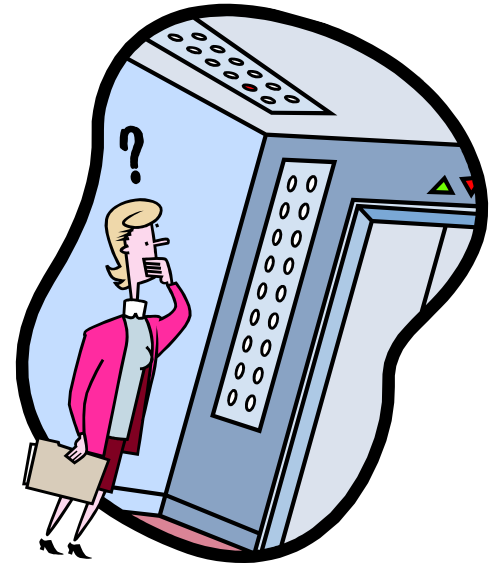
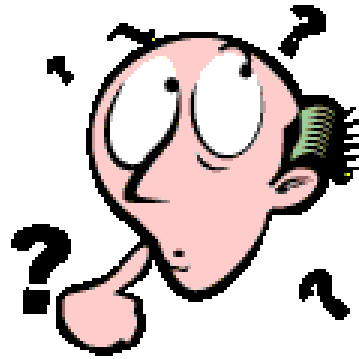
Notifications regarding SD

- Beginning with FY11, the GaDOE will be able to provide earlier notification regarding the data.
 - Systems will know if they fall in the At Serious Risk category (at least one year at the #) or in the required to reserve funds category.
 - Disciplinary exclusions notification will be made annually before November 1 (FY11 notice of FY10 data to spend in FY12).
 - Identification and setting notification will be made annually before the December holiday period. (FY11 notice of FY11 and 10 data to spend in FY12)

Where are the data?

- Special Education Annual Reports
- Tab for demographics
 - Representation by Disability type
 - Representation by setting
- Tab for student indicators
 - Suspension rate
- Other discipline data on the portal under documents
 - FY09 Discipline data for portal

No matter your state of confusion, we are here to assist you!



Further contacts and information

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A Disclaimer

- This presentation is to explain how significant disproportionality and disproportionate representation are determined in Georgia.
- This presentation may not contain every requirement if a system is determined to have SD or DR.