



FY2010 Special Education Leadership Discipline Reporting and Disproportionality

**Georgia Department of Education
Divisions for Special Education Services and Supports
1870 Twin Towers East
Atlanta, Georgia 30334**

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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

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OSEP 08-09

Purpose of Guidance

The Office of Special Education Programs issues this guidance to provide States with information regarding the use of funds provided under Part B of the Individuals with Disabilities Education Act by local educational agencies (LEAs) to develop and implement coordinated early intervening services (CEIS) for students who are currently not identified as needing special education.

This CEIS guidance represents the Department's current thinking on this topic. It does not create or confer any rights for or on any person. This guidance does not impose any requirements beyond those included under applicable laws and regulations.

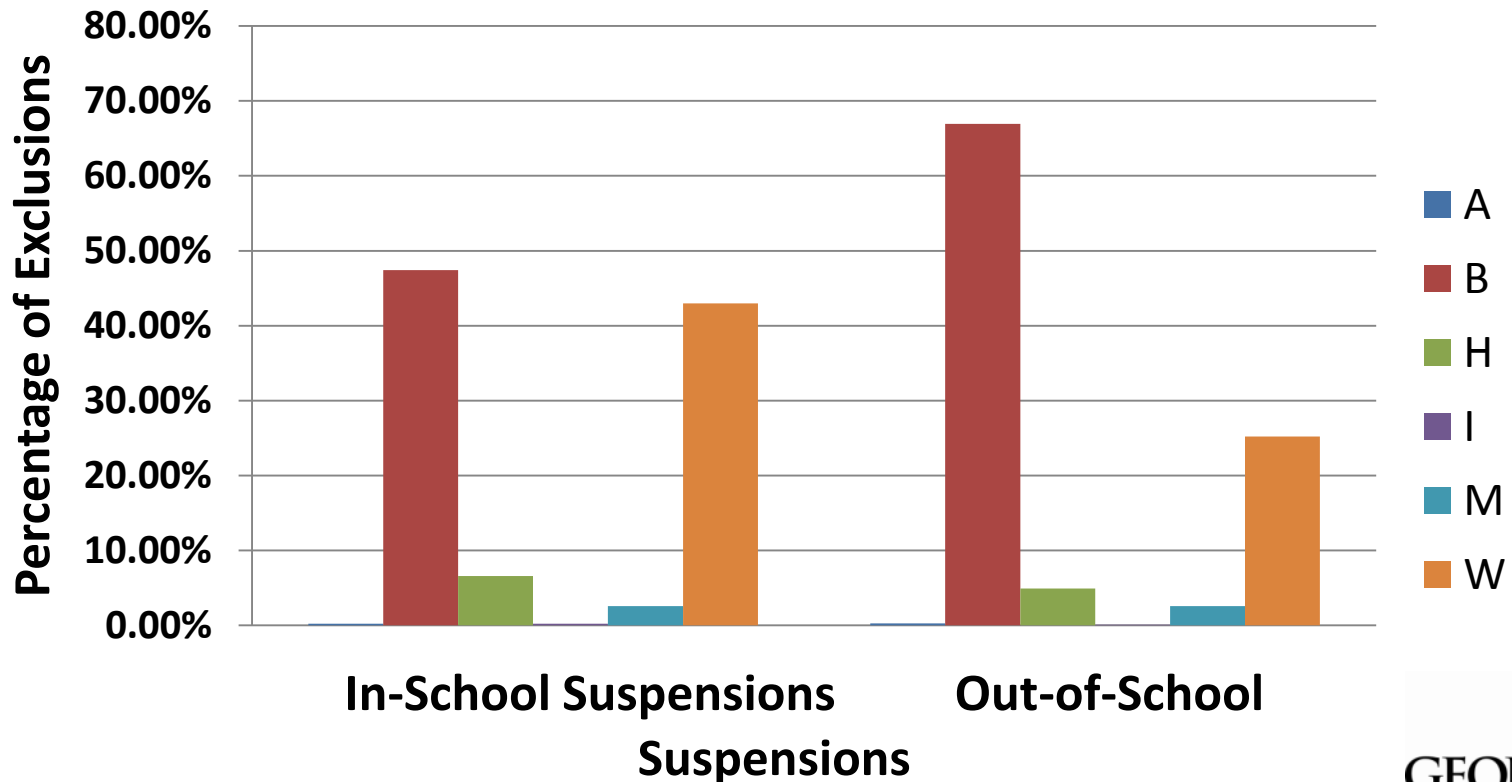
15. *What must States consider in the collection and examination of disciplinary data in 34 CFR §300.646?*

The regulations in 34 CFR §300.646(a)(3) require States to annually collect and examine data to determine if significant disproportionality based on race or ethnicity is occurring with respect to the incidence, duration, and type of disciplinary action, including suspensions and expulsions. We interpret the term “incidence” to refer to the number of times children with disabilities ages 3 through 21 were subject to disciplinary actions. We interpret the term “duration” to refer to the length of suspensions or expulsions. The type of disciplinary action refers to, at a minimum, data on both in-school and out-of-school suspensions and expulsions, but could also include other disciplinary actions (e.g. exclusion from extracurricular activities). In order to determine if significant disproportionality exists for discipline, a State must consider all three areas (incidence, duration, and disciplinary actions) when examining its data.

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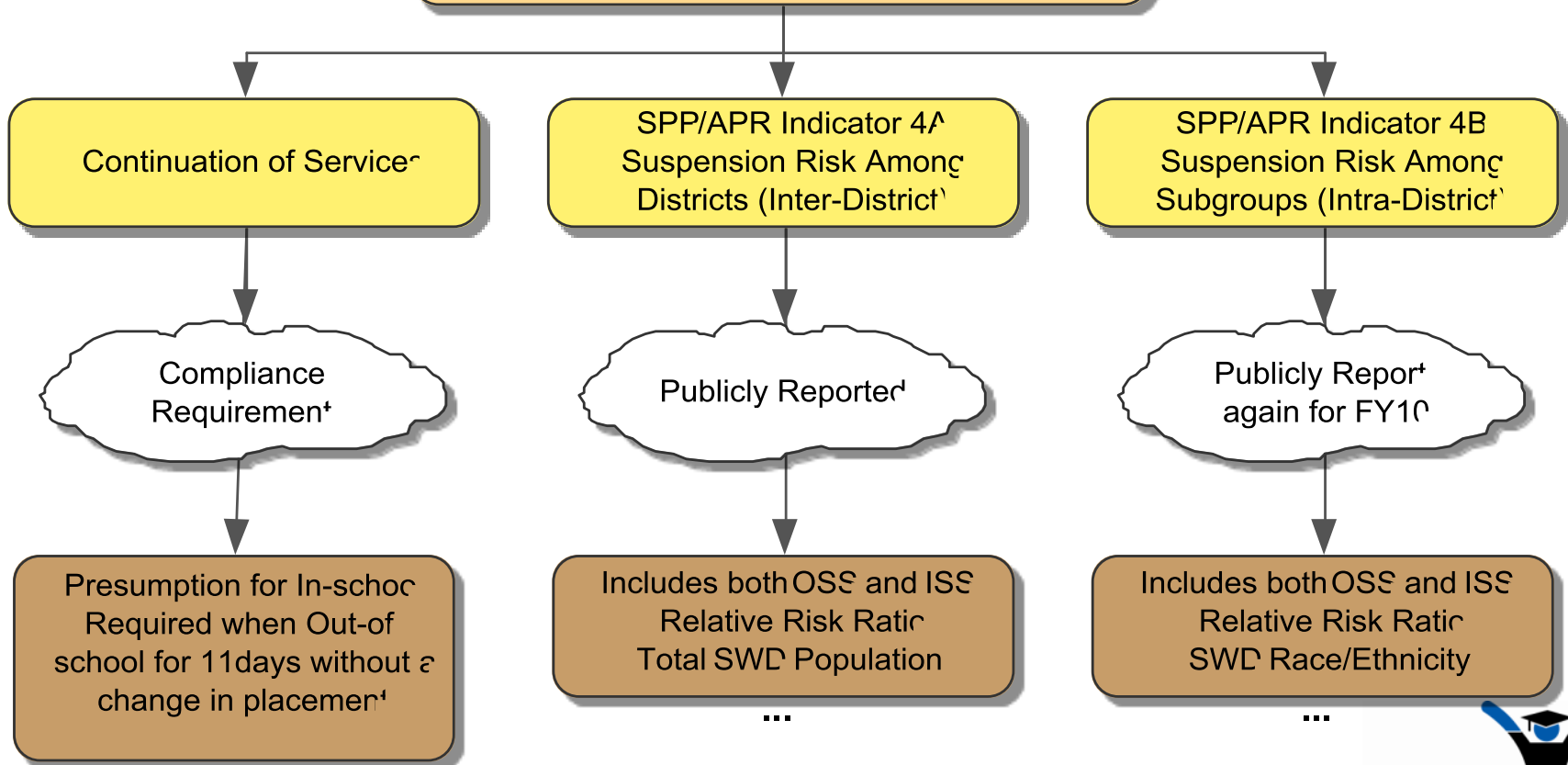
FY09

Discipline Exclusions >10Days In-School and Out-of-School

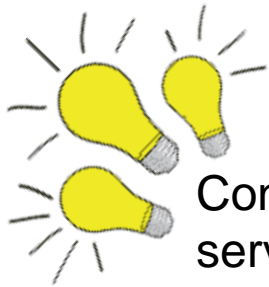


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The Three Faces of Discipline



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Continuation of services flag must be “Y” for Event Code 30 (Out-of-school suspension) beyond cumulative suspensions of 11+ days

Continuation of Services

Compliance Requirement[†]

Presumption for In-school Required when Out-of school for 11 days without a change in placement[†]



Letter to Superintendent[†]

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Remember:

After your superintendent certifies the accuracy of the your Student Record the opportunity for correction is not available.

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FY08 Cessation Outcomes	Sum of TOTAL_DAYS
1) Parent declined services	5756
2) Services were offered but student did not attend services, compensatory services have been provided.	6329
3) Services were not offered and compensatory services have not been provided.	9910
Grand Total	21995

FY 09 Cessation Outcomes	Sum of TOTAL_DAYS
1) Parent declined services	1297
2) Services were offered but student did not attend services, compensatory services have been provided.	9347
3) Services were not offered and compensatory services have not been provided.	2639
Grand Total	13283

DIS016 Continuation of Services:

“For students that receive out-of-school suspension or expulsion, indicate whether or not the student continued to receive education services during the disciplinary action. Enter ‘Y’ if student received education services and ‘N’ if student did not receive education services.”

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Continuation of Service

- ✓ Out-of-school suspension 1-10 days (cumulative) – No services required
- ✓ Out-of-school suspension 11+ days (cumulative) – Services required

(Continuation of Services)

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New Discipline Warnings

- 1.1.1 W861 – Warning change - When Discipline Action Code equals “20” (ISS – in school suspension) or “30” (OSS – out-of-school suspension), issue warning that the Discipline Action Auxiliary code should not be greater than twenty (20) days. Exception: skip warning if the Discipline Action Code equals “20” and the Discipline Action Auxiliary code equals ‘99’ (that is, the in-school suspension lasted less than one day)
- 1.1.2 W862 – New warning - When System Code, School Code, Student ID, Discipline Incident Date, Discipline Incident Type, Discipline Action Code and Auxiliary Code are the same for more than one discipline record, issue warning. This is a possible duplication in an extract generated by the local software. Since we do not have a time stamp for an event, we cannot issue an error. Although it is possible that the same incident/action could occur on the same day, it is highly unlikely.
(User message: Possible duplicate - The SYSTEM CODE, SCHOOL CODE, STUDENT ID, INCIDENT DATE, INCIDENT TYPE, ACTION and AUXILIARY CODE are the same for more than one discipline record. To see most current data, see Report DIS092.)
- 1.1.3 W863 – New warning – *For Discipline Action Code = ‘20’ or ‘30’ only. When System Code, School Code, Student ID, Discipline Incident Date and Auxiliary Code (number of days suspended) are the same for more than one discipline record, issue warning. This is a possible duplication of the number of days a student was suspended.*
(User message: Multiple suspensions reported for same student and date. To see most current data, see Report DIS091.)
- Note: Both warnings W862 and W863 reference new reports created to assist districts with resolving possible duplicate records generated by SIS extract software.

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DISCIPLINE ACTION CODE

DISCIPLINE ACTION CODE indicates the action taken by a school administrator or administrator's designee (pursuant to O.C.G.A 20-2-731 and 20-2-740).

Discipline Action Code & Type Description













- **00** Continuation of Incident
An entry of "00" for a **DISCIPLINE ACTION CODE** is acceptable only when the **DATA TYPE INDICATOR** is "2" indicating that an event with multiple incidents for a single action has occurred.
- **10** Corporal Punishment
Corporal Punishment - corporal punishment was administered pursuant to O.C.G.A 20-2-731.
- **20** In-School Suspension
In-School Suspension - placed in a state in-school suspension program.
- **30** Out-of-School Suspension
Out-of-School Suspension - suspended out of school.
- **40** Expulsion
Expulsion - expelled.

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[Go To the Reports Menu](#)

Discipline Level Reports

-  [DIS010 System Totals By Discipline Incident Type](#)
-  [DIS040 System Totals By Discipline Context and Location](#)
-  [DIS060 Discipline Level Transmission Verification Report](#)
-  [DIS080 Discipline Event Summary Report](#)
-  [DIS091 Suspensions with Same Date and Days \(W863\)](#)
-  [DIS093 In-Out School Suspensions Less Than One Day](#)
-  [DIS030 System Totals By Discipline Incidents Counts](#)
-  [DIS050 System Totals By Discipline Action](#)
-  [DIS070 Discipline Comparison Report](#)
-  [DIS090 Continuation of Services Report](#)
-  [DIS092 Possible Duplicated Discipline Records \(W862\)](#)
-  [SRDISCALL Print ALL Summary Reports](#)

- SPP/APR Indicator 4 - Rates of suspension and expulsion:

A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with IEPs for greater than 10 days in a school year; and

B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with IEPs of greater than 10 days in a school year by race and ethnicity and that have policies, procedures or practices that contribute to the significant discrepancy and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.
(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

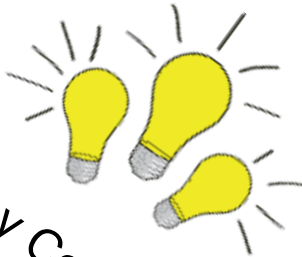
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SPP/APR Indicator 4A
Suspension Risk Among
Districts (Inter-District)

Publicly Reported

Includes both OSS and ISS
Relative Risk Ratio
Total SWD Population
...

Is not influenced by Continuation of Services



- N Size of SWD ≥ 20 Students
- N Size of Removals ≥ 10 Removals of 11 or more days ISS+OSS
- Relative Risk among districts

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Calculation for Discipline Risk (Disproportionality and Discrepancy) for SWD:

State Level Discipline Risk for SWD

[(State # of SWD with greater than 10 days ISS and/or OSS)

Divided by

(State SWD Age 3/21)]

District Level Relative Discipline Risk for SWD*

[((Focus District # of SWD with greater than 10 days ISS and/or OSS)

Divided by (Focus District Total SWD Age 3/21))

Divided by

((State # of SWD with greater than 10 days ISS and/or OSS Minus
Focus District # of SWD with greater than 10 days ISS and/or OSS)
Divided by (State SWD Age 3/21 Minus Focus District SWD Age 3/21))]

Risk

Numerator

Denominator

Risk

Number of students with disabilities excluded from class for 10 or more days

Number students with disabilities enrolled

Risk =
(SWD excluded from class 10 or more days/ All SWD



State Risk for FY09 was 3.0

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Relative Risk (Risk Ratio)

Numerator

Denominator

Risk Ratio

Exclusion Risk for focus
district SWD

Exclusion Risk for
comparison group
(All other districts)

Risk Ratio =
Exclusion risk
for focus group/
exclusion risk
for all other
SWD



Compares the number of
exclusions in your district to
the number of exclusions in
all other districts in the
state.

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SPP/APR Indicator 4B
Suspension Risk Among
Subgroups (Intra-District)

Publicly Report⁺
again for FY10

Includes both OSS and ISS
Relative Risk Ratio
SWD Race/Ethnicity

...



Compares the number of
exclusions in your district by
subgroups. If the exclusion
risk among subgroups are
comparable, overall N size
does not influence relative
risk.

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Discipline Reporting 4b

Calculation for Discipline Risk (Disproportionality and Discrepancy) for SWD Race/Ethnicity:

State Level Relative Discipline Risk for SWD Race/Ethnicity

(((State # of SWD in focus subgroup with greater than 10 days ISS and/or OSS) Divided
by (State # of SWD in focus subgroup age 3-21))

Divided by

((State # of SWD in all other subgroup with greater than 10 days ISS and/or OSS)
Divided by (State # of SWD in all other subgroups age 3-21))]

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))]

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Relative Risk (Risk Ratio)

Numerator

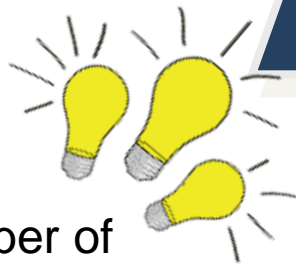
Denominator

Risk Ratio

Exclusion Risk for
focus racial/ethnic SWD
subgroup

Exclusion Risk for
comparison group
(All other
racial/ethnic SWD
subgroups)

Risk Ratio =
Exclusion risk
for focus group/
exclusion risk
for all other
SWD



Compares the number of exclusions for one subgroup in your district to the number of exclusions for all other subgroups in your district.

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State Level Relative Risk for SWD Subgroups

<u>2009</u>							
		District SWD Relative Suspension Risk by Race					
		American Indian/Alaskan	Asian/Pacific Islander	Black	Hispanic	Multi-Racial	White
District ID	District Name						
All Schools		0.60	0.18	2.77	0.57	0.81	0.42

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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	≥ 20	≥20	Student record for discipline
FY09	FY07	≥ 4.0	≥ 20	≥ 20	Student record for discipline
FY10	FY08	≥ 5.0	≥ 20	≥ 10	Student record for discipline
FY11	FY 08 and 09	≥ 5.0 for two years	≥ 20	≥10	Student record for discipline
FY12	FY10	≥ 3.0 for one year	≥ 20	≥10	Student record for discipline

The numbers for SD: Exclusion

- Data comes from student record, discipline for both ISS and OSS
 - Regardless of whether services 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.

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OSEP/WESTAT reporting directions for Federal Data Report (FDR) – Discipline

Data elements related to a discipline event for a student that must be reported according to law.

Out-of-school Suspension

“Incidences in which a child is temporarily removed from his/her regular school for disciplinary purposes to another setting (e.g. home). This includes removals in which no IEP services are provided because the removal is 10 days or less as well as removals in which the child continues to receive services according to his/her IEP.” FDR- Table 5

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While FAPE requirements are unique to students with disabilities excluded from school for more than 10 days, reporting requirements are consistent with those for students without disabilities unless otherwise indicated in local board policy.

Two issues:

Compliance with FAPE (Continuation of Service)

Reporting Requirements

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OSEP/WESTAT reporting directions for Federal Data Report (FDR) – Discipline

- “If, following a discipline offense, the IEP team meets and determines that the child’s current placement is not the least restrictive environment for that child, and therefore makes a permanent change in the child’s IEP placement, DO NOT report the child on the FDR for discipline. If the child is suspended pending an IEP team meeting in which a his/her IEP placement is changed, the suspension *must* be reported.”

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