

# State Interagency Coordinating Councils & State Advisory Panels

Equity in IDEA:  
Significant Disproportionality Final Rule  
March, 2017  
3:00 – 4:30 PM EST



As we wait to get started, please consider these questions. Put your responses in the chat.

- What is to be gained by having meaningful stakeholder participation in decisions about determining significant disproportionality?
- In your view, how can SAPs and SICCs contribute to practice change around disproportionality?
- Although disproportionality is primarily a school age issue, why should State Interagency Coordinating Councils (SICCs) and early childhood providers be aware of issues around disproportionality in Part B services?



# Welcome!

- Thanks for joining today. We will begin very soon.
- To prevent background noise from interfering with the call, your line is muted on entry.
- During the presentation you will have an opportunity to ask questions, using the Q&A box and the questions will be sent to the presenters.
- To make a comment at any time, you can use the Chat box.
- You will receive a short evaluation survey after the webinar. Please take a few minutes to give us your input.



# Agenda

- Welcome  
Carmen Sanchez, OSEP
- Introduction of topic and presenters  
Perry Williams, OSEP
- Equity in IDEA: Significant Disproportionality  
Jill Harris and Perry Williams, OSEP
- Stakeholder Engagement  
Joanne Cashman, NCSI/NASDSE
- Closing Comments and Announcements  
Carmen Sanchez, OSEP



Equity in IDEA:

# **SIGNIFICANT DISPROPORTIONALITY (SD)**



# Racial and Ethnic Disparities

IDEA 618 State-reported data:

- Black or African American students are twice as likely to be identified as having an emotional disturbance.
- Black or African American students are over two times as likely to be identified as having an intellectual disability.
- Black or African American students are 1.4 times as likely to receive services in separate setting.



# Background

A Government Accountability Report (GAO 13-137) found that:

- 2 % of LEAs in 2010-2011 were identified with SD
- “the discretion that states have in defining significant disproportionality has resulted in a wide range of definitions that provides no assurance that the problem is being appropriately identified across the nation.”



# Background

- Notice of Proposed Rulemaking (NPRM) was published on March 2, 2016.
- We received 316 comments from
  - LEAs and SEAs
  - Parents
  - Advocates
  - Researchers
  - Associations and organizations
- Analyzed comments and prepared the final rule





# Effective Dates

- Final rule is effective 30 days from publication in the Federal Register (January 18, 2017) BUT
- States have 18 months to prepare, work with their State Advisory Panel and make decisions regarding their methodology
- States must comply by **July 1, 2018**.



# Methodology

Statute requires States to annually collect and examine data to determine whether significant disproportionality based on race or ethnicity is occurring in the State and LEAs of the State with respect to:

- Identification of children as children with disabilities, including identification as children with particular impairments
- Placement of children in particular educational settings; and
- Incidence, duration, and type of disciplinary actions, including suspensions and expulsions

# Methodology

Final rule requires States to use a standard methodology to determine if there is significant disproportionality by examining data using a risk ratio or alternate risk ratio analysis.

As part of the standard methodology, States must develop, based on advice from stakeholders (including State Advisory Panels):

- a reasonable risk ratio threshold,
- a reasonable minimum cell size
- a reasonable minimum n-size

# Definitions Made Easy

- **Risk(risk index):** Risk tells us how likely a certain outcome is (i.e. being identified as having a disability)
- **Comparison group:** All other races
- **Risk ratio:** The risk ratio tells us how the risk for one racial/ethnic group compares to the risk for a comparison group
- **Minimum cell size:** Risk numerator
- **Minimum n-size:** Risk denominator
- **Alternate risk ratio:** Uses the district level risk for racial/ethnic group in the numerator and the state level risk for the comparison group. Used if the comparison group does not meet the minimum cell or n-size
- See: 34 CFR §300.647(a)

# Standard Methodology

## RISK

A proportion expressing likelihood.

Example:

$$\frac{40 \text{ Hispanic children identified}}{200 \text{ total Hispanic children in LEA}}$$

Risk of Hispanic child identified as child with disability =  $40/200$  or 20%

# Standard Methodology

## RISK RATIO

**A comparison of risks: likelihood of outcome for one group vs. outcome for all others in the LEA**

Example:

40 Hispanic children identified out of  
200 total Hispanic children in LEA

200 of other children identified out of  
All 2,000 other children in LEA

Risk Ratio: 2.0

$$(40/200) / (200/2000) = 0.2/0.1 = 2.0$$

# Standard Methodology

## RISK RATIO

2.0 = 2 X as likely

3.0 = 3 X as likely

Etc.

# Standard Methodology

What is significant disproportionality?

A risk ratio  $>$  the risk ratio threshold = significant disproportionality

States must set risk ratio threshold in consultation with stakeholders, including SAP.





# Standard Methodology

## RISK RATIO THRESHOLD

How many? 14

One for each category of analysis

May set different threshold for each, as reasonable.

# Standard Methodology

## The 14 categories of analysis:

1. The identification of children ages 3 through 21 as children with disabilities.
  - The identification of children ages 3 through 21 as children with the following impairments :
2. Intellectual disabilities;
3. Specific learning disabilities;
4. Emotional disturbance;
5. Speech or language impairments;
6. Other health impairments;
7. Autism;
8. Placements of children with disabilities ages 6 through 21, inside a regular class less than 40 percent of the day;
9. Placements of children with disabilities ages 6 through 21, inside separate schools and residential facilities, not including homebound or hospital settings, correctional facilities, or private schools;
10. For children with disabilities ages 3 through 21, out of school suspensions and expulsions of days or fewer;
11. For children with disabilities ages 3 thorough 21, out-of-school suspensions and expulsions of more than 10 days;
12. For children with disabilities ages 3 through 21, in school suspensions of 10 days or fewer;
13. For children with disabilities ages 3 through 21, in school suspensions of more than 10 days; and
14. For children with disabilities ages 3 thorough 21, disciplinary removals in total, including in-school and out-of-school suspensions, expulsions, removals by school personnel to interim alternative education setting, and removals by a hearing officer.

# Standard Methodology

- Categories of analysis are applied to each of 7 racial or ethnic groups:
  1. Hispanic/Latino of any race, and for individuals who are non-Hispanic/Latino only;
  2. American Indian or Alaska native;
  3. Asian;
  4. Black or African American;
  5. Native Hawaiian or Other Pacific Islander;
  6. White; and
  7. Two or more races

See: 34 CFR §300.647(b)(2)



# Standard Methodology

## “SETTINGS” in Standard Methodology

States must also set, in consultation with SAP and other stakeholders:

- Reasonable minimum cell size
- Reasonable minimum n-size
- Period of SD determination (Up to 3 years, optional)
- Definition of reasonable progress (Optional)

# Rebuttable Presumption

The final regulations establish a rebuttable presumption that a minimum cell size (numerator or racial/ethnic group being analyzed) of no greater than 10 and a minimum n-size (denominator or comparison group) of no greater than 30 are reasonable.

# Standard Methodology

## ALTERNATE RISK RATIO

A comparison of risks: likelihood of outcome for one group vs. outcome for all others in the **State**

Because sometimes the comparison group won't meet the minimum cell or n-size.

# Standard Methodology Flexibilities

## States have the flexibility to:

- Consecutive Years: Use up to 3 years of data to identify an LEA with significant disproportionality
- Reasonable Progress: Not identify LEAs if they are demonstrating reasonable progress in lowering the applicable risk ratios in each of the two prior consecutive years
- Because risk ratios can be volatile and because change can take time.

# Standard Methodology

“CONSECUTIVE YEARS” FLEXIBILITY  
or USE “MULTIPLE YEARS OF DATA”

Example:

In school year 2019-2020, a State has set a risk ratio threshold for identification of 3.0 and requires an LEA to exceed the threshold for three consecutive years:

	2015-16	2016-17	2017-18
LEA 1	2.7	3.3	2.6
LEA 2	3.1	3.3	3.3

Only LEA 2 will be determined to have significant disproportionality in identification, despite the risk ratio of 3.3 for LEA 1 in 2016-17.



# Standard Methodology

## “REASONABLE PROGRESS” FLEXIBILITY

- Optional
- If LEA above risk ratio threshold but lowering risk ratio for the two prior consecutive years, State need not find significant disproportionality.
- Specific details of how much risk ratio must be lowered is determined by State in consultation with stakeholders, including SAP.

Given the time it takes to make systematic change, why interrupt something that is working.

# Standard Methodology

## “REASONABLE PROGRESS” FLEXIBILITY

Example:

State has set a risk ratio threshold for identification.

State has defined “reasonable progress” to mean a year-to-year decline in risk ratio of 0.5.

	2018-19	2019-20	2020-21
LEA 1	4.9	4.3	3.6
LEA 2	4.9	3.6	4.3

In school year 2021-2022, the State need not find significant disproportionality for identification in LEA 1.

# Review and Revision of Policies, Practices, and Procedures

## **A State is required to:**

- Provide for the review of policies, practices, and procedures to ensure they comply with the IDEA

## **LEAs are required to:**

- Publicly report on revisions consistent with Family Education Rights and Privacy Act (FERPA)

# Comprehensive CEIS

## LEAs identified with significant disproportionality:

- Are allowed to use comprehensive CEIS to serve students, ages 3 through grade 12, with and without disabilities
- Are required to identify and address the factors that may contribute to the significant disproportionality

# Implementation

- OSEP will support implementation of the new requirements set forth by the Equity in IDEA final rule by:
  - Providing technical assistance and developing guidance to support States as they prepare to implement the new requirements, see <https://www.osepideasthatwork.org/federal-resources-stakeholders/disproportionality-and-equity>
  - Working with TA Centers such as the National Center for Systemic Improvement (NCSI) to support stakeholder engagement.



# Let's hear from you...

- What support/guidance will your SAP need to assist your State in developing its standard methodology for determining significant disproportionality?
- What are the opportunities and challenges you may face in engaging with your State on this final rule?
- Is the process for interacting with your State sufficient for providing advice and input on their standard methodology? Are changes necessary?



What can the SAP/SICC do to promote stakeholder engagement around the issue of disproportionality?

## STAKEHOLDERS ENGAGEMENT



# Engaging Around Disproportionality

- Many people know something about this issue.
- Some stakeholders help us to understand the technical aspects; others help us to understand the impact.
- To successfully address disproportionality we will need to bridge the development of the important technical decisions with the daily experience of practitioners, families, children and youth.
- We will need to reach and engage many stakeholders in ways that are meaningful to them.





# Serving on Groups

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**GUIDEBOOK FOR SERVING ON GROUPS**

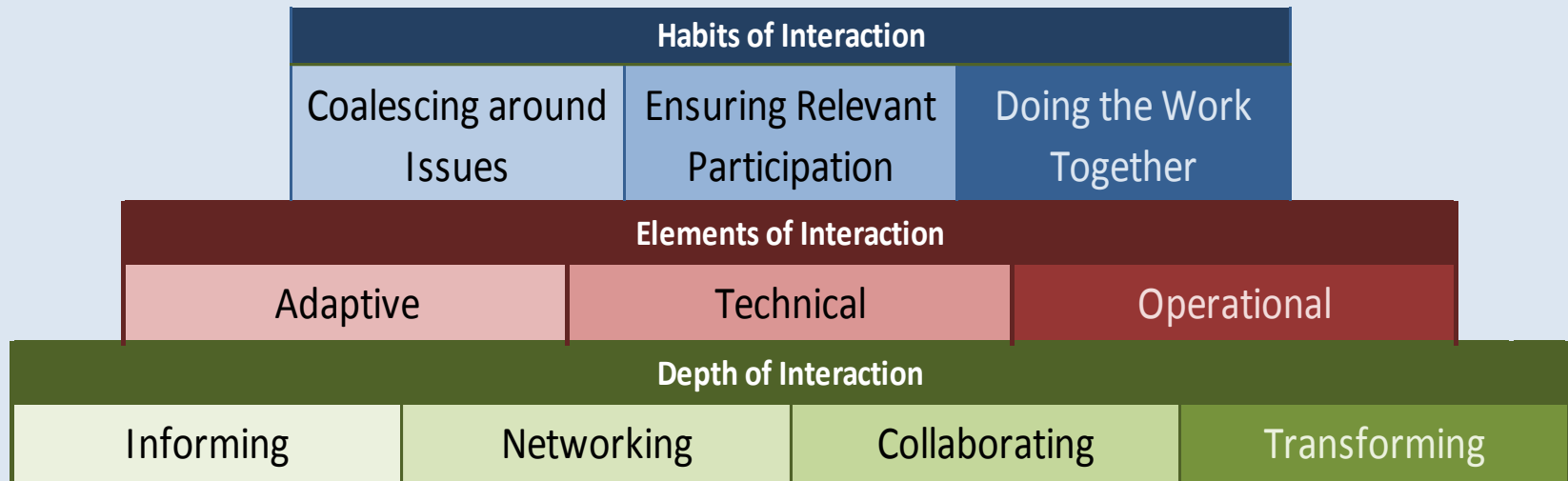


# Leading by Convening:



# A Blueprint for Authentic Engagement

## Leading by Convening





**Leading by Convening**  
*Coalescing Around Issues*



## Four Simple Questions

- Who cares about this issue and why?
- What work is already underway separately?
- What shared work could unite us?
- How can we deepen our connections?



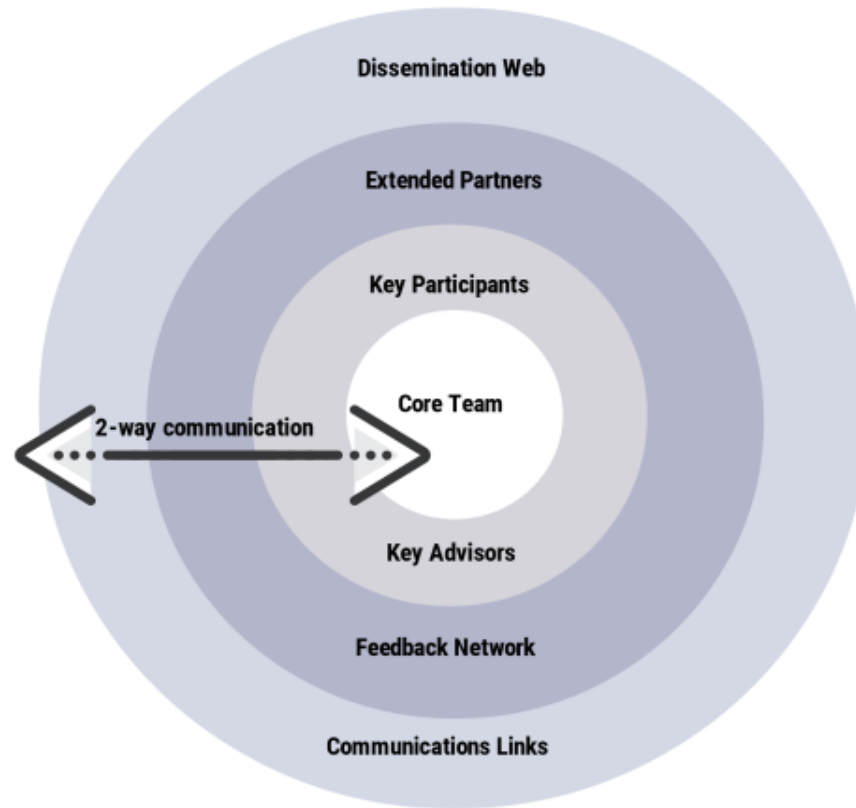


## Leading by Convening

*Ensuring Relevant Participation*



# Engaging Everybody





## Leading by Convening

*Bringing It All Together*



# Leading by Convening Means:

- Meet people 'where they are' on the issue.
- Convene the stakeholders to discover why this issue is important to them.
- Translate complex work into ways that individuals can contribute.
- Help people 'lead in place' regardless of role, position, or title.
- Create new knowledge together.
- Work together often enough so that the group, and the individuals in the group, build their identity as collaborators.



# What can the SAP/SICC do to promote stakeholder engagement around the issue of disproportionality?

- Act as a conduit to your own networks.
- Give advice and help your state agency to sense needs and adapt activities for a variety of stakeholders.
- Promote a cross-stakeholder approach to problem identification and problem solving.
- Help the state agency to look across service systems (including early childhood and adult service systems) to understand the many aspects of disproportionality.

# Webinar Follow-up

- If you registered for this webinar, you will receive a short evaluation survey. Please take a few minutes to give us your input.
- SAP and SICC are important links to practice change. Please use the information presented today to take an active role in decisions about significant disproportionality.
- Thank you for you participation.



# Closing

- Questions & Answers – time permitting
- Please send additional questions for us to address in future guidance at [significantdisproportionalityrule@ed.gov](mailto:significantdisproportionalityrule@ed.gov)

