Significant Disproportionality

Presented by:
New Jersey Department of Education’s Office of Fiscal and Data Services
Purpose for today

• Participants will:
  • Learn about relevant updates since the previous training session
  • Review the grant application and practical implications for the grant review process
Significant disproportionality in New Jersey
What is Significant Disproportionality

• Significant Disproportionality is the overrepresentation of specific racial/ethnic groups for:
  • Identification for special education
  • Classification for special education in certain eligibility categories
  • Discipline (suspension and expulsion)

• Significant disproportionality is a national issue.

• States are required to identify districts with significant disproportionality each year.
USDE Regulations

- In December 2016, USDE/OSEP published new rules for identifying and addressing significant disproportionality. Changes were made to:
  - Method for determining disproportionality
  - Use of CEIS funds
  - Flexibility in removing districts from identification
- These changes must be implemented by July 1, 2018.
- This will impact the 2018-2019 grant year.
Significant Disproportionality

• **Changes to the federal regulations require states to:**
  • Use a standard methodology (risk ratio or alternate risk ratio) and set a threshold that is reasonable
  • Set a reasonable minimum N size (the denominator, presumptively 30)
  • Set a reasonable minimum cell size (the numerator, presumptively 10) and
  • Determine how many years of data to use for the calculations to improve data volatility (up to three years) and
  • Determine whether to use reasonable progress and what measure to use for reasonable progress.
Analysis Categories

**Identification**
Ages 6-21*
- All Disabilities
- Intellectual Disability
- Specific Learning Disabilities
- Emotional Disturbance
- Speech or Language Impairments
- Other Health Impairments
- Autism

**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

*Ages 3-5 by July 1, 2020

NJDOE OFDS 2019
Significant Disproportionality

• When an LEA/district is identified with significant disproportionality, the LEA must:
• Conduct a review of policies, procedures and practices related to the area of significant disproportionality;
• Publicly report on any changes to policies procedures and practices;
• Reserve 15% of total IDEA allocation (preschool and school age) to provide Comprehensive Coordinated Early Intervening Services (CCEIS)
  • Identify the factors contributing to significant disproportionality
  • Use Comprehensive CEIS funds to address the factors
## Significant Disproportionality – Comprehensive CES

<table>
<thead>
<tr>
<th>Levels</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Grade Level/Ages Served</strong></td>
<td>Age 3 through grade 12</td>
</tr>
</tbody>
</table>
| **Groups Served**           | 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  
Children currently identified as needing special education or related services (funds can be used primarily, but not exclusively, for this group) |
| **Permitted Activities**    | Professional development and educational and behavioral evaluations, services, and supports  
The activities must address factors and policies, practices, or procedures contributing to significant disproportionality |
May Stakeholder Meeting

• Established minimum cell size and minimum N size for the calculations

• Stakeholder input was gathered for establishing risk ratio thresholds for:
  • Placement
  • Identification for Special Education & Eligibility Categories
  • Discipline
Minimum Cell Size = 10

• Cell size is the minimum number of children experiencing a particular outcome. It is used as the **numerator** when calculating risk.

**Example**

\[
\frac{\text{Number of children from racial/ethnic group in disability category}}{\text{Number of enrolled children from racial/ethnic group}} \div \frac{\text{Number of all other children in disability category}}{\text{Number of all other enrolled children}}
\]
Minimum N Size = 30

• N Size is the minimum number of children enrolled in an LEA with respect to identification, and the minimum number of children with disabilities enrolled in an LEA with respect to placement and discipline. It is used as the **denominator** when calculating risk.

Example

\[
\frac{\text{Number of children from racial/ethnic group in disability category}}{\text{Number of enrolled children from racial/ethnic group}} \div \frac{\text{Number of all other children in disability category}}{\text{Number of all other enrolled children}}
\]
<table>
<thead>
<tr>
<th>Table Decision</th>
<th>Rationale</th>
</tr>
</thead>
</table>
| 1.5            | • Want to raise awareness of the issue in all districts – including small districts  
                 • Lower threshold will require more districts to really address this issue  
                 • Suggest reducing ‘n’ and cell size to capture more districts |
| 2.0            | • Feel most comfortable using highest threshold |
| 1.75           | • Would capture a sufficient number of districts and not represent too big a change from previous formula and would be a good starting point for systemic change |
| 2.0            | • Want to be sure formula identifies the most significant problem areas  
                 • Cognizant of state capacity |
## Stakeholder Input – Identification/Categories

<table>
<thead>
<tr>
<th>Table Decision</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0</td>
<td>• Want to be sure formula identifies the most significant problem areas</td>
</tr>
<tr>
<td></td>
<td>• Cognizant of state capacity</td>
</tr>
<tr>
<td>1.75</td>
<td>• Very complex issue; interested in relationship between identification and special education services</td>
</tr>
<tr>
<td></td>
<td>• Some unexpected patterns</td>
</tr>
<tr>
<td></td>
<td>• Over-identification in one category may not fully explain the issue</td>
</tr>
</tbody>
</table>
## Stakeholder Input - Discipline

<table>
<thead>
<tr>
<th>Table Decision</th>
<th>Rationale</th>
</tr>
</thead>
</table>
| 2.0            | • Start small with areas that are most severe  
                 • Makes it more manageable for the state to support improvement at the district level |
| 1.75           | • Pushing the envelope a bit – ensuring conversations are happening on many levels  
                 • Support a tiered approach and “warning system” for districts at the 1.5 level. 1.75 is middle of the road and sends a message. |
| 2.0            | • Support data being shared with all districts – ‘early warning system’ |
## Risk Ratio Thresholds

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Risk Ratio Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Placement</td>
<td>2.0</td>
</tr>
<tr>
<td>Identification (overall)</td>
<td>2.0</td>
</tr>
<tr>
<td>Identification (eligibility categories)</td>
<td>2.0</td>
</tr>
<tr>
<td>Discipline</td>
<td>2.0</td>
</tr>
</tbody>
</table>
Reasonable progress

What is it?
Reasonable Progress

• States may decide with the input of stakeholder whether to use the flexibility “reasonable progress”.

• Reasonable progress means a state is not required to identify an LEA with significant disproportionality if the LEA has demonstrated state-defined reasonable progress in lowering the risk ratio (or alternate risk ratio) in the same group or category of analysis for each of the two previous consecutive years.
Reasonable Progress

• If using reasonable progress, states must set the measure for determining reasonable progress with the advice of stakeholders.

• States may set a different standard for reasonable progress for each of the different categories of analysis.

• States must have data from the three immediately prior consecutive years to conduct this analysis.
Reasonable Progress
(Progress = .5) State threshold is 3.0

<table>
<thead>
<tr>
<th>Districts</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Exemption</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>District A</td>
<td>4.5</td>
<td>5.5</td>
<td>3.5</td>
<td>No</td>
<td>Increase in Year 2</td>
</tr>
<tr>
<td>District B</td>
<td>6.0</td>
<td>4.0</td>
<td>4.0</td>
<td>No</td>
<td>No Progress in Year 3</td>
</tr>
<tr>
<td>District C</td>
<td>3.5</td>
<td>3.5</td>
<td>3.5</td>
<td>No</td>
<td>No Progress</td>
</tr>
<tr>
<td>District D</td>
<td>4.5</td>
<td>4.0</td>
<td>3.5</td>
<td>Yes</td>
<td>.5 progress each year</td>
</tr>
<tr>
<td>District E</td>
<td>3.5</td>
<td>3.5</td>
<td>1.5</td>
<td>Yes</td>
<td>Year 3 below threshold</td>
</tr>
<tr>
<td>District F</td>
<td>6.0</td>
<td>5.0</td>
<td>4.0</td>
<td>Yes</td>
<td>.5 progress per year</td>
</tr>
</tbody>
</table>
Supports for identified districts
What are the fiscal implications?

• Identified LEAs must utilize 15% of the IDEA grant allocations.
• Amount identified in the online application.
• Training currently being conducted for the grant reviewers on the allowable use of funds.
• Ongoing support and technical assistance will be provided throughout the application and final report process for LEAs.
Required CEIS in the current IDEA Grant Application

• Program to address disproportionality in special education based on overrepresentation due to racial/ethnic, placement and discipline factors using IDEA funds.

• Use of IDEA grant funds for students not classified in grades K-12.

• Use of funds ranges from professional development to specific behavior evaluations and services.
Required CEIS in the current IDEA Grant Application

• Required LEAs must set aside 15% of the total Basic and Preschool allocations (Currently 23).

• This is shown and budgeted in the Basic IDEA grant.

• The program has many edits to ensure that the funds are budgeted appropriately (amounts only).

• It is up to the reviewer to ensure that a specific group has been targeted and that the services are appropriate for the program.
Required in the FY18 Grant

• One Tab Coordinated Early Intervening Services
• Split functionality based on an uploaded file that indicates the identified LEAs for CEIS and the reason why
• This file adds an edit to the Tab that requires these LEAs to complete the information and create a program reserving the maximum amount (identified for the LEAs on the screen). The edits are also tied into the budget
• The reason(s) for the identification is included on the screen
• The program is then described in the text boxes under professional development or direct service
Current Screen for a Required LEA

### Coordinated Early Intervening Services

Under 34 CFR § 300.440(b) of the IDEA Part B, states have the obligation to identify local districts having "Significant Disproportionality" based on race or ethnicity with respect to the identification of children as children with disabilities, excluding identification as children with particular disabilities, the placement of children in particular education settings, and the incidence, duration and type of disciplinary actions, including suspensions and expulsions. States must make this determination on an annual basis. Your district has been identified for "Significant Disproportionality" and will be required to:

- **A contracted pattern of "significant disproportionality"** in specific student subgroups determined eligible for special education-related services. Black-Emotionally Disturbed and Black-Other Health Impairments. Black-Proposition in Integrated Settings.

Consequently, your district is required to reserve 15% of the district’s state IDEIA funds to provide and track coordinated early intervening services, see 34 CFR § 300.615(b)(2). The following information must be completed showing how the district plans to address the "Significant Disproportionality." In addition, the district must show in the budget details any Combined Early Intervening Expenditures.

The LEA is exercising its authority under section 933(c)(3)(B)(ii) to use IDEA funds in accordance with subsection 4(j) for the provision of Early Intervening Services.  

**(4)(i) Early Intervening Services** - To develop and implement coordinated, early intervening educational services in accordance with subsection 4(j). The minimum amount available for these services is **$321,245** which is the calculated value of the education $0.05 times any unequaled Early Intervention Funds from the previous year, if applicable.

**$321,245**  

(4)(ii) Enter the amount of allowable maximum that is being used for professional development as described below, in accordance with section 933(c)(3)(Cii) [524 of 1000 characters used].

**MPS will provide teacher professional development in System 44 and Read, our literacy interventions curriculum. Attending teachers teach a general education classrooms in grades 3-11. The professional development will consist of formal sessions and in-classroom coaching sessions. MPS has allocated funds (amount provided as part of Section 410, below) for six邵Special Assistance for Literacy, who provides coaching support, classroom visits and observations, in-house PD sessions, and data services for teachers implementing System 44.**

**$321,245**  

(3) Enter the amount of allowable maximum that is being used for the provision of instructional and behavioral interventions, services, and supports including specifically based instruction as described below. (Max of 1000 characters used)

**MPS has allocated $500,148 in salary and fringe for five Academic Interventionists, one Behavioral Specialist and one Special Assistant for Literacy. The Academic Interventionists and Behavioral Specialist are our school-based positions that provide evaluation and support services to at-risk students. In addition to the professional development outlined in Section 4(k), the Literacy Specialist Assistant is involved in assessment and assessment data to identify students in need of literacy supports. MPS also plans to spend $12,000 on instructional materials and additional coaching services to support the implementation of System 44. This is in addition to System 44 and Need-based classroom sets, consumable workbooks and teacher materials in grades 3-11. MPS will also use $34,000 for new program initiatives in 2017-18.**
LEAs who Elect in the Current IDEA Grant Application

• Program to address disproportionality in special education based on overrepresentation due to racial/ethnic, placement and discipline factors using IDEA funds.

• Use of IDEA grant funds for students not classified grades K-12.

• Use of funds ranges from professional development to specific behavior evaluations and services.
LEAs who Elect in the Current IDEA Grant Application

• LEAs who elect to conduct a CEIS program may set aside up to 15% of the total Basic and Preschool allocations (Currently 10).
• This is shown and budgeted in the Basic IDEA grant.
• The program has many edits to ensure that the funds are budgeted appropriately (amounts only).
• It is up to the reviewer to ensure that a specific group has been targeted and that the services are appropriate for the program.
LEAs who Elect in the Current IDEA Grant Application

• One Tab Coordinated Early Intervening Services

• This Tab permits LEAs not identified in the file upload to complete the information and create a program reserving up to maximum amount (identified for the LEAs on the screen). The edits are also tied into the budget.

• The top of the screen shows that they are not identified.

• The program is then described in the text boxes under professional development or direct service.
Current Screen for an LEA who Elects

The application has been submitted. No more updates will be saved for the application.

### Coordinated Early Intervening Services

Our district has not been identified for significant disparities but has the option to use up to 15% of the district’s total LEA funds for this purpose. Read the instructions for guidance. This tab is not a required tab for this district.

The LEA is exercising its authority under section 610(a)(4)(A) to use LEA funds, in accordance with subchapter II of Title I, for the provision of Early Intervening Services.

### NDEE

- **A:** Early Intervening Services - To develop and implement coordinated, early intervening educational services in accordance with subchapter II. The maximum amount available for these services is

**NOTE:**

- Enter the amount of allowable maximum that is being used for professional development as described below, in accordance with section 615(f)(2)(A). (1 of 1000 characters used)

### SEEDS

- **A:** Enter the amount of allowable maximum that is being used for the provision of educational and behavioral evaluations, services, and supports including scientifically based instruction as described below. (1 of 1000 characters used)
Appearance of CEIS in Budget Summary (Basic Only)
How does the use of CEIS funds impact other areas of the grant?

• The program must supplement other current programs not supplant.

• If an LEA Meets Requirements (LEA Determinations Tab) and experiences an increase in their federal award they may reduce their Maintenance of Effort by up to 50% of the federal award increase minus the amounts used for the provision of early intervening services, if applicable.

• The grant has many edits and show/hide capabilities to allow for the correct use of funds.
Use of Allowable Reduction in MOE

A form application has been submitted. No more updates will be saved for the application.

Lessons for MOE Reduction

1. Increase from 2017 to 2018:
   - Increase in enrollment of children with disabilities
   - Increase in enrollment of children with disabilities (Extended Instructional Services)
   - Increase in enrollment of children with disabilities (Extended Instructional Services, Special Education)

2. Funds expended on special education and related services (excludes the MOE Table) for students with disabilities in the 2018-2019 school year:
   - Increase in enrollment of children with disabilities
   - Increase in enrollment of children with disabilities (Extended Instructional Services)
   - Increase in enrollment of children with disabilities (Extended Instructional Services, Special Education)

3. Amount of IDEA funds that may be treated as local funds for the purposes of meeting the maintenance of effort and non-sustaining requirements for the FY 2019 school year (30% of line 1):
   - Increase in enrollment of children with disabilities
   - Increase in enrollment of children with disabilities (Extended Instructional Services)
   - Increase in enrollment of children with disabilities (Extended Instructional Services, Special Education)

4. Minimum amount of funds required to be budgeted for special education and related services in the 2017-2018 school year:
   - Increase in enrollment of children with disabilities
   - Increase in enrollment of children with disabilities (Extended Instructional Services)
   - Increase in enrollment of children with disabilities (Extended Instructional Services, Special Education)

5. Amount of funds budgeted for special education and related services from the MOE Table in the 2017-2018 school year:
   - Increase in enrollment of children with disabilities
   - Increase in enrollment of children with disabilities (Extended Instructional Services)
   - Increase in enrollment of children with disabilities (Extended Instructional Services, Special Education)

Art 5 does not equal or exceed line 4. Check all that apply:

- Decrease in enrollment of children with disabilities
- Increase in enrollment of children with disabilities (Extended Instructional Services)
- Increase in enrollment of children with disabilities (Extended Instructional Services, Special Education)
- Voluntary retirement or attrition, or departure for just cause, of special education personnel

Enter the amount used from the Federal Increase to reduce the local expenditures. This amount cannot exceed 50% of the increase in the district's IDEA allocation minus the amounts used for the provision of early intervening services alone, if applicable.

Maximum Amount:

Let the authorized IDEA activities that the funds are to be used for. (If $1000 maximum characters used)

These activities can only supplement IDEA funded activities.

<table>
<thead>
<tr>
<th>Title/Object</th>
<th>Expenditure Category</th>
<th>USE IDEA Special Ed. Expenditure (Ac.)</th>
<th>Use of Released Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>100-300</td>
<td>Personal Services - Science</td>
<td></td>
<td></td>
</tr>
<tr>
<td>100-320</td>
<td>Instructional Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>100-350</td>
<td>Other Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>100-400</td>
<td>Instructional Supplies</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Meeting 2.0: Actions by NJDOE

• The state must annually:
  • Provide for the review and, if appropriate, the revision of policies, practices and procedures within the LEA to ensure compliance with the requirements of IDEA; and
  • Require the LEA to publicly report on the revision of policies, practices and procedures within the LEA to ensure compliance with the requirements of IDEA.

• This review may be conducted by the LEA.

• It is not a monitoring and noncompliance if not identified.
Exceeding 2.0: Actions by NJDOE

• LEAs that meet or exceed a risk ratio of 2.5 will be identified for further activities.

• Activities may include:
  • Self-Assessment through review of recent files
  • On-site monitoring activities (file review and interviews)
  • Required actions for Correction of Noncompliance
  • On-going training to develop strategies for long-term improvement
Timeline

• New formula will be used for the FY19 grant year (spring of ‘18, ‘18-19 school year) to **identify** LEAs with significant disproportionality.

• Identified LEAs **may** reserve the funds (under the new rules) in the FY19 grant year (spring of ‘18, ‘18-19 school year).

• Identified LEAs will have one year to reserve the funds. **Must** reserve the funds beginning in the FY20 grant year (spring of ‘19, ‘19-20 school year).
Impact on the FY19 IDEA Grant Program

• Program to address disproportionality in special education based on overrepresentation due to racial/ethnic, placement and discipline factors using IDEA funds.

• Differences are between the identified and not identified LEAs.

• Not identified LEAs must follow the original rules on the use of IDEA grant funds for students not classified grades K-12 (reflected in the current screens).
Impact on the FY19 IDEA Grant Program

• Use ranges from professional development to specific behavior evaluations and services.

• Identified LEAs may set aside 15% of the total Basic and Preschool allocations according to the new rules (Possible increase to over 200).

• The program will still control what is completed and the maximum amounts shown and budgeted in the basic grant.

• The program has many edits to ensure that the funds are budgeted appropriately (amounts only).
Potential Changes to the FY19 IDEA Grant Program

- The program will need to be modified to have two entry screens one for identified and one for not identified (show/hide).

- The not identified LEAs who elect to conduct a CEIS program will use the old functionality screen based on CEIS rules that are currently in place.

- The identified LEAs who elect to run a CCEIS program will have a new screen available to them where the new rules apply.

  - Include information on revised policies and procedures
  - Determinations of participants (3-5 or 3-21 year olds)
  - Reporting on how many students with disabilities will be supported as well as how many general education students. Identified LEAs may not use their entire CCEIS funds for special education
  - A detailed description of the factors contributing to disproportionality and how the program will address determined factors
  - Two text boxes that describe the programs and services
  - The reviewer will be making evaluative decisions related to what is included in the descriptions
Resources

• [https://cifr.wested.org/resources/ceis/](https://cifr.wested.org/resources/ceis/)
  • Coordinated Early Intervening Services (CEIS) Resources: Step by Step
  • Crosswalk of Current Significant Disproportionality Regulations with Prior Significant Disproportionality Regulations
  • Quick Reference Guide on IDEA Coordinated Early Intervening Services
  • A Comparison of Mandatory Comprehensive Coordinated Early Intervening Services (CCEIS) and Voluntary Coordinated Early Intervening Services (CEIS)