Significant Disproportionality

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

• Participants will:
  • Develop an understanding of the federal requirements regarding coordinating early intervening services
  • Learn about the equity requirements in the IDEA
  • Learn about New Jersey’s work to date to address equity and significant disproportionality challenges
What is CEIS?
What are Comprehensive Coordinated Early Intervening Services? (CCEIS)

<table>
<thead>
<tr>
<th>Coordinated Early Intervening Services (CEIS)</th>
<th>Comprehensive Coordinated Early Intervening Services (CCEIS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voluntary</td>
<td>Mandatory</td>
</tr>
<tr>
<td>LEAs can choose to use a portion of their IDEA Part B funds for services to an identified group of at-risk students</td>
<td>LEAs identified as having significant disproportionality in identification, placement, and/or disciplinary removals must use IDEA Part B funds for CCEIS</td>
</tr>
<tr>
<td>Kindergarten through grade 12</td>
<td>Age 3 through grade 12</td>
</tr>
<tr>
<td>Up to 15% of IDEA Part B funds</td>
<td>Exactly 15% of Part B funds (611 and 619)</td>
</tr>
</tbody>
</table>
What are Comprehensive Coordinated Early Intervening Services? (CCEIS)

<table>
<thead>
<tr>
<th>Coordinated Early Intervening Services (CEIS)</th>
<th>Comprehensive Coordinated Early Intervening Services (CCEIS)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permitted Activities</strong></td>
<td></td>
</tr>
<tr>
<td>Professional development for teachers and</td>
<td>Professional development and educational and behavioral</td>
</tr>
<tr>
<td>other school staff to enable such personnel</td>
<td>evaluations, services, and supports.</td>
</tr>
<tr>
<td>to deliver scientifically based literacy</td>
<td></td>
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<tr>
<td>instruction, and where appropriate,</td>
<td></td>
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<tr>
<td>instruction on the use of adaptive and</td>
<td></td>
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<tr>
<td>instructional software.</td>
<td></td>
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<tr>
<td>Educational and behavioral evaluations,</td>
<td>The activities must address factors and policy, practice,</td>
</tr>
<tr>
<td>services, and supports including scientifically</td>
<td>or procedure contributing to significant disproportionality.</td>
</tr>
<tr>
<td>based literacy instruction.</td>
<td></td>
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</tbody>
</table>
What is disproportionality?
IDEA Equity Requirements

Three basic requirements:

• Disproportionate Representation
• Significant Discrepancy
• Significant Disproportionality
Equity Requirements in IDEA
# Equity Requirements in IDEA

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td></td>
<td>• Part B State Performance Plan/Annual</td>
<td>• Part B SPP/APR Indicator B4</td>
<td>• Determine whether significant</td>
</tr>
<tr>
<td></td>
<td>Performance Report (SPP/APR) Indicators 9 and 10</td>
<td>– Indicator B4A: Percent of districts that have a significant</td>
<td>disproportionality based on race/ethnicity is occurring with</td>
</tr>
<tr>
<td></td>
<td>– Indicator B9: Percent of districts with</td>
<td>discrepancy in the rate of suspensions and expulsions of</td>
<td>respect to:</td>
</tr>
<tr>
<td></td>
<td>disproportionate representation of</td>
<td>greater than 10 days in a school year for children with</td>
<td>– the identification of children as children with</td>
</tr>
<tr>
<td></td>
<td>racial and ethnic groups in special</td>
<td>individualized education programs (IEPs).</td>
<td>disabilities, including children with</td>
</tr>
<tr>
<td></td>
<td>education and related services that is the result of</td>
<td>– Indicator B4B: Percent of districts that have (a) a</td>
<td>disabilities in accordance with particular</td>
</tr>
<tr>
<td></td>
<td>inappropriate identification.</td>
<td>significant discrepancy, by race or ethnicity, in the rate</td>
<td>impairments;</td>
</tr>
<tr>
<td></td>
<td>– Indicator B10: Percent of districts with</td>
<td>of suspensions and expulsions of greater than 10 days in a</td>
<td>– the placement of children in particular</td>
</tr>
<tr>
<td></td>
<td>disproportionate representation of</td>
<td>school year for children with IEPs; and (b) policies,</td>
<td>educational settings; and</td>
</tr>
<tr>
<td></td>
<td>racial and ethnic groups in specific</td>
<td>procedures, or practices that contribute to the significant</td>
<td>– the incidence, duration, and type of</td>
</tr>
<tr>
<td></td>
<td>disability categories that is the result of</td>
<td>discrepancy and do not comply with requirements relating to</td>
<td>disciplinary actions, including suspensions and</td>
</tr>
<tr>
<td></td>
<td>inappropriate identification.</td>
<td>the development and Implementation of IEPs, the use of</td>
<td>expulsions.</td>
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<tr>
<td></td>
<td></td>
<td>positive behavioral interventions and supports, and procedural</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>safeguards.</td>
<td></td>
</tr>
</tbody>
</table>
Significant Disproportionality

- Regulations became final January 18, 2017
- Compliance date: July 1, 2018
  - State must have its decisions about thresholds, years of data, and other flexibilities
  - State must have changed any policies
  - During 18-19 school year states must make significant disproportionality designation for each LEA
    - They will reserve funds for CEIS in 18-19 or 19-20 school year, depending on when state notifies LEAs.
  - Including Children 3 – 5 under identification and disability categories
    - Compliance date is July 1, 2020
Significant Disproportionality

Determine whether significant disproportionality based on race/ethnicity is occurring with respect to:
20 U.S.C. 1418(d) and 34 CFR §300.646

- The identification of children as children with disabilities, including identification as children with particular impairments;
- The placement of children in particular educational settings;
- The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.
Significant Disproportionality

Identification:
Ages 6-21
(by July 1, 2020 states must include children 3 – 5 years old as well)

• All disabilities and
• Six disability categories:
  • Intellectual Disability
  • Specific Learning Disabilities
  • Emotional Disturbance
  • Speech or Language Impairments
  • Other Health Impairments
  • Autism
Significant Disproportionality

Placement: Ages 6-21

- Children who received special education and related services in the regular class for **less than 40 percent** of the day
- Children who received special education and related services in **separate schools and residential facilities**
Significant Disproportionality

**Disciplinary Actions: Ages 3 - 21**

- Number of out-of-school suspensions/expulsions of 10 days or less
- Number of out-of-school suspensions (including expulsions) of greater than 10 days
- Number of in-school suspensions of 10 days or less
- Number of in-school suspensions of greater than 10 days
- Total number of disciplinary removals
States Must:

<table>
<thead>
<tr>
<th>Consult</th>
<th>Set</th>
<th>Use</th>
<th>Calculate</th>
</tr>
</thead>
</table>
| Consult with their stakeholders including State Advisory Panels to develop  
  - Reasonable thresholds  
  - Reasonable n-sizes and cell sizes  
  - Standards for measuring reasonable progress (if the state chooses to use the flexibility) | Set risk ratio thresholds for each of 14 measures | Use the standard calculation methodology (risk ratio or alternate risk ratio in certain circumstances) | Calculate each requirement for all seven racial/ethnic groups |
States Must:

<table>
<thead>
<tr>
<th>Require</th>
<th>Provide</th>
<th>Require</th>
</tr>
</thead>
<tbody>
<tr>
<td>identified districts to reserve 15% of IDEA</td>
<td>for the annual review of policies, procedures and practices of any</td>
<td>districts to publicly report on the revision</td>
</tr>
<tr>
<td>611 &amp; 619 funds for comprehensive Coordinated Early Intervening Services (CEIS)</td>
<td>annual review of policies, procedures and practices of any district</td>
<td>of policies, procedures and practices</td>
</tr>
<tr>
<td>• To be provided to children with and without</td>
<td>that has significant disproportionality</td>
<td></td>
</tr>
<tr>
<td>disabilities, ages 3 through 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Distinguishes between voluntary and required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(comprehensive) CEIS</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
States consider these flexibilities:

<table>
<thead>
<tr>
<th>Select</th>
<th>Select</th>
<th>Select</th>
</tr>
</thead>
</table>
| Select a reasonable threshold for **each** of 14 measures (must be able to provide rationale for each) | Select reasonable minimum cell size for each of 14 measures  
- Presumptively reasonable at 10 or less, anything larger requires rationale | Select a reasonable minimum n-size for each of 14 measures  
- Presumptively reasonable at 30, anything larger requires rationale |
States consider these additional flexibilities:

**Consider multiple years of data**
- Use up to three years of data
- Must be consecutive years

**Set a standard for measuring reasonable progress**
- Choose not to identify a district if it has demonstrated reasonable progress each of the two prior consecutive years
- Must be a consistent measure
If the State Identifies Districts

The State must...

1. State must ensure districts reserve 15% of IDEA funds for Comprehensive CEIS to address factors contributing to the significant disproportionality.

2. Provide for the annual review of policies, procedures and practices of any district that has significant disproportionality.

3. Require districts to publicly report on the revision of policies, procedures and practices.
If a district is identified with significant disproportionality

**Districts must...**

- Reserve 15% of IDEA 611 and 619 (school age and preschool funds) for comprehensive CEIS
- Identify and address the factors that contribute to the significant disproportionality
- Publicly report on the revisions to policies, procedures and practices
- Track students who receive CEIS and funds expended
## Comprehensive CEIS

<table>
<thead>
<tr>
<th>Grade Level/Ages Served</th>
<th>Age 3 through grade 12</th>
</tr>
</thead>
</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 policy, practice, or procedure contributing to significant disproportionality. |
Is educational equity really an issue?

Nationally

- Black preschool children are 3.6 times as likely to receive more than one out of school suspension than white preschool children.
- Annually about 5% of white students are suspended or expelled and 16% of black students.
- Black students are 2.5 times more likely to be identified as a student with intellectual disability as any other student group.
Figure 3. Adjusted cohort graduation rate (ACGR) for public high school students, by race/ethnicity: School year 2013–14

Percent

<table>
<thead>
<tr>
<th>Race/ethnicity</th>
<th>Total</th>
<th>White</th>
<th>Black</th>
<th>Hispanic</th>
<th>Asian/Pacific Islander</th>
<th>American Indian/Alaska Native</th>
</tr>
</thead>
<tbody>
<tr>
<td>%</td>
<td>82</td>
<td>87</td>
<td>73</td>
<td>76</td>
<td>89</td>
<td>70</td>
</tr>
</tbody>
</table>

NOTE: The adjusted cohort graduation rate (ACGR) is the percentage of public high school freshmen who graduate with a regular diploma within 4 years of starting 9th grade. The Bureau of Indian Education and Puerto Rico were not included in United States 4-year ACGR estimates. Race categories exclude persons of Hispanic ethnicity.

2013-14 Students with Disabilities Graduation Rates in the U.S.

2015-2016 4 YEAR GRADUATION COHORT –New Jersey

GRAD RATE - SPECIAL EDUCATION  GRAD RATE - GENERAL EDUCATION

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The national ACGR for White students (87 percent) was 14 percentage points 4 higher than the national ACGR for Black students (73 percent) in 2013–14. White public high school students had higher ACGRs than Black public high school students in all states except Montana, where the ACGRs for White and Black students were 88 and 89 percent, respectively. Wisconsin, Minnesota, the District of Columbia, Ohio, New York, and Nevada reported the largest gaps between White and Black students. In each of these states and the District of Columbia, the ACGR for White students was over 20 percentage points higher than the ACGR for Black students.
States reported similar gaps in ACGRs between White and Hispanic public high school students. The national ACGR for White students (87 percent) was 11 percentage points higher than the national ACGR for Hispanic students (76 percent) in 2013–14. The ACGRs for White students were higher than the ACGRs for Hispanic students in every state except West Virginia. In West Virginia the ACGR for Hispanic students (89 percent) was 4 percentage points higher than the ACGR for White students (85 percent). New York, Minnesota, and Massachusetts reported the largest gaps between White and Hispanic students. In each of these three states, the ACGR for White students was more than 20 percentage points higher than the ACGR for Hispanic students.
2015-2016 Enrollment

- Pacific Islander: 0.137 (Special), 0.21 (General)
- Native American: 0.13 (Special), 0.12 (General)
- Multi Race: 1.35 (Special), 1.5 (General)
- Asian: 4.03 (Special), 9.67 (General)
- White: 50.52 (Special), 47.42 (General)
- Hispanic: 25.32 (Special), 25.47 (General)
- Black: 15.6 (Special), 18.51 (General)
2015-2016 Proficient or Above in Math by Race – New Jersey

<table>
<thead>
<tr>
<th>Race</th>
<th>Proficient - Special Education</th>
<th>Proficient - General Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>19.76</td>
<td>24.82</td>
</tr>
<tr>
<td>Hispanic</td>
<td>8.60</td>
<td>17.87</td>
</tr>
<tr>
<td>Pacific</td>
<td>54.14</td>
<td>31.65</td>
</tr>
<tr>
<td>Asian</td>
<td>72.48</td>
<td>19.23</td>
</tr>
<tr>
<td>Black</td>
<td>5.38</td>
<td>16.72</td>
</tr>
<tr>
<td>Multi Race</td>
<td>35.50</td>
<td>39.54</td>
</tr>
<tr>
<td>Native American</td>
<td>14.35</td>
<td>14.43</td>
</tr>
<tr>
<td>Total</td>
<td>47.88</td>
<td>39.54</td>
</tr>
</tbody>
</table>

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2015-2016 Proficient or Above in LAL By Race

<table>
<thead>
<tr>
<th>Race</th>
<th>Proficient - Special Education</th>
<th>Proficient - General Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>23.30</td>
<td>55.39</td>
</tr>
<tr>
<td>Hispanic</td>
<td>10.24</td>
<td>31.10</td>
</tr>
<tr>
<td>Pacific Islander</td>
<td>22.36</td>
<td>61.14</td>
</tr>
<tr>
<td>Black</td>
<td>29.45</td>
<td>27.16</td>
</tr>
<tr>
<td>Asian</td>
<td>8.03</td>
<td>73.16</td>
</tr>
<tr>
<td>Multi Race</td>
<td>24.38</td>
<td>51.50</td>
</tr>
<tr>
<td>Native American</td>
<td>15.79</td>
<td>40.45</td>
</tr>
<tr>
<td>Total</td>
<td>17.27</td>
<td>46.68</td>
</tr>
</tbody>
</table>
At least one In-School Suspension (2012 OCR Data)
Multiple out of school suspensions 2012 OCR Data
At least one out of school suspension 2012
OCR Data

Race/ethnicity and Disability Status

Race: Students of Color, American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander, Black or African American, Hispanic, White, Two or More Races

Disability Status: All (Non-disabled + IDEA), Non-Disabled, IDEA

Downloaded from http://ocrdata.ed.gov/Home on 5/8/2017
Preschool students receiving suspensions, by race and ethnicity

<table>
<thead>
<tr>
<th>Race</th>
<th>Enrollment</th>
<th>Out-of-school suspension (single)</th>
<th>Out-of-school suspension (multiple)</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>43%</td>
<td>28%</td>
<td>26%</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>4%</td>
<td>25%</td>
<td>4%</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>0.1%</td>
<td>0.1%</td>
<td>0.1%</td>
</tr>
<tr>
<td>Asian</td>
<td>0%</td>
<td>0.1%</td>
<td>0.1%</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>0.1%</td>
<td>1%</td>
<td>1%</td>
</tr>
</tbody>
</table>

Do Black Students Misbehave More?
Of 32 infractions, only 8 significant differences

White students referred more for:
- Smoking
- Vandalism
- Leaving w/o permission
- Obscene Language

Black students referred more for:
- Disrespect
- Excessive Noise
- Threat
- Loitering
What are the results of inequities in education?

Poor long-term outcomes for entire groups of students
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?
Risk Ratio

- What percentage of children from a specific racial/ethnic group in the LEA receive special education and related services?

<table>
<thead>
<tr>
<th>Risk</th>
<th>Black children with disabilities</th>
<th>74</th>
<th>0.1180</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All Black children</td>
<td>627</td>
<td></td>
</tr>
</tbody>
</table>

- 11.8% of Black children in the LEA receive special education and related services.
Risk Ratio

• What percentage of all other children in the LEA receive special education and related services?

\[
\text{Risk} = \frac{\text{All non-Black CWD}}{\text{All non-Black children}} = \frac{129}{2260} = 0.0571
\]

• 5.71% of all other children in the LEA receive special education and related services.
Risk Ratio

• What is the risk for Black children in the LEA receiving special education and related services as compared to the risk for all other children?

\[
\text{Risk Ratio} = \frac{\text{Risk for Black children}}{\text{Risk for all other children}} = \frac{0.1180}{0.0571} = 2.067
\]

• Black children in the LEA are 2.07 times as likely as all other children to receive special education and related services.
What is the risk ratio in specific disability categories?

- What is the risk for white children in the LEA being identified with autism as compared to the risk for all other children?

White children in autism category in LEA + all other children in autism category
Children enrolled in LEA who are white + all other children enrolled in LEA

- White children are _____ times as likely as all other children to be identified as a child with autism.
What is the risk ratio in placement categories?

- What is the risk of Black children being placed in general ed <40% of the day as compared to the risk of all other students with disabilities?

Black CWD in placement (<40% in gen ed) ➔ All other CWD in placement (<40% in gen ed)
Black CWD ➔ All other CWD

- Black children are ____ times as likely as all other children with disabilities to be in general ed <40% of the day.
What is the risk ratio in discipline categories?

What is the risk for Hispanic children with disabilities who receive ISS for 10 days or more compared to the risk for all other children with disabilities?

<table>
<thead>
<tr>
<th>Hispanic CWD with ISS (10 days or more)</th>
<th>All other CWD with ISS (10 days or more)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Hispanic CWD enrolled in LEA</td>
<td>All other CWD enrolled in the LEA</td>
</tr>
</tbody>
</table>

Hispanic children with disabilities are ____ times as likely as all other children with disabilities to experience ISS ten days or more.
Alternate Risk Ratio (ARR)

• What is a specific racial/ethnic group’s LEA-level risk compared to the state-level risk for all other children?
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:

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

Number of children from racial/ethnic group in disability category

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

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What does this mean for New Jersey?
National - Districts identified with Significant Disproportionality
New Jersey - Districts Identified with Significant Disproportionality
Disproportionality in New Jersey

• Original procedure for identification was developed with technical assistance from the United States Office for Civil Rights and stakeholder input in 2005.

• NJOSEP defined disproportionate representation from both a *functional* and *statistical* perspective.
Disproportionality in New Jersey

**Statistical Definition**

- The measure includes three descriptive statistics:
  - Unweighted risk ratio
  - Risk rate comparison
  - A measure of impact comparing expected vs. observed numbers of students identified as eligible for special education (systemic, pervasive)

- The measure also includes a statistical test of significance – chi square
Disproportionality in New Jersey

All NJ Districts apply formula

Identify Districts with Disproportionality

Identify Districts with Significant Disproportionality