

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)

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



What are Comprehensive Coordinated Early Intervening Services? (CCEIS)

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



What is disproportionality?



IDEA Equity Requirements



Three basic requirements:

- Disproportionate Representation
- Significant Discrepancy
- Significant Disproportionality





Equity Requirements in IDEA



Equity Requirements in IDEA

	Disproportionate Representation 20 U.S.C. 1416(a)(3)(C)	Significant Discrepancy 20 U.S.C. 1416(a)(3)(A); 1412(a)(22)	Significant Disproportionality 20 U.S.C. 1418(d) and 34 CFR §§300.646-647
<i>IDEA requirement</i>	<ul style="list-style-type: none"> • Part B State Performance Plan/Annual Performance Report (SPP/APR) Indicators 9 and 10 <ul style="list-style-type: none"> – Indicator B9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. – Indicator B10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. 	<ul style="list-style-type: none"> • Part B SPP/APR Indicator B4 <ul style="list-style-type: none"> – Indicator B4A: Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with individualized education programs (IEPs). – Indicator B4B: Percent of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. 	<ul style="list-style-type: none"> • Determine whether significant disproportionality based on race/ethnicity is occurring with respect to <ul style="list-style-type: none"> – the identification of children as children with disabilities, including children with disabilities in accordance with particular impairments; – the placement of children in particular educational settings; and – the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

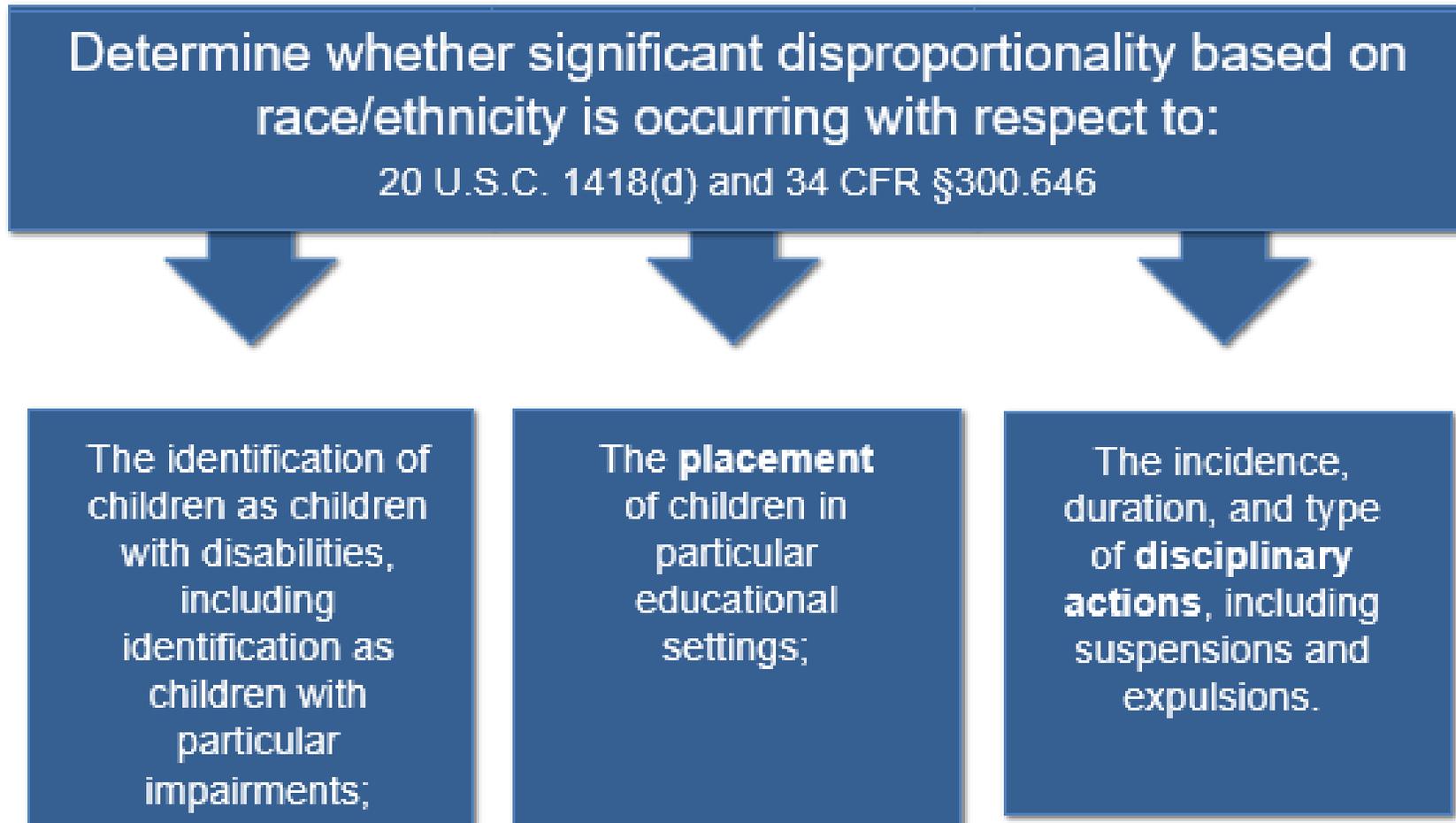


Significant Disproportionality

- 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



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:

Consult

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

Set risk ratio thresholds for each of 14 measures

Use

Use the standard calculation methodology (risk ratio or alternate risk ratio in certain circumstances)

Calculate

Calculate each requirement for all seven racial/ethnic groups



States Must:

Require

identified districts to reserve 15% of IDEA 611 & 619 funds for comprehensive Coordinated Early Intervening Services (CEIS)

- To be provided to children with and without disabilities, ages 3 through 21
- Distinguishes between voluntary and required (comprehensive) CEIS

Provide

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

Require

districts to publicly report on the revision of policies, procedures and practices



States consider these flexibilities:

Select

Select a reasonable threshold for each of 14 measures (must be able to provide rationale for each)

Select

Select reasonable minimum cell size for each of 14 measures

- Presumptively reasonable at 10 or less, anything larger requires rationale

Select

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...

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

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

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

Grade Level/Ages Served	Age 3 through grade 12
Groups Served	<p>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.</p> <p>Children currently identified as needing special education or related services (funds can be used primarily, but not exclusively, for this group).</p>
Permitted Activities	<p>Professional development and educational and behavioral evaluations, services, and supports.</p> <p>The activities must address factors and policy, practice, or procedure contributing to significant disproportionality.</p>



Is educational equity really an issue?

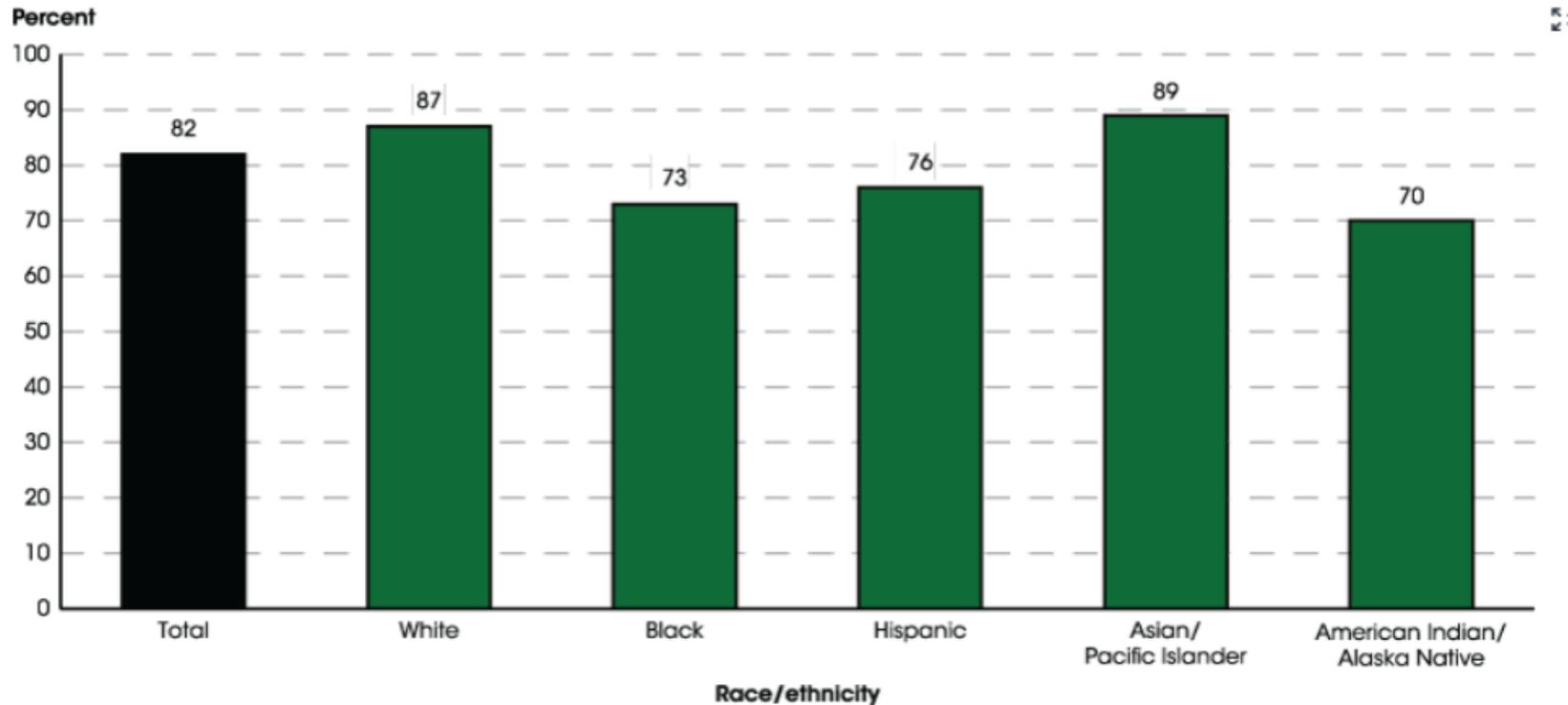
Nationally

- 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



National Graduation Rate – 2013-14

Figure 3. Adjusted cohort graduation rate (ACGR) for public high school students, by race/ethnicity: School year 2013–14

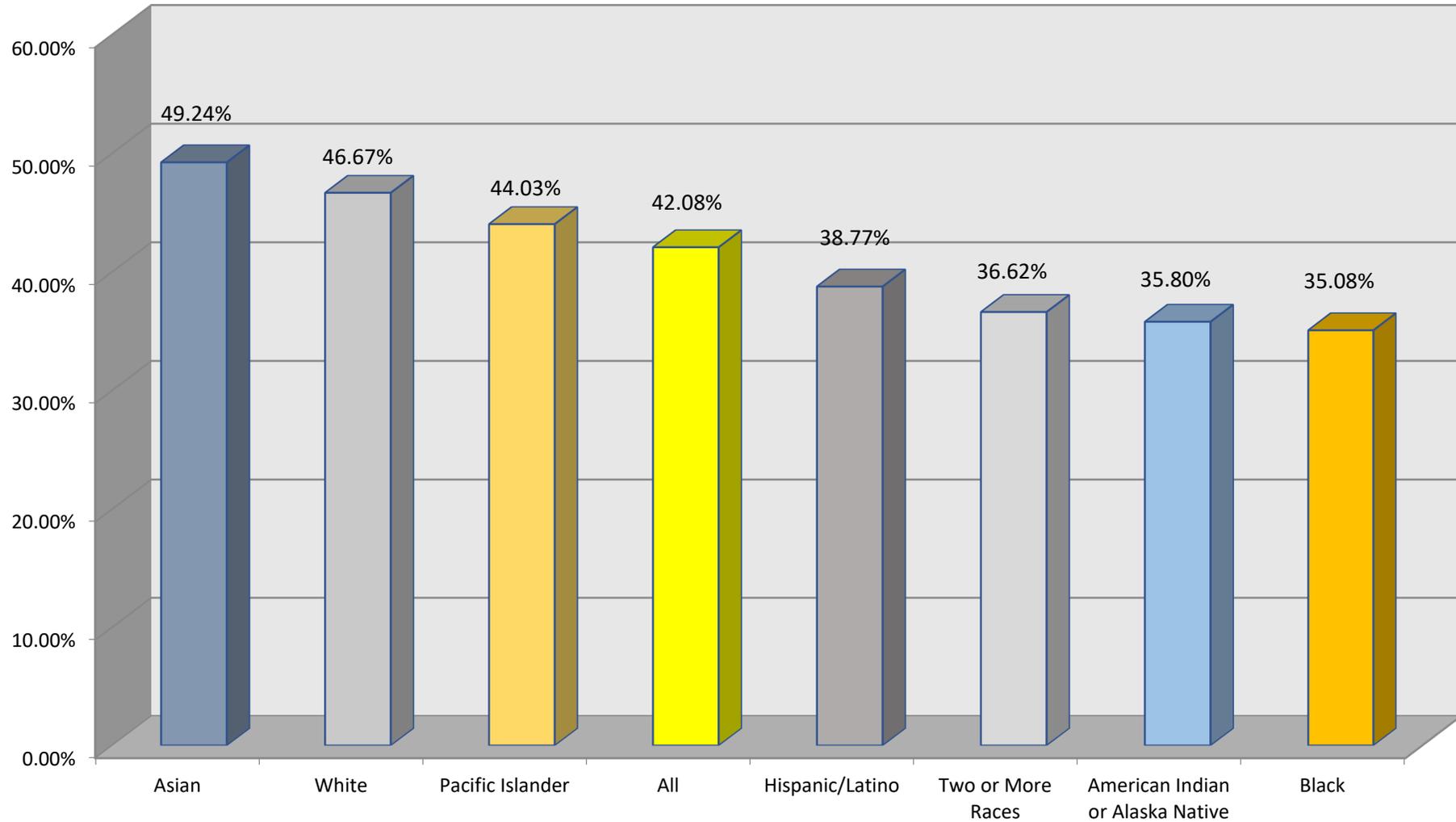


NOTE: The adjusted cohort graduation rate (ACGR) is the percentage of public high school freshmen who graduate with a regular diploma within 4 years of starting 9th grade. The Bureau of Indian Education and Puerto Rico were not included in United States 4-year ACGR estimates. Race categories exclude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

SOURCE: U.S. Department of Education, Office of Elementary and Secondary Education, Consolidated State Performance Report, 2013–14. See *Digest of Education Statistics 2015*, [table 219.46](#).



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



Data source: <http://www2.ed.gov/programs/osepidea/618-data/static-tables/index.html>



2015-2016 4 YEAR GRADUATION COHORT –New Jersey

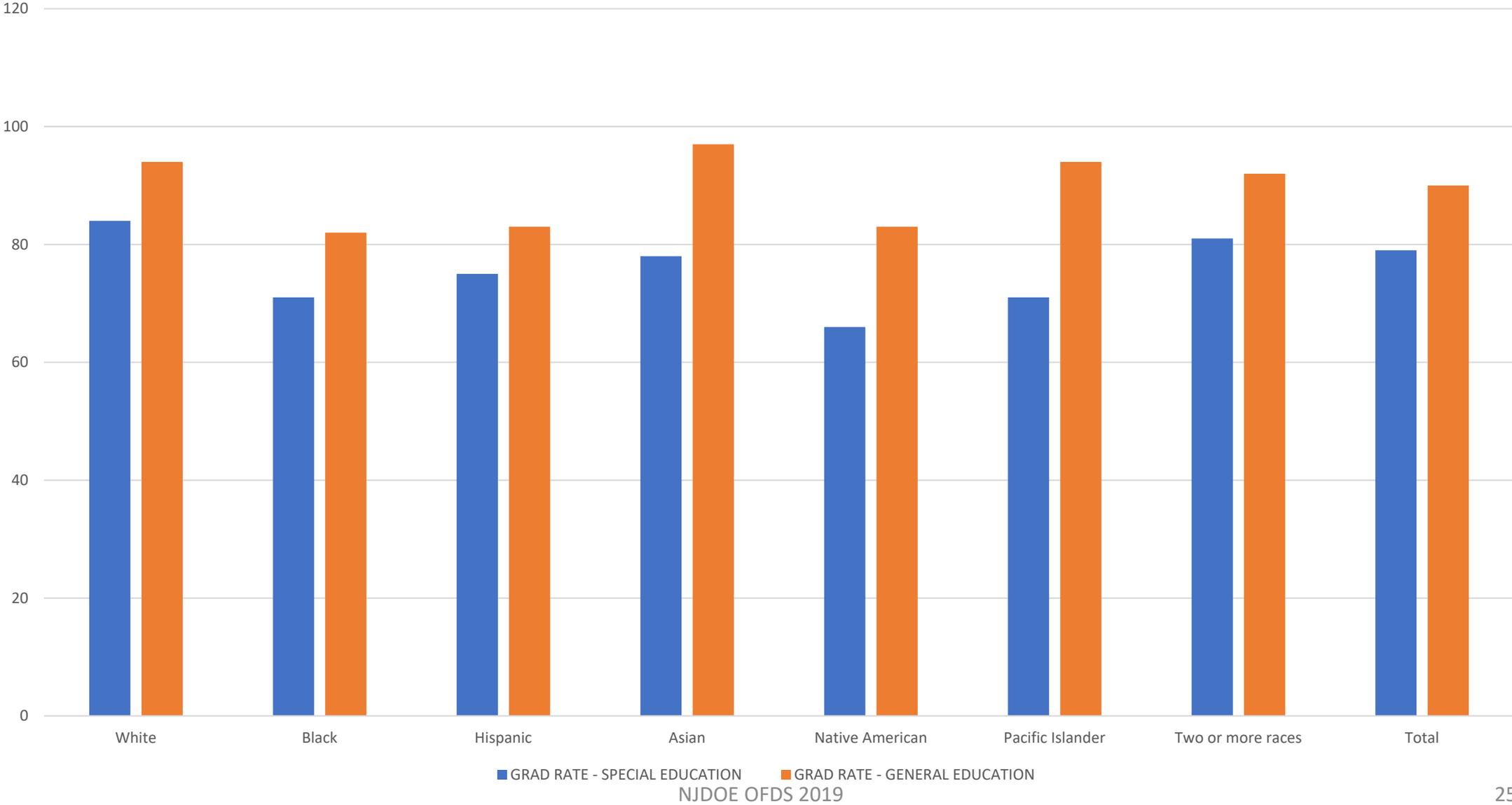


Figure 4. Adjusted cohort graduation rate (ACGR) of White and Black public high school students, by state: 2013–14

The national ACGR for White students (87 percent) was 14 percentage points 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.

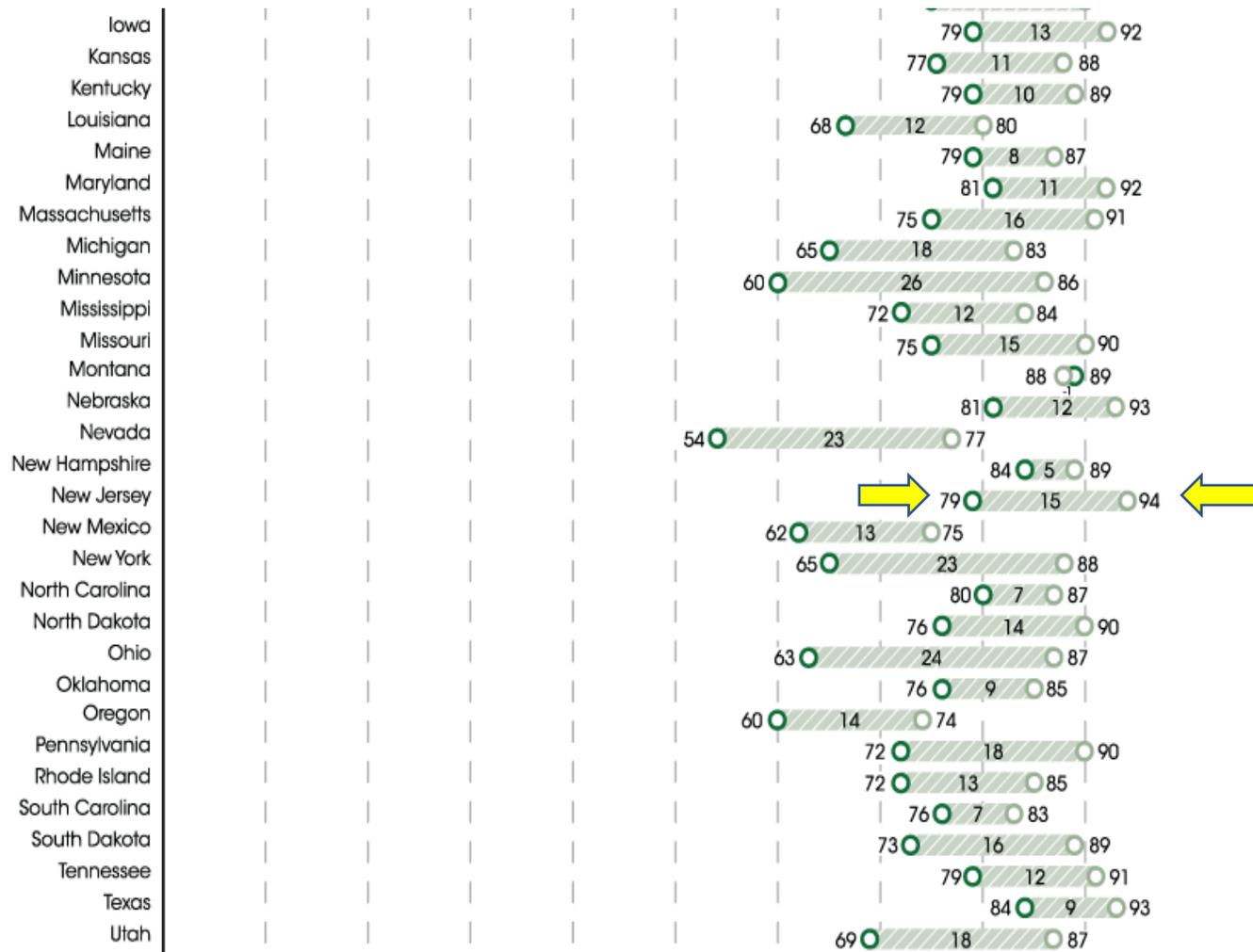
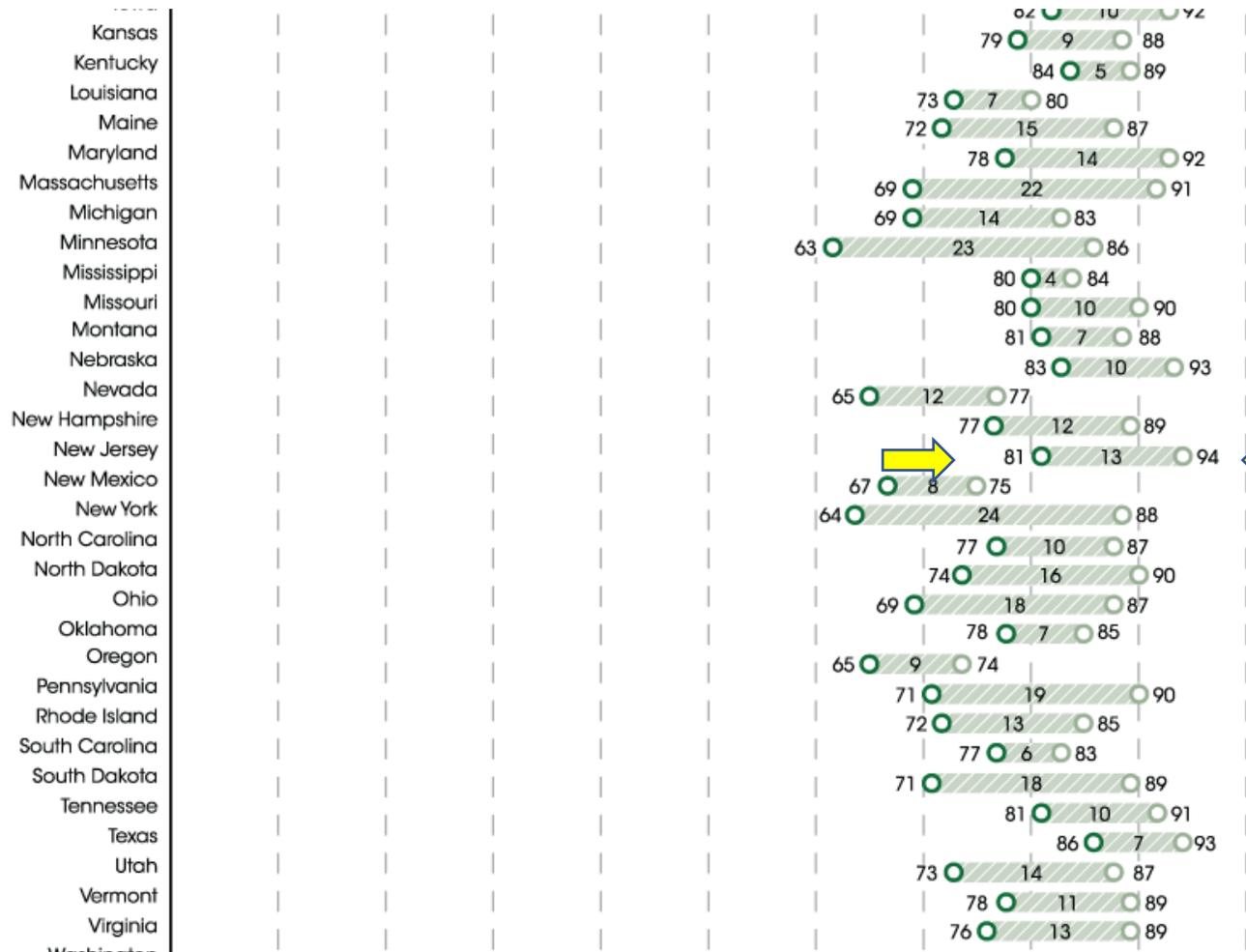
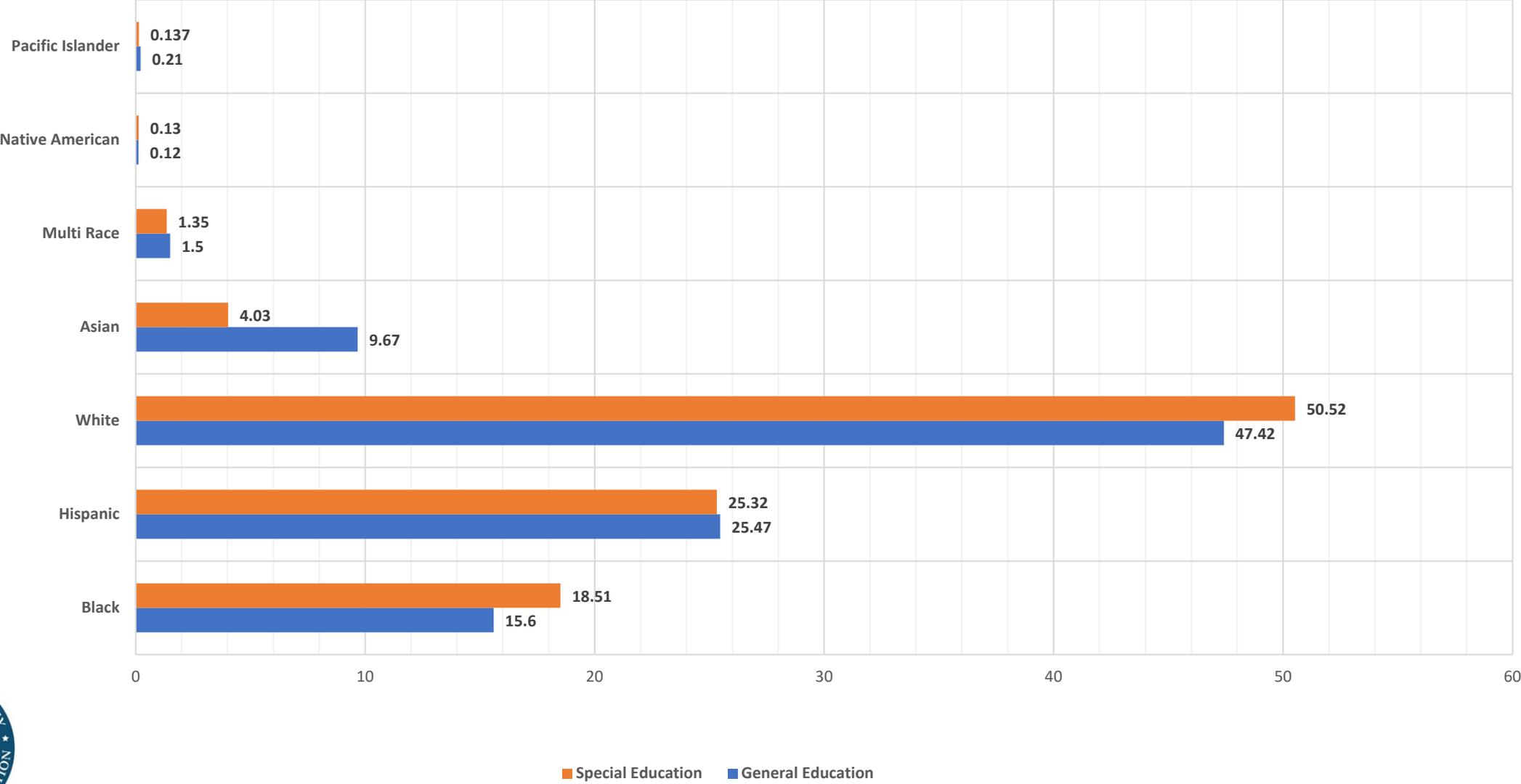


Figure 5. Adjusted cohort graduation rate (ACGR) of White and Hispanic public high school students, by state: 2013–14

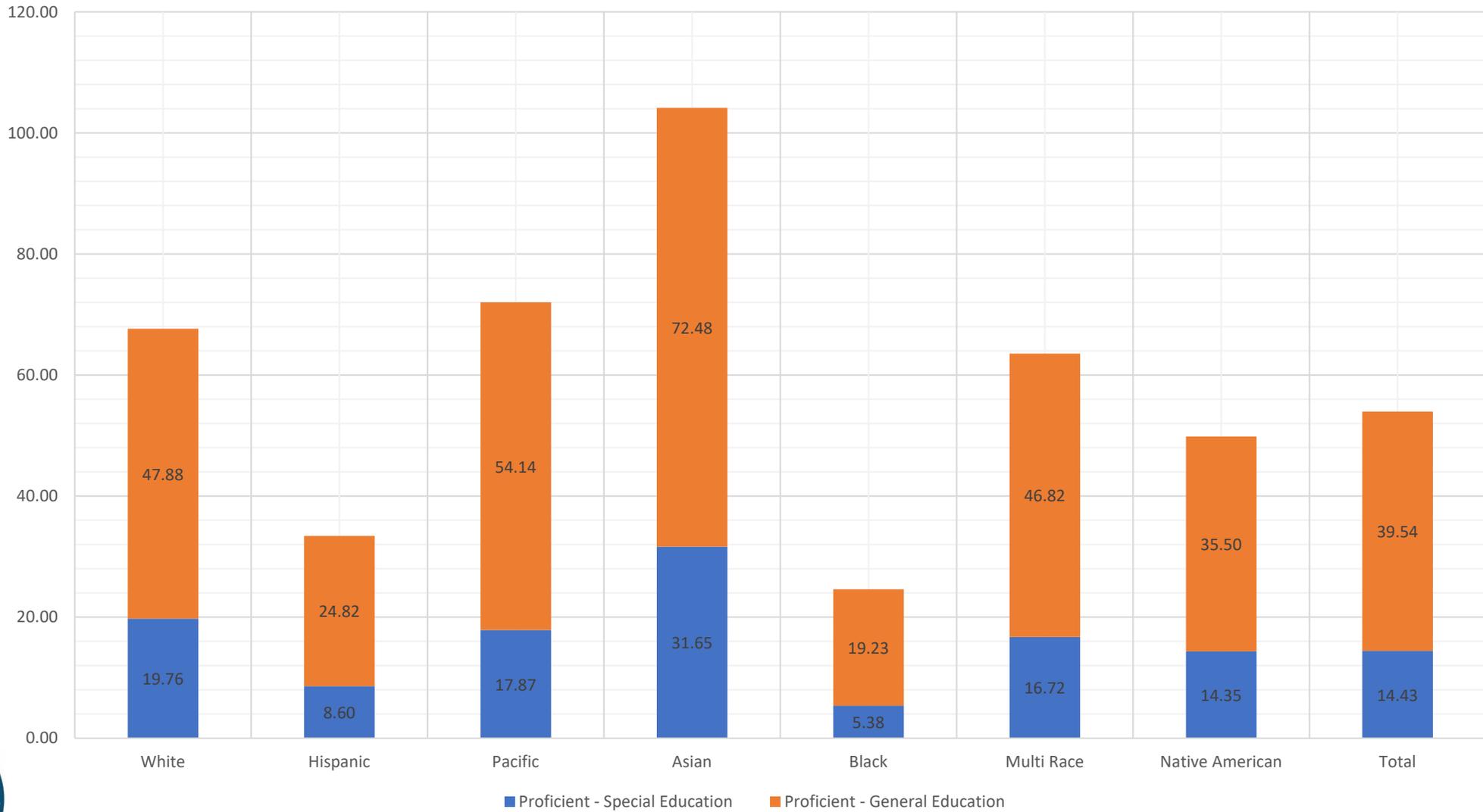
States reported similar gaps in ACGRs between White and Hispanic public high school students. The national ACGR for White students (87 percent) was 11 percentage points higher than the national ACGR for Hispanic students (76 percent) in 2013–14. The ACGRs for White students were higher than the ACGRs 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.



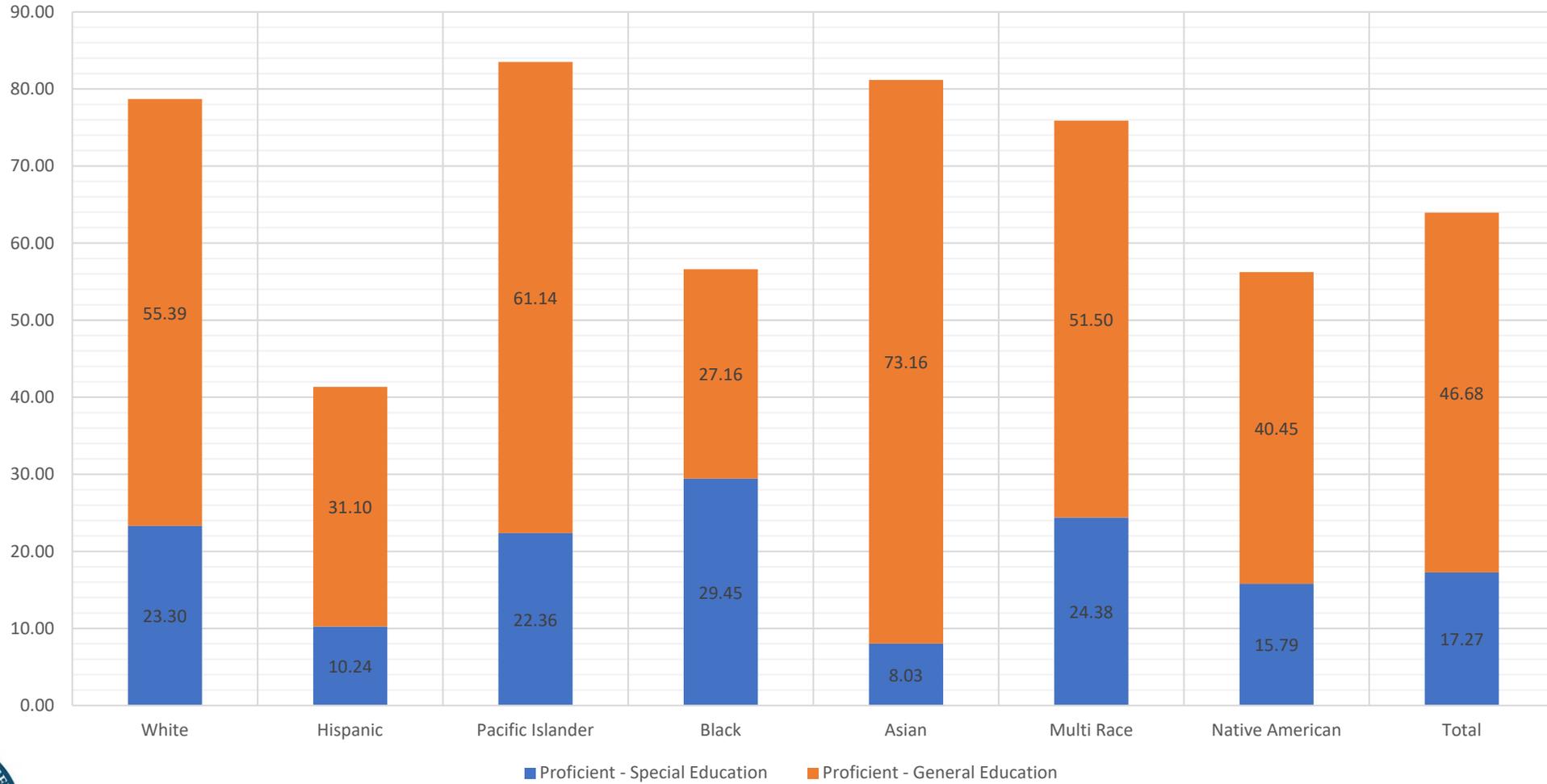
2015-2016 Enrollment



2015-2016 Proficient or Above in Math by Race – New Jersey

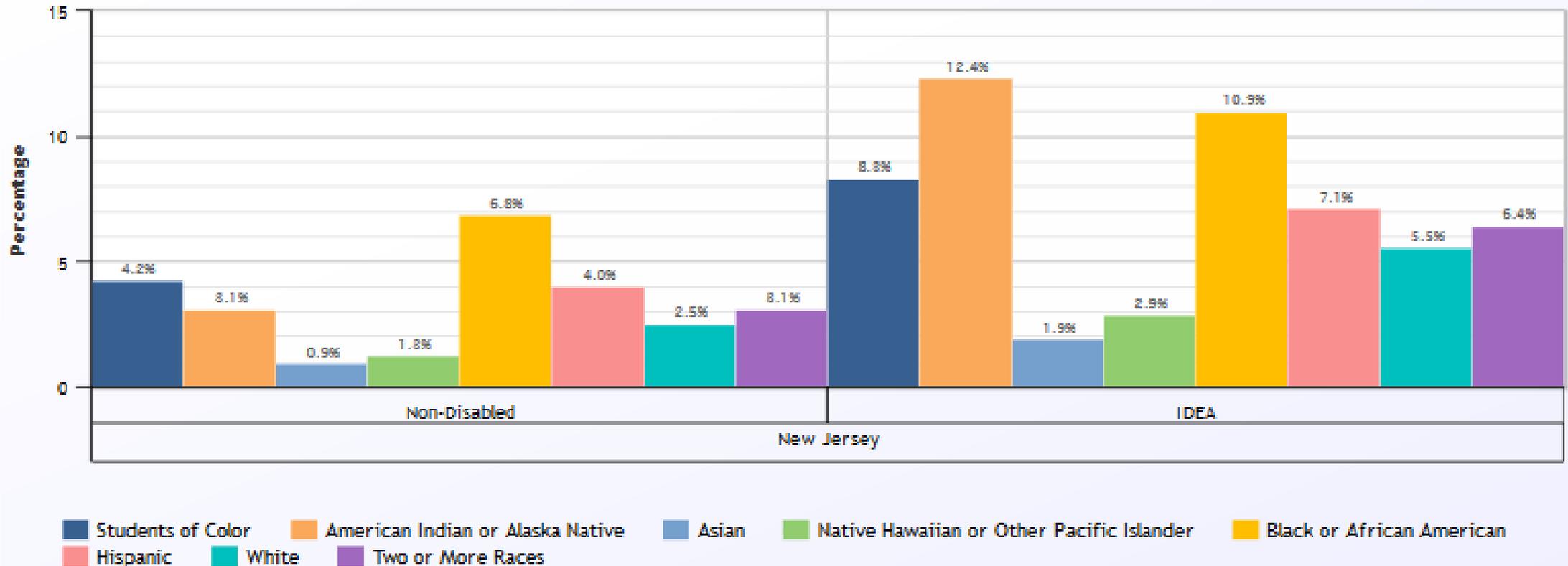


2015-2016 Proficient or Above in LAL By Race



At least one In-School Suspension (2012 OCR Data)

Race/Ethnicity and Disability Status

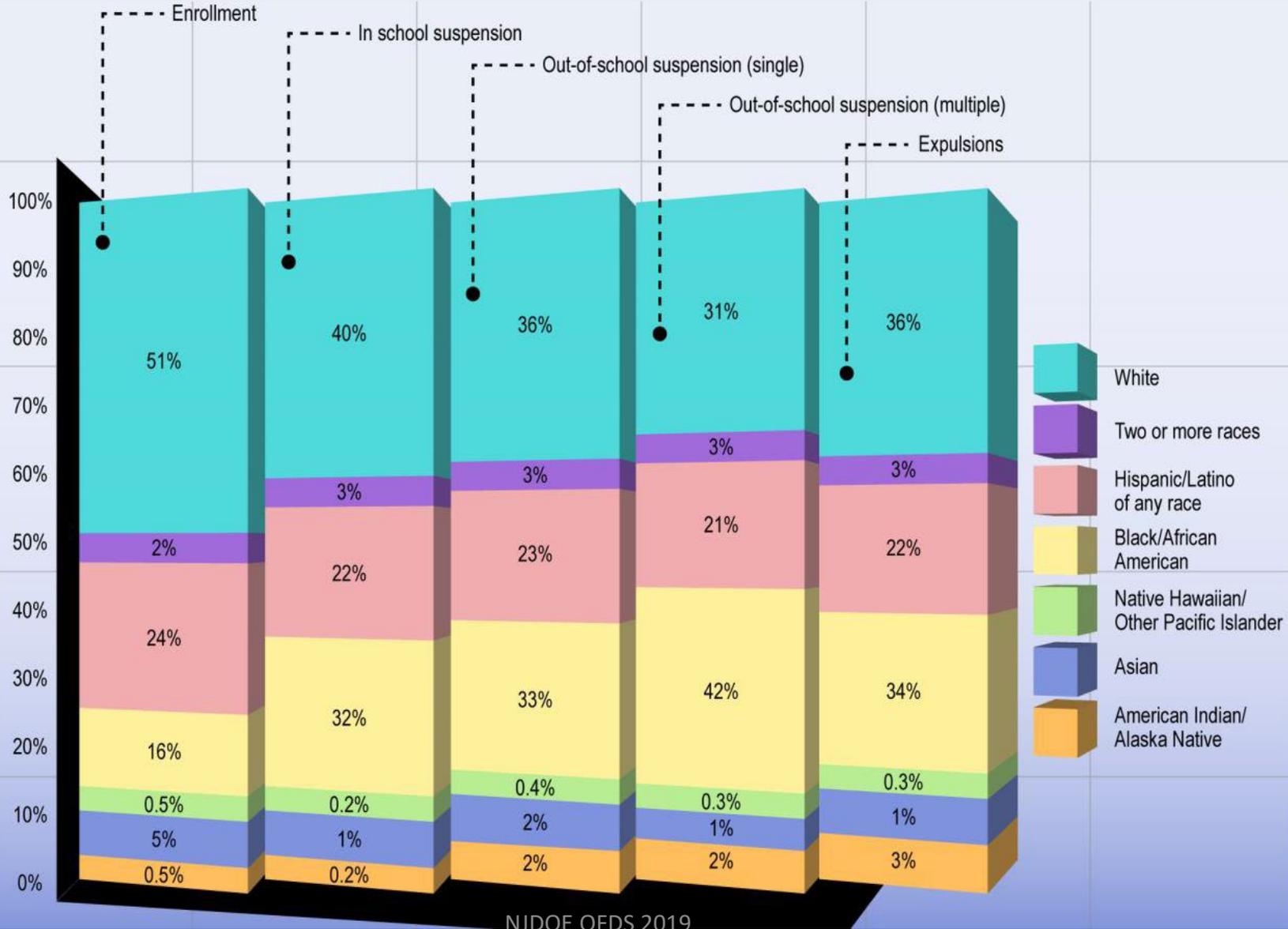


Race: All Students of Color American Indian or Alaska Native Asian Native Hawaiian or Other Pacific Islander
 Black or African American Hispanic White Two or More Races

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



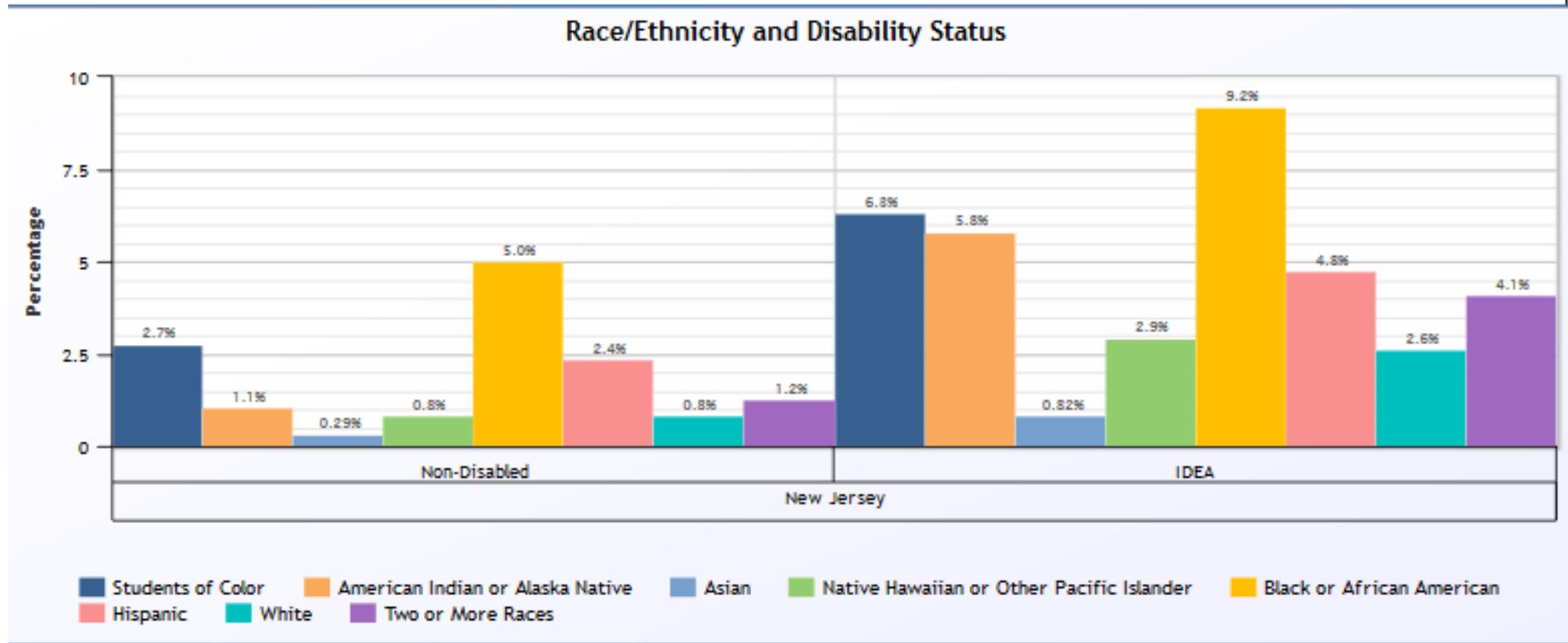
Students receiving suspensions and expulsions, by race and ethnicity



NIDOE OEDS 2019

SOURCE: U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2011-12.

Multiple out of school suspensions 2012 OCR Data

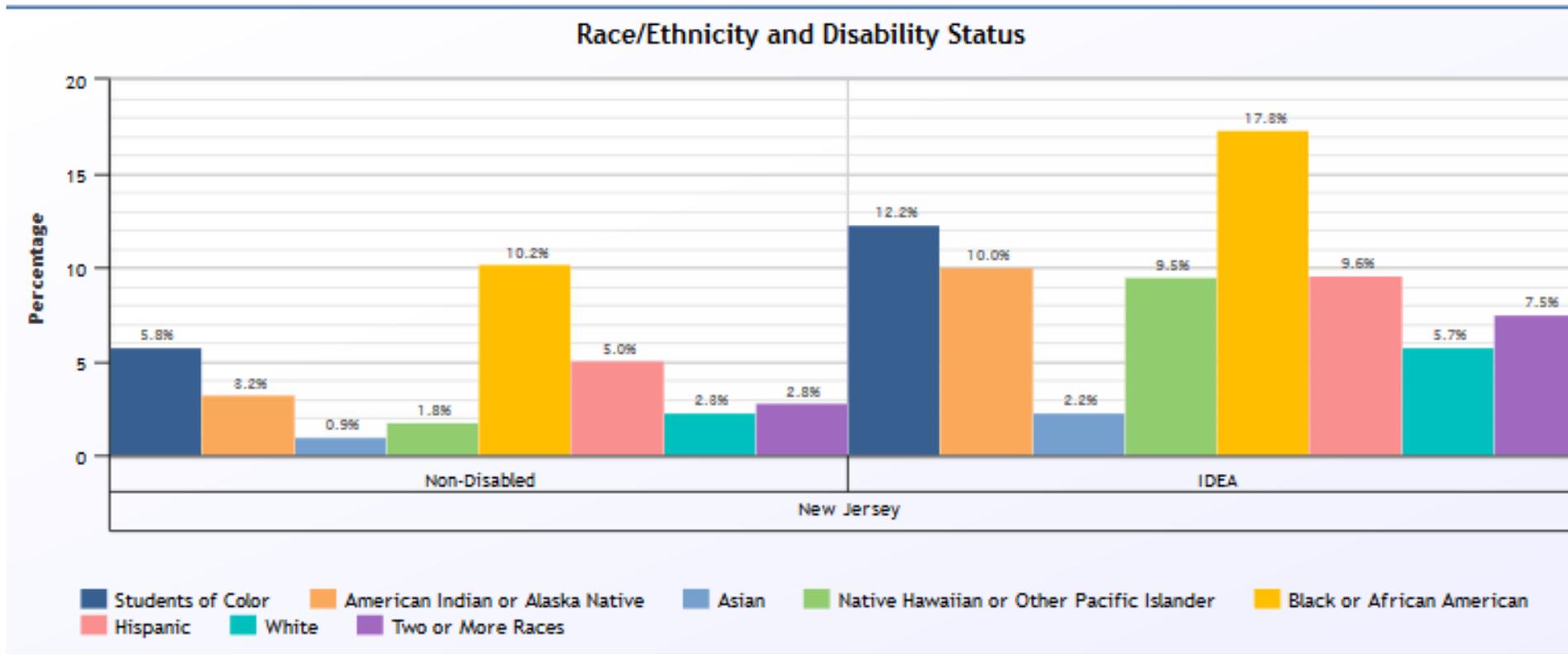


Race: All Students of Color American Indian or Alaska Native Asian Native Hawaiian or Other Pacific Islander
 Black or African American Hispanic White Two or More Races

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



At least one out of school suspension 2012 OCR Data



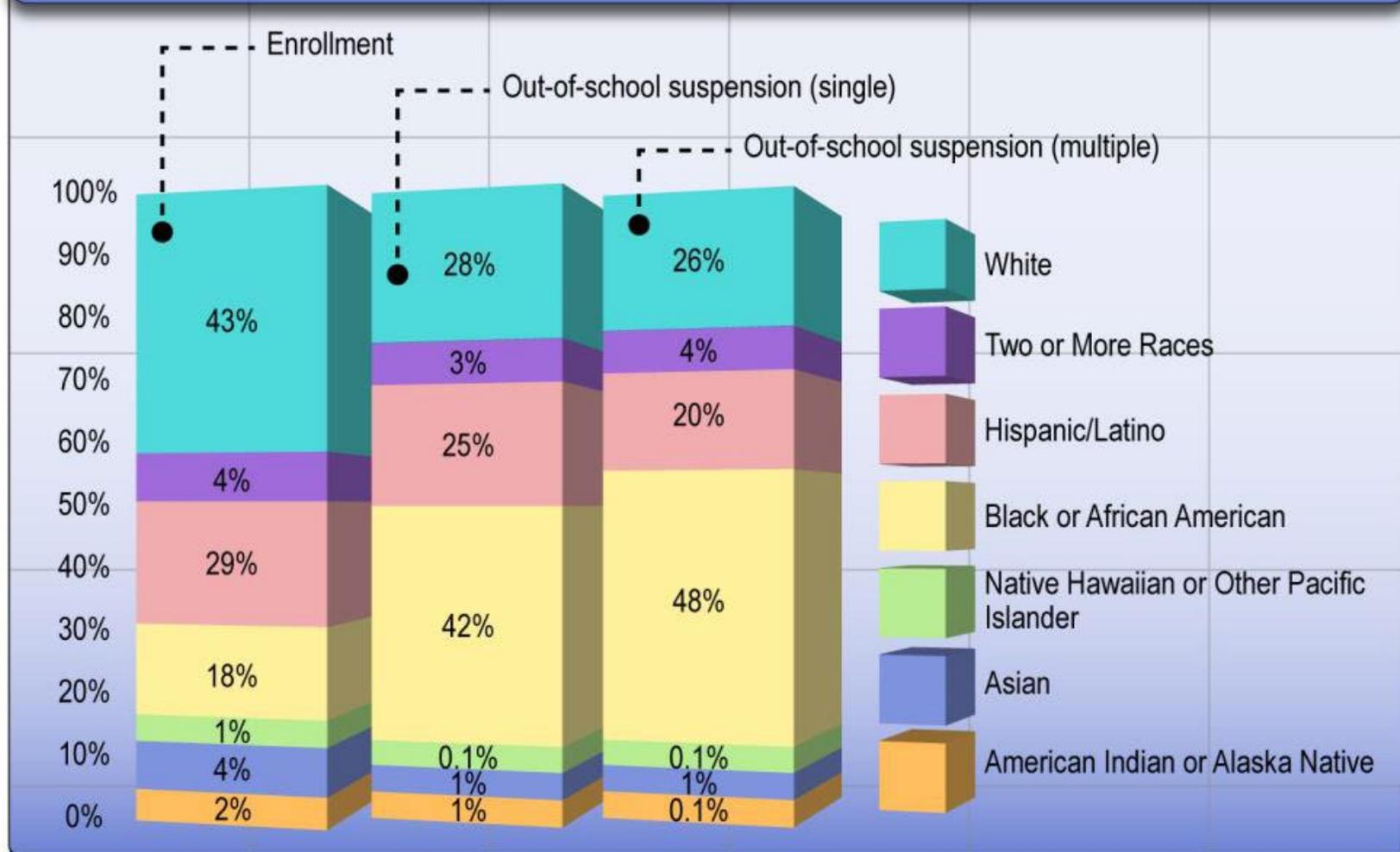
Race: All Students of Color American Indian or Alaska Native Asian Native Hawaiian or Other Pacific Islander
 Black or African American Hispanic White Two or More Races

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



SOURCE: U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2011-12.

NJDOE OFDS 2019

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



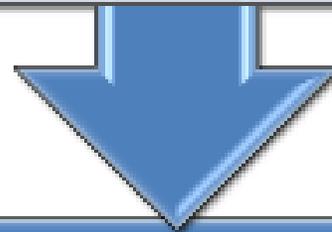
Risk Ratio

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?

$$\text{Risk} = \frac{\text{Black children with disabilities}}{\text{All Black children}} = \frac{74}{627} = 0.1180$$

- 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?

$$\text{Risk Ratio} = \frac{\text{Risk for Black children}}{\text{Risk for all other children}} = \frac{.1180}{.0571} = 2.067$$

- 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?

$$\frac{\text{White children in autism category in LEA}}{\text{Children enrolled in LEA who are white}} \div \frac{\text{all other children in autism category}}{\text{all other children enrolled in LEA}}$$

- 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?

$$\frac{\text{Black CWD in placement (<40\% in gen ed)}}{\text{Black CWD}} \div \frac{\text{All other CWD in placement (<40\% in gen ed)}}{\text{All other CWD}}$$

- 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?

$$\frac{\text{Hispanic CWD with ISS (10 days or more)}}{\text{All Hispanic CWD enrolled in LEA}}$$



$$\frac{\text{All other CWD with ISS (10 days or more)}}{\text{All other CWD enrolled in the LEA}}$$

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)

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?

$$\text{Alternate Risk Ratio} = \frac{\text{LEA-level risk for children in a specific racial or ethnic group}}{\text{State-level risk for all other children}}$$



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:

Number of children from racial/ethnic group in disability category

Number of enrolled children from racial/ethnic group

÷

Number of all other children in disability category

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

Number of enrolled children from racial/ethnic group

÷

Number of all other children in disability category

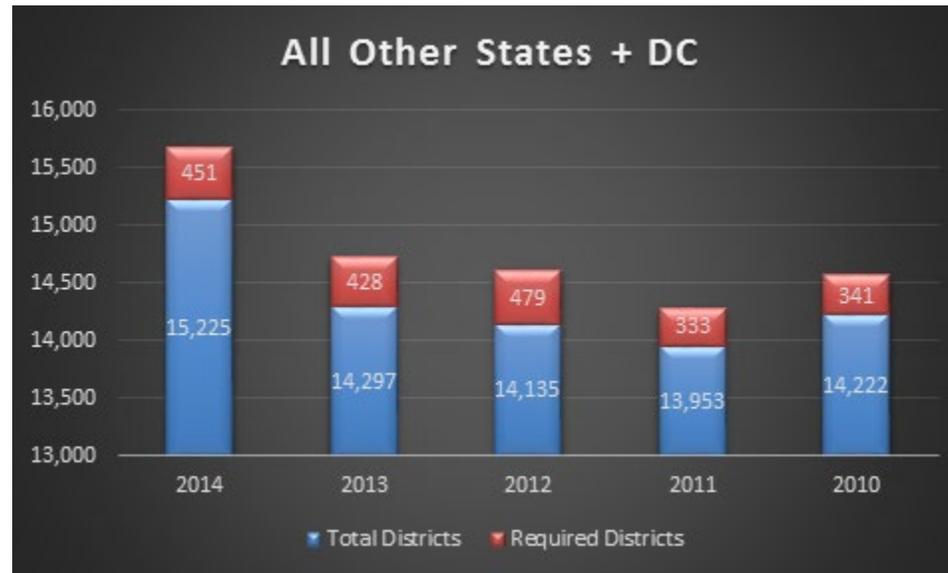
Number of all other enrolled children



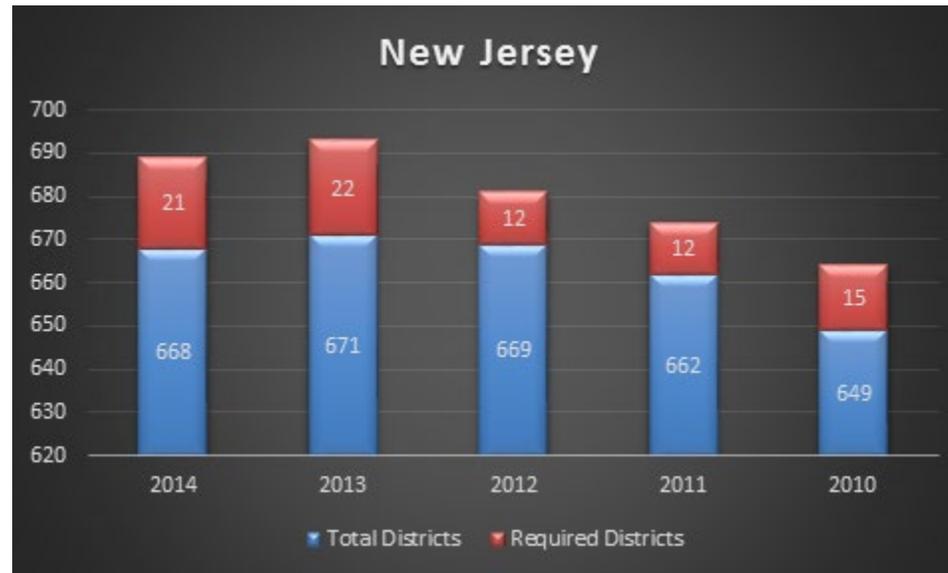
What does this mean for New Jersey?



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

