

# Office of Special Education

Information and Resources:



## Significant Disproportionality

### Content Overview:

- Definition of Significant Disproportionality
- Legal Requirements and Identification Methods
- Key Obligations for Identified Districts
- Collaboration and Partnerships
- Resources and Tools



# THE OFFICE OF SPECIAL EDUCATION MISSION

Providing educators, families, and community partners with the technical assistance, professional learning in evidence-based practices, and access to instructional materials and resources necessary for students with IEPs to achieve the goals established for all New Jersey students.

# THE OFFICE OF SPECIAL EDUCATION VISION

To empower all educators, families, and community partners with the knowledge, skills, and resources necessary to ensure that individuals with IEPs graduate into competitive, integrated employment, postsecondary education, and active community involvement.



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# PURPOSE OF THE GUIDE

The purpose of this guide is to support Local Education Agencies (LEAs) and community partners involved in special education in understanding and addressing significant disproportionality.

Objectives:

- Define what significant disproportionality is and why it's essential to address.
- Outline the methods and criteria used in New Jersey to identify significant disproportionality in LEAs.
- Discuss the requirements for addressing significant disproportionality as set by the United States Department of Education (USED) and New Jersey Department of Education (NJDOE).

## THE IMPORTANCE OF ADDRESSING DISPROPORTIONALITY

The NJDOE is committed to ensuring all students receive equitable educational opportunities and appropriate supports. Significant disproportionality refers to the overrepresentation of particular racial/ethnic groups in identification for special education, placement and discipline due to policies and procedures that influence the student identification process.

Significant disproportionality may result from procedures related to identification processes, instructional practices, disciplinary policies and systemic patterns within LEAs. Failure to address significant disproportionality can maintain inequities by preventing affected students from receiving supports and services to meet their individual needs.

Through root causes analysis, LEAs can take steps to provide all students with appropriate instruction, interventions, supports and learning environments, regardless of racial or ethnic background. Addressing disproportionality promotes positive academic and behavioral outcomes while also fostering inclusive school environments.

Pursuant to the Individual with Disabilities Education Act (IDEA), the NJDOE monitors districts for significant disproportionality annually. Addressing disproportionality upholds the commitment to ensure all students receive a free, appropriate public education through proper policies, procedures and practices.



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# UNDERSTANDING SIGNIFICANT DISPROPORTIONALITY

## What is Significant Disproportionality?

Significant disproportionality is a term used to describe a pattern where students of a particular race or ethnicity are significantly more likely than students in other racial/ethnic groups to be:

- Identified as a student with a disability;
- Identified with a particular disability category (e.g. Autism, Intellectual Disability);
- Placed in a particular educational setting (e.g. separate classroom), or;
- Experience suspension or expulsion as a disciplinary measure.

34 CFR § 300.646 requires States Education Agencies (SEAs) to collect and examine data to determine if significant disproportionality based on race or ethnicity is occurring in the Local Educational Agencies (LEAs) in the areas of identification, placement and discipline.

## Categories of Significant Disproportionality

14 Categories Total

### Identification

(ages 3-21)

- All Disabilities
- Intellectual Disability
- Specific Learning Disabilities
- Emotional Regulation Impairment
- Speech or Language Impairments
- Other Health impairments
- Autism

### Placement

(ages 5-21)

- Inside a regular class, less than 40% of the school day.
- Inside separate schools and residential facilities (not including homebound or hospital settings, correctional facilities, or private schools)

### Discipline

(ages 3-21)

- Out-of-school suspensions & expulsions of 10 days or less
- Out-of-school suspensions & expulsions of more than 10 days
- In-school suspensions of 10 days or less
- In-school suspensions of more than 10 days
- Total disciplinary removals

# Identification Methods and Criteria

Calculating significant disproportionality requires comparing different racial/ethnic groups within an LEA using the risk ratio methodology. This method assesses whether certain student groups are disproportionately affected in identification, placement, and discipline compared to other groups within the same district.

In New Jersey, LEAs are identified for significant disproportionality if they exhibit a risk ratio of 3.0 or more for three consecutive years. This means that students from particular groups are three times or more likely than their peers from other groups to experience their identified disproportionality.

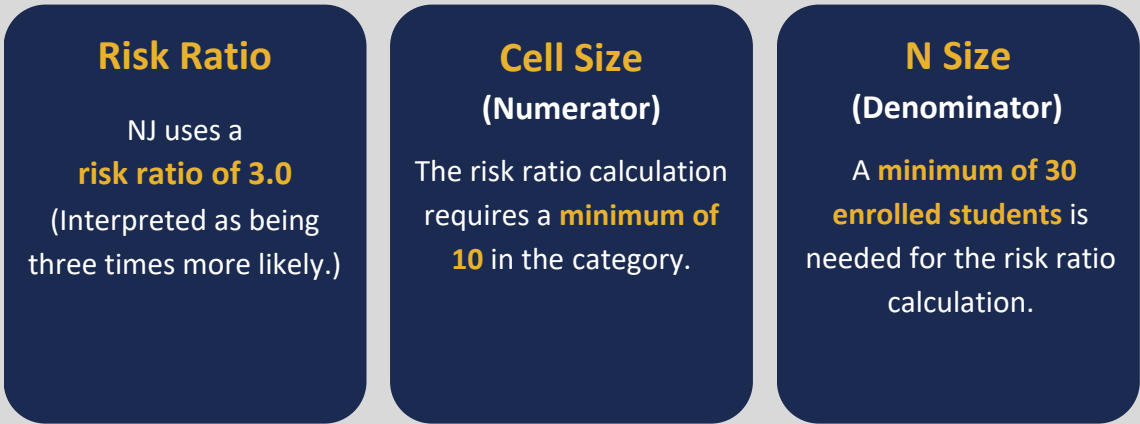
The calculation analyzes seven racial or ethnic groups across 14 categories related to identification for special education, placement in the Least Restrictive Environment (LRE), and discipline. LEA-level data submitted to the NJDOE during the October 15th NJSMART snapshot and Student Safety Data System (SSDS) submission are used for the calculation.

## The Seven Racial or Ethnic Groups Being Compared

1. Hispanic/Latino
2. American Indian or Alaska Native
3. Asian
4. Black or African American
5. Native Hawaiian or Other Pacific Islander
6. White
7. Two or more races

## Thresholds and Minimums

In New Jersey, significant disproportionality is determined based on specific thresholds and minimums. These criteria help identify patterns of disparities and guide interventions to address them effectively.



U.S. Department of Education. (2017, March 8). Significant disproportionality in special education: A review of legal issues and guidance. Retrieved from <https://sites.ed.gov/idea/files/significant-disproportionality-qa-03-08-17-2.pdf>

# Calculating Significant Disproportionality

NJDOE calculates significant disproportionality by using the risk ratio methodology. The risk ratio calculation is performed by dividing the risk of a particular outcome for children in one racial or ethnic group within an LEA by the risk for children in all other racial and ethnic groups within the LEA.

An example of the risk ratio methodology can be found on the next page.

34 C.F.R. §300.647(a)(6).

# Risk Ratio Example- Identification

For this example, let's use Hispanic students as the focus to demonstrate how New Jersey calculates a risk ratio to determine if an LEA shows significant disproportionality in identifying students with disabilities by race/ethnicity.

## Step 1: Determining the Need to Calculate Risk Ratio for an LEA



- ✓ **Does the LEA have enough students to use the risk ratio calculation?**
  - Yes, the LEA has a **minimum n size of 30** Hispanic students identified as students with disabilities.
  - The LEA also meets the **minimum cell size of 10** Hispanic students identified as students with disabilities in a specific category.

- ✓ **Does the LEA have three consecutive years of data?**

Yes, the LEA has three years of consecutive data to use to identify if there is a pattern of significant disproportionality.

## Step 2: Calculate the Risk Ratio



### Calculation #1- Identified Group



$$\frac{40}{100} \text{ Risk} = .4$$

There are **40 Hispanic students (cell size)** identified as students with disabilities out of a total of **100 Hispanic students (n size)** in the LEA.

The likelihood you are identified as a student with a disability if you are **Hispanic is 40/100 or .4.**

### Calculation #2 - Comparison Group



$$\frac{100}{1000} \text{ Risk} = .1$$

There are **100 non-Hispanic students** identified as students with disabilities out of a total of **1,000 non-Hispanic students** in the LEA.

The likelihood you are identified as a student with a disability if you are **non-Hispanic is 100/1,000 or .1.**

### Calculation #3 - Risk Ratio



$$\begin{array}{l} \text{Risk} = \\ \text{Risk} = \end{array} \frac{.4}{.1} = 4$$

In this example LEA, **Hispanic students are 4.0 times** more likely to be identified as a student with a disability, compared to all other races/ethnicities.

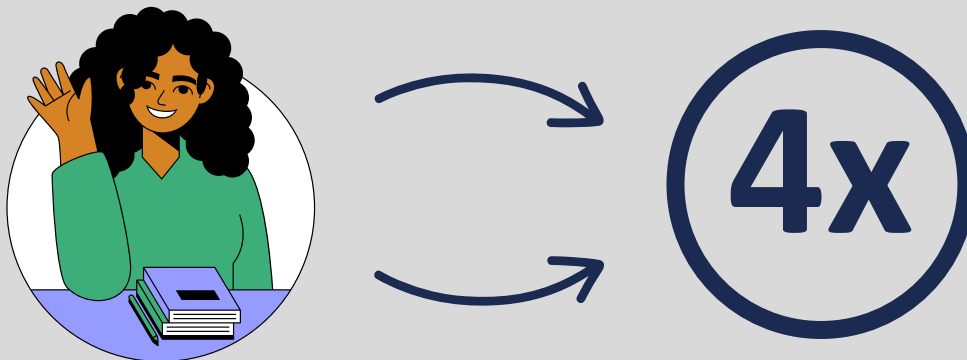
This LEA would have a risk ratio of 4.0

To perform this third calculation, divide the outcomes of the initial two calculations to determine the risk ratio.

### Step 3: Compare Results to New Jersey's Risk Ratio Threshold



The LEA is significantly disproportionate if the risk ratio calculation meets or exceeds the 3.0 threshold for three consecutive years.



$$4.0 \geq 3.0 = \text{Significantly Disproportionate}$$

In the example LEA, Hispanic students are **4.0 (four) times as likely** to be identified as students with a disability when compared to all other racial/ethnic groups. This exceeds the established risk ratio threshold of 3.0. If this happens three years in a row, the example LEA is significantly disproportionate in the identification of Hispanic students as students with disabilities.

## Exception

New Jersey will only calculate a risk ratio for an LEA that meets the minimum cell size (10) and n-size (30). This is necessary because risk ratios may produce unreliable or volatile numbers when applied to small populations, consequently leading to a misidentification of an LEA with significant disproportionality.

34 C.F.R. §300.647

## Alternate Risk Ratio

If the identified group meets the minimum cell size and n-size, however, there are not enough students in the comparison group of all other racial or ethnic groups in the LEA, NJDOE uses the alternate risk ratio. An alternate risk ratio is a calculation performed by dividing the risk of a particular outcome for children in one racial group within the LEA by the risk of that outcome for children in all other racial or ethnic groups in the state.

34 C.F.R. §300.647(b)(5).

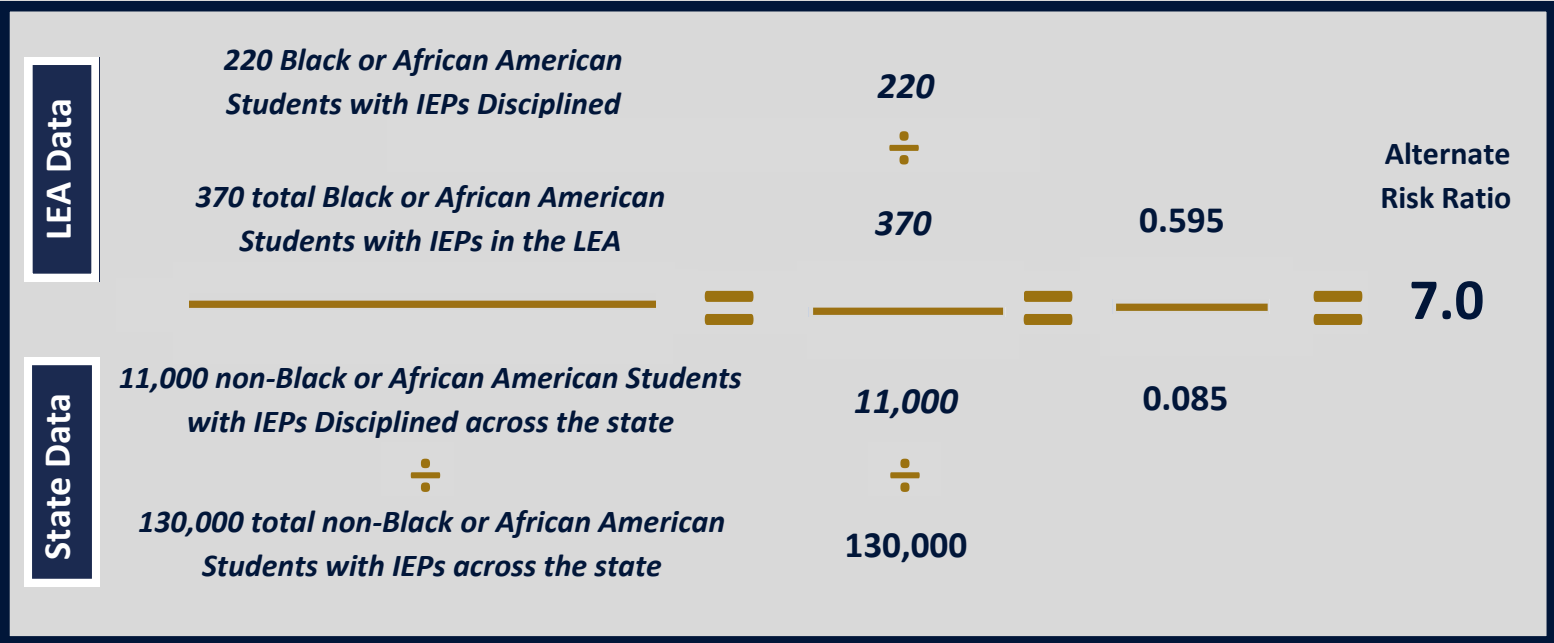


# Alternate Risk Ratio Example- Discipline

For this example, let’s focus on Black or African American students to demonstrate how New Jersey calculates the alternate risk ratio to determine if an LEA shows significant disproportionality for discipline: out-of-school suspensions and expulsions (greater than ten days).

The example below compares the risk for Black or African American students with IEPs to the risk for non-Black or African American students with IEPs

**Note:** The steps to calculate the risk ratio and alternate risk ratio are identical. The distinction lies in utilizing state data as the comparison group instead of LEA data with the alternate risk ratio. In this example, we will demonstrate the calculation using a visual that is different from the first example.



In the example above, Black or African American students with IEPs in the LEA are **7.0 (seven) times more likely to be removed from school** compared to students with IEPs in all other racial and ethnic groups across the state.



# WHAT TO DO AFTER YOU HAVE BEEN IDENTIFIED: OBLIGATIONS OF LOCAL EDUCATION AGENCIES (LEAs)



## Key Obligations for Identified LEAs

Once an LEA has been identified with significant disproportionality, there are key obligations that must be fulfilled, which include:

- Identify factors contributing to significant disproportionality;
- Conduct a review of policies, practices and procedures (PPP);
- Create a Comprehensive Coordinated Early Intervening Services (CCEIS) action plan and submit it to the NJDOE;
- Reserve 15% of IDEA funds for CCEIS; and
- Attend NJDOE training sessions on significant disproportionality.

The following sections of the guide will provide insights into these obligations and offer guidance on how to fulfill them effectively.

## Identifying Factors Contributing to Significant Disproportionality

The first step to identifying the factors contributing to the significant disproportionality within the LEA is understanding the data.

If an LEA is identified, they will receive an email notification containing a notification letter and a data card. This data card will include the cited category of analysis (e.g., identification, placement, disciplinary actions), the cited race/ethnicity and the associated three years of risk ratios. It's important to note that the data used to calculate significant disproportionality comes from the LEAs district-level data submitted to the NJDOE during the October 15th Student Management submission and Student Safety Data System (SSDS) submission .

This serves as the starting point for conducting a root cause analysis to identify the contributing factors. Before proceeding with a thorough analysis, it's crucial to properly understand the risk ratio values, maintain an unbiased perspective on the data, and consider how this information can inform educational policies and practices.

A sample notification letter from the State of New Jersey Department of Education. The letter is addressed to the Superintendent of a school district. It informs the LEA that it has exceeded the risk ratio threshold (3.0 or higher) for significant disproportionality for three consecutive years. The letter references the IDEA 2004 regulations and the NJDOE's data. It also mentions the requirement for the LEA to set aside 15% of their IDEA Basic and Preschool funds for Comprehensive Coordinated Early Intervening Services (CCEIS) to address factors contributing to the significant disproportionality. The letter includes a section for the LEA to provide a root cause analysis and a mandatory CCEIS plan. The letter is signed by Philip D. Murphy, Governor, and Kevin Dreier, Acting Commissioner.

# Interpreting Risk Ratios

Understanding risk ratio values is essential for accurately interpreting significant disproportionality data. Risk ratios provide insight into the relative likelihood of outcomes between different groups within an LEA. Here's how to interpret risk ratio values:

- **Risk Ratio of 1.0:** A risk ratio of 1.0 indicates no difference in risk between the compared groups.
- **Risk Ratio Above 1.0:** Values above 1.0 suggest that one group has a higher risk compared to the reference group.

In New Jersey, LEAs are identified for significant disproportionality when the Risk Ratio is 3.0 and above for 3 years in a row.

Risk Ratios	
1.0	Equal Risk
Above 1.0	Elevated Risk
Below 1.0	Lower Risk

Below are some phrases to help communicate with stakeholders about significant disproportionality.

- " The   (Race)   students in the LEA are   (Risk Ratio)   times more likely to be ***identified for special education*** compared to their peers of other races."
- " The   (Race)   students in the LEA are   (Risk Ratio)   times more likely to be in ***(category, e.g. a separate setting)*** than their peers of other races."
- The   (Race)   students in the LEA are            % more likely to be ***(category, e.g. Suspended Out of School more the 10 days)*** compared to their peers of other races.\*
  - *\*To convert the risk ratio into a percentage, you subtract 1 (The Equal Risk) from the risk ratio (3.5 - 1 = 2.5), and then multiply by 100 to get the percentage. (2.5 \* 100 = 250%)*

## Root Cause Analysis

Once the LEA has analyzed its data, the next step is to conduct a root cause analysis to identify the factors contributing to the LEA's disproportionality.

To begin the process, assemble a multidisciplinary team of educators with diverse perspectives and expertise across the different levels of the LEA. This is crucial because significant disproportionality often indicates systemic challenges.

It's important to stress that this isn't solely a special education issue; rather, it's about systems that influence identification, placement and discipline.

## What Leads to Disproportionality?



# Reviewing Policies, Practices and Procedures (PPP)

Conducting a thorough root cause analysis involves reviewing the district's policies, practices, and procedures (PPP). This step is essential for understanding how these policies may contribute to significant disproportionality within the LEA.

- **Step 1:** Begin by evaluating how disproportionality may be influenced by the implementation of these PPPs. Consider factors such as identification processes, placement decisions, disciplinary practices, and Multi-Tiered System of Support (MTSS) structures.
- **Step 2:** Synthesize the findings from the root cause analysis and PPP assessments to identify patterns and trends. This approach will help uncover systemic issues that may be contributing to disproportionality.
- **Step 3:** Based on this analysis, determine the necessary actions for addressing significant disproportionality. These actions may include revising existing policies, implementing new practices, providing targeted training for staff or reallocating resources to support equitable outcomes for all students.

It's crucial to emphasize that the root cause of significant disproportionality is often system-wide. Therefore, interventions should address systemic barriers and inequities within the educational system to promote meaningful and sustainable change, keeping in mind that transformational change takes time and occurs in phases.


## Resources:

- [IDC Center Success Gap Toolkit](#): The Success Gaps Toolkit helps teams in schools or districts tackle success gaps. It provides materials and resources to identify why these gaps exist and create plans to reduce them.
- [Leading by Convening](#): A Blueprint for Authentic Engagement is a guide to effective leadership through collaboration. It offers practical habits for bringing people together, ensuring everyone participates, and working towards shared goals.

# Comprehensive Coordinated Early Intervening Services (CCEIS) for Identified Districts

Now that the district has analyzed its data and conducted a root cause analysis with the team, it's time to formalize efforts into a CCEIS Plan.

A CCEIS Plan, short for Comprehensive Coordinated Early Intervening Services Plan, is a strategic document designed to address the root causes of significant disproportionality within an LEA. **Each identified LEA is required to document** the findings from their root cause analysis and develop an action plan based on those findings.



### Comprehensive Coordinated Early Intervening Services (CCEIS) Plan Template

This template is provided to guide [School District] in the development of a Comprehensive Coordinated Early Intervening Services (CCEIS) Plan. Please fill out each section thoroughly to address significant disproportionality and outline effective corrective actions.

**School District Information:**

School District:	School Year:	Date of Plan Submission:
Contact Person:	Contact Person's Title:	Contact Person's Email Address:
Contact Person's Phone Number:		

**1. Root Cause Analysis Process:** Identify the programmatic self-assessment tool(s) and/or data review process used. Describe the team that participated in the root cause analysis, the frequency of meetings, and data reviewed.

**Programmatic Self-Assessment Tool(s) and Data Review Process:**

[Insert tools/processes used]



## Components of the CCEIS Plan

- **Root Cause Analysis Process:** Identify the programmatic self-assessment tool(s) and/or data review process used. Describe the team that participated in the root cause analysis, the frequency of meetings, and the data reviewed.
- **Summary of Root Causes:** Provide a brief overview of the findings from the program assessment or data review. Describe the factors under the LEA's control or influence that contribute to significant disproportionality. This includes disparities in district and/or school resources, the consistent application of policies and procedures, and external factors like trauma, poverty, or access to services.
- **Identify Focus or Target Schools:** Identify individual schools and/or feeder patterns contributing to significant disproportionality.
- **Action Plan:** Explain the actions to address the root causes found in the analysis. Detail improvements in policies, practices, and procedures. Include monthly and quarterly steps, along with benchmarks for outcomes.
- **Budget alignment:** Describe the budget and its alignment with root causes and remedies.

Explore the NJDOE CCEIS Plan Template and Rubric as valuable resources to guide your LEA in creating effective Comprehensive Coordinated Early Intervening Services plans.

- [NJDOE CCEIS Plan Template](#)
  - [NJDOE CCEIS Plan Rubric](#)
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## Setting Aside 15% of IDEA Part B Funds

**An identified LEA is obligated to allocate 15% of their total IDEA Part B funds** toward identifying and addressing the factors contributing to the identified significant disproportionality. LEAs will be notified to set aside funds through both their IDEA Part B application and an identification letter by email.

Addressing factors contributing to significant disproportionality encompasses reviewing and potentially amending policies, practices, or procedures (PPPs) identified as contributing to the significant disproportionality, resulting in the failure to identify or inappropriately identify students from specific racial/ethnic group(s) in terms of identification, placement, and discipline. Allowable activities under this allocation include professional development, educational and behavioral evaluations, services and support.

[34 C.F.R. §300.646\(d\)](#)

[34 C.F.R. §300.646\(d\)\(1\)\(iii\)](#)

CCEIS funds can be utilized to support a wide range of students, including those who are:

- Age three through grade 12;
- Particularly, though not exclusively, from groups that were significantly over-identified;
- Not currently identified as needing special education or related services, but requires additional academic and behavioral support to excel in a general education setting; and
- Currently identified as needing special education or related services.

[34 C.F.R. §300.646\(d\)\(3\)](#)

[34 C.F.R. §300.646\(d\)\(2\)](#)

The funds must be allocated in the next available IDEA Part B Application and used within 27 months. It is also important to note that you will not be able to reduce your Maintenance of Effort (MOE) in your IDEA Part B allocation due to setting aside 15% of your funds for CCEIS. Collaboration with the School Business Administrator during this phase is crucial, as providing an accurate description of how the district intends to use the CCEIS funds is necessary for the approval of the IDEA grant.

[34 C.F.R. § 300.205\(d\)](#)

# COLLABORATION AND PARTNERSHIPS



## Rutgers University Disproportionality and Equity Lab

Partnering with the New Jersey Department of Education, the Disproportionality and Equity Lab, headed by Dr. Edward Fergus at Rutgers University-Newark in the School of Arts and Sciences, hosts a cohort-style learning series focusing on disproportionality in special education and discipline. During these learning series, each LEA brings a team of participants that include LEA and school building leadership (special education and general education), I&RS team members (e.g., interventionists, counselors, coordinators, etc.), and other essential interested parties dedicated to addressing issues of inequality.



Throughout the learning series, participants achieve three primary goals: conducting a root cause analysis, developing implementation plans to address root causes, and enhancing equity literacy to tackle cultural issues associated with disproportionality. The monthly sessions during each cohort cover the following topics:

- Learning session 1: Conducting an Effective Root Cause Analysis and Plan Development
- Learning session 2: Developing and Applying an Equity Literacy Lens on Root Cause Plans
- Learning session 3: Implementing Tiered Supports with an Equity-Driven Approach

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## Role of the Office of Special Education in Supporting LEAs

The Office of Special Education plays a crucial role in supporting LEAs as they address significant disproportionality. We provide technical assistance, guidance and resources to assist LEAs in understanding and fulfilling their obligations related to significant disproportionality. Our dedicated significant disproportionality team works closely with LEAs to provide personalized support and ensure that they have the tools and knowledge needed to effectively address disproportionality within their districts. Should you have further questions, please do not hesitate to contact the following OSE team members:

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# RESOURCES AND TOOLS

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## NJDOE Resources:

- [NJDOE CCEIS Plan Template](#)
- [NJDOE CCEIS Plan Rubric](#)

## Data Analysis Tools and Resources:

- [Data Center for Addressing Significant Disproportionality \(DCASD\) Website](#)
- IDEA Data Center (IDC) web page: [Significant Disproportionality Resources](#)
- IDEA Data Center (IDC) tool: [Significant Disproportionality Calculator and User's Guide](#)
- [Navigating Coordinated Early Intervening Services \(CEIS\) Frequently Asked Questions \(FAQ\)](#)

## Leadership and Collaboration Tools:

- [IDC Center Success Gap Toolkit](#)
- [Leading by Convening](#)

## Parent and Community Resources:

- Center for Parent Information Resources (handout): [Disproportionality Action Steps for Parent Leadership Groups and Community Organizations](#)
- Child Trends article: [“5 Things to Know About Racial and Ethnic Disparities in Special Education”](#)

## Reports and Publications:

- National Center for Learning Disabilities Report: [Significant Disproportionality in Special Education: Current Trends and Actions for Impact](#)
- [Solving Disproportionality and Achieving Equity: A Leader's Guide to Using Data to Change Hearts and Minds](#) by Edward A. Fergus
- [Desegregating Ourselves: Challenging the Biases That Perpetuate Inequities in Our Schools](#) by Edward A. Fergus
- IDEA Part B Regulations, [Significant Disproportionality Essential Questions and Answers](#)



# REFERENCES

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1. U.S. Department of Education. (2017, March 8). Significant disproportionality in special education: A review of legal issues and guidance. Retrieved from <https://sites.ed.gov/idea/files/significant-disproportionality-ga-03-08-17-2.pdf>
2. Individuals with Disabilities Education Act (IDEA). (n.d.). Sec. 300.646 Disproportionality.
3. Individuals with Disabilities Education Act (IDEA). (n.d.). Sec. 300.647 Determining significant disproportionality.
4. § 300.205 Adjustment to local fiscal efforts in certain fiscal years.

