
Equity in IDEA: Understanding Significant Disproportionality

DATAG Fall Meeting

October 8, 2021



New York State
EDUCATION DEPARTMENT
Knowledge > Skill > Opportunity

Goals of Presentation

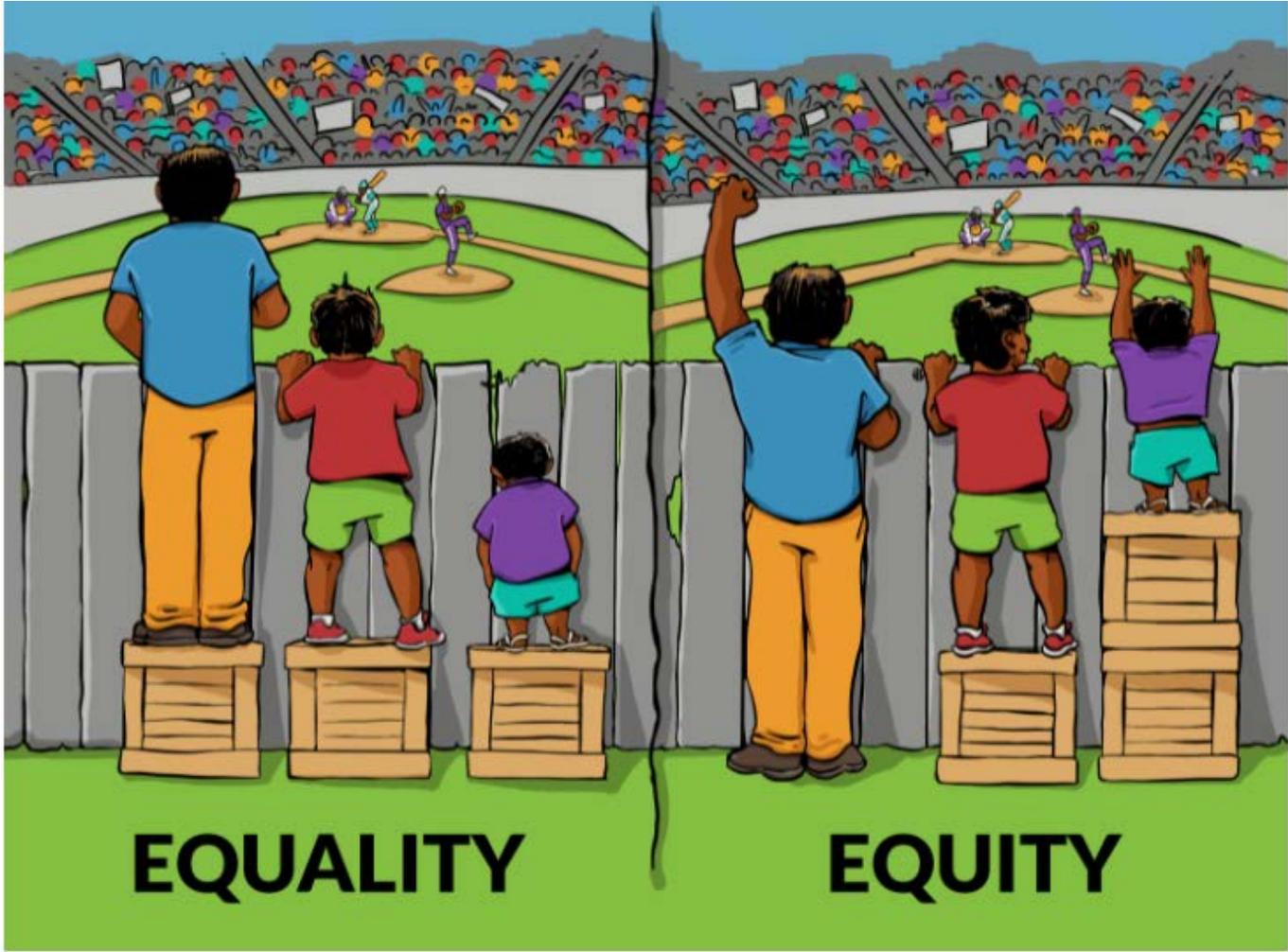
Increase understanding of significant disproportionality and how it relates to State Performance Plan (SPP) Indicators 4, 9 and 10

Increase understanding of how significant disproportionality is calculated

Explain the difference between Comprehensive Coordinated Early Intervening Services (CCEIS) and Coordinated Early Intervention Services (CEIS)

Explain how CEIS and CCEIS data is reported to SIRS

EQUITY REQUIREMENTS IN IDEA





Significant Disproportionality

Significant
Discrepancy
(Indicator 4)

Disproportionate
Representation
(Indicators 9 & 10)

Significant
Disproportionality



Special Education State Performance Plan

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) requires each state to have in place a State Performance Plan/Annual Performance Report (SPP/APR) that evaluates its efforts to implement the requirements and purposes of Part B of IDEA and describes how the state will improve such implementation. The SPP includes measurable and rigorous targets for the 17 indicators established under three monitoring priority areas:

- Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE);
- Disproportionality;
- General Supervision Part B, including Child Find, effective transition and effective general supervision.



Indicator 4: Suspension/ Expulsion

Rates of suspension and expulsion:

- A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and
- B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.



Indicator 4: Suspension/ Expulsion

- The data calculations for this Indicator are only for students with disabilities who have been suspended/removed more than 10 days in the school year, but it excludes suspensions for serious bodily injury, weapons, illegal drugs or controlled substances.
- This Indicator addresses discrepancy; a district's data in relation to a Statewide baseline average.
- There is no measurement of disproportionality and/or significant disproportionality in Indicator 4A/B. (Districts are notified when they are identified for 4A, 4B and/or significant disproportionality suspension)



Indicator 9: Disproportionality in Special Education by Race/Ethnicity

- 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 10: Disproportionality in Classification/Placement by Race/Ethnicity

- Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. (10A)
- Percent of districts with disproportionate representation of racial and ethnic groups in special education placements that is the result of inappropriate policies, procedures and practices. (10B in NYS. This is not a federal SPP/APR indicator)



Indicators 9, 10A & 10B

- Prior to 2018, NYS treated these SPP Indicators and significant disproportionality as one in the same.
- If a district was identified under Indicator 9, 10A or 10B, they were also found to have significant disproportionality and notified they needed to redirect 15% of their IDEA funding in the next year for Coordinated Early Intervening Services (CEIS).
- Effective with the new Significant Disproportionality regulations that went into effect on June 1, 2018, NYS decoupled significant disproportionality from Indicators 9 and 10.
- Districts are no longer identified for Indicator 10B.

Questions? Discussion:

- I learned...
- I was surprised...
- I'm beginning to wonder...



UNDERSTANDING SIGNIFICANT DISPROPORTIONALITY

Significant Disproportionality Analysis Categories by Race and Ethnicity

Identification

Ages 3-21

- All Disabilities

Disability Category

Ages 3-21

- Intellectual Disability
- Specific Learning Disabilities
- Emotional Disturbance
- Speech or Language Impairments
- Other Health Impairments
- Autism

Placement

Ages 6-21

- 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



Race and Ethnicity Categories

- Black
- Hispanic
- White
- Asian
- Two or More
- Native American
- Pacific Islander



Significant Disproportionality

Identification:
Ages 3-21

Students Identified as Students
with Disabilities



Significant Disproportionality

Identification:
Ages 3-21

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



Total Number of Disciplinary Removals

- A new fifth category under suspension disproportionality was introduced with the new regulations that went into effect in 2018
- Includes in-school and out-of-school suspensions, expulsions, removals by school personnel to an interim alternative educational setting, and removals by a hearing officer
- Has had an impact on the numbers of districts identified for suspension disproportionality

Questions? Discussion:

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How Districts are Identified: District Risk Ratio Calculations

NYSED must calculate a risk ratio for each LEA for each of the racial and ethnic groups for each analysis category (i.e., identification, placement, discipline).

NYSED has set a minimum cell size (risk numerator) of 10

NYSED has set a minimum n size (risk denominator) of 30

NYSED has set risk ratios based on stakeholder feedback. These risk ratios differ across the analysis categories.

NYSED uses three years of data to determine significant disproportionality.

Risk Ratio - Identification

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

$$\text{Risk Ratio} = \frac{\text{Risk for Hispanic SWDs}}{\text{Risk for all other children}} = \frac{.200}{.100} = 2.00$$

Hispanic children in the LEA are 2.0 times as likely as all other children to receive special education and related services.

District Risk Ratio Calculations

Step One: Calculate Risk

Minimum cell size = risk numerator

Minimum n-size = risk denominator

- Risk Group—Risk Calculation

$$\frac{\# \text{ Hispanic identified with disabilities in LEA}}{\# \text{ Hispanic enrolled in LEA (special \& regular ed)}} = \text{likelihood of Hispanic student being identified with a disability}$$

$$\frac{40 \text{ Hispanic identified}}{200 \text{ Hispanic in LEA}} = 20\% \text{ likelihood of Hispanic student being identified with a disability}$$

Cell size (numerator) = 10

N size (denominator) = 30

Analysis not performed if risk group does not meet cell and n size

If the risk group does not meet cell and n size minimums of 10 and 30, disproportionality will not be identified.

District Risk Ratio Calculations

Step Two: Calculate Comparison

- Comparison Group—Risk Calculation

$$\frac{\text{\# all other races identified with disabilities in LEA}}{\text{\# all other races enrolled in LEA (special \& regular ed)}} = \text{likelihood of non-Hispanic student being identified with a disability}$$

$$\frac{200 \text{ identified in other races}}{2000 \text{ non-Hispanic students enrolled in LEA}} = 10\% \text{ likelihood of non-Hispanic student being identified with a disability}$$

Cell size (numerator) = 10

N size (denominator) = 30

Alternate Risk Ratio used if comparison group does not meet cell and n size – Alternate Risk Ratio uses the state data for comparison group instead of LEA data

District Risk Ratio Calculations

Step Three: Calculate Risk Ratio

- Risk Ratio

$$\frac{\text{Risk of Risk Group}}{\text{Risk of Comparison Group}} = \text{Risk Ratio}$$

$$\frac{(40/200)}{(200/2000)} = 2.0 \text{ Risk Ratio} \Rightarrow \text{In this LEA, an Hispanic student is twice as likely as all other race groups to be identified with a disability}$$

Alternate Risk Ratio

The state must use an alternate risk ratio if the comparison group in the district does not meet the minimum cell size or the minimum n-size

When the comparison group **cell size** (comparison numerator) is less than 10 or the comparison group **n-size** (comparison denominator) is less than 30, **comparison to the state is required** via the alternate risk calculation.

The Alternate Risk Calculation

- The state **must use** an alternate risk calculation if the comparison group in the district does not meet the minimum cell size or n-size.
- The **state risk** for “all other students” in a particular category becomes the comparison.
- **Homogenous** districts with very few students in “other” racial/ethnic groups will be compared to categorical risk at the state level.

EXAMPLE:

White students w/disabilities
All white students

} risk group

Non-white students w/disabilities
All non-white students

} compare group

District risk calculation is used if compare group top >10 and bottom is >30.

State risk calculation is used if compare group top is <10 OR bottom is <30.



Risk Ratio Threshold

Defined by the state
with stakeholder input

Identifies at what level of risk,
disproportionality becomes **SIGNIFICANT**

Must be
reasonable

Significant Disproportionality Risk Ratio Thresholds in New York State

Area	Risk Ratio	Translation
Identification	2.5	Two and a half times more likely
Disability Category	4.0	Four times more likely
Placement	2.5	Two and a half times more likely
Suspension: In or Out of School \geq 10 Days	2.0	Two times more likely
Suspension: In or Out of School $<$ 10 Days	3.0	Three times more likely
Suspension: Total Removals	4.0	Four times more likely



Analysis Categories

- Data must be reviewed and calculated for each LEA (school district) for each of the:
 - 14 analysis categories and
 - 7 race and ethnicity categories
- Each LEA has 98 opportunities to have significant disproportionality
- Identification in one of 98 areas or multiple areas initiates regulation requirements, including reserving 15% of IDEA funds.

Three Years of Data

- A district is designated with significant disproportionality if the district exceeds the risk ratio (or alternate risk ratio) in the same group or category of analysis for three consecutive years.

Year	Race	Disability	Risk Ratio	Threshold
2020-2021	Black	Autism	5.014	4.0
2019-2020	Black	Autism	4.234	4.0
2018-2019	Black	Autism	4.145	4.0

If the State Identifies Districts as Significantly Disproportionate:

The state must...

Ensure districts reserve 15% of IDEA funds for Comprehensive Coordinating Early Intervening Services (CCEIS) 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 as Significantly Disproportionate

A District Must...

Reserve 15% of IDEA 611 and 619 (school age and preschool funds) for Comprehensive Coordinated Early Intervening Services (CCEIS).

Complete Self Review following monitoring protocol established by NYSED

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 CCEIS and funds expended.

Questions? Discussion:

- I learned...
- I was surprised...
- I'm beginning to wonder...

Notifications - Current

- Districts receive written notification when significant disproportionality is identified.
- Districts At Risk of significant disproportionality in future years also receive a notification.
- Notifications are emailed to Superintendents and Directors of Special Education.
- Copies are also provided to the District Superintendents and SEQA Regional Associates.



Notifications - Current

- Notifications include all data that was used in the calculations.
- Notifications provide information on steps that districts must take as a result of being identified with significant disproportionality.
- Suspension notifications go out in the Fall.
- Identification, disability category and placement notifications go out in the Spring.

Notifications – The Future

1920 NR Forms

Forms	Discrepancy / Disproportionality Found	Self Review Action Required	Self Review Due Date
NR4A	No	None	N/A

1920 NR Forms

Forms	Discrepancy / Disproportionality Found	Self Review Action Required	Self Review Due Date
NR4A	At Risk	None	N/A
NR4B	At Risk	None	N/A

1920 NR Forms

Forms	Discrepancy / Disproportionality Found	Self Review Action Required	Self Review Due Date
NR4A	Yes	Update SRS	06/02/2020

Comprehensive Coordinated Early Intervening Services (CCEIS)

Element	Coordinated Early Intervening Services (CEIS)	Comprehensive Coordinated Early Intervening Services (CCEIS)
Type	Voluntary	Mandatory
Grade level/ ages served	Kindergarten through grade 12	Age 3 through grade 12
Groups served	Students without disabilities	Students with and without disabilities. Funds can be used primarily, but not exclusively, for students with disabilities.
Funds	Up to 15 percent of IDEA Part B funds (611 and 619)	Exactly 15 percent of IDEA Part B funds (611 and 619)
Permitted activities	Professional development for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction and, where appropriate, instruction on the use of adaptive and instructional software. Educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.	Professional development and educational and behavioral evaluations, services, and supports. The activities must address factors and policy, practice, or procedure contributing to significant disproportionality.
Federal Reporting requirements	An LEA is required to report to the state and the state is required to report to the U.S. Department of Education the number of children who received CEIS and the number of children who received CEIS and subsequently received special education and related services under Part B of IDEA during the preceding 2-year period.	An LEA is required to publicly report on the revision of policies, practices, and procedures. An LEA is required to report to the state and the state is required to report to the U.S. Department of Education the number of children who received CCEIS and the number of children who received CCEIS and subsequently received special education and related services under Part B of IDEA during the preceding 2-year period.
SIRS Reporting Requirement	Program Service Code 5753	Program Service Code 5754
PD System Verification	VR16	VR16

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Significant Disproportionality Resources

- [Equity in IDEA Final Regulations \(federal\)](#)
- [Essential Questions and Answers \(federal\)](#)
- [Equity in IDEA 101: Contents of the Final Rule \(federal\)](#)
- [IDEA Data Center CEIS/CCEIS Comparison Chart](#)
- [SIRS Manual](#)
- [PD Data System](#)
- [SEDCAR 2020-21 Significant Disproportionality Guidance](#)
- [CEIS/CCEIS Guidance for VR16](#)
- [NYSED Monitoring Protocols](#)