Delaware
Department of Education

Guidance and Procedures for Calculating Significant Disproportionality

Citation:

Regulation § 300.646 of the *Individuals with Disabilities Education Act* (IDEA) requires that each state that receives assistance under Part B of the IDEA must provide for the collection and examination of data to determine if disproportionality based on race and ethnicity is occurring in the state and the local education agencies (LEA) of the state with respect to:

- the **identification** of children as children with disabilities, including identification of children with particular disabilities;
- the **placement** of children in particular educational environments; and
- the incidence, duration, and type of **disciplinary actions**, including suspensions/expulsions.

Definitions:

- ***Identification:***

  Significant disproportionality in "identification: is defined as students ages 3-21 in a particular racial/ethnic group being at a considerably greater risk of being:
  1. Identified as a student with a disability or
  2. Identified within a particular disability category

  When examining data to determine if significant disproportionality exists with respect to the Identification of children ages 3-21 with particular impairments, the following categories will be reviewed:
  - Intellectual Disability
  - Specific Learning Disability
  - Emotional Disability
  - Speech or Language Impaired
  - Other Health Impairment
  - Autism

  Because the remaining disability categories typically have very small numbers of children, OSEP doesn't not deem disproportionality in the number of children with these disabilities to be significant.

> **Delaware's definition of significant disproportionality in Identification:**
> **Significant Disproportionality is determined to exist when the percentages of students within a race/ethnicity group or racial/ethnic group within a specific disability category exceeds a risk ratio 3.0 for three consecutive years. A minimum "n" size has been established of 30 or more students.**

- ***Placement in Particular Education Settings:***
  Significant disproportionality in "placement" is defined as students Kindergarten-age 21 in a particular racial/ethnic group (i.e.,) being at a considerably greater risk of being placed in one of the following Educational Environment placement categories than all other racial/ethnic groups:
    - Inside the regular classroom less than 40 percent of the school day
    - In separate schools and residential

  Placements in homebound/hospital settings, correctional facilities, or placements by the parent of a student in private schools are not included in this examination. Placements inside the regular classroom for more than 41 percent of the day are not examined.

> **Delaware's definition of significant disproportionality in Placement:**
> **Significant Disproportionality is determined to exist when the percentages of students within a race/ethnicity group or racial/ethnic group within an educational setting exceeds a risk ratio of 2.0 for three consecutive years. A minimum "n" size has been established of 30 or more students.**

- ***Discipline:***
  Significant disproportionality in "discipline" is defined as students with disabilities ages 3-21 in a particular racial/ethnic group being at a considerably greater risk of being subjected to disciplinary action during the school year than all other racial/ethnic groups. The discipline categories used to calculate significant disproportionality are listed below:
    - In-school suspensions of 10 days or less (ISS <= 10 days)
    - In-school suspension of greater than 10 days (ISS > 10 days)
    - Out-of-school suspensions/expulsions of 10 days or less (OSS <= 10 Days)
    - Out-of-school suspensions/expulsions of greater than 10 days (OSS > 10 days)
    - Total number of disciplinary removals

  All discipline data is reviewed based on cumulative days during the school year

> **Delaware's definition of significant disproportionality in Discipline:**
> **Significant Disproportionality is determined to exist when the percentages of disciplinary action for students within a race/ethnicity group or racial/ethnic group when the disciplinary action exceeds a risk ratio of 3.0 for three consecutive years. A minimum "n" size has been established of 30 or more students.**

Calculations/Business Rules:

- ***Identification:***
  - o Calculations use data from Delaware's Unit Count (Total Enrollment) and the Special Education Child Count (Total Population) files. Only students with an Individualized Education Plan (IEP), ages 3-21, are counted. The calculations are based on residency within the LEA (with the exception of charter schools), therefore, students sent from outside LEAs to <u>county programs</u> are excluded from the overall LEA data. Those students are counted within the sending LEAs data.
  - o Calculations are performed for all LEAs with 30 or more students with an IEP.
  - o Calculations are performed for each given racial/ethnic subgroup (American Indian or Alaskan Native, Asian, Black or African American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, White, or Two or More Races).
  - o Calculations are performed for each racial/ethnic subgroups with 10 or more students in a given disability category (All disabilities, Intellectual Disability, Specific Learning Disability, Emotional Disability, Speech or Language Impaired, Other Health Impairment, Autism)
  - o A risk ratio of 3.0 is used to determine significant disproportionality by using LEA data for the specific racial/ethnic subgroup being calculated for SWD and Total Enrollment of that same racial/ethnic subgroup divided by all other SWD in each of the other racial/ethnic subgroups within each of the six designated disability categories.

- ***Placement in Particular Education Settings:***
  - o Calculations use data from Delaware's Unit Count or Total Population data and the Special Education Child Count Data files. Only students with an Individualized Education Plan (IEP), ages Kindergarten- age 21, are counted. The calculations are based on residency within the LEA (with the exception of charter schools), therefore, students sent from outside LEAs to <u>county programs</u> are excluded from the overall LEA data. Those students are counted within the sending LEAs data.
  - o Calculations are performed for all LEAs with 30 or more students with an IEP.
  - o Calculations are performed for each given racial/ethnic subgroup (American Indian or Alaskan Native, Asian, Black or African American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, White, or Two or More Races).
  - o Calculations are performed for each racial/ethnic subgroups with 10 or more students in a given setting (Residential and Separate, Inside Regular Education Class < 40% of the day)
  - o A risk ratio of 2.0 is used to determine significant disproportionality by using LEA data for the specific racial/ethnic subgroup being calculated for SWD and Total Enrollment of that same racial/ethnic subgroup divided by all other SWD in each of the other racial/ethnic subgroups within a given setting.

- ***Discipline:***
  - Calculations use data from Special Education Child Count data and discipline data submitted by the LEAs in August of the previous year. All students with an Individualized Education Plan (IEP), ages 3-21, are counted.
  - Calculations are performed for all LEAs with 30 or more students with an IEP.
  - Calculations are performed for each given racial/ethnic subgroup (American Indian or Alaskan Native, Asian, Black or African American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, White, or Two or More Races).
  - Calculations are performed for each racial/ethnic subgroups with 10 or more students in a discipline category (ISS <= 10 days, ISS > 10 days, OSS <= 10 days, OSS > 10 days, total removals)
  - A risk ratio of 3.0 is used to determine significant disproportionality by using LEA data for the specific racial/ethnic subgroup being calculated for SWD and Total Enrollment of that same racial/ethnic subgroup divided by all other SWD in each of the other racial/ethnic subgroups within a given discipline category.
  - For the purpose of this IDEA data collection, a day includes > ½ day. Days are cumulative over the course of a school year and need not to be consecutive.
  - A suspension is considered a removal from the student's designated instructional environment for discipline purposes.

What happens if an LEA is identified with Significant Disproportionality?

The DDOE requires that LEAs identified with Significant Disproportionality must:

- Conduct a Root-Cause Analysis;
- Review/Revise Policies, Procedures and Practices related to the identification;
- Publicly Report Revisions of Policies, Procedures and Practices related to the identification;
- Allocate 15% of IDEA Special Education (Part B, Section 611 & 619) funds within the upcoming Consolidated Grant Application (CGA) Process for Comprehensive Coordinated Early Intervening Services (CCEIS) to address the root cause of the determination. Students with and without Special Education Services can be support but not just Students with Disabilities only. These early intervening services can support students in ages 3-21.
- Reporting requirement: LEA is required to track the number of students receiving CCEIS support for a two year period.

Must a school LEA meet the definition for significant disproportionality in each of the categories before being identified with significant disproportionality?

No. The LEA only needs to meet the definition for one of the categories to be identified with significant disproportionality.

How will a school LEA be notified if they have significant disproportionality?

LEAs will be notified in writing by DDOE if any category meets the rate ratio for significant disproportionality. Once the LEA has been made aware, DDOE staff will be available to offer assistance to the LEA upon request.

Where can I find additional information about Comprehensive Coordinated Early Intervening Services (CCEIS) and Coordinated Early Intervening Services (CEIS)?

Information around CCEIS and CEIS is available through DDOE, Exceptional Children Resources. Resources for conducting Root-Cause Analysis is also available if needed.

1. Example Question – what was the risk for Hispanic students receiving special education services compared to the risk for all other students for district 29?

   Look for District 29 on the Identification: SWD 3-21 Total Population table.

   There were **128** Hispanic SWD.

   Look for District 29 total Student enrollment on the Identification: SWD 3-21 Total Enrollment table.

   There were **745** Hispanic students.

   Risk = 128/745 X 100 = 17.18120805

2. Then calculate the Risk for all other SWD non-Hispanic students for district 29:

   1+33+450+2+783+35 = 1304

   Divided by the student enrollment that is non-Hispanic

   23+492+2557+8+5845+315 = 9240

   Risk = 1304/9240 X 100 = 14.255411

3. The risk ratio is then calculated

1. Example Question – what was the risk for an Asian student being served in a **Separate or Residential Placement** as compared to the risk for all other Asian students with disabilities (SWD) for district 34?

   Look for District 34 on the 2017 Placement: Residential and Separate table.

   There were **5** Asian SWD students.

   Look for District 34 on the 2017 Placement: SWD Kindergarten – age 21 Total Population table.

   There were **19** Asian SWD.

   Risk = 5/19 X 100 = 26.31579

2. Then calculate the Risk for all other SWD non-Asian students in a Residential and Separate placement for district 34:

   12+65+48= 128

   Divided by the SWD Kindergarten – age 21 Total Population that is non-Asian

   272+3+766+3+498+34 = 1576

   Risk = 128/1576 X 100 = 8.12182

3. The risk ratio is then calculated

   26.31/8.12 = 3.32

   Answer: In district 34, Hispanic children were 3.32 times as likely as all other children to receive special education services. Rate Ratio above 2.0 and N size exceeding 30 is considered Significantly Disproportionate.

   ** **Discipline uses the same comparison groups as Placement but Discipline is ages 3-21**