

Significant Disproportionality and Coordinated Early Intervening Services

I. INTRODUCTION

The Office of Special Education Programs issues this guidance to provide States with information regarding the use of funds provided under Part B of the Individuals with Disabilities Education Act (IDEA) by local educational agencies (LEAs) to develop and implement Coordinated Early Intervening Services (CEIS). CEIS are services provided to students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment.

The rationale for using IDEA funds for CEIS is based on research showing that the earlier a child's learning problems or difficulties are identified, the more quickly and effectively the problems and difficulties can be addressed and the greater the chances that the child's problems will be ameliorated or decreased in severity. Conversely, the longer a child goes without assistance, the longer the remediation time and the more intense and costly services might be.

This CEIS guidance represents the Department's current thinking on this topic. It does not create or confer any rights for or on any person. This guidance does not impose any requirements beyond those included under applicable laws and regulations.

Starting with the 2009/10 school year, seven racial/ethnic groups are implemented to identify student's race and ethnicity instead of 5 groups previously used in the last report. These 7 racial/ethnic groups are:

1. American Indian or Alaskan Native (N)
2. Asian (A)
3. Black or African American (B)
4. Hispanic or Latino (H)
5. Native Hawaiian/Pacific Islander (P)
6. White (W)
7. Two or more race groups (T)

Arkansas has a history of identifying disproportionality (over-representation) in the area of identification (all disabilities). LEAs that exceed the State's benchmark plus two standard deviations in the most recent child count are considered to be significantly disproportionate for identification for the most recent school year.

As for the other areas outlined in IDEA Regulations Section 300.646, the state will use a combination of risk ratios and weighted risk ratios (which ever is lower); hereafter referred to as **risk ratios**. Any LEA with risk ratios **greater than 4** (see reference material on page 5-6 for definitions) for three consecutive years will be designated as a district having significant disproportionality in a specific disability category, educational placement, or disciplinary practices.

This document is to be used in conjunction with the CEIS Profile for each district. Arkansas State identifies significant disproportionality based on race or ethnicity in an LEA with respect to:



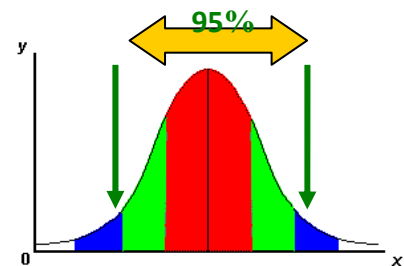
1. Significant Disproportionality – Identification (All Disabilities)	The identification of children with disabilities
2. Significant Disproportionality – Disability Category	The identification of children in specific disabilities
3. Significant Disproportionality – Discipline (Suspension/Expulsion)	The taking of disciplinary actions
4. Significant Disproportionality – Least Restrictive Environment (LRE)	The placement of children with disabilities in particular educational environment

II. SIGNIFICANT DISPROPORTIONALITY

Part 1. Significant Disproportionality – Identification (All Disabilities)

The methodology is based on a benchmark plus two standard deviation percentage point difference between special education and district enrollment for each racial/ethnic category resulting in a base value for each racial/ethnic group for the school year of 2009-2010.

- Using the December 1, 2009 child count for this report, students were identified if they were receiving services in a private residential treatment program. These students were removed from the special education child count number and the district October 1, 2009 enrollment numbers.
 - The reason for excluding students in private residential treatment facilities is found in the State rules governing private residential treatment facilities.
 - These rules state that a student belongs to the district where the facility is located; therefore, enrollment of such students artificially increases the district’s special education child count and district wide enrollment.
- Once the October 1, 2009 enrollment and December 1, 2009 child count have been adjusted for private residential treatment students, the percentage of each racial/ethnic group in the district is calculated.
 - If a racial/ethnic group within the district is less than 5%, that group is excluded in the district and special education student counts.
 - The district and special education student counts are then summed by racial/ethnic group to generate statewide totals.
- Using the statewide totals for each racial/ethnic group, the State percentage point difference is calculated by subtracting the adjusted State enrollment for each race/ethnicity from the adjusted State special education racial/ethnic child count.
 - This process is conducted for the school year 2009-2010 as the baseline year and is then resulting in a benchmark (mean). Standard deviation (SD) is also generated on the percentage point difference for each racial/ethnic group.
 - The two standard deviations (2SD) of the percentage point difference are then added to the benchmark to create a “base value.” (mean + 2SD)
 - If the LEA exceeds the base value then they are considered to be significantly disproportionate in the area of identification. See the summary table below.



One standard deviation away from the mean in either direction on the horizontal axis (the red area) accounts for 68% percent of the people in this group. Two standard deviations away from the mean (the red and green areas) account for roughly 95% of the people.

**Identification (All Disabilities)
Disproportionality Over-Representation Calculation**

Base Value for Disproportionality	American Indian/ Alaskan Native	Asian	Black	Hispanic	Native Hawaiian/ Pacific Islander	White	Two
Benchmark (Mean)	0.1038%	-0.4127%	2.7837%	-1.3584%	-0.0817%	-1.0353%	0.0007%
Standard Deviation	1.2382%	2.0769%	5.7465%	2.9396%	0.4533%	6.2845%	0.9533%
(Mean + 2SD) Base Value	2.5802%	3.7412%	14.2767%	4.5208%	0.8249%	11.5337%	1.9073%

Part 2. Significant Disproportionality – Disability Category

Using a risk ratio methodology, 12 disability categories are examined for significant disproportionality. District enrollment and special education child count data were examined and adjusted according to the following criteria.

1. Using the December 1 child count for the selected year (2009-2010, 2008-2009, and 2007-2008), students were identified if they were receiving services in a private residential treatment program. These students were removed from the special education child count numbers and the district October 1 enrollment numbers for the selected year. The reason for excluding students in private residential treatment facilities is the same as Part 1.
2. After the October 1 enrollment and December 1 child count have been adjusted for private residential treatment students, risk ratios were generated for each of the disability categories.
3. Risk ratios were examined in relation to district composition and are considered invalid if
 - i. the district enrollment of a racial/ethnic group is less than 5%; or
 - ii. the number of students in a disability category was below 40.
 Please Note: The 5% criteria falls in line with significant disproportionality for all disabilities and 40 is the same number used for adequate yearly progress (AYP) subgroups.

12 disability categories are:

1. Autism
2. Emotional Disturbance
3. Mental Retardation
4. Other Health Impairment
5. Speech/Language Impairment
6. Specific Learning
7. Disabilities Deaf-Blindness
8. Hearing Impairments
9. Multiple Disabilities
10. Orthopedic Impairment
11. Traumatic Brain Injury
12. Visual Impairment

4. After adjustments, districts with **risk ratios greater than 4 for three consecutive years** (2009-2010, 2008-2009, and 2007-2008) are considered to have a pattern of disproportionate identification and are required to set aside funds for CEIS. These districts are also required to conduct a self assessment for inappropriate policies, procedures, and practices.



Part 3. Significant Disproportionality – Discipline (Suspension/Expulsion)

1. Using a risk ratio methodology, out of school suspension/expulsions totaling greater than 10 days are examined for significant disproportionality.
2. The methodology uses the District's discipline data by race for all students and students with a disability with out of school suspensions/expulsions totaling greater than 10 days.
3. Districts with **risk ratios greater than 4 for three consecutive years** (2008-2009, 2007-2008, and 2006-2007) are considered to have a pattern of disproportionate disciplinary practices and are required to set aside funds for CEIS. These districts are also required to conduct a self assessment for inappropriate policies, procedures, and practices.

Part 4. Significant Disproportionality – Least Restrictive Environment (LRE)

Using a risk ratio methodology, LRE is examined for significant disproportionality. District enrollment and special education child count data were examined and adjusted according to the following criteria.

1. Using the December 1 child count for the selected year, students were identified if they were receiving services in a private residential treatment program. These students were removed from the special education child count numbers and the district October 1 enrollment numbers for the selected year. The reason for excluding students in private residential treatment facilities is the same as Part 1.
2. After the October 1 enrollment and December 1 child count have been adjusted for private residential treatment students, risk ratios were generated for three LRE categories:
 - (a) 40-79% in the regular classroom (RR),
 - (b) <40% in the regular classroom (SC), and
 - (c) day schools (DI)The settings of corrections, private schools, hospital/homebound and residential are excluded since, for the most part, districts usually do not place students in these settings.
3. Risk ratios were examined in relation to district composition and are considered invalid if
 - (a) the district enrollment of a racial/ethnic group is less than 5%; or
 - (b) the number of students in a LRE category was below 40.

Please Note: The 5% criteria falls in line with significant disproportionality for all disabilities and 40 is the same number used for adequate yearly progress (AYP) subgroups.

4. After adjustments, districts with **risk ratios greater than 4 for three consecutive years** (2009-2010, 2008-2009, and 2007-2008) are considered to have a pattern of disproportionate disciplinary practices and are required to set aside funds for CEIS. These districts are also required to conduct a self assessment for inappropriate policies, procedures, and practices.

For a complete explanation of the calculations and procedures please refer to the Significant Disproportionality document posted at <http://arksped.k12.ar.us/sections/dataandresearch.html>.

Additional information regarding calculations may be obtained by contacting the Director of the IDEA Data & Research Office at University of Arkansas-Little Rock, Jody Fields, Ph.D. (jfields@ualr.edu) or the IDEA Research Statistician, Jean Chen, Ph.D. (cychen@ualr.edu).



III. REFERENCE

A. What is Risk?

Risk Defined. As a concept, “risk” looks at the general enrollment data for each racial group along with the number of students from that group who were identified for a specified category and calculates the likelihood that a student from that racial group would be found in that particular category. Risk is a concept that can be used for any given category, not just special education. One can calculate the risk for being suspended, the risk for being identified as gifted, or the risk for being identified as having a disability of a certain type. In other words, if we randomly picked any student from a given racial group enrolled in your district, risk tells us the likelihood that the student would belong in the category in question. For example, if the risk for Black students for Emotional Behavioral Disability is 3%, that means that if we picked a Black student at random from your district, the odds are 3 out of 100 that the chosen student would have been identified as having an Emotional Behavioral Disability.

Calculating Risk and Special Education. Mathematically, to calculate risk, you determine the percentage of students of a particular racial group that have a particular disability. To do that you divide the smaller number (number of students of the racial group in the disability category) by the larger number (number of students of the racial group enrolled in the district) and multiply that answer by 100.

Example: Imagine that there are 5,000 students in your district and 320 students with an emotional disturbance disability. Of that number,

Example: In your district	Student district enrollment	Students with an emotional disturbance	Risk Calculation
American Indian	800	80	$80/800 = 10.0\%$
Asian	500	25	$25/500 = 5.0\%$
Black	600	65	$65/600 = 10.8\%$
Hispanic	400	25	$25/400 = 6.3\%$
Native Hawaiian/Pacific Islander	150	10	$10/150 = 6.7\%$
White	2500	110	$110/2500 = 4.4\%$
Two or more races	50	5	$5/50 = 10.0\%$
Total Count	5,000	320	

- ◆ The American Indian risk would equal 80 divided by 800 with the answer multiplied by 100 to get the percentage of 10.0%.
- ◆ The Asian risk would be 25 divided by 500 with the answer multiplied by 100 to get the percentage of 5%.
- ◆ The Black risk would equal 65 divided by 600 with the answer multiplied by 100 to get the percentage of 10.8 %.

- ◆ The Hispanic risk would equal 25 divided by 400 with the answer multiplied by 100 to get the percentage of 6.3 %.
- ◆ The Native Hawaiian/Pacific Islander Hispanic risk would equal 10 divided by 150 with the answer multiplied by 100 to get the percentage of 6.7 %.
- ◆ Risk for the students who selected two or more races is the percentage of 10.0%.
- ◆ The White risk would equal 110 divided by 2,500 with the answer multiplied by 100 to get the percentage of 4.4% which means 4.4% of the White students enrolled in the district have an emotional disturbance disability.

B. Comparing to “All Others”

How does the risk ratio comparison to all others get calculated?

The calculation of a risk ratio where one racial group is compared to all others requires multiples steps. The concept, however, is the same as comparing a given racial group to Whites. The first step is the same, in that you must first calculate the risk for each racial group. Next you would need to recalculate the risk for all other students in the district minus the students in the focus racial group. For example, if the Emotional Disturbance risk for Black students is 10.8, you would compare the Black risk to the risk for all other students in the district who are not Black. If the focus racial group is White, you would compare the White risk (4.4% in this example) to the risk for all other students in the district who are not White. So the risk for the ALL OTHER group changes for each risk ratio depending on the focus racial group.

C. Weighted Risk Ratio

One issue that needs to be addressed is that risk ratios sometimes cannot be compared across districts because the size of the risk ratio is affected by the district-level racial demographics of the comparison group. The risk for the comparison group is influenced by the racial composition of the comparison group and the risk for each of those racial groups. As a result, the risk for a racial group may be the same in two districts, but the risk ratios will differ unless the racial demographics of the district are identical.

The weighted risk ratio, in which the district-level risk for the racial group is used as the numerator and a weighted risk for all other students is used for the denominator, addresses this issue. The weighted risk for all other students uses the district-level risks for each racial group in the comparison group, weighted by the racial composition of the state.