

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.

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

As for the other areas outlined in IDEA Regulations Section 300.646, LEAs with "weighted risk ratios" (see reference material on page 4-5 for definitions) **greater than 10 for three consecutive years in a racial/ethnic group** is designated as a district having significant disproportionality in a specific disability category, educational placement, or discipline.

This document is to be used in conjunction with the Coordinated Early Intervening Services 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 three-year average benchmark plus one 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.

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 number and the district October 1 enrollment numbers for the selected year.
 - (a) The reason for excluding students in private residential treatment facilities is found in the State rules governing private residential treatment facilities.
 - (b) 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.
2. Once the October 1 enrollment and December 1 child count have been adjusted for private residential treatment students, the percentage of each racial/ethnic group in the district is calculated.
 - (a) If a racial/ethnic group within the district is less than 5% or more than 95%, that group is excluded in the district and special education student counts for the establishment of the benchmark.
 - (b) The district and special education student counts are then summed by racial/ethnic group to generate statewide totals.
3. 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.
 - (a) This process is conducted for each of the three baseline years and is then averaged resulting in a 3-year average benchmark.
 - (b) In addition, a standard deviation is generated on the percentage point difference for each racial/ethnic group for each of the 3 years.
 - (c) The 3-year average standard deviation is then added to the 3-year average benchmark to create a "base value."
4. If the LEA exceeds the base value then they are considered to be significant disproportionate in the area of identification.

Identification (All Disabilities) Disproportionality Over-Representation Calculation					
	American Indian/ Alaskan Native	Asian/Pacific Islander	Black	Hispanic	White
Benchmark	0.040%	-0.065%	4.541%	-1.512%	-3.004%
Standard Deviation	0.451%	0.554%	8.611%	3.875%	9.972%
Base Value	0.491%	0.489%	13.152%	2.364%	6.968%



Part 2. Significant Disproportionality – Disability Category

Using a weighted risk ratio methodology, 12 disability categories are examined for significant disproportionality. District enrollment and special education child count data are 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 each of the disability categories.
3. Weighted 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 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.
4. After adjustments, districts with **weighted risk ratios greater than 10 for three consecutive years in a racial/ethnic group** in a specific disability category are considered to have significant disproportionality.
5. The LEA is then required to complete a self-assessment of policy, procedures and practices as well as budget for and provide CEIS.

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

1. Using a weighted 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. After adjustments, districts with **weighted risk ratios greater than 10 for three consecutive years in a racial/ethnic group** in discipline are considered to have significant disproportionality.
4. The LEA is then required to complete a self-assessment of policy, procedures and practices as well as budget for and provide CEIS.

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

Using a weighted 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, weighted risk ratios were generated for three LRE categories:
 - (a) 40-79% in the regular classroom,
 - (b) <40% in the regular classroom, and
 - (c) day schools

The settings of corrections, private schools, hospital/homebound and residential are excluded since, for most part, districts usually do not place a students in these settings.

3. Weighted 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 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.

4. After adjustments, districts with **weighted risk ratios greater than 10 for three consecutive years in a racial/ethnic group** in LRE are considered to have significant disproportionality.
5. The LEA is then required to complete a self-assessment of policy, procedures and practices as well as budget for and provide CEIS.

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. Of that number, 1,000 are American Indian, 500 are Asian, 600 are Black, 400 are Hispanic, and 2,500 are White. There are 320 students with an emotional behavioral disability and of these, 95 are American Indian, 25 are Asian, 65 are Black, 25 are Hispanic, and 110 are White.

- ◆ The American Indian risk would equal 95 divided by 1,000 with the answer multiplied by 100 to get the percentage of 9.5%.
- ◆ 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 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 behavioral 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 multiple 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 7.5, 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 American Indian, you would compare the American Indian risk to the risk for all other students in the district who are not American Indian. 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 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.