Significant Disproportionality Overview

Slide Notes

**Slide 4:**

Significant disproportionality is not something that is explicitly defined under IDEA. It is left to states to define disproportionality and what “significance” means.

Three core areas must be assessed by states when developing definitions/calculations of significant disproportionality, which include:

* Identification of SWDs overall and in six high-incident disability categories (specific learning disability, speech/language impairments, other health impairments, emotional disturbance, intellectual disability, and autism)
* Educational placement of SWDs
* Discipline of SWDs

There are 14 subcategories that are included under these three core areas, and each category must be assessed by breaking out the information by race/ethnicity.

**Slide 5:**

Is significant disproportionality the same as disproportionate representation, which is reported in the APR?

* No. Disproportionate representation relates to APR indicators 9 and 10, and while the data captured is similar, the calculations are not the same.
* Like significant disproportionality, disproportionate representation looks at the proportions of SWDs overall and in the six high-incidence disability categories by race/ethnicity.
* However, only one year of data is used, the “n” and cell sizes used in the calculation are different than those used for significant disproportionality, the criteria for being flagged for disproportionate representation are different than the criteria for significant disproportionality (uses relative risk ratios and weight risk ratios), and the implications of being flagged for disproportionate representation are very different.
* Being flagged does not mean that a district is disproportionately identifying SWDs, but that there may be possible disproportionality, which is why flagged districts must complete a self-assessment.
* If a district is flagged for disproportionate representation, that does not mean they are going to have significant disproportionality with identification. Similarly, if a district has significant disproportionality with regard to identification, that does not necessarily mean they will have disproportionate representation.

**Slide 6:**

To define significant disproportionality, states must develop a standard methodology to calculate significant disproportionality.

To calculate significant disproportionality, risk ratios are used to compare the racial/ethnic make up of SWDs in 14 different categories that fall under the three core areas of identification, educational placement, and discipline.

State’s must establish minimum “n” and cell sizes to determine at what point specific racial/ethnic groups should be included in calculations of significant disproportionality. Setting these minimum “n” and cell sizes helps prevent false positives that might occur in districts with small populations of certain racial/ethnic groups.

State’s must also create an alternate risk ratio for instances in which a district has such a homogenous population that comparison groups do not meet the “n” size requirements.

**Slide 7:**

“N” sizes are the sample sizes – they are the population that is being reviewed or considered, and these counts are in the denominator for calculations of risk.

Cell sizes are a portion of the “n” size, or sample group – they make up the part of the “n” counts that are experiencing a particular outcome, and these counts are in the numerator for calculations of risk.

**Slide 8:**

Risk is essential to determine significant disproportionality. It is the measure of likelihood of something happening to a particular group, expressed as a percentage.

Risk is calculated by dividing the number of children from a racial/ethnic group who, for example, are identified as SWDs, by the total number of children from that same racial/ethnic group who are enrolled in the district as a whole.

**Slide 9:**

Risk ratios compare the risk of a certain outcome for a particular racial/ethnic group to the risk of that same outcome for all other children in the district.

Risk ratios are calculated by dividing the risk of a particular outcome – for example, being identified with a disability – for particular racial/ethnic group in an LEA by the risk of that same outcome – being identified with a disability – for all other racial/ethnic groups within the district. This second group is the comparison group.

**Slide 10:**

Let’s say for example that the state is calculating the risk ratios for Hispanic students identified with a disability.

District X has 4400 students

* 400 students are Hispanic
* 4000 students are in the six other racial/ethnic groups

District X has 240 SWDs

* 40 SWDs are Hispanic
* 200 SWDs are in the six other racial/ethnic groups

To calculate the risk of Hispanic student being identified with a disability, I take the cell size of 40 SWDs who are Hispanic, and divide this by the “n” size of 400 total students in the district who are Hispanic. I multiply this output by 100% and get a risk of 10%. This means that 10% of Hispanic students in District X are likely to have a disability.

Now I want to know if that number is high when compared to all the other racial/ethnic groups. So I’m going to calculate risk for the other racial/ethnic groups by dividing the cell size of 200 SWDs in the six other racial/ethnic groups and divide this by the “n” size of 4000 students who are in the six other racial/ethnic groups. I multiply this output by 100% and get a risk of 5%. This means that five percent of students in the six other racial/ethnic groups in District X are likely to have a disability.

To compare the risk for Hispanic students versus all other racial/ethnic groups, I divide the risk of Hispanic students being identified with a disability – 10% - by the risk of students in all the other racial/ethnic groups being identified with a disability – 5%. This gives me a risk ratio of 2.0. What this means is that if I’m a Hispanic student in District X, I am two times more likely than any other racial/ethnic group to be identified with a disability.

**Slide 11:**

Alternate risk ratios are only used in districts with very homogenous populations. In such instances, the comparison groups being assessed won’t meet the minimum “n” sizes to have risks calculated.

As an example, let’s say that my minimum cell size is 10 (meaning there must be 10 or more SWDs in a particular racial/ethnic group to be included in calculations of significant disproportionality) and my minimum “n” size is 30 (meaning there must be 30 or more total students in a particular racial/ethnic group in the district to be included in calculations of significant disproportionality). District X has 500 students and 490 of these students are American Indian.

* 80 of the 490 American Indian students have a disability.
* To calculate the risk of an American Indian student being identified with a disability, I divide the 80 American Indian SWDs by the 490 total American Indian students in the district.

Now I need to calculate the risk of my comparison groups being identified with a disability so that I can generate my risk ratio. In District X, there are only 10 total students enrolled in the district who are not American Indian. This is my comparison “n” size, which does not meet the minimum I set of 30 students. In this example, I will have to use a different comparison group so that District X’s risk ratio doesn’t appear higher simply because the district has a homogenous population. Instead of using a comparison group for the district, I will make my comparison group the state population.

**Slide 12:**

To know whether a risk ratio is high or not, states must develop a risk ratio threshold. This is the threshold over which significant disproportionality is determined.

Thresholds can vary by the 14 categories being analyzed, and states can require that thresholds be exceeded for up to three consecutive years for the district is determined to have significant disproportionality.

**Slide 14:**

For identification, the criteria outlined must be met for three consecutive years.

There must be a cell size minimum of 10 SWDs (ages 3-21) in a particular racial/ethnic group that qualifies for one of the following categories:

* Identified with any federal disability (overall)
* Autism
* Emotional Disturbance
* Intellectual Disability
* Other Health Impairment
* Specific Learning Disability
* Speech/Language Impairment

There must be a “N” size minimum of 30 or more students (ages 3-21) in a particular racial/ethnic group.

Then, districts must have ratio threshold of 3.0 for a particular racial/ethnic group.

**Slide 15:**

For educational placement, the criteria outlined must be met for three consecutive years. Again, if criteria is met for a school district for one year, not met the next, then met again in the third year, then the school district would **not** be considered to have significant disproportionality.

Cell size minimum of 10 SWDs (ages 6-21) in a particular racial/ethnic group that qualifies for one of the following categories:

* In the general education setting less than 40 percent of the day
* In a separate school or residential facility

“N” size minimum of 30 or more students (ages 6-21) in a particular racial/ethnic group.

Risk ratio threshold of 3.0 for a particular racial/ethnic group.

**Slide 16:**

For discipline, the criteria outlined must be met for three consecutive years. Discipline is unique in that it has many different categories that are broken out by type of discipline, the length of the disciplinary actions, and then the total number of incidents.

Cell size minimum of 10 SWDs (ages 3-21) in a particular racial/ethnic group that qualifies for one of the following categories:

* SWDs receiving in-school suspensions for 10 or fewer days
* SWDs receiving in-school suspensions for more than 10 days
* SWDs receiving out-of-school suspensions/expulsions for 10 or fewer days
* SWDs receiving out-of-school suspensions/expulsions for more than 10 days
* Total number of discipline incidents, including in-school and out-of-school suspensions, removals by school personnel to an interim alternative education setting, and removals by hearing officer

For the last category listed, this output for significant disproportionality is slightly different than all the other categories. All the other categories provide risk ratios which show the risk of a particular racial/ethnic group experiencing an outcome as compared to all the other racial/ethnic groups. For the total number of discipline incidents, rather than being risk, the output is the average number of discipline incidents per student in a racial/ethnic group. So if there are 150 discipline incidents in a school district for African American SWDs, and there are 100 total African American SWDs in the district, then we would calculate the average number of incidents per students by dividing 150 by 100. That means an African American student in this district averages 1.5 discipline incidents per year.

If we want to know if this average is higher than the average incidents for SWDs disciplined in all the other racial/ethnic groups, we would calculate the average for all other groups. So let’s say that the students in the six other racial/ethnic groups have 300 discipline incidents, and there are 400 total SWDs in these other racial/ethnic groups. I would divide the number of discipline incidents for the other racial/ethnic groups – 300 – by the total number of SWDs in the other racial/ethnic groups – 400 – which would give me an average of 0.75 discipline incidents per year for each student in the other racial/ethnic groups.

I want to know what the ratio between African American students and everyone else is to see if African American students are at a higher risk of being disciplined. So I would divide the average number of discipline incidents for African American SWDs – 1.5 – by the average number of discipline incidents for SWDs in the six other racial/ethnic groups – 0.75. So 1.5 divided by 0.75 gives me an output of 2.0. This means that the average number of discipline actions for African American SWDs was two times the average number of discipline actions for everyone else.

One more thing to bear in mind regarding the discipline category of total discipline incidents is that if one incident has multiple consequences (an in-school suspension and then an expulsion, or an out-of-school suspension and then a remand), the incident will only be included once, unless the district enters the incidents as two separate, distinct incidents.

“N” size minimum of 30 or more students (ages 3-21) in a particular racial/ethnic group.

Risk ratio threshold of 2.0 for a particular racial/ethnic group. A lower risk ratio was set for discipline given that this was the most pervasive significant disproportionality issue in Tennessee. Across the board, there was clear disproportionality with regard to discipline of minority students, and this was a systemic problem that requires immediate attention.

**Slide 17:**

Reasonable progress is something that states have the option to include. Many states elected not to use this option, however, Tennessee wanted to reward district improvements over time. Reasonable progress means that if a district meets criteria in one of the significant disproportionality areas, but they continuously decrease the risk ratios over time by a set amount, that the district will not be identified with significant disproportionality even if they otherwise meet criteria.

The department determined that reasonable progress would be met if a district had a minimum decrease of 0.25 in the risk ratios for a particular area of significant disproportionality over three years. This means there would need to be at least a decrease of 0.25 from year one to year two, and then another minimum decrease of 0.25 from year two to year three. Also, to meet reasonable progress, in the third, or most current year, being evaluated, the risk ratio must be less than 4.0.

So for example, we are looking at identification of Asian students with autism in District X. In year one, District X had a risk ratio of 5.0 for Asian students identified with autism. In year two, District X had a risk ratio of 4.7 for Asian students identified with autism. In year three, District X had a risk ratio of 3.5 for Asian students identified with autism. From year one to year two, the risk ratio decreased by 0.3 and from year two to year three the risk ratio decreased by 1.2. In year three, the most current year, the risk ratio was less than 4.0. In this example, District X made reasonable progress, so even though they originally met criteria for significant disproportionality, they will not be identified as significantly disproportionate because they made reasonable progress.

Let’s look at another example. In year one, District X had a risk ratio of 5.0 for Asian students identified with autism. In year two, District X had a risk ratio of 4.9 for Asian students identified with autism. In year three, District X had a risk ratio of 3.25 for Asian students identified with autism. From year one to year two, the risk ratio decreased by 0.1 and from year two to year three the risk ratio decreased by 1.65. In year three, the most current year, the risk ratio was less than 4.0. While there was a decrease every year and the final year had a risk ratio less than 4.0, the district would not be determined to have made reasonable progress, as the decrease from year one to year two was only 0.1, which does not meet the target of 0.25.

**Slide 18:**

The data for significant disproportionality come from several locations. For the child count/environment data used for the core areas of identification and educational placement, the data used are based on the final Table 1 and 3 report completed in EasyIEP. The numbers in this report are based on the data in the system on December 1, and this report is submitted to the department in the December 1 reporting packet.

Comparison data for identification, which look at the student membership of the district as a whole, come from the federal student membership data that is pulled annually by the department on October 1. We recognize that the data are pulled at two separate points in time and the same students may not appear in both reports, however, these are the data the federal government requires us as states to use since the data are uniform and what we federally report.

Discipline data come from EIS. EIS reflects the discipline information entered by districts in their student information systems. Discipline data are imported nightly to EIS, and EIS or student information system supervisors for your district should be able to provide you this information. There is a report on the “data reports” section of EIS, under the research queries tab, that captures discipline data and is titled “student disciplinary actions.” There are individual crosswalks for the discipline reasons selected in a district’s student information system and how they appear in EIS (as in-school suspensions, out-of-school suspensions, expulsions, remands), and these crosswalks vary by district and student information system. For more information about how the discipline incidents are crosswalked with EIS, you should contact your district’s EIS or student information system supervisor.

**Slide 19:**

**Expulsion**

An expulsion is defined by the state, per the EIS and attendance manuals, as the removal a student from attendance for more than 10 consecutive days or more than 15 days in a month of school attendance. Multiple suspensions exceeding these timeframes that occur consecutively are considered expulsions as well.

**Out-of-School Suspension**

For out-of-school suspensions, per the EIS and attendance manuals, students are dismissed from attendance at school for any reasons for no more than 10 consecutive days. Per definitions mentioned for expulsion, an out-of-school removal for more than 10 consecutive days is considered an expulsion. Multiple suspensions taking place at different times that in aggregate exceed 10 days do not meet criteria for missing 10 consecutive days and would not meet the definition of an expulsion. However, multiple suspensions back-to-back will be recognized as consecutive and should be considered expulsions.

**Slide 20:**

**In-School Suspension**

Tennessee Code Title 49. Education § 49-6-3401(b)(1):

“Any principal, principal-teacher or assistant principal may suspend any pupil from attendance at a specific class, classes or school-sponsored activity without suspending the pupil from attendance at school pursuant to an in-school suspension policy adopted by the local board of education.  Good and sufficient reasons for in-school suspension include, but are not limited to, behavior:

1. That adversely affects the safety and well-being of other pupils;
2. That disrupts a class or school sponsored activity;  or
3. Prejudicial to good order and discipline occurring in class, during school-sponsored activities or on the school campus.

In-school suspension policies shall provide that pupils given an in-school suspension in excess of one (1) day from classes shall attend either special classes attended only by students guilty of misconduct or be placed in an isolated area appropriate for study.  Students given in-school suspension shall be required to complete academic requirements.”

Per definitions outlined in OSEP’s IDEA Part B Discipline guidance document, in-school suspensions are considered: “Instances in which a child is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision.”

**Remand**

Student is reassigned to another facility or program for more than 10 days, which allows the student to continue participation in the general curriculum at a school setting. For students with disabilities, temporary placement is not to exceed 45 days